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TERRY E. BRANSTAD, Governor
HAROLD G. VAN MAANEN, Speaker of the House
LEONARD L. BOSWELL, President of the Senate

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JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day — Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 8, 1994

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

Prayer was offered by Reverend Debra P. Hankins, First Lutheran Church, Dows and Vernon Lutheran Church, Williams.

The Journal of Thursday, April 7, 1994 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, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2418, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 7, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2377, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties, and providing an effective date and an applicability provision.

Also: That the Senate has on April 8, 1994, insisted on its amendment to Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Dubuque, Senator Welsh, Chair; the Senator from Scott, Senator Deluhery; the Senator from Tama, Senator Husak; the Senator from Fremont, Senator McLaren; the Senator from Black Hawk, Senator Redfern.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Martin of Scott called up for consideration **House File 582**, a bill for an act relating to the establishment of a preadmission assessment program for frail elders considering placement or residing in a nursing facility, amended by the Senate and moved that the House concur in the following Senate amendment H—5777:

H-5777

1 Amend House File 582 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. PREADMISSION SCREENING AND ASSESSMENT
6 PILOT PROGRAM.

7 1. As used in this section, unless the context
8 otherwise requires:

9 a. "Assessment" means a face-to-face conference
10 between a case management program assessor and the
11 elder which includes an evaluation of physical health,
12 cognitive and emotional status, activities of daily
13 living, transportation needs, a support system, the
14 physical environment, and the financial status of the
15 elder.

16 b. "Case management program for elders" means a
17 comprehensive system administered by the department as
18 specified in this chapter.

19 c. "Department" means the department of elder
20 affairs.

21 d. "Elder" means a person sixty-five years of age
22 or older.

23 e. "Nursing facility" means a nursing facility as
24 defined in section 135C.1.

25 f. "Screening" means an initial review to
26 determine if a face-to-face comprehensive assessment
27 by a case management program assessor is necessary
28 prior to admission or following admission to a nursing
29 facility.

30 2. Beginning July 1, 1994, and ending June 30,
31 1996, the department shall administer a preadmission
32 screening and assessment pilot program for elders
33 seeking admission to nursing facilities, in three to
34 six counties in the state, which have existing case
35 management programs for elders, in consultation with
36 area agencies on the aging, service providers, and the
37 peer review organization. The counties selected shall
38 represent both rural and urban populations. Unless an
39 elder is exempt from the preadmission screening and
40 assessment pilot program pursuant to subsection 5 or
41 6, an elder shall not be admitted to a nursing
42 facility in a participating county prior to completion
43 of a preadmission screening and, if necessary, an
44 assessment.

45 3. The department shall determine the appropriate
46 agency to conduct the screening program.

47 a. The screening shall include but is not limited
48 to a utilization review for the level of care needed
49 and the identification of mental illness, mental
50 retardation, and related mental health conditions of

Page 2

1 an elder.

2 b. The screening shall be conducted not more than
3 three months prior to the application for admission of
4 the elder to a nursing facility. If the screening of
5 an elder has not been completed during the three-month
6 period prior to the application for admission, the
7 nursing facility shall request a screening prior to
8 the admission of the elder.

9 c. During the screening process, the peer review
10 organization shall identify elders with care needs who
11 may be served through coordination of services in the
12 community and shall refer these elders to the area
13 agency on aging in the county of residence of the
14 elder for a complete needs assessment.

15 4. A post-admission screening of elders in nursing
16 facilities may be initiated based on any of the
17 following criteria:

18 a. A rehabilitative placement shall be screened,
19 periodically.

20 b. Residents with relatively low-level care needs,
21 as identified in the existing peer review organization
22 continued stay review process, shall be screened,
23 periodically.

24 c. A member of the resident's family, the
25 resident's physician, or a member of the nursing
26 facility staff, may request screening.

27 5. If, following a screening, a determination of
28 the need for an assessment is made, the case
29 management program assessor shall perform an
30 assessment of the elder, using a standard assessment
31 tool approved by the department. Following the
32 assessment and an interdisciplinary case conference,
33 the case management staff shall explain the options
34 available to the elder, the elder's family, and
35 persons providing support services to the elder for
36 the most appropriate care in the least restrictive
37 environment. The elder, the elder's family, and
38 persons providing support services to the elder, shall
39 choose the care options to be provided to the elder.

40 6. If an elder's attending physician determines
41 that an emergency placement of the elder in a nursing
42 facility is necessary, a nursing facility may admit
43 the elder prior to completion of a screening or
44 assessment. Within three days following admission,
45 the peer review organization shall provide for a
46 screening and request an assessment if the screening
47 indicates the need for an assessment.

48 7. The following elders are exempt from screening
49 and assessment:

50 a. An elder transferring between nursing

Page 3

- 1 facilities, whether or not an intervening hospital
 2 stay takes place.
- 3 b. An elder admitted to a nursing facility prior
 4 to January 1, 1995.
- 5 c. An elder entering a nursing facility who has
 6 completed an assessment under the program within the
 7 three-month period prior to application for admission.
- 8 d. An elder admitted to a nursing facility
 9 directly from a hospital after receiving acute
 10 inpatient care at the hospital, unless the elder
 11 requires more than thirty days of nursing facility
 12 care, in which case the peer review organization shall
 13 conduct a screening within forty days of admission to
 14 the nursing facility.
- 15 e. An elder transferred within the same continuing
 16 care retirement community, as defined in section
 17 523D.1, from a level of care or from a portion of the
 18 facility in which residents do not require nursing
 19 care, except on an emergency basis, to a level of care
 20 which is primarily nursing care or to a portion of the
 21 facility which is primarily engaged in providing
 22 nursing care.
- 23 8. The department shall submit an annual report to
 24 the governor and to the general assembly which
 25 provides an analysis of the pilot program.”
- 26 2. Title page, line 1, by striking the words
 27 “preadmission assessment” and inserting the following:
 28 “screening and assessment pilot”.
- 29 3. Title page, line 2, by striking the words “for
 30 frail elders” and inserting the following: “to
 31 determine the appropriateness of community-based
 32 services for elders”.

The motion prevailed and the House concurred in the Senate amendment H—5777.

Martin of Scott 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. 582)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett

Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Metcalf	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Connors

Mertz

Meyer

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

CONFERENCE COMMITTEE APPOINTED (Senate File 2089)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2089: Corbett of Linn, Chair; Gipp of Winneshiek, Millage of Scott, Brand of Benton and McKinney of Dallas.

SENATE AMENDMENTS CONSIDERED

Carpenter of Polk called up for consideration **House File 2197**, a bill for an act relating to the investment of funds paid to the clerk of the district court, amended by the Senate and moved that the House concur in the following Senate amendment H-5784:

H-5784

- 1 Amend House File 2197, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word "and" and
- 4 inserting the following: "or".
- 5 2. Page 1; line 12, by striking the word "and"
- 6 and inserting the following: "or".

The motion prevailed and the House concurred in the Senate amendment H—5784.

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. 2197)

The ayes were, 96:

Arnould	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

Baker	Connors	Mertz	Murphy
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 582 and 2197** be immediately messaged to the Senate.

Metcalf of Polk called up for consideration **House File 2314**, a bill for an act relating to insurance fraud and establishing an insurance fraud bureau within the insurance division of the department of commerce, amended by the Senate and moved that the House concur in the following Senate amendment H—5991:

H—5991

1 Amend House File 2314, as passed by the House as
2 follows:

- 3 1. Page 1, line 23, by striking the words
4 "injure, defraud, or deceive" and inserting the
5 following: "defraud".
6 2. Page 1, lines 29 and 30, by striking the words
7 "false, incomplete, or misleading" and inserting the
8 following: "false".
9 3. Page 2, lines 3 and 4, by striking the words
10 "false, incomplete, or misleading" and inserting the
11 following: "false".
12 4. Page 3, line 1, by striking the word
13 "provide".
14 5. Page 3, line 10, by striking the words "fraud,
15 deceit, or intentional misrepresentation" and
16 inserting the following: "fraud".
17 6. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5991.

Metcalf 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. 2314)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cphoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.

Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Connors Mertz Murphy

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

Baker of Polk called up for consideration **House File 2403**, a bill for an act relating to direct purchasing from vendors for the purpose of attaining targeted small business procurement goals, amended by the Senate and moved that the House concur in the following Senate amendment H—5918:

H—5918

- 1 Amend House File 2403, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 33 through page 4,
- 4 line 12.
- 5 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5918.

Baker 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. 2403)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter

Cataldo	Churchill	Cohon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McNeal
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, none.

Absent or not voting, 4:

Connors	McKinney	Mertz	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.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 2314 and 2403** be immediately messaged to the Senate.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2172**, a bill for an act relating to vocational rehabilitation, with report of committee recommending amendment and passage, previously deferred and placed on the unfinished business calendar.

Cohon of Des Moines offered the following amendment H—5560 filed by the committee on education and moved its adoption:

H—5560

- 1 Amend Senate File 2172, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, line 23, by striking the word "all"

- 4 and inserting the following: "all those".
 5 2. Page 4, line 25, by inserting after the word
 6 "chapter" the following: "including but not limited
 7 to, the use of public agencies and community
 8 rehabilitation programs as practicable in securing
 9 employment for individuals with disabilities".

The committee amendment H—5560 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. 2172)

The ayes were, 94:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Myers
Nelson	Neuhauser	O'Brien	Peterson
Plasier	Rants	Renaud	Renken
Royer	Running	Schrader	Shultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 6:

Connors	Mertz	Murphy	Ollie
Osterberg	Rafferty		

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 2219**, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, previously deferred and placed on the unfinished business calendar.

Hanson of Delaware offered amendment H—5686 filed by the committee on state government. Division was requested as follows:

H—5686

- 1 Amend Senate File 2219, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—5686A

- 3 1. Page 9, by striking lines 12 through 28.
- 4 2. Page 10, by inserting after line 2 the
- 5 following:
- 6 "Sec. _____. Section 49.20, Code 1993, is amended to
- 7 read as follows:
- 8 49.20 COMPENSATION OF MEMBERS.
- 9 The members of election boards shall be deemed
- 10 temporary state employees who are compensated by the
- 11 county in which they serve, and shall receive
- 12 compensation at a rate established by the board of
- 13 supervisors, which shall be not less than three
- 14 dollars and fifty cents per hour, while engaged in the
- 15 discharge of their duties and shall be reimbursed for
- 16 actual and necessary travel expense at a rate
- 17 determined by the board of supervisors, except that
- 18 persons who have advised the commissioner prior to
- 19 their appointment to the election board that they are
- 20 willing to serve without pay at elections conducted
- 21 for any school district or a city of three thousand
- 22 five hundred or less population, shall receive no
- 23 compensation for service at those elections.
- 24 Compensation shall be paid to members of election
- 25 boards only after the vote has been canvassed and it
- 26 has been determined in the course of the canvass that
- 27 the election record certificate has been properly
- 28 executed by the election board."
- 29 3. Page 13, by inserting before line 1 the
- 30 following:
- 31 "Sec. _____. Section 49.125, Code 1993, is amended
- 32 to read as follows:
- 33 49.125 COMPENSATION OF TRAINEES.
- 34 All election personnel attending such training
- 35 course shall be paid for attending such course for a
- 36 period not to exceed two hours, and shall be
- 37 reimbursed for travel to and from the place where the
- 38 training is given at the rate specified in established

H—5686A

39 pursuant to section 70A.9 49.20 if the distance
40 involved is more than five miles. The wages shall be
41 computed at the hourly rate established pursuant to
42 section 49.20 and payment of wages and mileage for
43 attendance shall be made at the time that payment is
44 made for duties performed on election day.”

45 4. Page 14, by inserting after line 2 the
46 following:

47 “Sec. _____. Section 52.40, subsection 1, Code
48 Supplement 1993, is amended to read as follows:

49 1. In counties where counting centers have been
50 established under section 52.34, the commissioner may,

Page 2

1 for general elections only, designate certain polling
2 places as early ballot pick-up sites. At these sites,
3 between the hours of one p.m. and four p.m. on the day
4 of the election, early pick-up officers shall receive
5 the sealed ballot container containing the ballots
6 which have been voted throughout the day along with a
7 signed statement of the precinct attesting to the
8 number of declarations of eligibility signed up to
9 that time, excluding those declarations signed by
10 voters who have not yet placed their ballots in the
11 ballot container. The officers shall replace the
12 ballot container containing the voted ballots with an
13 empty ballot container, to be sealed in the presence
14 of a precinct election official.”

15 5. Page 20, by inserting after line 7 the
16 following:

17 “Sec. _____. Section 99F.7, subsection 10, paragraph
18 a, Code Supplement 1993, is amended to read as
19 follows:

20 a. A license to conduct gambling games on an
21 excursion gambling boat in a county shall be issued
22 only if the county electorate approves the conduct of
23 the gambling games as provided in this subsection.
24 The board of supervisors, upon receipt of a valid
25 petition meeting the requirements of section 331.306,
26 shall direct the commissioner of elections to submit
27 to the qualified electors of the county a proposition
28 to approve or disapprove the conduct of gambling games
29 on an excursion gambling boat in the county. The
30 proposition shall be submitted at a general election
31 or at a special election called for that purpose. To
32 be submitted at a general election, the petition must
33 be received by the board of supervisors at least five
34 working days before the last day for candidates for
35 county offices to may file nomination papers with the
36 commissioner for the general election pursuant to

H-5686A

37 section 44.4. If a majority of the county voters
38 voting on the proposition favor the conduct of
39 gambling games, the commission may issue one or more
40 licenses as provided in this chapter. If a majority
41 of the county voters voting on the proposition do not
42 favor the conduct of gambling games, a license to
43 conduct gambling games in the county shall not be
44 issued. After a referendum has been held, another
45 referendum requested by petition shall not be held for
46 at least two years."

47 6. Page 23, by striking lines 20 through 24, and
48 inserting the following: "commissioner of elections
49 to conduct the election. If the charter provides that
50 one or more".

Page 3

1 7. Page 23, by striking line 26 and inserting the
2 following: "appoint a person".

3 8. Page 23, by inserting after line 30 the
4 following:

5 "The terms of those officers elected in the year
6 the charter is adopted shall be for two years and
7 shall expire the January following the date of the
8 next general election following the adoption of the
9 charter. Those offices filled at the general election
10 in which the charter was adopted shall be filled at
11 that next general election and the length of such
12 terms shall be two years and shall expire the January
13 following the date of the following general election.
14 Thereafter, those offices shall be filled every four
15 years as provided in section 39.17."

H-5686B

16 9. Page 23, by inserting before line 31 the
17 following:

18 "Sec. _____. Section 331.238, subsection 3, Code
19 1993, is amended to read as follows:

20 3. An alternative form of county government shall
21 provide for the partisan or nonpartisan election of
22 its officers."

H-5686A

23 10. Page 26, by inserting after line 6 the
24 following:

25 "Sec. _____. Section 372.4, unnumbered paragraph 3,
26 Code 1993, is amended to read as follows:

27 The mayor shall appoint a council member as mayor
28 pro tem, and shall appoint the marshal or chief of
29 police except where an intergovernmental agreement

H—5686A

30 makes other provisions for police protection or as
 31 otherwise provided in section 400.13. The mayor may
 32 appoint a city treasurer or the council may, by
 33 ordinance, provide for the election of the treasurer.
 34 Other officers must be selected as directed by the
 35 council. The mayor is not a member of the council and
 36 may not vote as a member of the council.”
 37 11. By renumbering as necessary.

On motion by Hanson of Delaware, the committee amendment
 H—5686A, was adopted.

Hanson of Delaware moved the adoption of the committee amend-
 ment H—5686B.

A non-record roll call was requested.

The ayes were 54, nays 15.

The committee amendment H—5686B was adopted.

Carpenter of Polk offered the following amendment H—5987 filed
 by her and Hanson of Delaware:

H—5987

1 Amend Senate File 2219, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 8, by striking lines 11 and 12 and
 4 inserting the following:
 5 “Sec. _____. Section 45.3, unnumbered paragraphs 2,
 6 3, 4, 5, 6, 7, and 8, Code 1993, are amended by
 7 striking the paragraphs and inserting in lieu”.
 8 2. Page 17, by inserting after line 26 the
 9 following:
 10 “Sec. _____. Section 56.2, subsection 5, Code
 11 Supplement 1993, is amended by striking the
 12 subsection.
 13 Sec. _____. Section 56.2, subsection 8, Code
 14 Supplement 1993, is amended by adding the following
 15 new unnumbered paragraph:
 16 NEW UNNUMBERED PARAGRAPH. “Contribution” shall not
 17 include placing or permitting the placement of
 18 political yard signs on private property which is
 19 located outside of city boundaries or which is located
 20 within city boundaries and is used as a private
 21 residence. However, this definition shall not be
 22 construed to permit the placement of yard signs on
 23 public property or on a public right of way.
 24 Sec. _____. Section 56.5, subsection 2, paragraph f,
 25 Code Supplement 1993, is amended to read as follows:

26 f. A signed statement by the treasurer of the
27 committee and the candidate, in the case of a
28 candidate's committee, or by the treasurer of the
29 committee and the chairperson, in the case of a
30 political committee, which shall verify that they are
31 aware of the requirement to file disclosure reports if
32 the committee, the committee officers, the candidate,
33 or both the committee officers and the candidate
34 receive contributions in excess of five hundred
35 dollars in the aggregate, make expenditures in excess
36 of five hundred dollars in the aggregate, or incur
37 indebtedness in excess of five hundred dollars in the
38 aggregate in a calendar year for the purpose of
39 supporting or opposing any candidate for public
40 office. In the case of political committees,
41 statements relating to ballot issues shall be made by
42 the treasurer of the committee and the chairperson,
43 and a two hundred fifty dollar aggregate threshold
44 level shall apply instead of the five hundred dollar
45 threshold level.

46 Sec. _____. Section 56.5A, Code Supplement 1993, is
47 amended to read as follows:

48 56.5A CANDIDATE'S COMMITTEE.

49 Each candidate for federal, state, county, city, or
50 school office shall organize one, and only one,

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1 candidate's committee for a specific office sought
2 when the candidate receives contributions in excess of
3 five hundred dollars in the aggregate, makes
4 expenditures in excess of five hundred dollars in the
5 aggregate, or incurs indebtedness in excess of two
6 five hundred fifty dollars in the aggregate in a
7 calendar year.

8 Sec. _____. Section 56.6, subsection 1, paragraphs a
9 and d, Code Supplement 1993, are amended to read as
10 follows:

11 a. Each treasurer of a committee shall file with
12 the board or commissioner disclosure reports of
13 contributions received and disbursed on forms
14 prescribed by rules as provided by chapter 17A. The
15 reports from all committees, except those committees
16 for municipal and school elective offices and for
17 local ballot issues, shall be filed on the twentieth
18 day or mailed bearing a United States postal service
19 postmark dated on or before the nineteenth twentieth
20 day of January, May, July, and October of each year.
21 The May, July, and October reports shall be current as
22 of five days prior to the filing deadline. The
23 January report shall be the annual report covering
24 activity through December 31. However, a state, or

25 county, or city statutory political committee is not
 26 required to file the May and July reports for a year
 27 in which no primary or general election is held at the
 28 respective state, county, or city level. A
 29 candidate's committee, other than for municipal and
 30 school elective offices, for a year in which the
 31 candidate is not standing for election, is not
 32 required to file the May, July, and October reports.
 33 Reports for committees for a ballot issue placed
 34 before the voters of the entire state shall be filed
 35 at the January, May, July, and October deadlines.
 36 d. Committees for municipal and school elective
 37 offices and local ballot issues shall file their first
 38 reports five days prior to any election in which the
 39 name of the candidate or the local ballot issue which
 40 they support or oppose appears on the printed ballot
 41 and shall file their next report on the first day of
 42 the month following the final election in a calendar
 43 year in which the candidate's name or the ballot issue
 44 appears on the ballot. A committee supporting or
 45 opposing a candidate for a municipal or school
 46 elective office or a local ballot issue shall also
 47 file disclosure reports on the twentieth day of
 48 January and October of each year in which the
 49 candidate or ballot issue does not appear on the
 50 ballot and on the twentieth day of January, May, and

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1 July of each year in which the candidate or ballot
 2 issue appears on the ballot, until the committee
 3 dissolves. These reports shall be current to five
 4 days prior to the filing deadline and are considered
 5 timely filed if mailed bearing a United States postal
 6 service postmark ~~one or more~~ calendar days preceding
 7 on or before the due date.

8 Sec. _____. Section 56.7, subsection 2, Code 1993,
 9 is amended to read as follows:

10 2. A copy of every report or statement shall be
 11 preserved by the person filing it or the person's
 12 successor for at least ~~one year~~ three years following
 13 the filing of the report or statement.

14 Sec. _____. Section 56.13, Code Supplement 1993, is
 15 amended to read as follows:

16 56.13 ACTION OF COMMITTEE IMPUTED TO CANDIDATE 17 INDEPENDENT EXPENDITURES.

18 1. Action involving a contribution or expenditure
 19 which must be reported under this chapter and which is
 20 taken by any person, candidate's committee or
 21 political committee on behalf of a candidate, if known
 22 and approved by the candidate, shall be deemed action
 23 by the candidate and reported by the candidate's

24 committee. It shall be presumed that a candidate
25 approves the action if the candidate had knowledge of
26 it and failed to file a statement of disavowal with
27 the commissioner or board and take corrective action
28 within seventy-two hours of the action. A person,
29 candidate's committee or political committee taking
30 such action independently of that candidate's
31 committee shall notify that candidate's committee in
32 writing within twenty-four hours of taking the action.
33 The notification shall provide that candidate's
34 committee with the cost of the promotion at fair
35 market value. A copy of the notification shall be
36 sent to the board.

37 Any person who makes expenditures or incurs
38 indebtedness, other than incidental expenses incurred
39 in performing volunteer work, in support or opposition
40 of a candidate for public office shall notify the
41 appropriate committee and provide necessary
42 information for disclosure reports.

43 2. If a person, other than a political committee,
44 makes one or more expenditures in excess of two
45 hundred fifty dollars in the aggregate, or incurs
46 indebtedness in excess of two hundred fifty dollars in
47 the aggregate, in any one calendar year for purposes
48 of supporting or opposing a ballot issue, the person
49 shall file a statement of activity within ten days of
50 taking the action exceeding the threshold. The

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1 statement shall contain information identifying the
2 person filing the statement, identifying the ballot
3 issue, and indicating the position urged by the person
4 with regard to the ballot issue. The person shall
5 file reports indicating the dates on which the
6 expenditures or incurrence of indebtedness took place;
7 a description of the nature of the action taken which
8 resulted in the expenditures or debt; and the cost of
9 the promotion at fair market value. For a local
10 ballot issue, the reports shall be filed five days
11 prior to any election in which the ballot issue
12 appears and on the first day of the month following
13 the election, as well as on the twentieth day of
14 January, May, and July of each year in which the
15 ballot issue appears on the ballot and on the
16 twentieth day of January and October of each year in
17 which the ballot issue does not appear on the ballot.
18 For a statewide ballot issue, reports shall be filed
19 on the twentieth day of January, May, and July of each
20 year. The reports shall be current to five days prior
21 to the filing deadline, and are considered timely
22 filed if mailed bearing a United States postal service

23 postmark on or before the due date. Filing
 24 obligations shall cease when the person files a
 25 statement of discontinuation indicating that the
 26 person's financial activity in support of or in
 27 opposition to the ballot issue has ceased. Statements
 28 and reports shall be filed with the commissioner
 29 responsible under section 47.2 for conducting the
 30 election at which the issue is voted upon, except that
 31 reports on a statewide ballot issue shall be filed
 32 with the board.

33 3. A person taking action involving the making of
 34 an expenditure or incurrence of indebtedness in
 35 support or opposition to a ballot issue independently
 36 of a political committee shall, within seventy-two
 37 hours of taking the action, notify in writing any
 38 political committee which advocates the same position
 39 with regard to the ballot issue as the person taking
 40 the action. The notification shall provide the
 41 political committee with the cost of the promotion at
 42 fair market value. A copy of the notification shall
 43 be sent to the board. It shall be presumed that a
 44 benefited committee approves the action if the
 45 committee fails to file a statement of disavowal with
 46 the commissioner or board and takes corrective action
 47 within ten days of the action. Action approved by a
 48 committee shall be reported as a contribution by the
 49 committee.

50 4. However, this This section shall not be

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1 construed to require duplicate reporting of anything
 2 reported under this chapter, by a political committee,
 3 or except that actions which constitute contributions
 4 in kind shall be reported by the benefited committee.
 5 This section shall not be construed to require
 6 reporting of action by any person which does not
 7 constitute a contribution."

8 4. Title page, line 1, by inserting after the
 9 word "state" the following: "and ethics and campaign
 10 disclosure board".

11 5. Title page, line 3, by inserting after the
 12 word "election" the following: "and campaign
 13 finance".

14 6. By numbering, renumbering, and changing
 15 internal references as necessary.

Carpenter of Polk offered the following amendment H—6040, to amendment H—5987, filed by Carpenter, et al. and moved its adoption:

H—6040

1 Amend the amendment, H—5987, to Senate File 2219,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 23 the
 5 following:

6 "Sec. _____. Section 56.2, subsection 15, Code
7 Supplement 1993, is amended to read as follows:
8 15. "Political committee" means a committee, but
9 not a candidate's committee, which accepts
10 contributions in excess of two hundred fifty dollars
11 in the aggregate, makes expenditures in excess of two
12 hundred fifty dollars in the aggregate, or incurs
13 indebtedness in excess of two hundred fifty dollars in
14 the aggregate in any one calendar year for the purpose
15 of supporting or opposing a candidate for public
16 office or ballot issue, or which accepts contributions
17 in excess of five hundred dollars in the aggregate,
18 makes expenditures in excess of five hundred dollars
19 in the aggregate, or incurs indebtedness in excess of
20 five hundred dollars in the aggregate in any one
21 calendar year for the purpose of supporting or
22 opposing a ballot issue; "political committee" also
23 means an association, lodge, society, cooperative,
24 union, fraternity, sorority, educational institution,
25 civic organization, labor organization, religious
26 organization, or professional organization which makes
27 contributions in the aggregate of more than two
28 hundred fifty dollars in any one calendar year for the
29 purpose of supporting or opposing a candidate for
30 public office or a ballot issue or which accepts
31 contributions in excess of five hundred dollars in the
32 aggregate, makes expenditures in excess of five
33 hundred dollars in the aggregate, or incurs
34 indebtedness in excess of five hundred dollars in the
35 aggregate in any one calendar year for the purpose of
36 supporting or opposing a ballot issue. "Political
37 committee" also includes a committee which accepts
38 contributions in excess of two hundred fifty dollars
39 in the aggregate, makes expenditures in excess of two
40 hundred fifty dollars in the aggregate, or incurs
41 indebtedness in excess of two hundred fifty dollars in
42 the aggregate in a calendar year to cause the
43 publication or broadcasting of material in which the
44 public policy positions or voting record of an
45 identifiable candidate is discussed and in which a
46 reasonable person could find commentary favorable or
47 unfavorable to those public policy positions or voting
48 record."
49 2. Page 1, line 42, by striking the word
50 "chairperson," and inserting the following:

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- 1 "chairperson".
- 2 3. Page 1, by striking lines 43 through 45 and
- 3 inserting the following: "a two hundred fifty dollar
- 4 aggregate threshold level shall apply instead of the

5 five hundred dollar threshold level.”

6 4. Page 3, lines 44 and 45, by striking the words

7 “two hundred fifty” and inserting the following:

8 “five hundred”.

9 5. Page 3, line 46, by striking the words “two
10 hundred fifty” and inserting the following: “five

11 hundred”.

12 6. Page 5, by inserting after line 10 the

13 following:

14 “_____ Title page, line 2, by inserting after the
15 word “state,” the following: “changing the threshold
16 reporting level for ballot issues.””

17 7. By numbering and renumbering as necessary.

Amendment H—6040 was adopted.

On motion by Carpenter of Polk amendment H—5987, as amended, was adopted.

Boddicker of Cedar offered the following amendment H—6056 filed by him from the floor:

H—6056

1 Amend Senate File 2219, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 27, by inserting after line 8 the

4 following:

5 “Sec. _____. BISON — SESQUICENTENNIAL STATE MAMMAL.

6 The species *Bison bison*, also known as the North
7 American bison or buffalo, is designated and shall be
8 known as the official state mammal for the period of
9 Iowa’s sesquicentennial, from 1846 through 1996. The
10 secretary of state and the editor of the Iowa official
11 register shall include an appropriate photograph
12 illustrating the North American bison or buffalo,
13 accompanied by suitable text designating the North
14 American bison or buffalo as the official state mammal
15 for the period of the Iowa sesquicentennial, in the
16 portion of the Iowa official register that contains
17 the other symbols of Iowa, including, but not limited
18 to, the great seal, the state flower, the song of
19 Iowa, the state bird, the state rock, and the state
20 tree.”

21 2. Title page, line 2, by inserting after the
22 word “state,” the following: “certain duties of the
23 secretary of state.”

24 3. By numbering, renumbering, and changing
25 internal references as necessary.

Gill of Woodbury rose on a point of order that amendment H—6056 was not germane.

The Speaker ruled the point well taken and amendment H—6056 not germane.

Boddicker of Cedar asked for unanimous consent to suspend the rules to consider amendment H—6056.

Objection was raised.

Boddicker of Cedar moved to suspend the rules to consider amendment H—6056.

A non-record roll call was requested.

The ayes were 51, nays 45.

The motion prevailed, the rules were suspended and the House considered amendment H—6056.

Nelson of Pottawattamie moved to suspend the rules to consider amending Senate File 2219, to make Council Bluffs the Purple Martin Capitol of Iowa.

Roll call was requested by Nelson of Pottawattamie and Arnould of Scott.

On the question "Shall the rules be suspended?" (S.F. 2219)

The ayes were, 36:

Arnould	Baker	Beatty	Bernau
Brammer	Brand	Burke	Cataldo
Cohoon	Dickinson	Doderer	Fallon
Fogarty	Gill	Hammond	Hansen, S. D.
Harper	Henderson	Holveck	Koenigs
Kreiman	Larkin	May	McCoy
McKinney	Mundie	Murphy	Myers
Nelson	Neuhauser	Ollie	Renaud
Running	Schrader	Shoultz	Wise

The nays were, 59:

Beaman	Bell	Black	Blodgett
Boddicker	Branstad	Brauns	Brunkhorst
Carpenter	Churchill	Corbett	Dinkla
Drake	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. E.
Hanson, D. R.	Haverland	Hester	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Larson	Lundby	Martin
McNeal	Metcalf	Meyer	Millage
Miller	Moreland	O'Brien	Osterberg
Peterson	Plasier	Rafferty	Rants
Renken	Royer	Siegrist	Spenner

Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Witt	Mr. Speaker	
		Van Maanen	

Absent or not voting, 5:

Connors	Daggett	Eddie	Grundberg
Mertz			

The motion to suspend the rules lost.

Boddicker of Cedar moved the adoption of amendment H—6056.

Roll call was requested by Doderer of Johnson and Hammond of Story.

Rule 75 was invoked.

On the question "Shall amendment H—6056 be adopted?"
(S.F. 2219)

The ayes were, 46:

Baker	Blodgett	Boddicker	Brand
Brauns	Brunkhorst	Burke	Churchill
Dickinson	Drake	Ertl	Fallon
Fogarty	Garman	Greiner	Gries
Grubbs	Hahn	Halvorson, R. N.	Hanson, D. E.
Haverland	Henderson	Hester	Holveck
Hurley	Jochum	Kistler	Klemme
Larkin	Larson	Lundby	Martin
Meyer	Mundie	Neuhauser	O'Brien
Osterberg	Plasier	Rafferty	Rants
Running	Tyrrell	Vande Hoef	Welter
Witt	Van Maanen, Spkr.		

The nays were, 51:

Arnould	Beaman	Beatty	Bell
Bernau	Black	Brammer	Branstad
Carpenter	Cataldo	Cohoon	Corbett
Dinkla	Doderer	Eddie	Gill
Gipp	Greig	Grundberg	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Houser	Iverson	Koenigs	Kreiman
May	McCoy	McKinney	McNeal
Metcalf	Millage	Miller	Moreland
Murphy	Myers	Nelson	Ollie
Peterson	Renaud	Renken	Royer
Schrader	Shoultz	Siegrist	Spanner
Weidman	Weigel	Wise	

Absent or not voting, 3:

Connors	Daggett	Mertz
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Amendment H—6056 lost.

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. 2219)

The ayes were, 91:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Churchill	Cohoon	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McKinney	McNeal	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 7:

Cataldo	Halvorson, R. N.	McCoy	Murphy
Renaud	Tyrrell	Vande Hoef	

Absent or not voting, 2:

Connors	Mertz
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Files 2172 and 2219** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2186**, a bill for an act relating to water districts by authorizing a city to grant a franchise to a rural water district to qualify for federal funding, by

authorizing a franchise for sewer services, and by providing for membership in a federated association, previously deferred and placed on the unfinished business calendar.

Vande Hoef of Osceola 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. 2186)

The ayes were, 98:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 2:

Connors Mertz

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 2108**, a bill for an act relating to vital statistics information relating to births based upon the marital status of the parents of a child, previously deferred and placed on the unfinished business calendar.

Martin of Scott offered the following amendment H—5720 filed by the committee on human resources and moved its adoption:

H—5720

1 Amend Senate File 2108, as passed by the Senate as
2 follows:

3 1. Page 1, by striking line 13 and inserting the
4 following: "forward the original affidavit to the
5 state registrar."

6 2. Page 1, line 28, by inserting after the word
7 "court." the following: "The department shall adopt
8 rules which establish the parameters for access to and
9 authorized disclosure of vital statistics and data
10 contained in vital statistics records relating to
11 birth and adoption records under this section."

12 3. Page 1, by inserting before line 29 the
13 following:

14 "Sec. _____. Section 252A.3, subsection 9, paragraph
15 b, Code Supplement 1993, is amended to read as
16 follows:

17 b. By the statement of the person admitting
18 paternity putative father in court and upon
19 concurrence of the mother. If the mother was married,
20 at the time of birth or conception of the child, to an
21 individual other than the person admitting paternity
22 putative father, the individual to whom the mother was
23 married at the time of birth or conception must deny
24 paternity in order to establish the paternity of the
25 person admitting paternity putative father upon the
26 sole basis of the admission.

27 Sec. _____. Section 252A.3A, subsection 1,
28 unnumbered paragraph 1, Code Supplement, 1993, is
29 amended to read as follows:

30 Upon the birth of a child to a woman who was
31 unmarried at the time of birth and conception of the
32 child, the institution where the birth occurred shall
33 provide the mother and the individual alleged to be
34 the putative father all of the following:

35 Sec. _____. Section 252A.3A, subsection 2,
36 unnumbered paragraph 1, Code Supplement 1993, is
37 amended to read as follows:

38 An institution may either voluntarily, or under an
39 agreement with the child support recovery unit, assist
40 the mother and the individual alleged to be the
41 putative father in completing an affidavit of
42 paternity and submitting a completed affidavit of
43 paternity to the state registrar accompanied by a copy
44 of the birth certificate. A completed affidavit of
45 paternity shall contain or have attached all of the
46 following:

47 Sec. _____. Section 252A.3A, subsection 2, paragraph

- 48 c. Code Supplement 1993, is amended to read as
 49 follows:
 50 c. A statement by the individual admitting

Page 2

- 1 paternity putative father that the individual is the
 2 father of the child."
 3 4. Page 1, line 31, by striking the words
 4 "individual admitting paternity" and inserting the
 5 following: "individual admitting paternity putative
 6 father".
 7 5. Page 2, line 5, by inserting after the words
 8 "forward the" the following: "original".
 9 6. Title page, by striking lines 1 through 3 and
 10 inserting the following: "An Act providing for
 11 consistency in references to the parents of children
 12 in the context of treatment of birth certificate and
 13 affidavit of paternity information."

The committee amendment H—5720 was adopted.

Martin 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. 2108)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner

Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

Connors	Eddie	Haverland	Mertz
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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.

The House resumed consideration of **Senate File 2066**, a bill for an act providing for the effectiveness of provisions relating to farm assistance programs, including provisions authorizing the attorney general to contract with organizations to provide mediation services and legal assistance to farmers, previously deferred and placed on the unfinished business calendar.

Dinkla of Guthrie 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. 2066)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 5:

Carpenter	Connors	Grundberg	Mertz
Shoultz			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2066** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2109**, a bill for an act relating to temporary licensure of nurses, previously deferred and placed on the unfinished business calendar.

Martin 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. 2109)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Connors

Grundberg

Mertz

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Files 2109 and 2186** be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST

Halvorson of Webster called up for immediate consideration the motion to reconsider Senate File 2108 filed by him from the floor and moved to reconsider the vote by which **Senate File 2108**, a bill for an act relating to vital statistics information relating to births based upon the marital status of the parents of a child, was placed on its last reading on April 8, 1994.

A non-record roll call was requested.

The ayes were 29, nays 57.

The motion to reconsider lost.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2108** 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 8, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2286, a bill for an act increasing the jurisdictional amount for small claims.

Also: That the Senate has on April 8, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2323, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

Also: That the Senate has on April 8, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2343, a bill for an act authorizing cities to assess and collect fees for connection to a sewer or water utility.

Also: That the Senate has on April 8, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2419, a bill for an act relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions.

Also: That the Senate has on April 8, 1994, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 103, a concurrent resolution honoring Iowa Woman Magazine and Iowa Woman Endeavors, Inc., on their fifteenth anniversary.

Also: That the Senate has on April 8, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 413, a bill for an act relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue.

Also: That the Senate has on April 8, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2087, a bill for an act relating to employment under school district whole grade sharing agreements.

Also: That the Senate has on April 8, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2236, a bill for an act relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescription refills provided to students residing in the Iowa braille and sight saving school, the school for the deaf, and the state hospital-school.

Also: That the Senate has on April 8, 1994, 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 providing for the confidentiality of certain information provided in workers' compensation mediation.

Also: That the Senate has on April 8, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2313, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Also: That the Senate has on April 8, 1994, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 108, a concurrent resolution relating to state and federal fuel tax collections.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 12:25 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Van Maanen in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 2086**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, previously deferred and placed on the unfinished business calendar.

Boddicker of Cedar offered the following amendment H-5645 filed by the committee on judiciary and law enforcement and moved its adoption:

H-5645

- 1 Amend Senate File 2086, as passed by the Senate, as
- 2 follows:
- 3 1. Page 10, line 31, by striking the word "fifty"
- 4 and inserting the following: "twenty".
- 5 2. Page 27, by inserting after line 23 the
- 6 following:
- 7 "Sec. _____. Section 327H.21, Code 1993, is amended
- 8 to read as follows:
- 9 327H.21 FEDERAL FUNDS.
- 10 The department may accept federal funds to carry
- 11 out the purposes of this chapter. All federal funds
- 12 received under this section and all interest and
- 13 earnings on federal funds received under this section
- 14 are appropriated for the purposes set forth in the
- 15 federal grants."
- 16 3. Page 43, by striking lines 15 through 29 and
- 17 inserting the following: "examinations of banks. The
- 18 amounts necessary to fund the excess examination

19 expenses shall be collected from banks being
 20 regulated, and the collections shall be treated as
 21 repayment receipts as defined in section 8.2. The
 22 division shall notify in writing the legislative
 23 fiscal bureau and the department of management when
 24 hiring additional personnel. The written notification
 25 shall include documentation that any additional
 26 expenditure related to such hiring will be totally
 27 reimbursed to the general fund, and shall also include
 28 the division's justification for hiring such
 29 personnel. The division must obtain the approval of
 30 the department of management only if the number of
 31 additional personnel to be hired exceeds the number of
 32 full-time equivalent positions authorized by the
 33 general assembly."

34 4. By striking page 44, line 27 through page 45,
 35 line 6 and inserting the following: "from
 36 examinations of credit unions. The amounts necessary
 37 to fund the excess examination expenses shall be
 38 collected from credit unions being regulated, and the
 39 collections shall be treated as repayment receipts as
 40 defined in section 8.2. The division shall notify in
 41 writing the legislative fiscal bureau and the
 42 department of management when hiring additional
 43 personnel. The written notification shall include
 44 documentation that any additional expenditure related
 45 to such hiring will be totally reimbursed to the
 46 general fund, and shall also include the division's
 47 justification for hiring such personnel. The division
 48 must obtain the approval of the department of
 49 management only if the number of additional personnel
 50 to be hired exceeds the number of full-time equivalent

Page 2

- 1 positions authorized by the general assembly."
 2 5. Page 48, line 10, by inserting after the word
 3 "of" the following: "subsections 1 and 2 and".
 4 6. By renumbering as necessary.

The committee amendment H—5645 was adopted.

Boddicker of Cedar 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. 2086)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad

Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Rafferty	Rants	Renaud	Renken
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Mertz Plasier Royer

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 2196**, a bill for an act relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities, previously deferred and placed on the unfinished business calendar.

Houser 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. 2196)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl

Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Rafferty	Rants	Renaud	Renken
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

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

HOUSE FILE 2225 WITHDRAWN

Houser of Pottawattamie asked and received unanimous consent to withdraw House File 2225 from further consideration by the House.

The House resumed consideration of **Senate File 2287**, a bill for an act establishing requirements for disclosure of psychological test material, previously deferred and placed on the unfinished business calendar.

Grundberg of Polk offered the following amendment H—5708 filed by the committee on human resources and moved its adoption:

H—5708

- 1 Amend Senate File 2287, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 6 and
- 4 inserting the following:
- 5 "Except as otherwise provided in this section, a
- 6 person in possession of psychological test material
- 7 shall not disclose the material to".
- 8 2. Page 1, line 8, by inserting before the word

9 "material" the following: "test".

10 3. Page 1, line 11, by striking the words "with a
11 test" and inserting the following: "with a
12 psychological test".

13 4. Page 1, line 18, by striking the word
14 "records" and inserting the following: "test
15 materials".

The committee amendment H—5708 was adopted.

Grundberg 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. 2287)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Martin
May	McCoy	McKinney	McNeal
Metcalf	Meyer	Millage	Miller
Moreland	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, none.

Absent or not voting, 4:

Brammer	Lundby	Mertz	Mundie
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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 2288**, a bill for an act amending statutory provisions involving the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date, previously deferred and placed on the unfinished business calendar.

Plasier of Sioux offered the following amendment H—5969 filed by him and moved its adoption:

H—5969

1 Amend Senate File 2288, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 8A.1, unnumbered paragraph 1,
6 Code Supplement 1993, is amended to read as follows:

7 An Iowa council on human investment is established
8 to define a human service agenda for the state and to
9 propose benchmarks for the strategic goals of the
10 state identified by the council. The governor or the
11 governor's designee shall be a member and chairperson
12 of the council and the council shall consist of eight
13 other members appointed by the governor, subject to
14 confirmation by the senate. The appointments shall be
15 made in a manner so that all of the state's
16 congressional districts are represented along with the
17 ethnic, cultural, social, and economic diversity of
18 the state. Terms of office of members other than the
19 governor are three years. Council members shall be
20 reimbursed for actual and necessary expenses incurred
21 in performance of their duties. Members may also be
22 eligible to receive compensation as provided in
23 section 7E.6. In addition to the nine voting members,
24 the council shall include four members of the general
25 assembly with not more than one member from each
26 chamber being from the same political party. The two
27 senators shall be designated by the president of the
28 senate after consultation with the majority and
29 minority leaders of the senate. The two
30 representatives shall be designated by the speaker of
31 the house of representatives after consultation with
32 the majority and minority leaders of the house of
33 representatives. Legislative members shall serve in
34 an ex-officio, nonvoting capacity. A legislative
35 member is eligible for per diem and expenses as
36 provided in section 2.10. The governor shall assign
37 staffing services to the council which may include the
38 staff identified by the director of the department of
39 management. The council shall do all of the
40 following:"

41 2. Page 1, line 1, by striking the word and
42 figure "Section 1" and inserting the following:
43 "Sec. _____. Section 217.11, subsection 6, Code
44 Supplement 1993, is amended by striking the
45 subsection.
46 Sec. _____. Section 217.11, unnumbered paragraph 2,
47 Code Supplement 1993, is amended to read as follows:
48 The department of human services shall contract
49 with the department of health and human rights to
50 staff and administer grants provided under section

Page 2

1 217.12.
2 Sec. _____. Section 217.12, subsection 3, unnumbered
3 paragraph 1, Code Supplement 1993, is amended to read
4 as follows:
5 Subject to the availability of funds for this
6 purpose, award ~~demonstration~~ grants to public or
7 private organizations submitting grant proposals to
8 provide for provision of family development services
9 to families at risk of long-term welfare dependency.
10 Grant proposals for the family development and self-
11 sufficiency grant program shall include the following
12 elements:
13 Sec. _____. Section 217.12, subsection 3, paragraph
14 a, Code Supplement 1993, is amended to read as
15 follows:
16 a. Designation of families to be served that meet
17 some criteria of being at risk of long-term welfare
18 dependency, and agreement to serve clients that are
19 referred by the department of human services from the
20 family investment program which meet the criteria.
21 The criteria may include, but are not limited to,
22 factors such as educational level, work history,
23 family structure, age of the youngest child in the
24 family, previous length of stay on the family
25 investment program, and participation in the family
26 investment program or the foster care program while
27 the head of a household was a child. Grant proposals
28 shall also establish the number of families to be
29 served under the demonstration program grant.
30 Sec. _____. Section 217.12, subsection 4, Code
31 Supplement 1993, is amended to read as follows:
32 4. In cooperation with the legislative fiscal
33 bureau, develop measures to independently evaluate the
34 effectiveness of any demonstration program grant
35 funded under the program, that include measurement of
36 the program's grantee's effectiveness in meeting its
37 goals in a quantitative sense through reduction in
38 length of stay on welfare programs or a reduced need
39 for other state child and family welfare services.

40 Families referred to the demonstration programs
 41 program shall be randomly selected from those meeting
 42 the criteria established in the demonstration programs
 43 program as being at risk.

44 Sec. _____. Section 217.12, subsection 6, Code

45 Supplement 1993, is amended to read as follows:

46 6. Seek additional support for the funding of
 47 demonstration grants under the program, including but
 48 not limited to, demonstration funds available through
 49 the federal government in serving families at risk of
 50 long-term welfare dependency, and private foundation

Page 3

1 grants.

2 Sec. _____."

3 3. Page 7, by inserting after line 1 the

4 following:

5 "Sec. _____. Section 541A.1, subsection 2, Code

6 Supplement 1993, is amended to read as follows:

7 2. "Administrator" means the executive branch

8 agency selected by the governor to administer

9 individual development accounts department of human

10 services.

11 Sec. _____. Section 541A.4, subsection 1, Code

12 Supplement 1993, is amended to read as follows:

13 1. For the five-year pilot phase period beginning

14 March 1, 1994, and ending February 28, 1999 January 1,

15 1995, the total number of individual development

16 accounts shall be limited to ten thousand accounts,

17 with not more than five thousand accounts in the first

18 calendar year of the period, and to individuals with a

19 household income which does not exceed two hundred

20 percent of the federal poverty level. The

21 administrator shall ensure that the family income

22 status of account holders at the time an account is

23 opened proportionately reflects the distribution of

24 the household income status of the state's population

25 up to two hundred percent of the federal poverty

26 level.

27 Sec. _____. NEW SECTION. 541A.5 RULES.

28 The administrator, in consultation with the

29 department of revenue and finance, may adopt

30 administrative rules to implement the provisions of

31 this chapter."

32 4. Title page, line 1, by inserting after the

33 word "involving" the following: "the council on human

34 investment and".

35 5. By renumbering as necessary.

Amendment H—5969 was adopted.

Plasier of Sioux 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. 2288)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Dorbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Metcalfe	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Grundberg	Haverland	Mertz
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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.

The House resumed consideration of **Senate File 2297**, a bill for an act relating to a home and community-based waiver for persons with brain injury, previously deferred and placed on the unfinished business calendar.

Houser 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. 2297)

The ayes were, 99:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Mertz

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Files 2086, 2288 and 2297** be immediately messaged to the Senate.

The House resumed consideration of **House File 2422**, a bill for an act relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and providing an appropriation, previously deferred and placed on the unfinished business calendar.

Plasier of Sioux offered the following amendment H—5909 filed by the committee on human resources and moved its adoption:

H—5909

- 1 Amend House File 2422 as follows:
- 2 1. Page 2, lines 12 and 13, by striking the words
- 3 "the department of human services," and inserting the
- 4 following: "the department of human services,".
- 5 2. Page 2, line 15, by striking the words "the
- 6 department of inspections and appeals," and inserting
- 7 the following: "the department of inspections and
- 8 appeals,".
- 9 3. Page 2, lines 16 and 17, by striking the words
- 10 "the rural health resource center," and inserting the
- 11 following: "the rural health resource center,".
- 12 4. Page 5, by inserting after line 21 the
- 13 following:
- 14 "e. Administer grants for farm safety education
- 15 efforts directed to rural families for the purpose of
- 16 preventing farm-related injuries to children."

The committee amendment H—5909 was adopted.

Plasier of Sioux offered the following amendment H—6039 filed by him and moved its adoption:

H—6039

- 1 Amend House File 2422 as follows:
- 2 1. Page 11, by striking lines 9 through 16 and
- 3 inserting the following:
- 4 "(3) Points of access to area health education
- 5 centers shall be geographically distributed across the
- 6 state to improve services to all rural primary health
- 7 care providers. Area health education centers shall
- 8 utilize, to the extent feasible, current university
- 9 residency programs, existing health care facilities,
- 10 existing educational institutions, the Iowa
- 11 communications network, and other appropriate
- 12 resources to ensure access."

Amendment H—6039 was adopted.

Plasier of Sioux 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. 2422)

The ayes were, 99:

Arnould
Bell

Baker
Bernau

Beaman
Black

Beatty
Blodgett

Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Mertz

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2422** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2053**, a bill for an act relating to the regulation of prescribing of drugs by certain registered nurses, and making penalties applicable, previously deferred and placed on the unfinished business calendar.

Plasier of Sioux 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. 2053)

The ayes were, 91:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter

Cataldo	Churchill	Cohon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	McKinney	McNeal
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 6:

Eddie	Grundberg	May	McCoy
Vande Hoef	Weidman		

Absent or not voting, 3:

Halvorson, R. N.	Martin	Mertz
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2053** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Millage of Scott called up for consideration **House File 2384**, a bill for an act enacting the uniform fraudulent transfer Act, amended by the Senate, and moved that the House concur in the following Senate amendment H-5927:

H-5927

- 1 Amend House File 2384, 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 322D.6, Code 1993, is amended
- 6 to read as follows:
- 7 322D.6 SECURITY INTERESTS NOT AFFECTED.

8 The provisions of this chapter shall not be
 9 construed to affect, in any way, the existence or
 10 enforcement of any security interest which a supplier,
 11 any financial institution or any other person may have
 12 in the inventory of the retailer, and any repurchase
 13 of inventory which is made hereunder shall not be
 14 subject to the bulk sales provisions of chapter 554,
 15 article 6, of the uniform commercial code.

16 Sec. _____. Section 322F.4, Code 1993, is amended to
 17 read as follows:

18 322F.4 SECURITY INTERESTS NOT AFFECTED.

19 This chapter shall not be construed to affect the
 20 existence or enforcement of a security interest which
 21 any person, including a supplier or financial
 22 institution, may have in the inventory of the dealer.
 23 The repurchase of inventory which is made under this
 24 chapter shall not be subject to the bulk sales
 25 provision of chapter 554, article 6 of the uniform
 26 commercial code.

27 Sec. _____. Section 554.1105, subsection 2, Code
 28 1993, is amended to read as follows:

29 2. Where one of the following provisions of this
 30 chapter specifies the applicable law, that provision
 31 governs and a contrary agreement is effective only to
 32 the extent permitted by the law (including the
 33 conflict of laws rules) so specified:

34 Rights of creditors against sold goods. Section
 35 554.2402.

36 Applicability of the Article on Bank Deposits and
 37 Collections. Section 554.4102.

38 Bulk transfers subject to the Article on Bulk
 39 Transfers. Section 554.6102.

40 Applicability of the Article on Investment
 41 Securities. Section 554.8106.

42 Perfection provisions of the Article on Secured
 43 Transactions. Section 554.9103.

44 Governing law in the Article on Funds Transfers.
 45 Section 554.12507.

46 Sec. _____. Section 554.2403, subsection 4, Code
 47 1993, is amended to read as follows:

48 4. The rights of other purchasers of goods and of
 49 lien creditors are governed by the Articles on Secured
 50 Transactions (Article 9), Bulk Transfers (Article 6)

Page 2

1 and Documents of Title (Article 7)."

2 2. Page 3, by striking lines 13 through 16.

3 3. Page 10, by inserting after line 18 the
 4 following:

5 "Sec. _____. REPEALS. Sections 554.6101 through
 6 554.6111, and 554.9111, Code 1993, are repealed.

- 7 Sec. ____ EFFECTIVE DATE AND APPLICATION. This
 8 Act takes effect on January 1, 1995, and applies to
 9 all causes of action arising on or after that date.”
 10 4. Title page, line 1, by inserting after the
 11 word “Act” the following: “relating to commercial
 12 transactions, by”.
 13 5. Title page, line 1, by inserting after the
 14 words “transfer Act” the following: “, and providing
 15 for the repeal of certain Code sections, and providing
 16 an effective and applicability date”.
 17 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5927.

Millage of Scott 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. 2384)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Gries Mertz Miller

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

Lundby of Linn called up for consideration **House File 2070**, a bill for an act relating to administrative activities by the department of public safety concerning the state fire marshal, amended by the Senate, and moved that the House concur in the following Senate amendment H—6031:

H—6031

- 1 Amend House File 2070, as passed by the House as
- 2 follows:
- 3 1. Page 1, line 31, by striking the words "or the
- 4 attorney general".
- 5 2. Page 2, line 24, by striking the word "state"
- 6 and inserting the following: "agency".
- 7 3. By renumbering, relettering, or redesignating
- 8 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6031.

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. 2070)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Cohoon	Connors	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal

Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 1:

Greig

Absent or not voting, 4:

Churchill	Mertz	Rafferty	Vande Hoef
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 2384 and 2070** be immediately messaged to the Senate.

Millage of Scott called up for consideration **House File 307**, a bill for an act providing for limitations on judgments, amended by the Senate, and moved that the House concur in the following Senate amendment H-6006:

H-6006

- 1 Amend House File 307, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 5, by striking the words
- 4 "mortgage or" and inserting the following: "mortgage,
- 5 or".
- 6 2. Page 1, line 5, by inserting after the word
- 7 "trust" the following: ", or real estate contract".
- 8 3. Page 1, by striking lines 6 through 11 and
- 9 inserting the following: "upon property which at the
- 10 time of judgment is either used for an agricultural
- 11 purpose as defined in section 535.13 or a one-family
- 12 or two-family dwelling which is the residence of the
- 13 mortgagor, or in any action on a claim for".
- 14 4. Page 1, line 21, by inserting after the word
- 15 "thereof." the following: "As used in this section,
- 16 "mortgagor" means a mortgagor or a borrower executing
- 17 a deed of trust as provided in chapter 654 or a vendee
- 18 of a real estate contract."
- 19 5. Page 1, line 26, by striking the words

20 "mortgage or" and inserting the following: "mortgage,
21 or".

22 6. Page 1, line 34, by striking the word
23 "counterclaim." and inserting the following: "As used
24 in this section, "mortgagor" means a mortgagor of a
25 mortgage or a borrower executing a deed of trust as
26 provided in chapter 654 or the vendee of a real estate
27 contract."

28 7. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6006.

Millage of Scott 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. 307)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Burke	Cataldo	Churchill
Cohoon	Connors	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, 3:

Brunkhorst	Carpenter	McNeal
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Absent or not voting, 1:

Mertz

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

Grundberg of Polk called up for consideration **House File 2241**, a bill for an act to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center, amended by the Senate, and moved that the House concur in the following Senate amendment H—5990:

H—5990

- 1 Amend House File 2241, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Sec. _____. Section 812.5, Code 1993, is amended to
- 6 read as follows:
- 7 812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.
- 8 If the accused is committed to the department of
- 9 human services or to the department of corrections for
- 10 placement at the Iowa medical and classification
- 11 center under section 812.4, after the expiration of a
- 12 period not to exceed six months, the court shall upon
- 13 hearing review the confinement and determine whether
- 14 there is a substantial probability the accused will
- 15 regain capacity within a reasonable time. If not, the
- 16 state shall be directed to institute civil commitment
- 17 proceedings. When it thereafter appears that the
- 18 accused can effectively assist in the accused's
- 19 defense, the department shall give notice to the
- 20 sheriff and county attorney of the proper county of
- 21 such fact, and the sheriff, without delay, shall
- 22 receive and hold the accused in custody until the
- 23 accused is brought to trial or judgment, as the case
- 24 may be, or is legally discharged, the expense for
- 25 conveying and returning the accused, or any other, to
- 26 be paid in the first instance by the county from which
- 27 the accused is sent, but such county may recover the
- 28 same from another county or municipal body required to
- 29 provide for or maintain the accused elsewhere, and the
- 30 sheriff shall be allowed for the sheriff's services
- 31 the same fees as are allowed for conveying persons to
- 32 institutions under section 331.655."
- 33 2. Title page, line 3, by inserting after the
- 34 word "center" the following: "and providing for
- 35 periodic review of the commitment to determine whether
- 36 the persons have regained mental capacity".
- 37 3. By numbering and renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5990.

Grundberg 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. 2241)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

Haverland	Mertz	Peterson	Weigel
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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.

Millage of Scott called up for consideration **House File 2325**, a bill for an act to limit the use of presentence investigations, amended by the Senate, and moved that the House concur in the following Senate amendment H—6030:

H-6030

- 1 Amend House File 2325, as passed by the House, as
 2 follows:
 3 1. Page 1, line 21, by inserting after the word
 4 "felony," the following: "If, however, the board of
 5 parole determines that the Iowa medical and
 6 classification center reception report for a class "A"
 7 felon is inadequate, the board may request and shall
 8 be provided with additional information from the
 9 appropriate judicial district department of
 10 correctional services."

The motion prevailed and the House concurred in the Senate amendment H-6030.

Millage of Scott 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. 2325)

The ayes were, 90:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohoon	Connors	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 7:

Beatty	Fallon	Halvorson, R. N.	Hammond
Holveck	Kreiman	Neuhauser	

Absent or not voting, 3:

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

Brunkhorst of Bremer called up for consideration **House File 2376**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-6012:

H-6012

1 Amend House File 2376 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. DEPARTMENT FOR THE BLIND. There is
6 appropriated from the general fund of the state to the
7 department for the blind for the fiscal year beginning
8 July 1, 1994, and ending June 30, 1995, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purposes designated:

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-
13 time equivalent positions:

14	\$	1,370,334
15	FTEs	95.00

16 Sec. 2. CIVIL RIGHTS COMMISSION. There is
17 appropriated from the general fund of the state to the
18 Iowa state civil rights commission for the fiscal year
19 beginning July 1, 1994, and ending June 30, 1995, the
20 following amount, or so much thereof as is necessary,
21 to be used for the purposes designated:

22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent positions:

25	\$	1,083,962
26	FTEs	29.00

27 1. The department shall seek alternatives to
28 travel through the use of video and teleconferencing
29 technology.

30 2. If the anticipated amount of federal funding
31 from the federal equal employment opportunity
32 commission and the federal department of housing and
33 urban development exceeds \$387,900 during the fiscal
34 year beginning July 1, 1994, and ending June 30, 1995,
35 the Iowa state civil rights commission may exceed
36 their authorized staffing level to hire additional
37 professional staff to investigate employment and
38 housing complaints.

39 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is
40 appropriated from the general fund of the state to the
41 department of elder affairs for the fiscal year
42 beginning July 1, 1994, and ending June 30, 1995, the

43 following amounts, or so much thereof as is necessary,
44 to be used for the purposes designated:

45 1. For salaries, support, maintenance,
46 miscellaneous purposes, and for not more than the
47 following full-time equivalent positions:

48 \$ 429,287
49 FTEs 28.50

50 The department shall seek alternatives to travel

Page 2

1 through the use of video and teleconferencing
2 technology.

3 2. For aging programs and services:

4 \$ 2,319,893

5 All funds appropriated in this subsection shall be
6 received and disbursed by the director of elder
7 affairs for aging programs and services, shall not be
8 used by the department for administrative purposes,
9 not more than \$151,654 shall be used for area agencies
10 on aging administrative purposes, and shall be used
11 for citizens of Iowa over 60 years of age for case
12 management for the frail elderly, mental health
13 outreach, Alzheimer's support, retired senior
14 volunteer program, care review committee coordination,
15 employment, adult day care, respite care, chore
16 services, telephone reassurance, information and
17 assistance, and home repair services, including the
18 winterizing of homes, and for the construction of
19 entrance ramps which make residences accessible to the
20 physically handicapped. Funds appropriated in this
21 subsection may be used to supplement federal funds
22 under federal regulations. Funds appropriated in this
23 subsection may be used for elderly services not
24 specifically enumerated in this subsection only if
25 approved by an area agency on aging for provision of
26 the service within the area.

27 The department shall maintain policies and
28 procedures regarding Alzheimer's support and the
29 retired senior volunteer program. To receive funds
30 appropriated in this subsection, a local area agency
31 on aging shall match the funds with funds from other
32 sources according to rules promulgated by the
33 department.

34 Sec. 4. DEPARTMENT OF PUBLIC HEALTH. There is
35 appropriated from the general fund of the state to the
36 Iowa department of public health for the fiscal year
37 beginning July 1, 1994, and ending June 30, 1995, the
38 following amounts, or so much thereof as is necessary,
39 to be used for the purposes designated:

40 1. a. PLANNING AND ADMINISTRATION DIVISION

41 For salaries, support, maintenance, miscellaneous
42 purposes, and for not more than the following full-
43 time equivalent positions:

44 \$ 2,044,397
45 FTEs 60.40

46 The department shall seek alternatives to travel
 47 through the use of video and teleconferencing
 48 technology.
 49 Of the funds appropriated in this lettered
 50 paragraph, \$743,949 shall be used for the chronic

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1 renal disease program. The types of assistance
 2 available to eligible recipients under the program may
 3 include hospital and medical expenses, home dialysis
 4 supplies, insurance premiums, travel expenses,
 5 prescription and nonprescription drugs, and lodging
 6 expenses for persons in training. The program
 7 expenditures shall not exceed this allocation. If
 8 projected expenditures will exceed the allocation, the
 9 department shall establish by administrative rule a
 10 mechanism to reduce financial assistance under the
 11 renal disease program in order to keep expenditures
 12 within the allocations.

13 Hospitals shall not collect fees for birth
 14 certificates in excess of the fees as set out in the
 15 administrative rules of the Iowa department of public
 16 health.

17 Of the funds appropriated in this lettered
 18 paragraph, \$100,000 shall be used to provide
 19 regulatory oversight of accountable health plans.

20 b. PROFESSIONAL LICENSURE

21 For salaries, support, maintenance, miscellaneous
 22 purposes, and for not more than the following full-
 23 time equivalent positions:

24	\$	745,895
25	FTEs	11.00

26 The department shall confer with the boards funded
 27 under this lettered paragraph in estimating the
 28 boards' annual fee generation and administrative
 29 costs. When the department develops each board's
 30 annual budget, a board's budget shall not exceed 85
 31 percent of fees collected, based on the average of the
 32 previous two years.

33 c. HEALTH DELIVERY SYSTEMS

34 (1) For salaries, support, maintenance,
 35 miscellaneous purposes, and for not more than the
 36 following full-time equivalent positions:

37	\$	1,264,037
38	FTEs	17.00

39 (2) Of the funds appropriated in this lettered
 40 paragraph, \$149,151 is allocated for the office of
 41 rural health to provide technical assistance to rural
 42 areas in the area of health care delivery.

43 (3) Of the funds appropriated in this lettered
 44 paragraph, \$1,010,886 shall be used for the training
 45 of emergency medical services (EMS) personnel at the
 46 state, county, and local levels.

47 If a person in the course of responding to an
 48 emergency renders aid to an injured person and becomes

- 49 exposed to bodily fluids of the injured person, that
- 50. emergency responder shall be entitled to hepatitis

Page 4

1 testing and immunization in accordance with the latest
 2 available medical technology to determine if infection
 3 with hepatitis has occurred. The person shall be
 4 entitled to reimbursement from the EMS funds available
 5 under this lettered paragraph only if the
 6 reimbursement is not available through any employer or
 7 third-party payor.

8 (4) Of the funds appropriated in this lettered
 9 paragraph, \$104,000 shall be used to develop,
 10 implement, and maintain rural health provider
 11 recruitment and retention efforts.

12 d. HEALTH DATA COMMISSION

13 For the health data commission:
 14 \$ 240,250

15 The funds appropriated in this lettered paragraph
 16 shall be used for the collection, verification,
 17 updating, and storage of data, including long-term
 18 care data, received pursuant to chapters 145 and 255A,
 19 and for the production of mandated reports. The
 20 health data commission shall establish a fee schedule,
 21 in consultation with its consultant, for the costs of
 22 providing data to organizations which request the
 23 data. The fee established shall be based upon the
 24 marginal cost and a portion of the fixed cost of
 25 providing the data.

26 Prior to December 1, 1994, the commission shall
 27 submit to the general assembly a useful, comprehensive
 28 report for use by members of the general assembly in
 29 making informed decisions on public policy issues
 30 involving health.

31 2. HEALTH PROTECTION DIVISION

32 a. For salaries, support, maintenance,
 33 miscellaneous purposes, and for not more than the
 34 following full-time equivalent positions:
 35 \$ 2,246,543
 36 FTEs 75.37

37 b. Of the funds appropriated in this subsection,
 38 \$75,000 shall be used for chlamydia testing.

39 c. Of the funds appropriated in this subsection,
 40 \$15,000 is allocated to support the surveillance and
 41 reporting of disabilities suffered by persons engaged
 42 in agriculture resulting from diseases or injuries,
 43 including identifying the amount and severity of
 44 agriculture-related injuries and diseases in the
 45 state, identifying causal factors associated with
 46 agriculture-related injuries and diseases, and
 47 evaluating the effectiveness of intervention programs
 48 designed to reduce injuries and diseases. The
 49 department shall cooperate with the department of
 50 agriculture and land stewardship, Iowa state

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1 university of science and technology, and the college
2 of medicine at the state university of Iowa in
3 accomplishing these duties.

4 d. Of the funds appropriated in this subsection,
5 \$74,547 shall be used for the lead abatement program.

6 e. Of the funds appropriated in this subsection,
7 \$38,046 shall be used for radon program activities.
8 The department shall also retain \$30,000 of federal
9 radon funds for additional radon program activities.

10 f. The state university of Iowa hospitals and
11 clinics shall not receive indirect costs from the
12 funds appropriated in this subsection.

13 g. The division shall seek alternatives to travel
14 through the use of video and teleconferencing
15 technology.

16 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

17 a. For salaries, support, maintenance,
18 miscellaneous purposes, and for not more than the
19 following full-time equivalent positions:

20	\$	604,663
21	FTEs	27.73

22 The department shall seek alternatives to travel
23 through the use of video and teleconferencing
24 technology.

25 (1) The division shall create a task force
26 composed of substance abuse treatment and prevention
27 providers regardless of funding source to study
28 treatment and prevention service areas and the fiscal
29 implications of awarding funds to more than one
30 provider per service area.

31 (2) The substance abuse division of the department
32 of public health shall investigate the feasibility of
33 applying for a grant to receive federal "section 402,"
34 "motorcycle helmet" transfer funds, pursuant to 23
35 U.S.C. § 402 and 49 U.S.C. Appx. § 2302, to be used
36 for adolescent substance abuse prevention and, if
37 feasible, shall apply for the funds.

38 (3) It is the intent of the general assembly that
39 by July 1, 1997, the commission on substance abuse, in
40 conjunction with the division, shall coordinate
41 delivery of substance abuse services involving
42 prevention, social and medical detoxification, and
43 other treatment by medical and nonmedical providers to
44 uninsured and court-ordered substance abuse patients
45 in all counties of the state. The department of
46 public health shall apply for a grant to receive
47 federal "section 402," "motorcycle helmet" transfer
48 funds, pursuant to 23 U.S.C. § 402 and 49 U.S.C. Appx.
49 § 2302, for an amount up to \$500,000 to be used for
50 court-ordered social and medical detoxification. If

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1 the grant moneys are received, the department shall
 2 develop a payment formula which provides an initial
 3 partial reimbursement at a percentage rate established
 4 by rule for services of covered claims during the
 5 first quarter of the fiscal year. At the end of each
 6 quarter of the fiscal year, the department shall
 7 compare the amount expended and adjust reimbursement
 8 for the upcoming quarter payments to each provider
 9 which uniformly increases or decreases the
 10 reimbursement percentage to the level permitted by the
 11 fiscal quarter's appropriation, but not exceeding 100
 12 percent reimbursement. The formula for payment to
 13 providers shall balance formula factors of financial
 14 need of the providers, county per capita usage, and
 15 maximum daily rate. If funds remain for a quarter
 16 reimbursing at 100 percent, they shall be carried over
 17 to the next quarter. Moneys provided under this
 18 subparagraph shall not be used to supplant any
 19 existing funds. An annual report shall be provided to
 20 the legislative fiscal bureau on all claims submitted
 21 to the division for uninsured and court-ordered
 22 medical and social detoxification. A plan outlining
 23 the coordination activities and projects shall be
 24 developed by January 1, 1995. Projects under the plan
 25 shall be implemented during the fiscal year beginning
 26 July 1, 1995, and ending June 30, 1996, provided the
 27 projects can be funded within budget limitations.

b. For program grants:

29 \$ 8,390,159

30 Of the funds appropriated in this lettered
 31 paragraph, \$193,500 shall be used for the provision of
 32 aftercare services for persons completing substance
 33 abuse treatment.

4. FAMILY AND COMMUNITY HEALTH DIVISION

35 a. For salaries, support, maintenance,
 36 miscellaneous purposes, and for not more than the
 37 following full-time equivalent positions:

38 \$ 3,042,496
 39 FTEs 58.50

40 (1) Of the funds appropriated in this lettered
 41 paragraph at least \$587,865 shall be allocated for the
 42 birth defects and genetics counseling program and of
 43 these funds, \$279,402 shall be allocated for regional
 44 genetic counseling services contracted from the state
 45 university of Iowa hospitals and clinics under the
 46 control of the state board of regents.

47 (2) Of the funds appropriated in this lettered
 48 paragraph, the following amounts shall be allocated to
 49 the state university of Iowa hospitals and clinics
 50 under the control of the state board of regents for

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1 the following programs under the Iowa specialized
2 child health care services:

3 (a) Mobile and regional child health specialty
4 clinics:

5 \$ 392,931

6 The regional clinic located in Sioux City shall
7 maintain a social worker component to assist the
8 families of children participating in the clinic
9 program.

10 (b) Muscular dystrophy and related genetic disease
11 programs:

12 \$ 115,613

13 (c) Statewide perinatal program:

14 \$ 61,693

15 (3) The birth defects and genetic counseling
16 service shall apply a sliding fee scale to determine
17 the amount a person receiving the services is required
18 to pay for the services. These fees shall be
19 considered repayment receipts and used for the
20 program.

21 (4) Of the funds allocated to the mobile and
22 regional child health specialty clinics in
23 subparagraph (2), subparagraph subdivision (a),
24 \$97,937 shall be used for a specialized medical home
25 care program providing care planning and coordination
26 of community support services for children who require
27 technical medical care in the home.

28 (5) The state university of Iowa hospitals and
29 clinics shall not receive indirect costs from the
30 funds for each program.

31 (6) Of the funds appropriated in this lettered
32 paragraph, \$1,001,209 shall be used for maternal and
33 child health services.

34 (7) The Iowa department of public health shall
35 administer the statewide maternal and child health
36 program, conduct mobile and regional child health
37 specialty clinics, and conduct other activities to
38 improve the health of low-income women and children
39 and to promote the welfare of children with actual or
40 potential handicapping conditions and chronic
41 illnesses in accordance with the requirements of Title
42 V of the federal Social Security Act.

43 (8) The department shall budget for the fiscal
44 year beginning July 1, 1995, for the programs in the
45 family and community health division in accordance
46 with the performance-based budgeting method.
47 Notwithstanding section 8.23, the department is not
48 required to submit a budget for the programs using 75
49 percent based budgeting and decision package
50 methodology.

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1 The department shall track the programs which were
2 in the family and community health division in the
3 fiscal year beginning July 1, 1991, in accordance with
4 the program performance-based budgeting method.

5 (9) The department shall work with the department
6 of elder affairs to realize the "Healthy Iowans 2000"
7 goal of providing nutrition screening to 90 percent of
8 the elderly persons participating in well-elderly
9 screening clinics, congregate meal programs, and home
10 care aide programs, and shall submit a progress report
11 to the general assembly by January 1, 1995, regarding
12 the number of personnel trained and the number of
13 persons served.

14 (10) The department shall continue efforts to
15 realize the "Healthy Iowans 2000" goal of the
16 involvement of 50 counties in the Iowa community
17 nutrition coalition and shall submit a progress report
18 to the general assembly by January 1, 1995.

19 (11) The department shall seek alternatives to
20 travel through the use of video and teleconferencing
21 technology.

22 b. Sudden infant death syndrome autopsies:

23 For reimbursing counties for expenses resulting
24 from autopsies of suspected victims of sudden infant
25 death syndrome required under section 331.802,
26 subsection 3, paragraph "j":

27 \$ 9,675

28 c. For grants to local boards of health for the
29 public health nursing program:

30 \$ 2,511,871

31 (1) Funds appropriated in this lettered paragraph
32 shall be used to maintain and expand the existing
33 public health nursing program for elderly and low-
34 income persons with the objective of preventing or
35 reducing inappropriate institutionalization. The
36 funds shall not be used for any other purpose. As
37 used in this lettered paragraph, "elderly person"
38 means a person who is 60 years of age or older and
39 "low-income person" means a person whose income and
40 resources are below the guidelines established by the
41 department.

42 (2) One-fourth of the total amount to be allocated
43 shall be divided so that an equal amount is available
44 for use in each county in the state. Three-fourths of
45 the total amount to be allocated shall be divided so
46 that the share available for use in each county is
47 proportionate to the number of elderly and low-income
48 persons living in that county in relation to the total
49 number of elderly and low-income persons living in the
50 state.

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1 (3) In order to receive allocations under this
 2 lettered paragraph, the local board of health having
 3 jurisdiction shall prepare a proposal for the use of
 4 the allocated funds available for that jurisdiction
 5 that will provide the maximum benefits of expanded
 6 public health nursing care to elderly and low-income
 7 persons in the jurisdiction. After approval of the
 8 proposal by the department, the department shall enter
 9 into a contract with the local board of health. The
 10 local board of health shall subcontract with a
 11 nonprofit nurses' association, an independent
 12 nonprofit agency, or a suitable local governmental
 13 body to use the allocated funds to provide public
 14 health nursing care. Local boards of health shall
 15 make an effort to prevent duplication of services.

16 (4) If by July 30 of the fiscal year, the
 17 department is unable to conclude contracts for use of
 18 the allocated funds in a county, the department shall
 19 consider the unused funds appropriated under this
 20 lettered paragraph an unallocated pool. If the
 21 unallocated pool is \$50,000 or more it shall be
 22 reallocated to the counties in substantially the same
 23 manner as the original allocations. The reallocated
 24 funds are available for use in those counties during
 25 the period beginning January 1 and ending June 30 of
 26 the fiscal year. If the unallocated pool is less than
 27 \$50,000, the department may allocate it to counties
 28 with demonstrated special needs for public health
 29 nursing.

30 (5) The department shall maintain rules governing
 31 the expenditure of funds appropriated by this lettered
 32 paragraph. The rules shall require each local agency
 33 receiving funds to establish and use a sliding fee
 34 scale for those persons able to pay for all or a
 35 portion of the cost of the care.

36 (6) The department shall annually evaluate the
 37 success of the public health nursing program. The
 38 evaluation shall include the extent to which the
 39 program reduced or prevented inappropriate
 40 institutionalization, the extent to which the program
 41 increased the availability of public health nursing
 42 care to elderly and low-income persons, and the extent
 43 of public health nursing care provided to elderly and
 44 low-income persons. The department shall submit a
 45 report of each annual evaluation to the governor and
 46 the general assembly.

47 d. For grants to county boards of supervisors for
 48 the home care aide program:

49 \$ 8,586,716

50 Funds appropriated in this lettered paragraph shall

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1 be used to provide home care aide services with
2 emphasis on services to elderly and persons below the
3 poverty level and children and adults in need of
4 protective services with the objective of preventing
5 or reducing inappropriate institutionalization. In
6 addition, up to 15 percent of the funds appropriated
7 in this lettered paragraph may be used to provide
8 chore services. The funds shall not be used for any
9 other purposes. In providing services to elderly
10 persons, the service provider shall coordinate efforts
11 with the integrated case management for the frail
12 elderly program of the department of elder affairs.
13 As used in this lettered paragraph:

14 (1) "Chore services" means services provided to
15 individuals or families, who, due to incapacity, or
16 illness, are unable to perform certain home
17 maintenance functions. The services include but are
18 not limited to yard work such as mowing lawns, raking
19 leaves, and shoveling walks; window and door
20 maintenance such as hanging screen windows and doors,
21 replacing windowpanes, and washing windows; and minor
22 repairs to walls, floors, stairs, railings, and
23 handles. It also includes heavy house cleaning which
24 includes cleaning attics or basements to remove fire
25 hazards, moving heavy furniture, extensive wall
26 washing, floor care or painting, and trash removal.

27 (2) "Elderly person" means a person who is 60
28 years of age or older.

29 (3) "Home care aide services" means services
30 intended to enhance the capacity of household members
31 to attain or maintain the independence of the
32 household members and provided by trained and
33 supervised workers to individuals or families, who,
34 due to the absence, incapacity, or limitations of the
35 usual homemaker, are experiencing stress or crisis.
36 The services include but are not limited to essential
37 shopping, housekeeping, meal preparation, child care,
38 respite care, money management and consumer education,
39 family management, personal services, transportation
40 and providing information, assistance, and household
41 management.

42 (4) "Low-income person" means a person whose
43 income and resources are below the guidelines
44 established by the department.

45 (5) "Protective services" means those home care
46 aide services intended to stabilize a child's or an
47 adult's residential environment and relationships with
48 relatives, caretakers, and other persons or household
49 members in order to alleviate a situation involving
50 abuse or neglect or to otherwise protect the child or

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1 adult from a threat of abuse or neglect.

2 The amount appropriated in this lettered paragraph
3 shall be allocated for use in the counties of the
4 state. Fifteen percent of the amount shall be divided
5 so that an equal amount is available for use in each
6 county in the state. The following percentages of the
7 remaining amount shall be allocated to each county
8 according to that county's proportion of residents
9 with the following demographic characteristics: 60
10 percent according to the number of elderly persons
11 living in the county, 20 percent according to the
12 number of persons below the poverty level living in
13 the county, and 20 percent according to the number of
14 substantiated cases of child abuse in the county
15 during the three most recent fiscal years for which
16 data is available.

17 In order to receive allocations in this lettered
18 paragraph, the county board of supervisors, after
19 consultation with the local boards of health, human
20 services county cluster boards, area agency on aging
21 advisory council, local office of the department of
22 human services, and other in-home health care provider
23 agencies in the jurisdiction, shall prepare a proposal
24 for the use of the allocated funds available for that
25 jurisdiction that will provide the maximum benefits of
26 home care aide services to elderly and low-income
27 persons and children and adults in need of protective
28 services in the jurisdiction. An agency requesting
29 service or financial information about a current
30 subcontractor shall provide similar information
31 concerning its own home care aide or chore services
32 program to the current subcontractor. The proposal
33 may provide that a maximum of 15 percent of the
34 allocated funds will be used to provide chore
35 services. The proposal shall include a statement
36 assuring that children and adults in need of
37 protective services are given priority for home care
38 aide services and that the appropriate local agencies
39 have participated in the planning for the proposal.
40 After approval of the proposal by the department, the
41 department shall enter into a contract with the county
42 board of supervisors or a governmental body designated
43 by the county board of supervisors. The county board
44 of supervisors or its designee shall subcontract with
45 a nonprofit nurses' association, an independent
46 nonprofit agency, the department of human services, or
47 a suitable local governmental body to use the
48 allocated funds to provide home care aide services and
49 chore services providing that the subcontract requires
50 any service provided away from the home to be

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1 documented in a report available for review by the
2 department, and that each home care aide
3 subcontracting agency shall maintain the direct
4 service workers' time assigned to direct client
5 service at 70 percent or more of the workers' paid
6 time and that not more than 35 percent of the total
7 cost of the service be included in the combined costs
8 for service administration and agency administration.
9 The subcontract shall require that each home care aide
10 subcontracting agency shall pay the employer's
11 contribution of social security and provide workers'
12 compensation coverage for persons providing direct
13 home care aide service and meet any other applicable
14 legal requirements of an employer-employee
15 relationship.

16 If by July 30 of the fiscal year, the department is
17 unable to conclude contracts for use of the allocated
18 funds in a county, the department shall consider the
19 unused funds appropriated in this lettered paragraph
20 an unallocated pool. The department shall also
21 identify any allocated funds which the counties do not
22 anticipate spending during the fiscal year. If the
23 anticipated excess funds to any county are
24 substantial, the department and the county may agree
25 to return those excess funds, if the funds are other
26 than program revenues, to the department, and if
27 returned, the department shall consider the returned
28 funds a part of the unallocated pool. The department
29 shall, prior to February 15 of the fiscal year,
30 reallocate the funds in the unallocated pool among the
31 counties in which the department has concluded
32 contracts under this lettered paragraph. The
33 department shall also review the first 10 months'
34 expenditures for each county in May of the fiscal
35 year, to determine if any counties possess contracted
36 funds which they do not anticipate spending. If such
37 funds are identified and the county agrees to release
38 the funds, the released funds will be considered a new
39 reallocation pool. The department may, prior to June
40 1 of the fiscal year, reallocate funds from this new
41 reallocation pool to those counties which have
42 experienced a high utilization of protective service
43 hours for children and dependent adults.

44 The department shall maintain rules governing the
45 expenditure of funds appropriated in this lettered
46 paragraph. The rules require each local agency
47 receiving funds to establish and use a sliding fee
48 scale for those persons able to pay for all or a
49 portion of the cost of the services and shall require
50 the payments to be applied to the cost of the

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1 services. The department shall also maintain rules
 2 for standards regarding training, supervision,
 3 recordkeeping, appeals, program evaluation, cost
 4 analysis, and financial audits, and rules specifying
 5 reporting requirements.

6 The department shall annually evaluate the success
 7 of the home care aide program. The evaluation shall
 8 include a description of the program and its
 9 implementation, the extent of local participation, the
 10 extent to which the program reduced or prevented
 11 inappropriate institutionalization, the extent to
 12 which the program provided or increased the
 13 availability of home care aide services to elderly and
 14 low-income persons and children and adults in need of
 15 protective services, any problems and recommendations
 16 concerning the program, and an analysis of the costs
 17 of services across the state. The department shall
 18 submit a report of the annual evaluation to the
 19 governor and the general assembly.

20 e. For the development and maintenance of well-
 21 elderly clinics in the state:

22 \$ 585,337

23 Appropriations made in this lettered paragraph
 24 shall be provided by a formula to well-elderly clinics
 25 located in counties which provide funding on a
 26 matching basis for the well-elderly clinics.

27 f. For the physician care for children program:

28 \$ 411,187

29 The physician services shall be subject to managed
 30 care and selective contracting provisions and shall be
 31 used to provide treatment of the children in a
 32 physician's office and shall include coverage of
 33 diagnostic procedures and prescription drugs required
 34 for the treatment. Services provided under this
 35 lettered paragraph shall be reimbursed according to
 36 medical assistance reimbursement rates.

37 g. For primary and preventive health care for
 38 children:

39 \$ 75,000

40 Funds appropriated in this lettered paragraph shall
 41 be for the public purpose of providing a renewable
 42 grant, following a request for proposals, to a
 43 statewide charitable organization within the meaning
 44 of section 501(c)(3) of the Internal Revenue Code
 45 which was organized prior to April 1, 1989, and has as
 46 one of its purposes the sponsorship or support for
 47 programs designed to improve the quality, awareness,
 48 and availability of health care for the young, to
 49 serve as the funding mechanism for the provision of
 50 primary health care and preventive services to

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1 children in the state who are uninsured and who are
2 not eligible under any public plan of health
3 insurance, provided all of the following conditions
4 are met:

5 (1) The organization shall provide a match of four
6 dollars in advance of each state dollar provided.

7 (2) The organization coordinates services with new
8 or existing public programs and services provided by
9 or funded by appropriate state agencies in an effort
10 to avoid inappropriate duplication of services and
11 ensure access to care to the extent as is reasonably
12 possible. The organization shall work with the Iowa
13 department of public health, family and community
14 health division, to ensure duplication is minimized.

15 (3) The organization's governing board includes in
16 its membership representatives from the executive and
17 legislative branches of state government.

18 (4) Grant funds are available as needed to provide
19 services and shall not be used for administrative
20 costs of the department or the grantee.

21 h. For the healthy family program:

22 \$ 665,000

23 The moneys appropriated in this lettered paragraph
24 shall be granted pursuant to 1992 Iowa Acts, Second
25 Extraordinary Session, chapter 1001, section 415. The
26 administrative entities shall work collaboratively to
27 assure continuity of the provision of services from
28 the prenatal to the preschool period to an individual
29 client by having a single resource mother work with
30 that client. The department shall submit an annual
31 report to the general assembly concerning the
32 efficiency of the program and make any recommendations
33 for improvements.

34 5. STATE BOARD OF DENTAL EXAMINERS

35 For salaries, support, maintenance, miscellaneous
36 purposes, and for not more than the following full-
37 time equivalent positions:

38 \$ 257,049
39 FTEs 4.00

40 The board shall seek alternatives to travel through
41 the use of video and teleconferencing technology.

42 6. STATE BOARD OF MEDICAL EXAMINERS

43 For salaries, support, maintenance, miscellaneous
44 purposes, and for not more than the following full-
45 time equivalent positions:

46 \$ 979,949
47 FTEs 18.00

48 The board shall seek alternatives to travel through
49 the use of video and teleconferencing technology.

50 7. STATE BOARD OF NURSING EXAMINERS

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1 For salaries, support, maintenance, miscellaneous
 2 purposes, and for not more than the following full-
 3 time equivalent positions:
 4 \$ 874,166
 5 FTEs 16.00

6 The board shall seek alternatives to travel through
 7 the use of video and teleconferencing technology.

8 8. STATE BOARD OF PHARMACY EXAMINERS

9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-
 11 time equivalent positions:
 12 \$ 652,224
 13 FTEs 11.00

14 The board shall seek alternatives to travel through
 15 the use of video and teleconferencing technology.

16 9. The state board of medical examiners, the state
 17 board of pharmacy examiners, the state board of dental
 18 examiners, and the state board of nursing examiners
 19 shall prepare estimates of projected receipts to be
 20 generated by the licensing, certification, and
 21 examination fees of each board as well as a projection
 22 of the fairly apportioned administrative costs and
 23 rental expenses attributable to each board. Each
 24 board shall annually review and adjust its schedule of
 25 fees so that, as nearly as possible, projected
 26 receipts equal projected costs.

27 10. The state board of medical examiners, the
 28 state board of pharmacy examiners, the state board of
 29 dental examiners, and the state board of nursing
 30 examiners shall retain their individual executive
 31 officers, but are strongly encouraged to share
 32 administrative, clerical, and investigative staffs to
 33 the greatest extent possible.

34 11. A local health care provider or nonprofit
 35 health care organization seeking grant moneys
 36 administered by the department of public health shall
 37 provide documentation that the provider or
 38 organization has coordinated its services with other
 39 local entities providing similar services.

40 Sec. 5. DEPARTMENT OF HUMAN RIGHTS. There is
 41 appropriated from the general fund of the state to the
 42 department of human rights for the fiscal year
 43 beginning July 1, 1994 and ending June 30, 1995, the
 44 following amounts, or so much thereof as is necessary,
 45 to be used for the purposes designated:

46 1. CENTRAL ADMINISTRATION DIVISION

47 For salaries, support, maintenance, miscellaneous
 48 purposes, and for not more than the following full-
 49 time equivalent positions:
 50 \$ 176,836

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1 FTEs 6.60

2 The division shall seek alternatives to travel

3 through the use of video and teleconferencing

4 technology.

5 2. COMMUNITY ACTION AGENCIES DIVISION

6 For the expenses of the community action agencies

7 commission:

8 \$ 3,401

9 The division shall seek alternatives to travel

10 through the use of video and teleconferencing

11 technology.

12 3. DEAF SERVICES DIVISION

13 For salaries, support, maintenance, miscellaneous

14 purposes, and for not more than the following full-

15 time equivalent positions:

16 \$ 288,900

17 FTEs 8.00

18 The fees collected by the division for provision of

19 interpretation services by the division to obligated

20 agencies shall be disbursed pursuant to the provisions

21 of section 8.32, and shall be dedicated and used by

22 the division for the provision of continued and

23 expanded interpretation services.

24 4. PERSONS WITH DISABILITIES DIVISION

25 For salaries, support, maintenance, miscellaneous

26 purposes, and for not more than the following full-

27 time equivalent positions:

28 \$ 101,393

29 FTEs 2.00

30 The division shall seek alternatives to travel

31 through the use of video and teleconferencing

32 technology.

33 5. LATINO AFFAIRS DIVISION

34 For salaries, support, maintenance, miscellaneous

35 purposes, and for not more than the following full-

36 time equivalent positions:

37 \$ 96,003

38 FTEs 2.00

39 The division shall seek alternatives to travel

40 through the use of video and teleconferencing

41 technology.

42 6. STATUS OF WOMEN DIVISION

43 For salaries, support, maintenance, miscellaneous

44 purposes, and for not more than the following full-

45 time equivalent positions:

46 \$ 391,644

47 FTEs 4.50

48 a. Of the funds appropriated in this subsection,

49 at least \$125,775 shall be spent for the displaced

50 homemaker program.

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1 b. Of the funds appropriated in this subsection,
2 at least \$42,570 shall be spent for domestic violence
3 and sexual assault-related grants.

4 c. Of the funds appropriated in this subsection,
5 at least \$45,241 shall be spent for the mentoring
6 project for family investment program participants
7 developed in accordance with section 239.22.

8 The division shall seek alternatives to travel
9 through the use of video and teleconferencing
10 technology.

11 7. STATUS OF AFRICAN-AMERICANS DIVISION

12 For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-
14 time equivalent positions:

15	\$	85,877
16	FTEs	2.00

17 The division shall seek alternatives to travel
18 through the use of video and teleconferencing
19 technology.

20 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-
23 time equivalent positions:

24	\$	363,866
25	FTEs	9.75

26 The division shall seek alternatives to travel
27 through the use of video and teleconferencing
28 technology.

29 a. The criminal and juvenile justice planning
30 advisory council and the juvenile justice advisory
31 council shall coordinate their efforts in carrying out
32 their respective duties relative to juvenile justice.

33 b. Of the funds appropriated in this subsection,
34 at least \$36,300 shall be spent for expenses relating
35 to the administration of federal funds for juvenile
36 assistance. It is the intent of the general assembly
37 that the department of human rights employ sufficient
38 staff to meet the federal funding match requirements
39 established by the federal office for juvenile justice
40 delinquency prevention. The governor's advisory
41 council on juvenile justice shall determine the
42 staffing level necessary to carry out federal and
43 state mandates for juvenile justice.

44 9. PROGRAM PERFORMANCE-BASED BUDGETING. The
45 department shall track all appropriations made to the
46 programs of the department in the fiscal year
47 beginning July 1, 1995, in accordance with the program
48 performance-based budgeting method.

49 10. GRANT WRITING. The divisions of the
50 department of human rights shall retain their

1 individual administrators, but are strongly encouraged
 2 to share staff to the greatest extent possible and
 3 especially for the purpose of grant writing.

4 Sec. 6. COMMISSION OF VETERANS AFFAIRS. There is
 5 appropriated from the general fund of the state to the
 6 commission of veterans affairs for the fiscal year
 7 beginning July 1, 1994, and ending June 30, 1995, the
 8 following amounts, or so much thereof as is necessary,
 9 to be used for the purposes designated:

10 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

11 For salaries, support, maintenance, and
 12 miscellaneous purposes, and for not more than the
 13 following full-time equivalent positions:

14	\$	147,244
15	FTEs	4.00

16 The commission shall seek alternatives to travel
 17 through the use of video and teleconferencing
 18 technology.

19 The commission of veterans affairs may use the
 20 gifts accepted by the chairperson of the commission of
 21 veterans affairs, or designee, and other resources
 22 available to the commission for use at its Camp Dodge
 23 office. The commission shall report annually to the
 24 governor and the general assembly on monetary gifts
 25 received by the commission for the Camp Dodge office.

26 2. WAR ORPHANS

27 For the war orphans educational aid fund
 28 established pursuant to chapter 35:

29	\$	4,800
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30 3. IOWA VETERANS HOME

31 For salaries, support, maintenance, and
 32 miscellaneous purposes and for not more than the
 33 following full-time equivalent positions:

34	\$	35,432,032
35	FTEs	777.08

36 The veterans home shall seek alternatives to travel
 37 through the use of video and teleconferencing
 38 technology.

39 The Iowa veterans home may use the gifts accepted
 40 by the chairperson of the commission of veterans
 41 affairs and other resources available to the
 42 commission for use at the Iowa veterans home.

43 If medical assistance revenues are expanded at the
 44 Iowa veterans home, and this expansion results in
 45 medical assistance reimbursements which exceed the
 46 amount budgeted for that purpose in the fiscal year
 47 beginning July 1, 1994, and ending June 30, 1995, the
 48 Iowa veterans home may expend the excess amounts to
 49 exceed the number of full-time equivalent positions
 50 authorized in this section for the purpose of meeting

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1 related certification requirements or to provide
2 additional beds. The expenditure of additional funds
3 received, as outlined in this paragraph, is subject to
4 the approval by the department of management. Any
5 funds which are saved by reorganizing the department
6 of human rights pursuant to Senate File 2144, if
7 enacted by the Seventy-fifth General Assembly, shall
8 be appropriated to the veterans home.

9 **Sec. 7. INTERIM STUDIES – SUBSTANCE ABUSE CARE**
10 **AND TREATMENT PROGRAM AND DEPARTMENT OF HUMAN RIGHTS.**

11 1. The legislative council is requested to provide
12 for a study of programs and services available in this
13 state for substance abuse care and treatment, the
14 continuum of needs of substance abusers and whether
15 the needs are being met satisfactorily, funding
16 available for substance abuse care and treatment,
17 including federal and state moneys, and payment
18 mechanisms for the care and treatment, including
19 medical assistance and third-party sources of payment,
20 and the limitations of the payment. The study shall
21 include a report to the general assembly, with
22 recommendations to address identified problem areas on
23 or before January 15, 1995.

24 2. An interim committee is requested to be
25 established by the legislative council to study the
26 organizational structure of the department of human
27 rights. The study shall include but not be limited to
28 an examination of the administrative costs of the
29 department, the costs and benefits of relocation of
30 divisions of the department into other departments,
31 and the continued viability of the department as a
32 separate unit of government. Proposals for change in
33 the organizational structure of the department shall
34 be presented to the general assembly by January 1,
35 1995.

36 **Sec. 8. LEASE-PURCHASE – BUDGET SUBMISSION.** This
37 section applies to each state agency receiving an
38 appropriation in this Act. The departmental estimate
39 required under section 8.23 for the fiscal period
40 beginning July 1, 1995, which includes the state
41 agency, shall provide an itemized list indicating the
42 nature and amount of each lease-purchase contract
43 payment included in the estimate for proposed
44 contracts which have not been reported by the state
45 agency to the legislative fiscal committee of the
46 legislative council pursuant to section 8.46 prior to
47 the submission of the estimate. The governor shall
48 include in the governor's budget for the fiscal year
49 beginning July 1, 1995, a listing indicating the
50 nature and amount of each lease-purchase contract

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1 which was itemized in a departmental estimate in
2 accordance with this section and is included in the
3 governor's budget. A state agency receiving an
4 appropriation in this Act shall not enter into a
5 lease-purchase contract during the fiscal year
6 beginning July 1, 1995, unless the contract was
7 itemized in a departmental estimate and included in
8 the governor's budget in accordance with this section.

9 Sec. 9. Section 35.9, Code 1993, is amended to
10 read as follows:

11 35.9 EXPENDITURE BY COMMISSION.

12 The commission of veterans affairs may expend not
13 more than four six hundred dollars per year for any
14 one child who has lived in the state of Iowa for two
15 years preceding application for aid, and who is the
16 child of a person who died during World War I between
17 the dates of April 6, 1917, and June 2, 1921, or
18 during World War II between the dates of September 16,
19 1940, and December 31, 1946, both dates inclusive, or
20 the Korean Conflict between June 25, 1950, and January
21 31, 1955, both dates inclusive, or the Vietnam
22 Conflict between August 5, 1964, and May 7, 1975, both
23 dates inclusive, or the Persian Gulf Conflict at any
24 time between August 2, 1990, and the date the
25 president or the congress of the United States
26 declares a permanent cessation of hostilities, both
27 dates inclusive, while serving in the military or
28 naval forces of the United States, to include members
29 of the reserve components performing service or duties
30 required or authorized under chapter 39, United States
31 Code and Title 32, United States Code, sections 502
32 through 505, and active state service required or
33 authorized under chapter 29A, or as a result of such
34 service, to defray the expenses of tuition,
35 matriculation, laboratory and similar fees, books and
36 supplies, board, lodging, and any other reasonably
37 necessary expense for such child or children incident
38 to attendance in this state at an educational or
39 training institution of college grade, or in a
40 business or vocational training school with standards
41 approved by the commission of veterans affairs.
42 However, if congress enacts a date different from
43 August 2, 1990, as the beginning of the Persian Gulf
44 Conflict for purposes of determining whether a veteran
45 is entitled to receive military benefits as a veteran
46 of the Persian Gulf Conflict, that date shall be
47 substituted for August 2, 1990.

48 A child eligible to receive funds under this
49 section shall not receive more than two three thousand
50 dollars under this section during the child's

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- 1 lifetime."
- 2 2. Title page, line 5, by striking the words "
- 3 and providing an effective date".
- 4 3. By renumbering, relettering, or redesignating
- 5 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 58, nays 36.

The motion prevailed and the House concurred in the Senate amendment H-6012.

Brunkhorst of Bremer 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. 2376)

The ayes were, 78:

Arnould	Baker	Beaman	Beatty
Bell	Bloodgett	Boddicker	Branstad
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Connors	Corbett	Daggett
Dickinson	Dinkla	Drake	Eddie
Ertl	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Larkin	Larson	Lundby	Martin
May	McNeal	Metcalf	Meyer
Millage	Miller	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Siegrist	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 19:

Bernau	Black	Brammer	Brand
Cohon	Doderer	Fallon	Halvorson, R. N.
Hammond	Haverland	Holveck	Koenigs
McCoy	McKinney	Moreland	Osterberg
Shultz	Spenner	Wise	

Absent or not voting, 3:

Brauns

Kreiman

Mertz

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 307, 2241, 2325 and 2376** be immediately messaged to the Senate.

Hanson of Delaware called up for consideration **House File 2387**, a bill for an act providing for licensing of athletic trainers, imposing fees, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—5968:

H—5968

- 1 Amend House File 2387, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 27, by striking the word "verbal"
- 4 and inserting the following: "oral".
- 5 2. Page 1, line 29, by striking the word "verbal"
- 6 and inserting the following: "oral".
- 7 3. Page 1, line 31, by striking the word "verbal"
- 8 and inserting the following: "oral".
- 9 4. Page 2, line 19, by inserting after the word
- 10 "therapy" the following: ", or a licensed physician
- 11 assistant".
- 12 5. By renumbering, relettering, or redesignating
- 13 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5968.

Hanson of Delaware 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. 2387)

The ayes were, 90:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohoon	Connors	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake

Eddie	Ertl	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McKinney
McNeal	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rants	Renaud	Royer	Running
Shoultz	Siegrist	Spencer	Tyrrell
Vande Hoef	Weidman	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 9:

Beatty	Branstad	Fallon	Grundberg
McCoy	Rafferty	Renken	Schrader
Weigel			

Absent or not voting, 1:

Mertz

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

Drake of Pottawattamie called up for consideration **House File 2309**, a bill for an act relating to the provision of contact lenses and spectacle lenses and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—5797:

H—5797

- 1 Amend House File 2309, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "person." the following: "A person licensed under
- 5 chapter 148, 150, 150A, or 154 shall not withhold a
- 6 contact lens prescription after the requirements of
- 7 this section have been met."
- 8 2. Page 1, line 27, by striking the words "that
- 9 original" and inserting the following: "a valid".
- 10 3. Page 2, by striking lines 11 and 12 and
- 11 inserting the following: "prescription shall contain
- 12 an expiration date. The ophthalmic spectacle lens
- 13 prescription shall".
- 14 4. Page 2, line 28, by striking the words "that
- 15 original" and inserting the following: "a valid".

The motion prevailed and the House concurred in the Senate amendment H—5797.

Drake of Pottawattamie 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. 2309)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Metcalf	Meyer
Millage	Miller	Moreland	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Peterson	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

Mertz	Mundie	Osterberg	Plasier
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 2387 and 2309** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2230**, a bill for an act relating to the numbers of and facilities for officers of the judicial department; permitting an increase in the number of district associate judges in certain counties; and permitting the use of available funds for offices for judges on the court of appeals, previously deferred and placed on the unfinished business calendar.

Dinkla of Guthrie 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, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Cohoon	Connors	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Running
Schrader	Shultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

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

Royer of Page in the chair at 2:50 p.m.

MOTION TO RECONSIDER LOST

Shoultz of Black Hawk called up for consideration the motion to reconsider Senate File 2234, filed by him on April 5, 1994 and moved to reconsider the vote by which **Senate File 2234**, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education, was placed on its last reading on April 5, 1994.

A non-record roll call was requested.

The ayes were 32, nays 54.

The motion to reconsider lost, placing out of order amendment H-6001, filed by Shoultz of Black Hawk on April 6, 1994, and the motion to reconsider Senate File 2234, filed by Daggett of Union on April 5, 1994.

Ways and Means Calendar

House File 2413, a bill for an act relating to the filing of a disclaimer of the homestead credit and the filing of a belated claim for the homestead credit, was taken up for consideration.

Kreiman of Davis offered the following amendment H-5525, filed by him:

H-5525

1 Amend House File 2413 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. 422.11 HOMESTEAD
5 CREDIT.

6 1. The taxes imposed under this division, less the
7 credits allowed under sections 422.11A, 422.11B,
8 422.11C, 422.12, and 422.12B shall be reduced by a
9 homestead credit equal to the amount of property taxes
10 levied on the first four thousand eight hundred fifty
11 dollars of the taxpayer's homestead, as defined in
12 section 425.11 which the taxpayer has paid. Not more
13 than one credit under this section may be claimed for
14 the same dwelling. In determining if the property tax
15 has been paid, any installment payment of property
16 taxes shall be considered as being paid towards the
17 taxes on the first four thousand eight hundred
18 dollars.

19 2. Any credit in excess of the tax liability shall
20 be refunded. In lieu of claiming a refund, a taxpayer
21 may elect to have the overpayment shown on the
22 taxpayer's final, completed return credited to the tax

23 liability for the following taxable year.”

24 2. Page 1, line 1, by striking the word and
25 figure “Section 1.” and inserting the following:
26 “Sec. 2.”

27 3. Page 1, by inserting after line 31 the
28 following:

29 “Sec. 3. Sections 425.1 through 425.10, Code 1993,
30 are repealed.

31 Sec. 4. APPLICABILITY DATES.

32 1. Section 1 of this Act applies to tax years
33 beginning on or after January 1, 1995.

34 2. Section 3 of this Act applies to property taxes
35 due and payable on or after July 1, 1995.”

36 4. Title page, line 3, by inserting after the
37 word “credit” the following: “, making the homestead
38 property tax credit a homestead income tax credit and
39 providing applicability dates”.

Gries of Crawford rose on a point of order that amendment H—5525 was not germane.

The Speaker ruled the point well taken and amendment H—5525 not germane.

Kreiman of Davis moved to suspend the rules for the consideration of amendment H—5525.

Roll call was requested by Greiner of Washington and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question “Shall the rules be suspended to consider amendment H—5525?” (H.F. 2413)

The ayes were, 28:

Baker	Beatty	Bernau	Black
Brammer	Brand	Burke	Cataldo
Connors	Fallon	Gill	Hammond
Hansen, S. D.	Harper	Holveck	Jochum
Kreiman	McKinney	Mundie	Murphy
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Renaud	Running	Shoultz

The nays were, 69:

Arnould	Beaman	Bell	Blodgett
Boddicker	Branstad	Brauns	Brunkhorst
Carpenter	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fogarty
Garman	Gipp	Greig	Greiner

Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.
Haverland	Henderson	Hester	Houser
Hurley	Iverson	Kistler	Klemme
Koenigs	Larkin	Larson	Lundby
Martin	May	McCoy	McNeal
Metcalf	Meyer	Millage	Miller
Moreland	Myers	Plasier	Rafferty
Rants	Renken	Schrader	Siegrist
Tyrrell	Vande Hoef	Van Maanen, Spkr.	Weidman
Weigel	Welter	Wise	Witt
Royer, Presiding			

Absent or not voting, 3:

Mertz	Peterson	Spenner
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The motion to suspend the rules lost.

Gries of Crawford 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. 2413)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Plasier	Rafferty	Rants
Renaud	Renken	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Van Maanen, Spkr.	Weidman	Weigel
Welter	Wise	Witt	

The nays were, none.

Absent or not voting, 5:

Halvorson, R. A. Hurley
Royer,
Presiding

Mertz

Peterson

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2413** 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 8, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2230, a bill for an act relating to the raffle of real property by a qualified organization and providing an effective date.

Also: That the Senate has on April 8, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2261, a bill for an act relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date.

Also: That the Senate has on April 8, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2358, a bill for an act relating to funding for the governor's traffic safety bureau and providing for a repeal.

Also: That the Senate has on April 8, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates.

Also: That the Senate has on April 8, 1994, 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 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated.

Also: That the Senate has on April 8, 1994, 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 2092, a bill for an act relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund.

JOHN F. DWYER, Secretary

SENATE FILE 2220 REREFERRED

The Speaker announced that Senate File 2220 presently on the calendar was rereferred to committee on **judiciary and law enforcement**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 8, 1994, he approved and transmitted to the Secretary of State the following bills:

House File 109, an act lowering the priority of the standard requiring legislative district boundaries to follow congressional district lines.

House File 2033, an act requiring the state board of education to define the minimum school day.

House File 2055, an act imposing a lien for city or county expenditures for closure or postclosure care of sanitary landfills.

House File 2199, an act relating to the number and election of sanitary district trustees.

House File 2217, an act relating to changes in terms used to describe parents, children, siblings, and their relationships to one another.

House File 2267, an act eliminating the requirement that a duplicate receipt for property taken incident to an arrest be filed with the clerk of the district court.

House File 2270, an act relating to revocations of parole and work release, by permitting reductions in credits against a parolee's sentence at a parole revocation hearing, and providing for the automatic revocation of parole for a parolee convicted and sentenced to incarceration for an aggravated misdemeanor.

House File 2280, an act establishing limited liability partnerships and providing a fee.

House File 2284, an act authorizing clerks of the district court to enter scheduling orders in probate matters.

House File 2313, an act providing for the administration of drainage districts, and providing for assessments.

House File 2321, an act relating to leases, by providing for leasing agreements, and amending the uniform commercial code by establishing a new article relating to leases.

House File 2342, an act relating to the time limit for an administratively dissolved corporation to file for reinstatement and providing an effective date.

House File 2353, an act providing authorization for certain epidemiological studies regarding the incidence and prevalence of the human immunodeficiency virus infection.

House File 2401, an act relating to the recording duties of county recorders for limited partnerships, corporations for profit, cooperative associations, and nonprofit corporations.

PRESENTATION OF VISITORS

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

Thirty-five fifth grade students from Martensdale-St. Mary Elementary School, Martensdale, accompanied by Mark Peterson. By Schrader of Marion.

Twenty-nine fifth grade students from McCallsburg Elementary School, McCallsburg, accompanied by Kathy Bendixen. By Garman of Story.

Eighteen fifth grade students from Exira Elementary School, Exira, accompanied by Kay Stark. By Drake of Pottawattamie.

Fifty-seven fifth grade students from Grant Elementary School, Oskaloosa, accompanied by Margaret Mattix and Margaret Stoltzfus. By Van Maanen of Mahaska.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Resolution (Formerly House Study Bill 733), relating to the funding of a capitol complex renovation program.

Fiscal Note is not required.

Recommended Amend and Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing

detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-6057**, April 7, 1994.

Pursuant to Rule 31.7, Senate File 2319 was referred to the committee on appropriations.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2269), a bill for an act relating to the limitation on county expenditures on mental health, mental retardation, and developmental disabilities services and provision of those services, and extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies.

Fiscal Note is not required.

Recommended **Amend and Do Pass**, April 8, 1994.

RESOLUTIONS FILED

HCR 122, by committee on appropriations, a concurrent resolution relating to the funding of a capitol complex renovation program.

Rereferred to committee on **appropriations**.

SCR 108, by committee on transportation, a concurrent resolution relating to state and federal fuel tax collections.

Referred to committee on **ways and means**.

AMENDMENTS FILED

H-6054	H.F.	2377	Senate amendment
H-6055	H.F.	2418	Senate amendment
H-6057	S.F.	2319	Committee on Judiciary and Law Enforcement
H-6058	H.F.	2419	Senate amendment
H-6059	H.F.	2286	Senate amendment
H-6060	H.F.	2323	Senate amendment
H-6061	S.F.	2092	Senate amendment
H-6062	S.F.	2038	Senate amendment
H-6063	H.F.	2261	Senate amendment
H-6064	H.F.	2230	Senate amendment
H-6065	S.F.	2314	Iverson of Wright Garman of Story
H-6066	S.F.	2314	Hansen of Woodbury Gill of Woodbury
H-6067	S.F.	2266	Hurley of Fayette
H-6068	H.F.	2358	Senate amendment
H-6069	H.F.	2415	Senate amendment
H-6070	S.F.	2311	Houser of Pottawattamie Grundberg of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 3:55 p.m., until 10:00 a.m., Monday, April 11, 1994.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day — Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 11, 1994

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

Prayer was offered by the Honorable Don Gries, state representative from Crawford County.

The Journal of Friday, April 8, 1994 was approved.

SENATE AMENDMENTS CONSIDERED

Ertl of Dubuque called up for consideration **House File 2230**, a bill for an act relating to the raffle of real property by a qualified organization and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—6064:

H—6064

1 Amend House File 2230, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 16 the
4 following:

5 "The licensee shall meet all other requirements for
6 licensees under section 99B.2 and 99B.7. In addition,
7 the licensee shall keep the receipts from the raffle
8 in a separate financial account and shall file a
9 cumulative report for the raffle by January 15, 1995,
10 with the department of inspections and appeals in a
11 form determined by the department.

12 The department of inspections and appeals shall
13 conduct a special audit of the raffle by January 30,
14 1995, to verify compliance with the appropriate
15 requirements of chapter 99B and this Act, except as
16 otherwise provided in this Act. The department of
17 inspections and appeals shall file a copy of the audit
18 report with the governor and the general assembly on
19 or before February 15, 1995."

The motion prevailed and the House concurred in the Senate amendment H—6064.

Ertl 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.

On the question "Shall the bill pass?" (H.F. 2230)

The ayes were, 88:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Hammond	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Larkin	Larson
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Peterson	Plasier
Rants	Renaud	Renken	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, 4:

Garman	Halvorson, R. N.	Holveck	Kreiman
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Absent or not voting, 8:

Connors	Gill	Grundberg	Hansen, S. D.
Lundby	Osterberg	Rafferty	Royer

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

Dinkla of Guthrie called up for consideration, **House File 2419**, a bill for an act relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-6058:

H-6058

- 1 Amend House File 2419, as passed by the House, as
- 2 follows:
- 3 1. Page 7, line 6, by striking the word
- 4 "limitation" and inserting the following:
- 5 "limitations".
- 6 2. Page 17, line 24, by inserting before the word
- 7 "department" the following: "a".
- 8 3. Page 17, line 29, by striking the words "or
- 9 after".

The motion prevailed and the House concurred in the Senate amendment H—6058.

Dinkla of Guthrie 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. 2419)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Grainer	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, none.

Absent or not voting, 4:

Connors	Lundby	Osterberg	Royer
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 2230 and 2419** be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 2051**, a bill for an act relating to access to founded child abuse information by child day care resource and referral agencies, previously deferred and placed on the unfinished business calendar.

Boddicker of Cedar 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. 2051)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

Connors	Lundby	Osterberg	Royer
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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:

Osterberg of Linn on request of Moreland of Wapello.

Ways and Means Calendar

House File 2421, a bill for an act relating to notices of disallowance of the homestead property tax credit and the military service property tax exemption, was taken up for consideration.

Blodgett 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?" (H.F. 2421)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cphoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

Connors	Iverson	Lundby	O'Brien
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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 2009**, a bill for an act relating to child abuse investigations by requiring communication between the department of human services and a physician who

conducts an examination of a child who is alleged to be abused, previously deferred and placed on the unfinished business calendar.

Martin 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. 2009)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Connors Lundby Osterberg

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2421 and Senate Files 2009 and 2051** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2107**, a bill for an act relating to the jurisdiction of district associate judges, previously deferred and placed on the unfinished business calendar.

Dinkla of Guthrie offered the following amendment H—5725 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5725

- 1 Amend Senate File 2107, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 13 and
- 4 inserting the following: "jurisdiction of indictable
- 5 misdemeanors, and felony violations of section 321J.2,
- 6 and to make court appointments and".
- 7 2. Page 1, by striking lines 21 through 27.
- 8 3. By renumbering as necessary.

The committee amendment H—5725 was adopted.

Dinkla of Guthrie 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. 2107)

The ayes were, 98:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 2:

Connors Osterberg

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2107** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2232**, a bill for an act relating to the registration and use of marks, including trademarks and service marks, and providing for fees, previously deferred and placed on the unfinished business calendar.

Kreiman of Davis 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. 2232)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Peterson	Plasier
Rafferty	Rants	Renaud	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 3:

Renken

Tyrrell

Vande Hoef

Absent or not voting, 2:

Connors

Osterberg

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2232** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Meyer of Sac called up for consideration **House File 2318**, a bill for an act relating to assistance provided to beginning farmers by the agricultural development authority, by providing that corporations and limited liability companies are eligible to receive assistance, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5802:

H-5802

- 1 Amend House File 2318, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 4, and inserting the
- 4 following: "family farm corporation, or family farm
- 5 limited liability company, as defined in section 9H.1,
- 6 with a low or".
- 7 2. Page 1, line 9, by inserting before the word
- 8 "corporation," the following: "family farm".
- 9 3. Page 1, line 11, by inserting before the word
- 10 "corporation" the following: "family farm".
- 11 4. Page 1, line 16, by inserting before the word
- 12 "limited" the following: "family farm".
- 13 5. Page 1, line 18, by inserting before the word
- 14 "limited" the following: "family farm".
- 15 6. Page 2, line 1, by inserting before the word
- 16 "corporation" the following: "family farm".
- 17 7. Page 2, line 2, by inserting before the word
- 18 "limited" the following: "family farm".
- 19 8. Page 2, by striking lines 4 and 5 and
- 20 inserting the following:
- 21 "Sec. _____. Section 175.12, subsection 3, paragraph
- 22 c, Code 1993, is amended to read as follows:
- 23 c. The beginning farmer has sufficient education,
- 24 training, or experience in the type of farming for
- 25 which the beginning farmer requests the mortgage or
- 26 secured loan. If the beginning farmer is a
- 27 partnership, all partners shall have sufficient

28 education, training, or experience in the type of
 29 farming for which the beginning farmer requests the
 30 mortgage or secured loan. If the beginning farmer is
 31 a family farm corporation, all shareholders who are
 32 not minors shall have sufficient education, training,
 33 or experience in the type of farming for which the
 34 beginning farmer requests the mortgage or secured
 35 loan. If the beginning farmer is a family farm
 36 limited liability company, all members who are not
 37 minors shall have sufficient education, training, or
 38 experience in the type of farming for which the
 39 beginning farmer requests the mortgage or secured
 40 loan."

41 9. Page 2, line 10, by inserting before the word
 42 "corporation," the following: "family farm".

43 10. Page 2, line 10, by inserting before the word
 44 "limited" the following: "family farm".

45 11. Page 2, line 19, by inserting before the word
 46 "corporation," the following: "family farm".

47 12. Page 2, line 19, by inserting before the word
 48 "limited" the following: "family farm".

49 13. Title page, by striking line 3 and inserting
 50 the following: "family farm limited corporations and

Page 2

1 family farm limited liability companies are eligible

2 to".

3 14. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-5802.

Meyer of Sac 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. 2318)

The ayes were, 97:

Baker	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck

Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

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

McNeal of Hardin called up for consideration **House File 618**, a bill for for an act relating to liens against employers for unpaid unemployment compensation contributions, amended by the Senate, and moved that the House concur in the following Senate amendment H-5736:

H-5736

- 1 Amend House File 618, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 16, by striking the words "by
- 4 filing a notice" and inserting the following: "for up
- 5 to an additional ten years by filing a notice during
- 6 the ninth year".

The motion prevailed and the House concurred in the Senate amendment H-5736.

McNeal of Hardin 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. 618)

The ayes were, 98:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett

Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 2:

Connors O'Brien

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

Corbett of Linn called up for consideration **House File 2358**, a bill for an act relating to funding for the governor's traffic safety bureau and providing for a repeal, amended by the Senate, and moved that the House concur in the following Senate amendment H—6068:

H—6068

- 1 Amend House File 2358, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 3, by striking the words "shall
- 4 allocate any" and inserting the following: "is
- 5 encouraged to explore funding opportunities for".
- 6 2. Page 1, line 7, by striking the words "as
- 7 follows" and inserting the following: "by the
- 8 following entities for the following purposes".
- 9 3. Page 1, by striking lines 18 through 20 and
- 10 inserting the following:
- 11 "3. To be allocated to educational institutions to
- 12 be used for programs on farm vehicle safety and

13 extraction from farm machinery.”

14 4. Page 1, by inserting after line 25 the
15 following:

16 “6. To the department of public health to be used
17 for adolescent substance abuse prevention.

18 7. To the state department of transportation to be
19 allocated to the Iowa highway patrol, local police
20 departments and county sheriff's offices for purchase
21 of pen-based mobile computers to enhance the
22 implementation of Iowa's mobile accident reporting
23 system and to facilitate the development of additional
24 computer-based enforcement reporting systems.

25 8. To the state department of transportation to be
26 used to develop software to allow origination of
27 uniform citations from computerized devices and for
28 electronic communication of the record of the citation
29 from the issuing agency to the court and electronic
30 communication of the abstract of conviction from the
31 court to the state department of transportation.”

32 5. Page 1, by striking lines 26 through 30.

The motion prevailed and the House concurred in the Senate amendment H—6068.

Corbett 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. 2358)

The ayes were, 98:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cphoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy

Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 2:

Connors Gries

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 618, 2318 and 2358** be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Spenner of Henry called up for consideration **Senate File 2038**, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6062, to the House amendment, as follows:

H-6062

- 1 Amend the House amendment, S-5455, to Senate File
- 2 2038, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 1 through 43.
- 5 2. By striking page 2, line 23 through page 3,
- 6 line 20, and inserting the following:
- 7 "_____. Title page, by striking lines 2 and 3 and
- 8 inserting the following: "transportation records.""

The motion lost and the House refused to concur in the Senate amendment H-6062, to the House amendment.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2038** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 2371**, a bill for an act relating to the investment authority of state banks, previously deferred and placed on the unfinished business calendar.

Weigel of Chickasaw offered the following amendment H—5487 filed by Weigel, et al., and moved its adoption:

H—5487

- 1 Amend House File 2371 as follows:
- 2 1. Page 1, line 1, by striking the words
- 3 "paragraphs i and" and inserting the following:
- 4 "paragraph".
- 5 2. Page 1, line 2, by striking the word "are" and
- 6 inserting the following: "is".
- 7 3. Page 1, by striking lines 3 through 12.
- 8 4. Page 1, by inserting after line 19 the
- 9 following:
- 10 "Sec. _____. Section 524.901, subsection 3, Code
- 11 1993, is amended by adding the following new
- 12 paragraph:
- 13 NEW PARAGRAPH. n. Shares or units of investment
- 14 companies or investment trusts registered under the
- 15 federal Investment Company Act of 1940, 15 U.S.C. §
- 16 80a, the portfolio of which is limited to the United
- 17 States obligations described in subsection 1 or
- 18 repurchase agreements fully collateralized by United
- 19 States obligations described in subsection 1 if
- 20 delivery of the collateral is taken either directly or
- 21 through an authorized custodian and the dollar-
- 22 weighted average maturity of the portfolio is not more
- 23 than five years."
- 24 5. By renumbering as necessary.

Amendment H—5487 was adopted.

SENATE FILE 2273 SUBSTITUTED FOR HOUSE FILE 2371

Churchill of Polk asked and received unanimous consent to substitute Senate File 2273 for House File 2371.

Senate File 2273, a bill for an act relating to the investment authority of state banks, was taken up for consideration.

Churchill 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. 2273)

The ayes were, 99:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Connors

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

HOUSE FILE 2371 WITHDRAWN

Churchill of Polk asked and received unanimous consent to withdraw House File 2371 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2273 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Haverland of Polk called up for consideration, **House File 2407**, a bill for an act relating to the collection of child support, including levies against the accounts of certain child support obligors and

including affecting of the professional licensure or certification status of an obligor held in contempt of court, amended by the Senate, and moved that the House concur in the following Senate amendment H-5925:

H-5925

1 Amend House File 2407 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 8, line 29, by inserting after the word
4 "account." the following: "Additionally, for the
5 purposes of reimbursement to the account for any fees
6 or costs, each certificate of deposit is considered a
7 separate account."

8 2. By striking page 9, line 2 through page 10,
9 line 8, and inserting the following:

10 "NEW PARAGRAPH. c. Enjoin the contemnor from
11 engaging in the exercise of any activity governed by a
12 license.

13 (1) If the court determines that an extreme
14 hardship will result from the injunction, the court
15 order may allow the contemnor to engage in the
16 exercise of the activity governed by the license,
17 subject to terms established by the court, which shall
18 include, at a minimum, that the contemnor enter into
19 an agreement to satisfy all obligations owing over a
20 period of time satisfactory to the court.

21 (2) If the court order allows for the exercise of
22 the activity governed by a license pending
23 satisfaction of an obligation over time, and the
24 contemnor fails to comply with the agreement, the
25 contemnor shall be provided an opportunity for
26 hearing, within ten days, to demonstrate why an order
27 enjoining the contemnor from engaging in the exercise
28 of any activity governed by a license should not be
29 issued.

30 (3) The court order under this paragraph shall be
31 vacated only after verification is provided to the
32 court that the contemnor has satisfied all accrued
33 obligations owing and that the contemnor has satisfied
34 all terms established by the court and when the person
35 entitled to receive support payments, or the child
36 support recovery unit when the unit is providing
37 enforcement services pursuant to chapter 252B, has
38 been provided ten days' notice and an opportunity to
39 object.

40 (4) As used in this paragraph, "license" means any
41 license or renewal of a license, certification, or
42 registration issued by an agency to a person to
43 conduct a trade or business, including but not limited
44 to a license to practice a profession or occupation or
45 to operate a commercial motor vehicle."

The motion prevailed and the House concurred in the Senate amendment H-5925.

Haverland 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. 2407)

The ayes were, 91:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Burke	Carpenter	Cataldo
Churchill	Cphoon	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
Mertz	Metcalf	Meyer	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Running
Schrader	Shoultz	Siegrist	Spenner
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 8:

Brunkhorst	Halvorson, R. N.	Hanson, D. E.	Iverson
McNeal	Millage	Royer	Tyrrell

Absent or not voting, 1:

Connors

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2407** be immediately messaged to the Senate.

Blodgett of Cerro Gordo called up for consideration **House File 181**, a bill for an act relating to motorcycle rider education, amended by the following Senate amendment H—5746:

H-5746

1 Amend House File 181, 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 321.178, subsection 1,
6 unnumbered paragraph 1, Code 1993, is amended to read
7 as follows:

8 An approved driver education course as programmed
9 by the department of education shall consist of at
10 least thirty clock hours of classroom instruction, and
11 six or more clock hours of laboratory instruction of
12 which at least three clock hours shall consist of
13 street or highway driving. An approved course
14 Classroom instruction shall include a all of the
15 following:

16 a. A minimum of four hours of classroom
17 instruction concerning substance abuse as part of its
18 curriculum.

19 b. A minimum of twenty minutes of instruction
20 concerning railroad crossing safety.

21 c. Instruction relating to becoming an organ donor
22 under the uniform anatomical gift Act.

23 PARAGRAPH DIVIDED. After the student has completed
24 three clock hours of street or highway driving and has
25 demonstrated to the instructor an ability to properly
26 operate a motor vehicle and upon written request of a
27 parent or guardian, the instructor may waive the
28 remaining required laboratory instruction."

29 2. Page 1, by striking lines 3 and 4 and
30 inserting the following:

31 "7. CLASS M LICENSE EDUCATION REQUIREMENTS. A
32 person under the age of eighteen twenty-one applying
33 for a driver's license valid for".

34 3. Page 1, by inserting after line 22 the
35 following:

36 "Sec. _____. The department of public health shall
37 cooperate with the department of education to provide
38 materials and information for driver's education
39 courses which promote organ donation with the goal of
40 increasing the number of potential organ donors."

41 4. Page 1, by inserting after line 22 the
42 following:

43 "Sec. _____. REPEAL. The provisions of this Act
44 which amend section 321.189, subsection 7, shall be
45 repealed if the federal government repeals the
46 requirement that the state enact a mandatory helmet
47 law pursuant to the federal Intermodal Surface
48 Transportation Efficiency Act of 1991."

49 5. Page 1, by inserting after line 22 the
50 following:

Page 2

1 "Sec. _____. CONTINGENT EFFECTIVE DATE. The
2 provisions of this Act which amend section 321.189,

- 3 take effect July 1, 1996, or at such time as the
 4 department of education provides adequate training
 5 vehicles, instructors, curriculum materials, training
 6 sites, and program funding for training for all
 7 persons who are required to complete the motorcycle
 8 education course or for any person who would like to
 9 complete the motorcycle education course, whichever is
 10 earlier. The department of education shall notify the
 11 state department of transportation when the department
 12 of education has the resources available to
 13 effectively offer the motorcycle education course.”
 14 6. Title page, line 1, by inserting after the
 15 word “rider” the following: “and driver’s”.
 16 7. By renumbering, relettering, or redesignating
 17 and correcting internal references as necessary.

Spenner of Henry asked and received unanimous consent to withdraw the following amendments, to the Senate amendment H-5746, filed by him: H-5806, filed on March 29, 1994 and H-5902, filed on March 31, 1994.

Spenner of Henry offered the following amendment H-6048, to the Senate amendment H-5746 filed by him:

H-6048

- 1 Amend the Senate amendment, H-5746, to House File
 2 181, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 29 through 33.
 5 2. Page 1, by striking lines 41 through 48.
 6 3. Page 2, line 3, by striking the word and
 7 figures “July 1, 1996” and inserting the following:
 8 “May 1, 1995”.
 9 4. By renumbering as necessary.

Spenner of Henry asked and received unanimous consent to defer action on **House File 181**, and that the bill retain its place on the **calendar**.

(Amendment H-6048, to the Senate amendment H-5746 pending)

The House stood at ease at 11:30 a.m., until the fall of the gavel.

The House resumed session at 11:33 a.m., Speaker Van Maanen in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:35 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Van Maanen in the chair.

SENATE AMENDMENTS CONSIDERED

Eddie of Buena Vista called up for consideration **House File 545**, a bill for an act relating to motor carrier certificates and permits and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-5928:

H-5928

1 Amend House File 545, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 7 through 29 and
4 inserting the following:

5 "Sec. _____. Section 325.34, Code 1993, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 325.34 SCHEDULED VIOLATIONS - PENALTY.

9 An owner, officer, agent or employee of a motor
10 carrier or other person who violates this chapter or a
11 rule adopted pursuant to this chapter, or who aids or
12 abets a person in a failure to comply with this
13 chapter or a rule adopted pursuant to this chapter
14 shall be subject to a fine of two hundred fifty
15 dollars. If a second violation occurs within twelve
16 months of the first violation the fine shall be five
17 hundred dollars. If a third or subsequent violation
18 occurs within the same twelve-month time period in
19 which the first and second violations occurred, the
20 fine shall be one thousand dollars.

21 Sec. _____. Section 327.22, Code 1993, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 327.22 SCHEDULED VIOLATIONS - PENALTY.

25 An owner, officer, agent or employee of a truck
26 operator or other person who violates this chapter or
27 a rule adopted pursuant to this chapter, or who aids
28 or abets a person in a failure to comply with this
29 chapter or a rule adopted pursuant to this chapter
30 shall be subject to a fine of two hundred fifty
31 dollars. If a second violation occurs within twelve
32 months of the first violation the fine shall be five
33 hundred dollars. If a third or subsequent violation
34 occurs within the same twelve-month time period in
35 which the first and second violations occurred, the
36 fine shall be one thousand dollars."

37 2. Page 2, by inserting after line 4, the
38 following:

39 "Sec. _____. Section 327A.18, Code 1993, is amended

40 by striking the section and inserting in lieu thereof
 41 the following:
 42 327A.18 SCHEDULED VIOLATIONS — PENALTY.
 43 An owner, officer, agent or employee of a liquid
 44 transport carrier or other person who violates this
 45 chapter or a rule adopted pursuant to this chapter, or
 46 who aids or abets a person in a failure to comply with
 47 this chapter or a rule adopted pursuant to this
 48 chapter shall be subject to a fine of two hundred
 49 fifty dollars. If a second violation occurs within
 50 twelve months of the first violation the fine shall be

Page 2

- 1 five hundred dollars. If a third or subsequent
- 2 violation occurs within the same twelve-month time
- 3 period in which the first and second violations
- 4 occurred, the fine shall be one thousand dollars."
- 5 3. Page 2, by striking lines 9 through 16.
- 6 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5928.

Eddie of Buena Vista 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. 545)

The ayes were, 99:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson

Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Corbett

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

Meyer of Sac called up for consideration, **House File 2372**, a bill for an act relating to medical assistance including medical assistance trusts, transfers of assets related to medical assistance and special education services provided through medical assistance fundings, and psychiatric medical institution for children services funded under medical assistance and providing an effective date and for retroactive applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H-6036:

H-6036

1 Amend House File 2372, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 19 the
 4 following:
 5 "Sec. _____. Section 249A.12, Code 1993, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 3. If a county reimburses the
 8 department for medical assistance provided under this
 9 section and the amount of medical assistance is
 10 subsequently repaid through a medical assistance
 11 income trust or a medical assistance special needs
 12 trust as defined in section 633.707, the department
 13 shall reimburse the county on a proportionate basis."
 14 2. Page 2, by inserting after line 3, the
 15 following:
 16 "_____. "Maximum monthly medical assistance payment
 17 rate for services in an intermediate care facility for
 18 the mentally retarded" means the allowable rate
 19 established by the department of human services and as
 20 published in the Iowa administrative bulletin."
 21 3. Page 2, by striking lines 18 through 20, and
 22 inserting the following:
 23 "_____. "Statewide average charge for state mental
 24 health institute care" means the statewide average
 25 charge for such care as calculated by the department

26 of human services and as published in the Iowa
27 administrative bulletin.

28 _____. "Statewide average charge to private-pay
29 patients for hospital-based, medicare-certified,
30 skilled nursing facility care" means the statewide
31 average charge for such care, excluding nonhospital-
32 based, medicare-certified, skilled nursing facilities,
33 as calculated by the department of human services and
34 as published in the Iowa administrative bulletin.

35 _____. "Statewide average charge to private-pay
36 patients for nonhospital-based, medicare-certified,
37 skilled nursing facility care" means the statewide
38 average charge for such care, excluding hospital-
39 based, medicare-certified, skilled nursing facilities,
40 as calculated by the department of human services and
41 as published in the Iowa administrative bulletin.

42 _____. "Statewide average charge for nursing
43 facility services" means the statewide average charge
44 for such care, excluding charges by medicare-
45 certified, skilled nursing facilities, as calculated
46 by the department of human services and as published
47 in the Iowa administrative bulletin.

48 _____. "Statewide average charge to private-pay
49 patients for psychiatric medical institutions for
50 children care" means the statewide average charge for

Page 2

1 such care as calculated by the department of human
2 services and as published in the administrative
3 bulletin."

4 4. Page 3, line 10, by striking the words "cost
5 of" and inserting the following: "charge for".

6 5. Page 3, line 18, by striking the word
7 "remainder" and inserting the following: "remaining
8 principal or income of the trust".

9 6. Page 3, line 26, by striking the words "any
10 remainder" and inserting the following: "the
11 remaining principal or income of the trust".

12 7. Page 3, by striking line 31, and inserting the
13 following:

14 "d. Any remaining principal or income of the trust
15 may, at the trustee's discretion or as directed by the
16 terms of the trust, be paid directly to providers of".

17 8. Page 4, line 3, by striking the words "cost
18 of" and inserting the following: "charge for".

19 9. Page 4, by inserting after line 15 the
20 following:

21 "3. Subsections 1 and 2 shall apply to the
22 following beneficiaries, however, the following
23 amounts indicated shall be applied in lieu of the
24 statewide average charge for nursing facility

25 services:

26 a. For a beneficiary who meets the medical
27 assistance level of care requirements for services in
28 an intermediate care facility for the mentally
29 retarded and who either resides in an intermediate
30 care facility for the mentally retarded or is eligible
31 for medical assistance home and community-based waiver
32 services except that the beneficiary's income exceeds
33 the allowable maximum, the applicable rate is the
34 maximum monthly medical assistance payment rate for
35 services in an intermediate care facility for the
36 mentally retarded.

37 b. For a beneficiary who meets the medical
38 assistance level of care requirements for hospital-
39 based, medicare-certified, skilled nursing facility
40 care and who either resides in a hospital-based,
41 medicare-certified, skilled nursing facility or is
42 eligible for medical assistance home and community-
43 based waiver services except that the beneficiary's
44 income exceeds the allowable maximum, the applicable
45 rate is the statewide average charge to private-pay
46 patients for hospital-based, medicare-certified,
47 skilled nursing facility care.

48 c. For a beneficiary who meets the medical
49 assistance level of care requirements for nonhospital-
50 based, medicare-certified, skilled nursing facility

Page 3

1 care and who either resides in a nonhospital-based,
2 medicare-certified, skilled nursing facility or is
3 eligible for medical assistance home and community-
4 based waiver services except that the beneficiary's
5 income exceeds the allowable maximum, the applicable
6 rate is the statewide average charge to private-pay
7 patients for nonhospital-based, medicare-certified,
8 skilled nursing facility care.

9 d. For a beneficiary who meets the medical
10 assistance level of care requirements for services in
11 a psychiatric medical institution for children and who
12 resides in a psychiatric medical institution for
13 children, the applicable rate is the statewide average
14 charge to private-pay patients for psychiatric medical
15 institution for children care.

16 e. For a beneficiary who meets the medical
17 assistance level of care requirements for services in
18 a state mental health institute and who either resides
19 in a state mental health institute or is eligible for
20 medical assistance home and community-based waiver
21 services except that the beneficiary's income exceeds
22 the allowable maximum, the applicable rate is the
23 statewide average charge for state mental health

24 institute care."

25 10. Page 7, by striking line 8 and inserting the
26 following: "estate by a surviving spouse, or by a
27 surviving child who was".

28 11. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6036.

Meyer of Sac 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. 2372)

The ayes were, 99:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cphoon	Connors	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Beatty

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 545 and 2372** be immediately messaged to the Senate.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2314**, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, previously deferred and placed on the unfinished business calendar, and amendment H—5953, as amended, found on pages 1246 and 1247 of the House Journal, pending.

The House stood at ease at 3:45 p.m., until the fall of the gavel.

The House resumed session at 4:15 p.m., Speaker Van Maanen in the chair.

Shoultz of Black Hawk moved the adoption of amendment H—5953, as amended.

Roll call was requested by Shoultz of Black Hawk and Murphy of Dubuque.

On the question "Shall amendment H—5953, as amended, be adopted?" (S.F. 2314)

The ayes were, 50:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brammer	Brand
Burke	Cataldo	Cohoon	Connors
Dickinson	Doderer	Fallon	Fogarty
Gill	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Henderson	Holveck
Jochum	Koenigs	Kreiman	Larkin
Lundby	May	McCoy	McKinney
Mertz	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Renaud
Running	Schrader	Shoultz	Weigel
Wise	Witt		

The nays were, 50:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs

Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Martin	McNeal	Metcalf	Meyer
Millage	Miller	Plasier	Rafferty
Rants	Renken	Royer	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Welter	Mr. Speaker		
	Van Maanen		

Absent or not voting, none.

Amendment H—5953, as amended, lost.

McCoy of Polk offered the following amendment H—6053 filed by McCoy, et al., and moved its adoption:

H—6053

- 1 Amend Senate File 2314, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 11, by inserting after line 15 the
- 4 following:
- 5 "If, for the fiscal year beginning July 1, 1993,
- 6 and ending June 30, 1994, state revenues are
- 7 \$2,500,000 or more than the estimate provided on
- 8 December 15, 1993, by the revenue estimating
- 9 conference as provided in section 8.22A, there is
- 10 appropriated an additional \$2,500,000 from the general
- 11 fund of the state to the Iowa resources enhancement
- 12 and protection fund, for use in the fiscal year
- 13 beginning July 1, 1994, and ending June 30, 1995, of
- 14 which all moneys shall be allocated as provided in
- 15 section 455A.19. However, the moneys appropriated
- 16 pursuant to this section shall only be used for
- 17 supporting projects or programs relating to the
- 18 increased precipitation, including flooding, occurring
- 19 in the state during 1993. Notwithstanding section
- 20 455A.18, moneys which are appropriated pursuant to
- 21 this section which are unobligated or unencumbered on
- 22 June 30, 1995, shall revert from the fund and its
- 23 various accounts to the general fund of the state."
- 24 _____. Page 27, by inserting before line 5 the
- 25 following:
- 26 "Sec. _____. EFFECTIVE DATE. Section 12 of this
- 27 Act, being deemed of immediate importance, takes
- 28 effect upon enactment."
- 29 _____. Title page, line 3, by inserting after the
- 30 word "fees" the following: "and an effective date".

A non-record roll call was requested.

The ayes were 50, nays 50.

Amendment H—6053 lost.

Hansen of Woodbury offered the following amendment H—6066 filed by him and Gill:

H—6066

- 1 Amend Senate File 2314, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 20 the
- 4 following:
- 5 "Sec. _____. SIOUX CITY — HONEY CAPITOL OF THE
- 6 WORLD. The city of Sioux City, is designated and
- 7 shall be known as the official honey capitol of the
- 8 world. The secretary of state and the editor of the
- 9 Iowa official register shall include an appropriate
- 10 photograph illustrating a jar of honey and a
- 11 representation of the city, accompanied by suitable
- 12 text designating Sioux City as the honey capitol of
- 13 the world."
- 14 2. By numbering, renumbering, and changing
- 15 internal references as necessary.

Nelson of Pottawattamie offered the following amendment H—6073, to amendment H—6066, filed by her from the floor and moved its adoption:

H—6073

- 1 Amend the amendment, H—6066, to Senate File 2314,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 13 the
- 5 following:
- 6 "Sec. _____. COUNCIL BLUFFS AND SHELBY — OFFICIAL
- 7 PURPLE MARTIN CO-CAPITALS OF IOWA.
- 8 The cities of Council Bluffs and Shelby are
- 9 designated and shall be known as the official purple
- 10 martin co-capitals of Iowa for their continuing
- 11 efforts in conservation and propagation of the bird." "

A non-record roll call was requested.

The ayes were 50, nays 48.

Amendment H—6073 was adopted.

Hansen of Woodbury asked and received unanimous consent to withdraw amendment H—6066.

Iverson of Wright offered the following amendment H—6065 filed by him and Garman:

H—6065

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. By striking page 19, line 34 through page 21,
4 line 6 and inserting the following:

5 "Sec. _____. NEW SECTION. 161C.6 ORGANIC NUTRIENT
6 MANAGEMENT PROGRAM.

7 1. An organic nutrient management program is
8 created. The program shall be governed by rules which
9 shall be adopted by the division. The program shall
10 be funded from moneys deposited in the organic
11 nutrient management fund.

12 2. a. The program shall provide financial
13 incentives to establish livestock organic nutrients
14 management systems to facilitate the proper
15 utilization of livestock organic nutrients as a
16 nutrient source, and to protect the water resources of
17 the state from livestock organic nutrients runoff.

18 b. The amount of moneys allocated in cost-share
19 payments to a person qualifying under the organic
20 nutrient management program shall not exceed fifty
21 percent of the estimated cost of establishing the
22 system or fifty percent of the actual cost, whichever
23 is less.

24 c. A person shall not be eligible to participate
25 in the program, unless the person is an individual
26 family farmer, an individual actively engaged in
27 farming as provided in section 9H.1, subsection 1,
28 paragraphs "a" through "c", or the person is a family
29 farm corporation, family farm limited partnership, a
30 family farm trust, or a family farm limited liability
31 company, all as defined in section 9H.1.

32 d. The department shall not allocate moneys to a
33 person who is a party to a legal or administrative
34 action, including a contested case proceeding under
35 chapter 17A, which relates to an alleged violation of
36 chapter 455B involving the disposal of livestock
37 waste, until the action is resolved. The department
38 of natural resources shall cooperate with the division
39 by providing information necessary to administer this
40 paragraph.

41 e. A person shall not use moneys allocated
42 pursuant to this section for purposes of paying an
43 amount imposed pursuant to a fine or civil penalty, or
44 for remediating or restoring the condition of an area
45 contaminated by livestock waste.

46 f. A person qualifying under the program shall not
47 receive more than seven thousand five hundred dollars
48 in financial incentives during any fiscal year
49 beginning on July 1 and ending on June 30. A person
50 who has received financial assistance in a prior

Page 2

1 fiscal year is eligible to receive financial
2 assistance in a subsequent fiscal year, unless the
3 financial assistance is used to support the
4 establishment of a system previously receiving
5 assistance under this program.

6 3. The division shall review swine confinement
7 facilities if such facilities are subject to
8 governmental use restrictions, including restrictions
9 relating to the disposal of organic nutrients. The
10 division shall cooperate with the department of
11 natural resources and counties to ensure that waste
12 disposal systems minimize their impact upon the
13 environment.

14 Sec. 500. ORGANIC NUTRIENT DISPOSAL — SWINE
15 CONFINEMENT FACILITIES SUBJECT TO COUNTY ZONING —
16 COUNSULTATION WITH STATE DEPARTMENTS.

17 1. As used in this section:

18 a. "Site" means one hundred and sixty acres.

19 b. "Swine confinement facility" means a totally
20 roofed structure used for the feeding or production of
21 swine in which animal wastes are stored or removed as
22 a liquid or semi-liquid.

23 2. A county may consult with the soil conservation
24 division of the department of agriculture and land
25 stewardship and the department of natural resources.
26 Notwithstanding section 335.2, a county which
27 determines that the impact of swine confinement
28 operations and the disposal of organic nutrients
29 impacts upon the county, may enact, implement, and
30 enforce, an ordinance pursuant to chapter 335, which
31 regulates a swine confinement facility or facilities,
32 which are part of an operation which has a maximum
33 capacity of six hundred twenty-five thousand or more
34 pounds of live weight for swine. The ordinance shall
35 apply to a site containing an operation which has a
36 maximum capacity as provided in this subsection. For
37 purposes of this section, the determination of live
38 weight shall be based on an average weight of one
39 hundred twenty-five pounds. However, swine weighing
40 less than fifty-five pounds shall not be used in
41 calculating the average weight.

42 3. Ordinances adopted pursuant to this section
43 shall be of force and effect until July 1, 1995.

44 4. This section shall not apply to a swine
45 confinement facility constructed before the effective
46 date of this section of this Act. This section shall
47 also not apply to a facility which is being
48 constructed on the effective date of this section, or
49 which will be constructed after the effective date of
50 this section if a binding construction contract has

Page 3

1 been executed in writing before the effective date of
2 this section. However, it shall apply to a facility
3 constructed prior to the effective date of this Act,
4 if the capacity of the facility is expanded after the
5 effective date of this section of the Act unless the
6 expansion is being constructed on the effective date
7 of this section, or constructed pursuant to a binding
8 construction contract as provided in this subsection.

9 Sec. 501. CONFINEMENT FEEDING OPERATIONS —
10 ORGANIC NUTRIENT MANAGEMENT.

11 1. As used in this section, unless the context
12 otherwise requires:

13 a. "Confinement feeding operation" means a totally
14 roofed facility or facilities, with a total capacity
15 of more than five million pounds of live animal weight
16 used to produce animals in which organic nutrients are
17 stored or removed as a liquid or semi-liquid. For
18 purposes of this section, the determination of live
19 weight shall be based on an average weight of one
20 hundred twenty-five pounds. However, swine weighing
21 less than fifty-five pounds shall not be used in
22 calculating the average weight.

23 b. "Department" means the department of natural
24 resources.

25 2. A person required to submit evidence of
26 compliance, and who holds an interest in a confinement
27 feeding operation which is located on thirty-six or
28 fewer square miles of land in which the person holds
29 an interest shall dispose of organic nutrients
30 produced from the operation in compliance with this
31 section. The disposal must be made by any of the
32 following methods:

33 a. The application of organic nutrients on land in
34 accordance with rates which do not exceed rates
35 recommended by the department of natural resources, as
36 provided in 567 IAC ch. 65.

37 b. The transfer of organic nutrients to a person
38 who disposes of the organic nutrients in a manner
39 consistent with this section. The transfer must be
40 accomplished by a document executed by both persons.

41 c. Any other manner of disposal by a person which
42 is approved by the department.

43 3. A person shall be subject to penalties as
44 provided in this section, unless the person submits
45 evidence of compliance as may be required by the
46 department in order to obtain a permit for the
47 establishment of a confinement feeding operation, or
48 in order to continue the operation of the feeding
49 operation. The person shall submit the evidence of
50 compliance in a manner prescribed by the department.

Page 4

- 1 The evidence of compliance shall include all of the
2 following:
- 3 a. The name and address of the person.
 - 4 b. The location of the confinement feeding
5 operation.
 - 6 c. A disposal plan which specifies handling,
7 storage, and disposal practices.
 - 8 d. A legal description of the site subject to the
9 disposal of the organic nutrients, and any other
10 application of organic nutrients which will be applied
11 to the site.
 - 12 e. A copy of a document accomplishing a transfer
13 of the organic nutrients.
 - 14 f. Any other information required by the
15 department in order to ensure that the person is
16 complying with this section, including the records of
17 the rates of application of organic nutrients on the
18 site.
- 19 4. A person subject to this section shall comply
20 with this section, including submitting evidence of
21 compliance, within sixty days following the effective
22 date of this Act. A person who does not comply with
23 this section shall be subject to a civil penalty of
24 not more than one thousand dollars which shall be
25 assessed and collected as provided in section
26 455B.109. Each day that a person fails to comply with
27 this section constitutes a separate violation. The
28 department of natural resources and the attorney
29 general shall have sole enforcement authority under
30 this section, as provided in section 455B.109.”
- 31 2. Page 27, by inserting before line 5 the
32 following:
- 33 “Sec. _____. REPEAL. Sections 500 and 501 of this
34 Act is repealed on July 1, 1995.
- 35 Sec. _____. EFFECTIVE DATE. Sections 500 and 501 of
36 this Act, being deemed of immediate importance, takes
37 effect upon enactment.”
- 38 3. Title page, line 3, by inserting after the
39 word “fees” the following: “, the repeal of sections,
40 and effective dates”.
- 41 4. By renumbering as necessary.

Shultz of Black Hawk offered the following amendment H-6075,
to amendment H-6065, filed by him from the floor and moved its
adoption:

H-6075

- 1 Amend the amendment, H-6065, to Senate File 2314,
- 2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 2, by inserting after line 13 the
5 following:

6 "4. The division shall maintain records regarding
7 each award of financial incentives under this section,
8 including the name of the person; the amount of the
9 award; the location of the livestock manure management
10 system established with financial incentive moneys;
11 and whether the person is a family farm corporation,
12 family farm limited partnership, family trust, or a
13 family farm limited liability company."

Amendment H—6075 was adopted.

Iverson of Wright offered the following amendment H—6076, to amendment H—6065, filed by him from the floor and moved its adoption:

H—6076

1 Amend the amendment, H—6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 13 the
5 following:

6 "4. The division shall maintain records regarding
7 each award of financial incentives under this section,
8 including the name of the person; the amount of the
9 award; the location of the livestock manure management
10 system established with financial incentive moneys;
11 and whether the person is a family farm corporation,
12 family farm limited partnership, family trust, or a
13 family farm limited liability company."

14 2. Page 3, line 15, by striking the word "five"
15 and inserting the following: "four".

Amendment H—6076 was adopted, placing out of order amendment H—6075, previously adopted.

Iverson of Wright offered the following amendment H—6079, to amendment H—6065, filed by him from the floor and moved its adoption:

H—6079

1 Amend the amendment, H—6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 2, line 18, by inserting after the word
5 "acres" the following: "of land or less, which are
6 held by a person who also has an interest in a swine
7 confinement facility located on the land".

Amendment H—6079 was adopted.

Osterberg of Linn offered the following amendment H—6078, to amendment H—6065, filed by him from the floor and moved its adoption:

H—6078

- 1 Amend the amendment, H—6065, to Senate File 2314,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking line 40 and inserting the
- 5 following: "less than fifty-five pounds shall be
- 6 deemed to weigh thirty pounds for purposes of".
- 7 2. Page 3, by striking line 21 and inserting the
- 8 following: "less than fifty-five pounds shall be
- 9 deemed to weigh thirty pounds for purposes of".

A non-record roll call was requested.

The ayes were 37, nays 50.

Amendment H—6078 lost.

Henderson of Scott offered the following amendment H—6074, to amendment H—6065, filed by him from the floor and moved its adoption:

H—6074

- 1 Amend the amendment, H—6065, to Senate File 2314,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 3, by striking lines 34 through 36 and
- 5 inserting the following: "accordance with rates which
- 6 do not exceed animal waste utilization rates
- 7 recommended by Iowa state university."

Amendment H—6074 lost.

Osterberg of Linn offered the following amendment H—6077, to amendment H—6065, previously deferred, filed by him from the floor and moved its adoption:

H—6077

- 1 Amend the amendment, H—6065, to Senate File 2314,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, line 14, by inserting after the figure
- 5 "500." the following: "NEW SECTION. 335.2A".
- 6 2. Page 2, by striking lines 42 and 43.
- 7 3. Page 3, line 9, by inserting after the figure
- 8 "501." the following: "NEW SECTION. 455B.119".
- 9 4. Page 4, by striking lines 33 and 34.
- 10 5. Page 4, by striking line 39 and inserting the
- 11 following: "word "fees" the following:"

Roll call was requested by Osterberg of Linn and Bernau of Story.

On the question "Shall amendment H—6077, to amendment H—6065 be adopted?" (S.F. 2314)

The ayes were, 41:

Arnould	Baker	Beatty	Bernau
Brammer	Brand	Burke	Cataldo
Cohoon	Connors	Dickinson	Doderer
Fallon	Fogarty	Gill	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Henderson	Holveck	Jochum	Kreiman
Larkin	McCoy	McKinney	Moreland
Murphy	Myers	Nelson	Neuhauser
Ollie	Osterberg	Peterson	Renaud
Running	Schrader	Shoultz	Weigel
Witt			

The nays were, 57:

Beaman	Bell	Black	Blodgett
Boddicker	Branstad	Brauns	Brunkhorst
Carpenter	Churchill	Corbett	Daggett
Dinkla	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Hester
Hurley	Iverson	Kistler	Klemme
Koenigs	Larson	Lundby	Martin
May	McNeal	Metcalf	Meyer
Millage	Miller	Mundie	O'Brien
Plasier	Rafferty	Rants	Renken
Royer	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Welter	Wise
Mr. Speaker			
Van Maanen			

Absent or not voting, 2:

Houser Mertz

Amendment H—6077 lost.

Iverson of Wright asked and received unanimous consent to defer action on amendment H—6065, as amended.

Nelson of Pottawattamie offered the following amendment H—6083 filed by her from the floor and moved its adoption:

H—6083

- 1 Amend Senate File 2314, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by inserting after line 7 the

4 following:

5 "Sec. _____. Section 352.7, subsection 2, Code
6 Supplement 1993, is amended to read as follows:

7 2. Within sixty days after receipt, the county
8 board shall may adopt the proposal or may adopt any
9 modification of the proposal it deems appropriate,
10 unless to do so would be inconsistent with the
11 purposes of this chapter."

12 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 45, nays 52.

Amendment H—6083 lost.

The House resumed consideration of amendment H—6065, as amended, previously deferred.

Mundie of Webster offered the following amendment H—6084, to amendment H—6065, filed from the floor by him and Ollie and moved its adoption:

H—6084

1 Amend the amendment, H—6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by inserting after line 30 the
5 following:

6 "Sec. 502. ENVIRONMENTAL AGRICULTURE COMMITTEE.

7 1. In addition to other persons who have been
8 appointed to the environmental agriculture committee
9 established by the governor, the following persons
10 shall be appointed by the governor to the committee:

11 a. A person representing the Iowa state
12 association of counties.

13 b. A person representing the department of
14 agriculture and land stewardship.

15 c. A person representing the sierra club.

16 d. A person representing the association of soil
17 and water conservation district commissioners.

18 e. Four public members, two of whom shall be urban
19 residents and two of whom shall be rural residents.

20 2. After the committee conducts hearings and
21 develops recommendations, the department of natural
22 resources shall adopt rules consistent with the
23 recommendations. The rules shall include the disposal
24 of livestock waste by application on land, including
25 but not limited to application rates and practices,
26 and the disposal of wastes on land based on climate,
27 flooding, terrain, proximity to bodies of water, and
28 nonagricultural uses.

29 3. Upon conclusion of the committee hearings, the
30 governor may call a special session for purposes of
31 allowing the general assembly to resolve issues
32 studied by the committee." "

33 2. Page 4, line 34, by striking the word "is" and
34 inserting the following: "are".

35 3. Page 4, line 35, by striking the word and
36 figure "and 501" and inserting the following: ", 501,
37 and 502".

38 4. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Osterberg of Linn.

On the question "Shall amendment H—6084 be adopted?"
(S.F. 2314)

The ayes were, 49:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brammer	Brand
Burke	Cataldo	Cphoon	Connors
Dickinson	Doderer	Fallon	Fogarty
Gill	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Henderson	Holveck
Jochum	Koenigs	Kreiman	Larkin
May	McCoy	McKinney	Mertz
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Renaud	Running
Schrader	Shoultz	Weigel	Wise
Witt			

The nays were, 51:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Metcalf
Meyer	Millage	Miller	Plasier
Rafferty	Rants	Renken	Royer
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Welter	Mr. Speaker	
		Van Maanen	

Absent or not voting, none.

Amendment H—6084 lost.

Iverson of Wright moved the adoption of amendment H—6065, as amended.

A non-record roll call was requested.

The ayes were 51, nays 41.

Amendment H—6065, as amended, was adopted, placing out of order amendment H—5998, previously adopted.

Siegrist of Pottawattamie asked and received unanimous consent to reconsider amendment H—6051, previously adopted and found on page 1263 of the House Journal.

The following amendment H—6095, to amendment H—6051, filed by Siegrist of Pottawattamie from the floor, was adopted by unanimous consent:

H—6095

- 1 Amend amendment H—6051, to Senate File 2314, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 3, by striking the numerals "16"
- 5 and inserting the following: "7".

On motion by Siegrist of Pottawattamie, amendment H—6051, as amended, was adopted.

Hahn of Muscatine 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. 2314)

The ayes were, 43:

Baker	Beaman	Blodgett	Boddicker
Brauns	Brunkhorst	Carpenter	Churchill
Daggett	Drake	Eddie	Ertl
Garman	Gipp	Gries	Grundberg
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Hester	Houser	Hurley	Iverson
Kistler	Klemme	Larson	Lundby
Martin	McNeal	Mertz	Metcalf
Meyer	Millage	Plasier	Rafferty
Rants	Royer	Siegrist	Tyrrell
Weidman	Welter	Mr. Speaker	
		Van Maanen	

The nays were, 57:

Arnould	Beatty	Bell	Bernau
Black	Brammer	Brand	Branstad
Burke	Cataldo	Cohoon	Connors
Corbett	Dickinson	Dinkla	Doderer
Fallon	Fogarty	Gill	Greig
Greiner	Grubbs	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Henderson
Holveck	Jochum	Koenigs	Kreiman
Larkin	May	McCoy	McKinney
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Renaud
Renken	Running	Schrader	Shoultz
Spenner	Vande Hoef	Weigel	Wise
Witt			

Absent or not voting, none.

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

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 11, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2375, a bill for an act relating to the regulation of pari-mutuel racetracks and gaming on excursion gambling boats, and providing an effective date.

Also: That the Senate has on April 11, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2383, a bill for an act relating to safety in schools.

Also: That the Senate has on April 11, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2392, a bill for an act to establish a study regarding appropriate training for peace officers relating to persons who are mentally ill.

JOHN F. DWYER, Secretary

MOTION TO RECONSIDER (Senate File 2314)

I move to reconsider the vote by which Senate File 2314 failed to pass the House on April 11, 1994.

CORBETT of Linn

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, April 8, 1994. Had I been present, I would have voted "aye" on Senate File 2172.

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 11th day of April, 1994: House Files 2018, 2118, 2145, 2153, 2169, 2192, 2218 and 2343.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Twenty-four seventh grade students from Corwith-Wesley School District, Lu Verne, accompanied by Mr. Dennis Holmes. By Mertz of Kossuth.

Twelve seniors and three foreign exchange students from East Monona High School, accompanied by Tom Borchers. By Gries of Crawford.

SUBCOMMITTEE ASSIGNMENT

Senate File 2322

Ways and Means: Hanson of Delaware, Chair; Doderer and Plasier.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled

fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** April 11, 1994.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 744) relating to establishing certain cost containment mechanisms related to, and providing assistance for, the cost of health care, by establishing a limit on liability for certain providers and hospitals, establishing certain tax deductions and premium credits, establishing a discretionary medical assistance plan and family health accounts, providing for modified community rating, guaranteed issue, portability, continuity of coverage for individual health plans, and providing applicability and effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 11, 1994.

AMENDMENTS FILED

H-6071	S.F.	100	Vande Hoef of Osceola
H-6072	S.F.	2033	Corbett of Linn
H-6080	H.F.	2351	Millage of Scott
H-6081	H.F.	2351	Millage of Scott
H-6082	H.F.	2410	Haverland of Polk
H-6085	H.F.	2410	Haverland of Polk
H-6086	S.F.	2319	Kreiman of Davis
H-6087	S.F.	2319	Kreiman of Davis

H-6088	S.F.	2319	Kreiman of Davis
H-6089	S.F.	2319	Kreiman of Davis
H-6090	S.F.	2319	Kreiman of Davis
H-6091	S.F.	2319	Kreiman of Davis
H-6092	S.F.	2319	Kreiman of Davis
H-6093	S.F.	2319	Kreiman of Davis
H-6094	S.F.	2319	Dickinson of Jackson
H-6096	H.F.	2383	Senate amendment
H-6097	S.F.	2091	Schrader of Marion Gipp of Winneshiek
H-6098	S.F.	2319	McKinney of Dallas
H-6099	S.F.	2319	Kreiman of Davis
H-6100	S.F.	2319	Kreiman of Davis
H-6101	S.F.	2319	Kreiman of Davis
H-6102	S.F.	2319	McKinney of Dallas
H-6103	S.F.	2319	McKinney of Dallas
H-6104	S.F.	2319	McKinney of Dallas
H-6105	S.F.	2319	McKinney of Dallas
H-6106	S.F.	2319	Kreiman of Davis
H-6107	S.F.	2319	McKinney of Dallas
H-6108	S.F.	2319	Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 7:12 p.m., until 8:45 a.m., Tuesday, April 12, 1994.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day — Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 12, 1994

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

Prayer was offered by Reverend Victor Johnson, Faith Lutheran Church, Odebolt.

The Journal of Monday, April 11, 1994 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Union on request of Siegrist of Pottawattamie, until his arrival.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2216**, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions, with report of committee recommending amendment and passage, previously deferred and placed on the unfinished business calendar.

Rants of Woodbury offered the following amendment H—5707 filed by the committee on energy and environmental protection and moved its adoption:

H—5707

- 1 Amend Senate File 2216, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec. _____. Section 455B.392, Code Supplement 1993,
- 6 is amended by adding the following new subsection:
- 7 NEW SUBSECTION. 8. The director shall request the
- 8 attorney general to recover any reasonable cleanup
- 9 costs that are incurred pursuant to subsection 1,
- 10 paragraph "a."
- 11 2. By renumbering as necessary.

The committee amendment H—5707 was adopted.

Rants of Woodbury 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. 2216)

The ayes were, 94:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohon	Corbett
Dickinson	Dinkla	Doderer	Drake
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McKinney	McNeal	Metcalf	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 6:

Connors	Daggett	Eddie	McCoy
Mertz	Meyer		

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 2133, a bill for an act relating to rent reimbursement claims for low-income persons and providing an effective and applicability date provision, was taken up for consideration.

Blodgett 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. 2133)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Dickinson	Dinkla	Doderer	Drake
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Metcalf
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 5:

Connors	Daggett	Eddie	Mertz
Meyer			

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 2205**, a bill for an act relating to regulated toxics in packaging, previously deferred and placed on the unfinished business calendar.

Greig of Emmet 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. 2205)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad

Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Dickinson	Dinkla	Doderer	Drake
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, none.

Absent or not voting, 4:

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

HOUSE INSISTS

Eddie of Buena Vista called up for consideration **Senate File 2016**, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date, and moved that the House insist on its amendment, which motion prevailed.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Files 2133, 2205 and 2216** be immediately messaged to the Senate.

Appropriations Calendar

Senate File 2091, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, was taken up for consideration.

Schrader of Marion offered the following amendment H—5345 filed by Schrader, et al.:

H—5345

- 1 Amend Senate File 2091, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 17, by striking the figure
- 4 "1,500,000" and inserting the following: "1,817,250".
- 5 2. Page 1, by striking lines 20 through 23 and
- 6 inserting the following:
- 7 "a. For the state energy conservation program,
- 8 from the Exxon fund, for purposes of maintaining the
- 9 program's 1988-1989 fiscal year funding levels:
- 10\$ 94,040".
- 11 3. Page 1, line 25, by inserting after the word
- 12 "fund," the following: "an amount up to five percent
- 13 per fiscal year,".
- 14 4. Page 1, line 27, by striking the figure
- 15 "300,000" and inserting the following: "126,910".

Schrader of Marion offered the following amendment H—6097, to amendment H—5345, filed by him and Gipp and moved its adoption:

H—6097

- 1 Amend the amendment, H—5345, to Senate File 2091,
- 2 as passed by the Senate, as follows:
- 3 1. By striking lines 3 through 15 and inserting
- 4 the following:
- 5 "_____. Page 1, line 17, by striking the figure
- 6 "1,500,000" and inserting the following: "1,619,700".
- 7 _____. Page 1, line 23, by striking the figure
- 8 "238,200" and inserting the following: "118,500".
- 9 2. By renumbering as necessary.

Amendment H—6097 was adopted.

On motion by Schrader of Marion, amendment H—5345 as amended was adopted.

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?" (S.F. 2091)

The ayes were, 99:

Baker	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett

Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Arnould

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2091** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Grubbs of Scott, called up for consideration, **Senate File 2092**, amended by the House, further amended by the Senate, and moved that the House concur in the Senate amendment H-6061, to the House amendment as follows:

H-6061

- 1 Amend the House amendment, S-5456, to Senate File
- 2 2092, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 9 and
- 4 inserting the following:
- 5 "_____. By striking page 1, line 33 through page 2,
- 6 line 6."

The motion prevailed and the House concurred in the Senate amendment H-6061, to the House amendment.

Grubbs of Scott 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. 2092)

The ayes were, 94:

Baker	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dickinson	Dinkla	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	Mertz
Metcalf	Meyer	Millage	Miller
Mundie	Murphy	Myers	Nelson
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 5:

Doderer	McNeal	Moreland	Neuhauser
Rafferty			

Absent or not voting, 1:

Arnould

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2092** be immediately messaged to the Senate.

Haverland of Polk called up for consideration **House File 2410**, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions, amended by the following Senate amendment H—6037:

H—6037

1 Amend House File 2410, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, by striking line 13 and inserting the
4 following: "the address, if known, of the support".

5 2. Page 10, lines 14 and 15, by striking the
6 words "city, state, and zip code" and inserting the
7 following: "address".

8 3. Page 10, by striking lines 21 through 23 and
9 inserting the following: "the support obligor's
10 delinquency is established. The department shall
11 determine dates for the".

12 4. Page 37, lines 13 and 14, by striking the
13 words "or contractor nontraditional employee" and
14 inserting the following: "or contractor".

15 5. Page 37, by striking lines 22 through 28 and
16 inserting the following:

17 "3 2. "Date of hire" means the earlier of either
18 of the following:

19 a. The the first day for which the an employee or
20 contractor is owed compensation by the payor of
21 income.

22 b. The first day that an employee or contractor
23 reports to work or performs labor or services for the
24 payor of income."

25 6. Page 38, by striking lines 11 through 15.

26 7. Page 38, by striking lines 16 through 19 and
27 inserting the following:

28 "9. "Payor of income" includes both an employer
29 and a person doing business in the state who engages a
30 contractor for compensation."

31 8. Page 38, line 20, by striking the figure "11"
32 and inserting the following: "9".

33 9. Page 38, line 22, by striking the figure "12"
34 and inserting the following: "10".

35 10. Page 38, line 35, by striking the figure "13"
36 and inserting the following: "11".

37 11. Page 39, by striking lines 9 through 11 and
38 inserting the following: "report employees who, on
39 the date of hire or rehire, are eighteen years of age
40 or older, and may report employees who, on the date of
41 hire or rehire, are under eighteen years of age.
42 Only".

43 12. By striking page 39, line 29 through page 41,
44 line 6.

45 13. Page 41, by inserting after line 30 the
46 following:

47 "Sec. 101. Section 598.21, Code Supplement 1993,

48 is amended by adding the following new subsection:
49 NEW SUBSECTION. 4A. If, during an action
50 initiated under this chapter or any other chapter in

Page 2

1 which a child or medical support obligation may be
2 established based upon a prior determination of
3 paternity, a party wishes to contest the paternity of
4 the child or children involved, all of the following
5 apply:

6 a. (1) If the prior determination of paternity is
7 based on an affidavit of paternity filed pursuant to
8 section 252A.3A, or a court or administrative order
9 entered in this state, or by operation of law when the
10 mother and established father are or were married to
11 each other, the provisions of section 600B.41A apply.

12 (2) If following the proceedings under section
13 600B.41A the court determines that the prior
14 determination of paternity should not be overcome, and
15 that the established father has a duty to provide
16 support, the court shall enter an order establishing
17 the monthly child support payment and the amount of
18 the support debt accrued and accruing pursuant to
19 subsection 4, or the medical support obligation
20 pursuant to chapter 252E, or both.

21 b. If a determination of paternity is based on an
22 administrative or court order or other means pursuant
23 to the laws of a foreign jurisdiction, any action to
24 overcome the prior determination of paternity shall be
25 filed in that jurisdiction. Unless a stay of the
26 action initiated in this state to establish child or
27 medical support is requested and granted by the court,
28 pending a resolution of the contested paternity issue
29 by the foreign jurisdiction, the action shall proceed.

30 c. Notwithstanding paragraph "a", a prior
31 determination of paternity by operation of law through
32 the marriage of the established father and mother of
33 the child may be overcome under this chapter if the
34 established father and mother of the child submit a
35 statement that both parties agree that the established
36 father is not the biological father of the child and
37 the court finds that it is in the best interest of the
38 child to overcome the established paternity. In
39 determining the best interest of the child, the court
40 shall consider the criteria provided in section
41 600B.41A, subsection 3, paragraph "g".

42 Sec. 102. Section 598.21, subsection 8, paragraph
43 k, Code Supplement 1993, is amended by striking the
44 paragraph."

45 14. Page 41, by inserting after line 30 the
46 following:

47 "Sec. _____. Section 598.21, Code Supplement 1993,
48 is amended by adding the following new subsection:
49 NEW SUBSECTION. 4B. If an action to overcome
50 paternity is brought pursuant to subsection 4A,

Page 3

1 paragraph "c", the court shall appoint a guardian ad
2 litem for the child for the pendency of the
3 proceedings."

4 15. Page 44, by inserting after line 9 the
5 following:

6 "Sec. 103. Section 600B.41, subsection 7, Code
7 Supplement 1993, is amended by striking the
8 subsection.

9 Sec. 104: Section 600B.41, subsection 8, Code
10 Supplement 1993, is amended to read as follows:

11 8. All costs shall be paid by the parties or
12 parents in proportions and at times determined by the
13 court, except as otherwise provided pursuant to
14 section 600B.41A.

15 Sec. 105. NEW SECTION. 600B.41A ACTIONS TO
16 OVERCOME PATERNITY – APPLICABILITY – CONDITIONS.

17 1. Paternity which is legally established may be
18 overcome as provided in this section if subsequent
19 blood or genetic testing indicates that the previously
20 established father of a child is not the biological
21 father of the child. Unless otherwise provided in
22 this section, this section applies to the overcoming
23 of paternity which has been established according to
24 any of the means provided in section 252A.3,
25 subsection 9, by operation of law when the established
26 father and the mother of the child are or were married
27 to each other, or as determined by a court of this
28 state under any other applicable chapter.

29 2. This section does not apply to any of the
30 following:

31 a. A paternity determination made in or by a
32 foreign jurisdiction and, notwithstanding section
33 252A.20, a paternity determination which has been made
34 in or by a foreign jurisdiction and registered in this
35 state in accordance with section 252A.18.

36 b. A paternity determination based upon a court or
37 administrative order if the order was entered based
38 upon blood or genetic test results which demonstrate
39 that the alleged father was not excluded and that the
40 probability of the alleged father's paternity was
41 ninety-five percent or higher, unless the tests were
42 conducted prior to July 1, 1992.

43 3. Establishment of paternity may be overcome
44 under this section if all of the following conditions
45 are met:

46 a. The action to overcome paternity is filed with
47 the court prior to the child reaching majority.

48 (1) A petition to overcome paternity may be filed
49 only by the mother of the child, the established
50 father of the child, the child, or the legal

Page 4

1 representative of any of these parties.

2 (2) If paternity was established by court or
3 administrative order, a petition to overcome paternity
4 shall be filed in the county in which the order is
5 filed.

6 (3) In all other determinations of paternity, a
7 petition to overcome paternity shall be filed in an
8 appropriate county in accordance with the rules of
9 civil procedure.

10 b. The petition contains, at a minimum, all of the
11 following:

12 (1) The legal name, age, and domicile, if any, of
13 the child.

14 (2) The names, residences, and domicile of the
15 following:

16 (a) Living parents of the child.

17 (b) Guardian of the child.

18 (c) Custodian of the child.

19 (d) Guardian ad litem of the child.

20 (e) Petitioner.

21 (f) Person standing in the place of the parents of
22 the child.

23 (3) A plain statement that the petitioner believes
24 that the established father is not the biological
25 father of the child, any reasons for this belief, and
26 that the petitioner wishes to have the paternity
27 determination set aside.

28 (4) A plain statement explaining why the
29 petitioner does not know any of the information
30 required under subparagraphs (1) and (2).

31 c. Notice of the action to overcome paternity is
32 served on any parent of the child not initiating the
33 action and any assignee of the support obligation, in
34 accordance with the rules of civil procedure and in
35 accordance with the following:

36 (1) If enforcement services are being provided by
37 the child support recovery unit pursuant to chapter
38 252B, notice shall also be served on the child support
39 recovery unit.

40 (2) The responding party shall have twenty days
41 from the date of the service of the notice to file a
42 written response with the court.

43 d. A guardian ad litem is appointed for the child.

44 e. Blood or genetic testing is conducted in
45 accordance with section 600B.41 or chapter 252F.

46 (1) Unless otherwise specified pursuant to
47 subsection 2 or 8, blood or genetic testing shall be
48 conducted in all cases prior to the determination by
49 the court of the best interest of the child in an
50 action to overcome the establishment of paternity.

Page 5

1 (2) Unless otherwise specified in this section,
2 section 600B.41 applies to blood or genetic tests
3 conducted as the result of an action brought to
4 overcome paternity.

5 (3) The court may order additional testing to be
6 conducted by the expert or an independent expert in
7 order to confirm a test upon which an expert concludes
8 that the established father is not the biological
9 father of the child.

10 f. The court finds that the conclusion of the
11 expert as disclosed by the evidence based upon blood
12 or genetic testing demonstrates that the established
13 father is not the biological father of the child.

14 g. The court finds that it is in the best interest
15 of the child to overcome the establishment of
16 paternity. In determining the best interest of the
17 child, the court shall consider all of the following:

18 (1) The age of the child.

19 (2) The length of time since the establishment of
20 paternity.

21 (3) The previous relationship between the child
22 and the established father, including but not limited
23 to the duration and frequency of any time periods
24 during which the child and established father resided
25 in the same household or engaged in a parent-child
26 relationship as defined in section 600A.2.

27 (4) The possibility of establishing actual
28 paternity of the child.

29 (5) Additional factors which the court determines
30 are relevant to the individual situation.

31 4. If the court finds that the establishment of
32 paternity is overcome, in accordance with all of the
33 conditions prescribed, the established father is
34 relieved of all future support obligations owed on
35 behalf of the child.

36 a. The effective date of termination of any future
37 support obligation is the date on which an order
38 determining that the established father is not the
39 biological father is filed with the court.

40 b. Any periodic support payment, due prior to the
41 date the order determining that the established father
42 is not the biological father is filed, is unaffected
43 by this action and remains a judgment subject to
44 enforcement.

45 5. An action brought under this section shall be
46 heard and decided by the court, and shall not be
47 subject to a jury trial.

48 6. If the court determines that test results
49 conducted in accordance with section 600B.41 or
50 chapter 252F exclude the established father as the

Page 6

1 biological father, but the court dismisses the action
2 to overcome paternity, the court may enter an order
3 relieving the established father of any or all future
4 support obligations owed on behalf of the child, while
5 preserving the paternity determination. The court's
6 determination and the effective date of the
7 determination shall be in accordance with subsection
8 4, paragraphs "a" and "b", and shall be made based
9 upon the unique circumstances of each case and the
10 interests of all parties.

11 7. The costs of testing, the fee of the guardian
12 ad litem, and all court costs shall be paid by the
13 person bringing the action to overcome paternity.

14 8. This section shall not be construed as a basis
15 for termination of an adoption decree or for
16 discharging the obligation of an adoptive father to an
17 adoptive child pursuant to section 600B.5.

18 9. Unless specifically addressed in an order
19 entered pursuant to this section, provisions
20 previously established by the court order regarding
21 custody or visitation of the child are unaffected by
22 an action brought under this section.

23 10. Participation of the child support recovery
24 unit created in section 252B.2 in an action brought
25 under this section shall be limited as follows:

26 a. The unit shall only participate in actions if
27 services are being provided by the unit pursuant to
28 chapter 252B.

29 b. When services are being provided by the unit
30 under chapter 252B, the unit may enter an
31 administrative order for blood and genetic tests
32 pursuant to chapter 252F.

33 c. The unit is not responsible for or required to
34 provide for or assist in obtaining blood or genetic
35 tests in any case in which services are not being
36 provided by the unit.

37 d. The unit is not responsible for the costs of
38 blood or genetic testing conducted pursuant to an
39 action brought under this section.

40 e. Pursuant to section 252B.7, subsection 4, an
41 attorney employed by the unit represents the state in
42 any action under this section. The unit's attorney is
43 not the legal representative of the mother, the
44 established father, or the child in any action brought
45 under this section."

46 16. Page 45, by inserting after line 4 the
47 following:

48 "Sec. _____. Section 252G.4, Code Supplement 1993,
49 is repealed."

50 17. Page 45, by inserting after line 30 the

Page 7

- 1 following:
- 2 "_____. Sections 101 through 105 of this Act, being
- 3 deemed of immediate importance, take effect upon
- 4 enactment.
- 5 _____. Sections 101 through 105 of this Act apply to
- 6 any action to overcome paternity, including any
- 7 paternity determination made prior to the effective
- 8 date of sections 101 through 105 of this Act, with the
- 9 exception of the following actions:
- 10 a. The action to overcome paternity, based upon
- 11 grounds that the established father is not the
- 12 biological father, was previously dismissed, whether
- 13 or not the dismissal was due to the expiration of the
- 14 statute of limitations period for bringing the action.
- 15 b. The action to relieve the established father of
- 16 any future support obligation, based upon the grounds
- 17 that the established father is not the biological
- 18 father, was previously dismissed, whether or not the
- 19 dismissal was due to the expiration of the statute of
- 20 limitations period for bringing the action."
- 21 18. By renumbering, relettering, or redesignating
- 22 and correcting internal references as necessary.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—6082, to the Senate amendment H—6037, filed by him on April 11, 1994.

Haverland of Polk offered the following amendment H—6085, to the Senate amendment H—6037, filed by him and moved its adoption:

H—6085

- 1 Amend the Senate amendment, H—6037, to House File
- 2 2410, 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, line 3, by striking line 3, and
- 7 inserting the following:
- 8 "144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK —
- 9 BIRTH CERTIFICATES."
- 10 _____. Page 2, by inserting after line 14 the
- 11 following:
- 12 "Sec. _____. Section 144.43, subsection 1, Code
- 13 1993, is amended to read as follows:
- 14 1. A record of birth if that birth did not occur
- 15 out of wedlock.
- 16 Sec. _____. Section 144.44, Code 1993, is amended to
- 17 read as follows:
- 18 144.44 PERMITS FOR RESEARCH.

19 The department may permit access to vital
 20 statistics by professional genealogists and
 21 historians, and may authorize the disclosure of data
 22 contained in vital statistics records when deemed
 23 essential for bona fide research purposes which are
 24 not for private gain. Information in vital statistics
 25 records indicating that a birth occurred out of
 26 wedlock shall not be disclosed except as provided by
 27 regulation or upon order of a district court. The
 28 department shall adopt rules which establish the
 29 parameters for access to and authorized disclosure of
 30 vital statistics and data contained in vital
 31 statistics records relating to birth and adoption
 32 records under this section."

33 _____. Page 4, line 26, by striking the word
 34 "subsection" and inserting the following:
 35 "subsections".

36 _____. Page 4, by inserting after line 28 the
 37 following:

38 "NEW SUBSECTION. 6A. "Putative father" means a
 39 man who is alleged to be or who claims to be the
 40 biological father of a child born to a woman to whom
 41 the man is not married at the time of the birth of the
 42 child."

43 _____. Page 5, by striking line 20 and inserting
 44 the following: "putative father."

45 _____. Page 6, by striking lines 19 and 20 and
 46 inserting the following:

47 "c. A statement from the putative father that the
 48 putative father is the father of the child."

49 _____. Page 6, by striking lines 23 and 24 and
 50 inserting the following:

Page 2

1 "e. The signatures of the mother and putative
 2 father."

3 _____. Page 6, by striking line 26 and inserting
 4 the following: "putative father."

5 _____. Page 6, by striking lines 27 and 28 and
 6 inserting the following:

7 "g. The addresses of the mother and putative
 8 father, as available."

9 _____. Page 7, line 22, by striking the word
 10 "alleged" and inserting the following: "putative"."

11 2. Page 1, by striking lines 12 through 36 and
 12 inserting the following:

13 "_____. Page 37, by striking lines 13 and 14 and
 14 inserting the following:

15 "a. Labor or services rendered by an employee or
 16 contractor to the payor of income."

17 _____. Page 37, by striking lines 19 through 21 and

18 inserting the following:

19 "2. "Contractor" means a natural person who is an
20 independent contractor, including an independent
21 trucking owner or operator eighteen years of age or
22 older, who performs labor in this state to whom a
23 payor of income makes payments which are not subject
24 to withholding and for whom the payor of income is
25 required by the internal revenue service to complete a
26 1099-MISC form."

27 _____. Page 37, by striking lines 26 and 27 and
28 inserting the following:

29 "b. The first day that an employee or a contractor
30 reports to work or performs labor or services".

31 _____. Page 38, by striking lines 11 through 15.

32 _____. Page 38, by striking line 18 and inserting
33 the following: "who engages a contractor for".

34 3. Page 1, by striking lines 43 and 44 and

35 inserting the following:

36 "_____. Page 39, by striking lines 31 and 32 and

37 inserting the following:

38 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS --
39 PENALTY."

40 _____. Page 40, by striking lines 2 through 21, and

41 inserting the following: "contractor, shall report

42 all of the following the contractor to the registry,

43 Payors of income shall report contractors performing

44 labor under an agreement within ten fifteen days of

45 hiring or rehiring of a contractor the date on which

46 all of the following conditions are met:

47 a. The payor issues payment to the contractor in

48 an amount which exceeds the amount required for the

49 filing of a 1099-MISC report.

50 b. Payment to the contractor under an agreement is

Page 3

1 made in a form which is other than a lump sum payment,

2 within a calendar year.

3 The payor of income is not required to file more
4 than one report for any contractor.

5 2. The report submitted to the registry shall
6 contain all of the following:

7 a. The name, address, and federal identification
8 number of the payor of income.

9 b. The contractor's name, address, social security
10 number, and if known, the contractor's date of birth."

11 _____. Page 40, line 33, by striking the figures "3
12 2" and inserting the following: "3".

13 _____. Page 41, line 2, by striking the figures "4
14 3" and inserting the following: "4".

15 _____. Page 41, line 4, by striking the figures "5
16 4" and inserting the following: "5".

- 17 4. Page 6, by inserting after line 45 the
18 following:
19 "11. This section applies to any action to
20 overcome paternity, including any paternity
21 determination made prior to the effective date of this
22 section of this Act, with the exception of the
23 following actions:
24 a. The action to overcome paternity, based upon
25 grounds that the established father is not the
26 biological father, was previously dismissed, whether
27 or not the dismissal was due to the expiration of the
28 statute of limitations period for bringing the action.
29 b. The action to relieve the established father of
30 any future support obligation, based upon the grounds
31 that the established father is not the biological
32 father, was previously dismissed, whether or not the
33 dismissal was due to the expiration of the statute of
34 limitations period for bringing the action."
35 5. Page 6, by striking lines 46 through 49.
36 6. By renumbering as necessary.

Amendment H—6085 was adopted.

Halvorson of Webster offered the following amendment H—6110, to the Senate amendment H—6037, filed by him from the floor and moved its adoption:

H—6110

- 1 Amend the Senate amendment, H—6037, to House File
2 2410, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 5, line 27, by striking the words "of
5 establishing" and inserting the following: "that the
6 child could benefit by establishing the child's".
7 2. Page 5, line 28, by striking the words "of the
8 child".

Amendment H—6110 was adopted.

Grubbs of Scott offered the following amendment H—6109, to the Senate amendment H—6037, filed by him and Cohoon from the floor:

H—6109

- 1 Amend the Senate amendment, H—6037, to House File
2 2410 as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 7, by striking lines 8 through 20 and
5 inserting the following: "date of sections 101
6 through 105 of this Act." "

Gipp of Winneshiek in the chair at 10:00 a.m.

Speaker Van Maanen in the chair at 10:25 a.m.

Grubbs of Scott moved the adoption of amendment H—6109, to the Senate amendment H—6037.

A non-record roll call was requested.

The ayes were 56, nays 18.

Amendment H—6109 was adopted.

Haverland of Polk asked and received unanimous consent to reconsider amendment H—6085, to the Senate amendment H—6037, found on pages 1409 through 1411 of the House Journal, previously adopted and requested division as follows:

H—6085A, lines 4 through 50 of Page 1; all of Page 2, and lines 1 through 16 and 35 through 36 of Page 3.

H—6085B, lines 17 through 34 of Page 3.

On motion by Haverland of Polk, amendment H—6085A, to the Senate amendment H—6037, was adopted.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—6085B, to the Senate amendment H-6037.

On motion by Haverland of Polk, the House concurred in the Senate amendment H—6037 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. 2410)

The ayes were, 87:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Cataldo	Churchill
Cohoon	Connors	Corbett	Daggett
Dickinson	Dinkla	Fallon	Fogarty
Garman	Gill	Gipp	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby

Martin	May	McCoy	McKinney
McNeal	Metcalf	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Ollie	Osterberg
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 13:

Beatty	Carpenter	Doderer	Drake
Eddie	Ertl	Greig	Hammond
Jochum	Mertz	Meyer	Neuhauser
Peterson			

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2410** be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED (Senate File 2016)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2016: Branstad of Winnebago, Chair; Dinkla of Guthrie, Vande Hoef of Osceola, May of Worth and Koenigs of Mitchell.

INTRODUCTION OF BILL

House File 2430, by committee on ways and means, a bill for an act relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, providing appropriations of state revenues relating to such services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions.

Read first time and placed on the **ways and means 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 April 12, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2086, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Also: That the Senate has on April 12, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2172, a bill for an act relating to vocational rehabilitation.

Also: That the Senate has on April 12, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2287, a bill for an act establishing requirements for disclosure of psychological test material.

Also: That the Senate has on April 12, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2288, a bill for an act amending statutory provisions involving the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date.

JOHN F. DWYER, Secretary

Appropriations Calendar

Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental

rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 11:10 a.m., until the fall of the gavel.

The House resumed session at 12:05 p.m, Speaker Van Maanen in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:12 p.m., until 1:00 p.m.

(Senate File 2319 pending at recess)

AFTERNOON SESSION

The House reconvened, Speaker Van Maanen in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-eight members present, forty-two absent.

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 2:30 p.m., Speaker Van Maanen in the chair.

BUSINESS PENDING AT RECESS

Appropriations Calendar

The House resumed consideration of **Senate File 2319**, a bill for an act relating to juvenile justice by providing in-service training

requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, pending at recess.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2319**, be deferred and that the bill retain its place on the **appropriations calendar**.

Ways and Means Calendar

House File 2428, a bill for an act relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments, was taken up for consideration.

Eddie of Buena Vista 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. 2428)

The ayes were, 92:

Arnould	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brand	Branstad	Brunkhorst	Burke
Carpenter	Cataldo	Churchill	Cohoon
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, 2:

Brauns Fallon

Absent or not voting, 6:

Baker	Brammer	Connors	Mertz
Neuhauser	Weigel		

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2428** be immediately messaged to the Senate.

Siegrist of Pottawattamie asked and received unanimous consent to resume consideration of **Senate File 2319**, previously deferred.

Appropriations Calendar

The House resumed consideration of **Senate File 2319**, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, previously deferred.

Martin of Scott offered the following amendment H—6057 filed by the committee on judiciary and law enforcement:

H—6057

- 1 Amend Senate File 2319, 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. JUVENILE DETENTION HOMES -- ADDITIONAL
 6 APPROPRIATION. There is appropriated from the general
 7 fund of the state to the department of human services
 8 for the fiscal year beginning July 1, 1994, and ending
 9 June 30, 1995, in addition to other appropriations
 10 made to the department for that fiscal year, the
 11 following amount, or so much thereof as is necessary,
 12 to be used for the purpose designated:
 13 For additional reimbursement of counties for
 14 juvenile detention homes in accordance with the
 15 provisions of this section, and in order to effectuate
 16 the purposes of this Act pertaining to the detention
 17 of children who habitually and substantially violate
 18 the conditions of probation:
 19\$ 362,500

20 If the funds designated in this section, in
 21 addition to any other appropriation to the department
 22 of human services for reimbursement of counties for
 23 juvenile detention homes in the fiscal year beginning
 24 July 1, 1994, are insufficient to pay ten percent of
 25 the total cost of the homes, notwithstanding section
 26 232.142, subsection 3, the state payment shall be less
 27 than ten percent and the department shall prorate the
 28 state payment as necessary to keep expenditures within
 29 the funds designated in this section and in any other
 30 provision appropriating moneys to the department for
 31 reimbursement of counties for juvenile detention homes
 32 in the same fiscal year.

33 Sec. 2. Section 123.47B, Code 1993, is amended to
 34 read as follows:

35 123.47B PARENTAL AND SCHOOL NOTIFICATION --
 36 PERSONS UNDER EIGHTEEN YEARS OF AGE.

37 A peace officer shall make a reasonable effort to
 38 identify a person under the age of eighteen discovered
 39 to be in possession of alcoholic liquor, wine, or beer
 40 in violation of section 123.47 and if the person is
 41 not referred to juvenile court, the law enforcement
 42 agency of which the peace officer is an employee shall
 43 make a reasonable attempt to notify the person's
 44 custodial parent or legal guardian of such possession,
 45 whether or not the person is arrested or a citation is
 46 issued pursuant to section 805.16, unless the officer
 47 has reasonable grounds to believe that such
 48 notification is not in the best interests of the
 49 person or will endanger that person. If the person is
 50 taken into custody, the peace officer may make a

Page 2

1 reasonable effort to identify the elementary or
 2 secondary school the person attends, if any, and to
 3 notify the superintendent of the school district, the

4 superintendent's designee, or the authorities in
5 charge of the nonpublic school of the taking into
6 custody. A juvenile court officer may also notify the
7 superintendent of the school district, the
8 superintendent's designee, or the authorities in
9 charge of the nonpublic school which the child attends
10 of the taking into custody. A reasonable attempt to
11 notify the person includes but is not limited to a
12 telephone call or notice by first class mail.

13 Sec. 3. Section 123.90, Code 1993, is amended by
14 adding the following new unnumbered paragraph:
15 NEW UNNUMBERED PARAGRAPH. In addition to any other
16 penalties provided in this chapter, a person under the
17 age of eighteen who is adjudicated delinquent for
18 violating section 123.47 shall surrender all motor
19 vehicle licenses or permits, which the court shall
20 forward to the state department of transportation.
21 The license shall be suspended by the department for
22 ninety days for the first violation, one hundred
23 eighty days for the second violation, and one year for
24 third and subsequent violations, and the person shall
25 not be eligible for a special minor's license under
26 section 321.194.

27 Sec. 4. Section 124.401, subsection 1, Code 1993,
28 is amended by adding the following new paragraph:
29 NEW PARAGRAPH. g. A person who violates this
30 subsection by bringing, or causing to be brought, into
31 this state a controlled substance, counterfeit
32 substance, or a simulated controlled substance shall
33 be sentenced to two times the term otherwise imposed
34 by law, and no such judgment, sentence, or part
35 thereof shall be deferred or suspended.

36 Sec. 5. Section 124.401, subsection 3, Code 1993,
37 is amended to read as follows:

38 3. a. It is unlawful for any person knowingly or
39 intentionally to possess a controlled substance, a
40 counterfeit substance, or a simulated controlled
41 substance, unless such substance was obtained directly
42 from, or pursuant to, a valid prescription or order of
43 a practitioner while acting in the course of the
44 practitioner's professional practice, or except as
45 otherwise authorized by this chapter. Any Except as
46 otherwise provided in paragraph "b", any person who
47 violates this subsection is guilty of a serious
48 misdemeanor. If the controlled substance, counterfeit
49 substance, or simulated controlled substance is
50 marijuana, the punishment shall be by imprisonment in

Page 3

1 the county jail for not more than six months or by a
2 fine of not more than one thousand dollars, or by both

3 such fine and imprisonment.

4 b. Violation of this subsection with respect to
5 the following controlled substances, counterfeit
6 substances, or simulated controlled substances is a
7 class "D" felony:

8 (1) A mixture or substance containing heroin.

9 (2) Coca leaves, except coca leaves and extracts
10 of coca leaves from which cocaine, ecgonine, and
11 derivatives of ecgonine or their salts have been
12 removed.

13 (3) Cocaine, cocaine base, cocaine salts, optical
14 and geometric isomers, and salts of isomers.

15 (4) Ecgonine, its derivatives, their salts,
16 isomers, and salts of isomers.

17 (5) A mixture or substance containing a detectable
18 amount of phencyclidine (PCP).

19 (6) A mixture or substance containing a detectable
20 amount of lysergic acid diethylamide (LSD).

21 (7) A mixture or substance containing a detectable
22 amount of methamphetamine.

23 (8) Any other controlled substance, counterfeit
24 substance, or simulated controlled substance
25 classified in schedule I or II, except marijuana.

26 4. All or any part of a sentence imposed pursuant
27 to this section may be suspended and the person placed
28 upon probation upon such terms and conditions as the
29 court may impose including the active participation by
30 such person in a drug treatment, rehabilitation or
31 education program approved by the court.

32 Sec. 6. Section 124.401A, Code 1993, is amended to
33 read as follows:

34 124.401A ENHANCED PENALTY FOR DISTRIBUTION TO
35 PERSONS ON CERTAIN REAL PROPERTY.

36 In addition to any other penalties provided in this
37 chapter, a person who is eighteen years of age or
38 older who unlawfully distributes or possesses with
39 intent to distribute a substance or counterfeit
40 substance listed in schedule I, or II which is a
41 narcotic or cocaine, or III, or a simulated controlled
42 substance represented to be a narcotic or cocaine
43 controlled substance classified in schedule I, or II,
44 or III, to another person who is eighteen years of age
45 or older in or on, or within one thousand feet of the
46 real property comprising a public or private
47 elementary or secondary school, or in or on the real
48 property comprising a public park, may, at the judge's
49 discretion, be sentenced up to an additional term of
50 confinement of five years.

2 a and b, Code 1993, are amended to read as follows:

3 a. Unlawfully distributes or possesses with intent
4 to distribute a substance listed in schedule I or II,
5 which is a narcotic or cocaine, to a person under
6 eighteen years of age commits a class "B" felony and
7 shall serve a minimum term of confinement of five
8 years. However, if the substance was distributed in
9 or on, or within one thousand feet of, the real
10 property comprising a public or private elementary or
11 secondary school, or in or on the real property
12 comprising a public park, the person shall serve a
13 minimum term of confinement of ten years.

14 b. Unlawfully distributes or possesses with the
15 intent to distribute a controlled substance other than
16 a narcotic or cocaine listed in schedule I, II, or III
17 to a person under eighteen years of age who is at
18 least three years younger than the violator commits a
19 class "C" felony.

20 Sec. 8. Section 124.406, subsection 2, paragraphs
21 a and b, Code 1993, are amended to read as follows:

22 a. Unlawfully distributes or possesses with the
23 intent to distribute a counterfeit substance listed in
24 schedule I or II which is a narcotic or cocaine, or a
25 simulated controlled substance represented to be a
26 narcotic or cocaine substance classified in schedule I
27 or II, to a person under eighteen years of age commits
28 a class "B" felony. However, if the substance was
29 distributed in or on, or within one thousand feet of,
30 the real property comprising a public or private
31 elementary or secondary school, or in or on the real
32 property comprising a public park, the person shall
33 serve a minimum term of confinement of ten years.

34 b. Unlawfully distributes or possesses with intent
35 to distribute a counterfeit substance other than a
36 narcotic or cocaine listed in schedule I, II, or III,
37 or a simulated controlled substance represented to be
38 any substance listed in schedule I, II, or III, to a
39 person under eighteen years of age who is at least
40 three years younger than the violator commits a class
41 "C" felony.

42 Sec. 9. Section 124.406, Code 1993, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 4. It is unlawful for a person
45 who is eighteen years of age or older to act with,
46 enter into a common scheme or design with, conspire
47 with, recruit or use a person under the age of
48 eighteen for the purpose of delivering or
49 manufacturing a controlled substance. A person who
50 violates this subsection with respect to a controlled

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1 substance classified in schedule I, II, III, IV, or V
2 is guilty of a class "B" felony, and shall and must
3 serve a minimum term of confinement of five years.
4 The court shall not defer or suspend any portion of
5 the mandatory minimum term of confinement, and shall
6 not impose a fine in lieu of the mandatory minimum
7 term of confinement, although a fine may be imposed in
8 addition to a term of confinement.

9 Sec. 10. Section 124.415, Code 1993, is amended to
10 read as follows:

11 124.415 PARENTAL AND SCHOOL NOTIFICATION —
12 PERSONS UNDER EIGHTEEN YEARS OF AGE.

13 A peace officer shall make a reasonable effort to
14 identify a person under the age of eighteen discovered
15 to be in possession of a controlled substance,
16 counterfeit substance, or simulated controlled
17 substance in violation of this chapter, and if the
18 person is not referred to juvenile court the law
19 enforcement agency of which the peace officer is an
20 employee shall make a reasonable attempt to notify the
21 person's custodial parent or legal guardian of such
22 possession, whether or not the person is arrested,
23 unless the officer has reasonable grounds to believe
24 that such notification is not in the best interests of
25 the person or will endanger that person. If the
26 person is taken into custody, the peace officer may
27 make a reasonable effort to identify the elementary or
28 secondary school the person attends, if any, and to
29 notify the superintendent of the school district, the
30 superintendent's designee, or the authorities in
31 charge of the nonpublic school of the taking into
32 custody. A juvenile court officer may also notify the
33 superintendent of the school district, the
34 superintendent's designee, or the authorities in
35 charge of the nonpublic school of the taking into
36 custody. A reasonable attempt to notify the person
37 includes but is not limited to a telephone call or
38 notice by first class mail.

39 Sec. 11. Section 232.2, subsection 6, Code
40 Supplement 1993, is amended by adding the following
41 new paragraph:

42 NEW PARAGRAPH. p. Who is a truant as defined in
43 section 299.8. However, this provision shall not
44 apply to a child attending a nonaccredited nonpublic
45 school or receiving competent private instruction.

46 Sec. 12. Section 232.2, subsection 12, Code
47 Supplement 1993, is amended by adding the following
48 new paragraph:

49 NEW PARAGRAPH. c. The violation of the statutory
50 compulsory attendance age requirement or the

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1 attendance policy of a public or an accredited
2 nonpublic school with at least six unexcused absences
3 during a semester which results in the child being
4 deemed a truant pursuant to section 299.8. However,
5 this provision shall not apply to a child attending a
6 nonaccredited nonpublic school or receiving competent
7 private instruction.

8 Sec. 13. Section 232.19, subsection 2, Code 1993,
9 is amended to read as follows:

10 2. When a child is taken into custody as provided
11 in subsection 1 the person taking the child into
12 custody shall notify the child's parent, guardian or
13 custodian as soon as possible and shall not place
14 bodily restraints, such as handcuffs, on the child
15 unless the child physically resists or threatens
16 physical violence when being taken into custody.
17 However, if the child is thirteen years of age or
18 older, the person taking the child into custody may
19 place bodily restraints, such as handcuffs, on the
20 child, regardless of whether the child physically
21 resists or threatens physical violence. Unless the
22 child is placed in shelter care or detention in
23 accordance with the provisions of section 232.21 or
24 232.22, the child shall be released to the child's
25 parent, guardian, custodian, responsible adult
26 relative, or other adult approved by the court upon
27 the promise of such person to produce the child in
28 court at such time as the court may direct.

29 Sec. 14. Section 232.19, Code 1993, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 4. Notwithstanding any other
32 provision of this chapter, a child shall not be placed
33 in detention, or in a secure facility as part of a
34 dispositional order under section 232.52 for a
35 violation by that child of section 299.8.

36 Sec. 15. Section 232.28, subsection 3, Code 1993,
37 is amended by adding the following new paragraph:

38 NEW PARAGRAPH. f. Notify the superintendent of
39 the school district or the superintendent's designee,
40 or the authorities in charge of the nonpublic school
41 which the child attends of the child being taken into
42 custody or receiving a citation involving alcohol or
43 controlled substance possession, as provided in
44 sections 123.47B and 124.415.

45 Sec. 16. Section 232.42, Code 1993, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 3. Proceedings may be continued
48 for up to one year upon the request of the county
49 attorney and the child to permit the making of
50 probation arrangements prior to the adjudicatory

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1 hearing. If either the child or the county attorney
2 requests that the adjudicatory hearing be held at any
3 time during the period of the continuance, the court
4 shall set the matter for hearing.

5 Sec. 17. Section 232.45A, subsections 2 and 3,
6 Code 1993, are amended to read as follows:

7 2. Once a child sixteen years of age or older has
8 been waived to and convicted of a ~~foreible felony or a~~
9 ~~felony violation of section 124.401 or chapter 707~~ by
10 the district court, all criminal proceedings against
11 the child for any ~~foreible felony or a felony~~
12 ~~violation of section 124.401 or chapter 707~~ occurring
13 subsequent to the date of the conviction of the child
14 shall begin in district court, notwithstanding
15 sections 232.8 and 232.45. A copy of the findings
16 required by section 232.45, subsection 8, shall be
17 made a part of the record in the district court
18 proceedings.

19 3. If proceedings against a child for a ~~foreible~~
20 ~~felony or a felony violation of section 124.401 or~~
21 ~~chapter 707~~ who has previously been waived to and
22 convicted of such an offense by the district court are
23 mistakenly begun in the juvenile court, the matter
24 shall be transferred to district court upon the
25 discovery of the prior waiver and conviction,
26 notwithstanding sections 232.8 and 232.45.

27 Sec. 18. Section 232.52, subsection 2, paragraph
28 e, Code 1993, is amended by adding the following new
29 subparagraph:

30 NEW SUBPARAGRAPH. (5) The child has not
31 successfully completed the alternative short-term
32 placement program under section 232.191.

33 Sec. 19. Section 232.78, subsection 1, unnumbered
34 paragraph 1, Code 1993, is amended to read as follows:

35 The juvenile court may enter an ex parte order
36 directing a peace officer or a juvenile court officer
37 to take custody of a child before or after the filing
38 of a petition under this chapter provided all of the
39 following apply:

40 Sec. 20. Section 232.79, subsection 1, unnumbered
41 paragraph 1, Code 1993, is amended to read as follows:

42 A peace officer or juvenile court officer may take
43 a child into custody or a physician treating a child
44 may keep the child in custody, or a juvenile court
45 officer may authorize a peace officer, physician, or
46 medical security personnel to take a child into
47 custody, without a court order as required under
48 section 232.78 and without the consent of a parent,
49 guardian, or custodian provided that both of the
50 following apply:

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1 Sec. 21. Section 232.147, Code Supplement 1993, is
2 amended by adding the following new subsections:
3 NEW SUBSECTION. 9. A juvenile court officer or
4 law enforcement agency may disclose the name of the
5 child and an adjudication of delinquency or citation
6 involving alcohol or controlled substance possession
7 to the superintendent of the school district, the
8 superintendent's designee, or the authorities in
9 charge of the nonpublic school which the child
10 attends, as provided in sections 123.47B and 124.415
11 or past adjudications of delinquency or citations
12 involving alcohol or controlled substance possession
13 or indictable offenses committed by the child.

14 NEW SUBSECTION. 10. Notwithstanding any provision
15 to the contrary, the county attorney may disclose
16 information which would otherwise be confidential
17 pursuant to this section to the extent necessary to
18 initiate or conduct proceedings pertaining to seized
19 or forfeited property in accordance with chapter 809.

20 Sec. 22. Section 232.148, Code 1993, is amended to
21 read as follows:

22 232.148 FINGERPRINTS — PHOTOGRAPHS.

23 1. Except as provided in this section, a child
24 shall not be fingerprinted or photographed by a
25 criminal justice agency after the child is taken into
26 custody.

27 2. Fingerprints and photographs of a child who has
28 been taken into custody and who is fourteen years of
29 age or older may be taken and filed by a criminal
30 justice agency investigating the commission of a
31 public offense constituting a felony other than a
32 simple misdemeanor. However, fingerprint and
33 photograph files of a child who enters into an
34 informal adjustment or consent decree shall be
35 retained only if the child is notified at the time of
36 entering into the informal adjustment or consent
37 decree that the files will be permanently retained by
38 the criminal justice agency. The criminal justice
39 agency shall forward the fingerprints to the
40 department of public safety for inclusion in the
41 automated fingerprint identification system. However,
42 unless otherwise authorized pursuant to section
43 232.45A or 690.4, or as otherwise authorized by law, a
44 criminal history record shall not be created for
45 inclusion in an automated system due to the retention
46 of fingerprints pursuant to this section.

47 3. If a peace officer has reasonable grounds to
48 believe that latent fingerprints found during the
49 investigation of the commission of a public offense
50 are those of a particular child, fingerprints of the

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1 child may be taken for immediate comparison with the
2 latent fingerprints regardless of the nature of the
3 offense. If the comparison is negative the
4 fingerprint card and other copies of the fingerprints
5 taken shall be immediately destroyed. If the
6 comparison is positive and the child is referred to
7 the court, the fingerprint card and other copies of
8 the fingerprints taken shall be delivered to the court
9 for disposition division of criminal investigation of
10 the department of public safety in the manner and on
11 the forms prescribed by the commissioner of public
12 safety within two working days after the fingerprints
13 are taken. If the child is not referred to the court,
14 the fingerprint card and copies of the fingerprints
15 shall be immediately destroyed.

16 4. Fingerprint and photograph files of children
17 shall be kept separate from those of adults. Copies
18 of fingerprints and photographs of a child shall not
19 be placed in any data storage system established and
20 maintained by the department of public safety pursuant
21 to chapter 692, or in any federal depository for
22 fingerprints.

23 5 4. Fingerprint and photograph files of children
24 may be inspected by peace officers when necessary for
25 the discharge of their official duties. The juvenile
26 court may authorize other inspections of such files in
27 individual cases upon a showing that inspection is
28 necessary in the public interest.

29 6 5. Fingerprints and photographs of a child shall
30 be removed from the file and destroyed if upon
31 notification to the department of public safety that
32 any of the following situations apply:

33 a. A petition alleging the child to be delinquent
34 is not filed and the child has not entered into an
35 informal adjustment, admitting involvement in a
36 delinquent act alleged in the complaint.

37 b. After a petition is filed, the petition is
38 dismissed or the proceedings are suspended and the
39 child has not entered into a consent decree and has
40 not been adjudicated delinquent on the basis of a
41 delinquent act other than one alleged in the petition
42 in question.

43 c. Upon petition by the child when the child
44 reaches twenty-one years of age and the child has not
45 been adjudicated a delinquent nor convicted of
46 committing an aggravated misdemeanor or a felony after
47 reaching sixteen years of age.

48 Sec. 23. Section 232.150, Code 1993, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 1A. Upon an application pursuant

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1 to this section by a person whose activities resulted
2 in the seizure or forfeiture of property pursuant to
3 chapter 809, the court shall consider whether records
4 pertaining to the seizure and forfeiture should be
5 sealed also. The court shall take into account the
6 interests of the person seeking to have the records
7 sealed as well as any person claiming an interest in
8 the property.

9 Sec. 24. NEW SECTION. 232.191 ALTERNATIVE SHORT-
10 TERM DELINQUENT PLACEMENT PILOT PROGRAM.

11 The department shall establish and implement no
12 later than January 1, 1995, an alternative short-term
13 delinquent placement pilot program at an existing
14 facility for juveniles who have been adjudicated
15 delinquent to be chosen by the department. The
16 program shall consist of a resident phase and follow-
17 up services. The resident phase of the program shall
18 stress discipline and physical activities. The
19 department shall develop criteria for the regimen to
20 be followed and for admission to the resident phase.
21 The department shall also develop criteria for
22 providing follow-up services to a child who
23 successfully completes the resident phase. Follow-up
24 services shall be community-based and designed to
25 assist the child to live without supervision after the
26 provision of follow-up services ends.

27 Sec. 25. NEW SECTION. 232.192 EARLY INTERVENTION
28 AND FOLLOW-UP PROGRAMS.

29 Contingent on a specific appropriation for these
30 purposes, the department shall do the following:

31 1. Develop or expand programs providing specific
32 life skills and interpersonal skills training for
33 adjudicated delinquent youth who pose a low or
34 moderate risk to the community.

35 2. Develop or expand a school-based program
36 addressing truancy and school behavioral problems for
37 youth ages twelve through seventeen.

38 3. Develop or expand an intensive tracking and
39 supervision program for adjudicated delinquent youth
40 at risk for placement who have been released from
41 resident facilities, which shall include telephonic or
42 electronic tracking and monitoring and intervention by
43 juvenile authorities.

44 4. Develop or expand supervised community
45 treatment for adjudicated delinquent youth who
46 experience significant problems and who constitute a
47 moderate community risk.

48 Sec. 26. NEW SECTION. 280.9B VIOLENCE PREVENTION
49 CURRICULUM.

50 The department of education shall develop a

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1 statewide violence prevention program based on law-
2 related education. The department shall contract with
3 a law-related education agency that serves the state
4 and provides a comprehensive plan to develop violence
5 prevention curricula for grades K through twelve,
6 provide training to teachers and school administrators
7 on violence prevention, and develop school-community
8 partnerships for violence prevention.

9 Sec. 27. Section 299.8, Code 1993, is amended to
10 read as follows:

11 299.8 "TRUANT" DEFINED.

12 Any child of compulsory attendance age who fails to
13 attend school as provided in this chapter, or as
14 required by the school board's or school governing
15 body's attendance policy, or who fails to attend
16 competent private instruction under chapter 299A,
17 without reasonable excuse for the absence, shall be
18 deemed to be a truant. A finding that a child is
19 truant, however, shall not by itself mean that the
20 child is a child in need of assistance within the
21 meaning of chapter 232 and shall not be the sole basis
22 for a child in need of assistance petition.

23 Sec. 28. NEW SECTION. 321.210B SUSPENSION OF
24 PERSON'S LICENSE FOR ALCOHOL OFFENSES.

25 The department shall suspend for ninety days for a
26 first offense, one hundred eighty days for a second
27 offense, and one year for third and subsequent
28 offenses the motor vehicle license of a person under
29 the age of eighteen who is adjudicated delinquent for
30 a violation of section 123.47 or 321J.2 if not
31 otherwise revoked under section 321J.4.

32 Sec. 29. NEW SECTION. 321.210C SUSPENSION OF
33 PERSON'S LICENSE FOR TRUANCY CONSTITUTING A DELINQUENT
34 ACT.

35 The department shall suspend for ninety days the
36 motor vehicle license of a juvenile who commits a
37 delinquent act under section 232.2, subsection 12,
38 paragraph "c", or postpone the issuance of a license
39 for ninety days in the case of a juvenile who had not
40 yet received a license at the time the delinquent act
41 was committed.

42 Sec. 30. Section 453A.2, Code 1993, is amended to
43 read as follows:

44 453A.2 PERSONS UNDER LEGAL AGE.

45 1. A person shall not sell, give, or otherwise
46 supply any tobacco, tobacco products, or cigarettes to
47 any person under eighteen years of age and a.

48 2. A person under eighteen years of age shall not
49 smoke, use, possess, purchase, or attempt to purchase
50 any tobacco, tobacco products, or cigarettes.

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1 2 3. The Iowa department of public health, a
2 county health department, a city health department, or
3 a city may directly enforce this section in district
4 court and initiate proceedings pursuant to section
5 453A.22 before a permit-issuing authority against a
6 permit holder violating this section.

7 3 4. Payment and distribution of court costs,
8 fees, and fines in a prosecution initiated by a city
9 or county shall be made as provided in chapter 602 for
10 violation of a city or county ordinance.

11 Sec. 31. Section 453A.3, Code 1993, is amended to
12 read as follows:

13 453A.3 PENALTY.

14 A person who violates section 453A.2, subsection 1
15 or 453A.39 is guilty of a simple misdemeanor.

16 A person who violates section 453A.2, subsection 2,
17 shall pay a civil penalty pursuant to section 805.8,
18 subsection 11. Failure to pay the civil penalty
19 imposed for a violation of section 453A.2, subsection
20 2, is a simple misdemeanor punishable as a scheduled
21 violation under section 805.8, subsection 11.

22 Sec. 32. Section 613.16, subsection 2, Code 1993,
23 is amended to read as follows:

24 2. The legal obligation of the parent or parents
25 of an unemancipated minor child under the age of
26 eighteen years to pay damages shall be limited as
27 follows:

28 a. Not more than one two thousand dollars for any
29 one act.

30 b. Not more than two five thousand dollars,
31 payable to the same claimant, for two or more acts.

32 Sec. 33. Section 709A.2, Code 1993, is amended to
33 read as follows:

34 709A.2 PENALTY — NOT A BAR.

35 A violation of section 709A.1, subsection 1, is a
36 simple serious misdemeanor. Any other violation of
37 section 709A.1 is a simple misdemeanor. A conviction
38 does not bar a prosecution of the convicted person for
39 an another indictable offense when the acts which
40 caused or contributed to the delinquency or dependency
41 of the child are indictable.

42 Sec. 34. Section 723A.1, subsection 1, Code 1993,
43 is amended by adding the following new paragraph:

44 NEW PARAGRAPH. g. An offense constituting a
45 violation of section 725.2.

46 Sec. 35. Section 723A.2, Code 1993, is amended by
47 adding the following new unnumbered paragraph:

48 NEW UNNUMBERED PARAGRAPH. Criminal intelligence
49 data under section 692.1 may include relevant
50 information pertaining to the person's association or

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1 affiliation with a criminal street gang.

2 Sec. 36. NEW SECTION. 724.4A WEAPONS FREE ZONES

3 — ENHANCED PENALTIES.

4 1. As used in this section, "weapons free zone"

5 means the area in or on, or within one thousand feet
6 of, the real property comprising a public or private
7 elementary or secondary school, or in or on the real
8 property comprising a public park. A weapons free
9 zone shall not include that portion of a public park
10 designated as a hunting area under section 461A.42.

11 2. Notwithstanding sections 902.9 and 903.1, a
12 person who commits a public offense involving a
13 firearm or offensive weapon, within a weapons free
14 zone, in violation of this or any other chapter shall
15 be sentenced as follows:

16 a. If the offense is a class "D" felony, by
17 imprisonment not to exceed ten years and a fine of not
18 more than ten thousand dollars.

19 b. If the offense is an aggravated misdemeanor, by
20 imprisonment not to exceed five years and a fine of
21 not more than seven thousand five hundred dollars.

22 c. If the offense is a serious misdemeanor, by
23 imprisonment not to exceed one year and six months or
24 a fine of not more than five thousand dollars, or
25 both.

26 d. If the offense is a simple misdemeanor, by
27 imprisonment not to exceed one year or a fine of not
28 more than one thousand dollars, or both.

29 Sec. 37. Section 724.22, subsections 1 and 2, Code
30 1993, are amended to read as follows:

31 1. Except as provided in subsection 3, a person
32 who sells, loans, gives, or makes available a rifle or
33 shotgun or ammunition for a rifle or shotgun to a
34 minor commits a simple serious misdemeanor for a first
35 offense and a class "D" felony for second and
36 subsequent offenses.

37 2. Except as provided in subsections 4 and 5, a
38 person who sells, loans, gives, or makes available a
39 pistol or revolver or ammunition for a pistol or
40 revolver to a person below the age of twenty-one
41 commits a simple serious misdemeanor for a first
42 offense and a class "D" felony for second and
43 subsequent offenses.

44 Sec. 38. NEW SECTION. 724.30 RECKLESS USE OF A
45 FIREARM.

46 A person who intentionally discharges a firearm in
47 a reckless manner commits the following:

48 1. A class "C" felony if a serious injury or over
49 one thousand dollars of property damage occurs.

50 2. A class "D" felony if a bodily injury which is

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1 not a serious injury or property damage of one
2 thousand dollars or less occurs.

3 3. A simple misdemeanor if no injury to a person
4 or damage to property occurs.

5 Sec. 39. Section 805.8, subsection 11, Code
6 Supplement 1993, is amended to read as follows:

7 11. SMOKING VIOLATIONS. For violations of section
8 142B.6 or 453A.2, subsection 2, the scheduled fine is
9 twenty-five dollars, and is a civil penalty, and the
10 criminal penalty surcharge under section 911.2 shall
11 not be added to the penalty, and the court costs
12 pursuant to section 805.9, subsection 6, shall not be
13 imposed. If the civil fine penalty assessed for a
14 violation of section 142B.6 is not paid in a timely
15 manner, a citation shall be issued for the violation
16 in the manner provided in section 804.1. However, a
17 person under age eighteen shall not be detained in a
18 secure facility for failure to pay the civil penalty.
19 The complainant shall not be charged a filing fee.

20 For failing to pay the civil penalty under section
21 453A.2, the scheduled fine is twenty-five dollars.
22 Failure to pay the scheduled fine shall not result in
23 the person being detained in a secure facility. The
24 complainant shall not be charged a filing fee.

25 Sec. 40. Section 808A.1, subsection 1, paragraph
26 d, Code 1993, is amended to read as follows:

27 d. A school locker, desk, or other facility or
28 space issued or assigned to, or chosen by, the student
29 for the storage of personal belongings of any kind,
30 which the student locks or is permitted to lock.
31 School officials may conduct periodic inspections of
32 all school lockers, provided the student is present
33 when the student's locker is searched. However, the
34 school district shall provide notice to the students,
35 at least twenty-four hours prior to the inspection, of
36 the date and time of the inspection.

37 Sec. 41. Section 809.1, Code 1993, is amended to
38 read as follows:

39 809.1 DEFINITIONS.

40 As used in this chapter, unless the context
41 otherwise requires:

42 1. "Seizable property" means any of the following:

43 a. Property which is relevant in a criminal
44 prosecution or investigation or in delinquency
45 proceedings or investigations of delinquent acts
46 pursuant to chapter 232.

47 b. Property defined by law to be forfeitable
48 property.

49 c. Property which if not seized by the state poses
50 an imminent danger to a person's health, safety, or

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1 welfare.

2 2. "Forfeitable property" means any of the
3 following:

4 a. Property which is illegally possessed.

5 b. Property which has been used or is intended to
6 be used to facilitate the commission of a criminal
7 offense or delinquent act or to avoid detection or
8 apprehension of a person committing a criminal offense
9 or delinquent act.

10 c. Property which is acquired as or from the
11 proceeds of a criminal offense or delinquent act.

12 d. Property offered or given to another as an
13 inducement for the commission of a criminal offense or
14 delinquent act.

15 3. "Seized property" means property taken or held
16 by any law enforcement agency without the consent of
17 the person, if any, who had possession or a right to
18 possession of the property at the time it was taken
19 into custody. Seized property does not include
20 property taken into custody solely for safekeeping
21 purposes or property taken into custody with the
22 consent of the owner or the person who had possession
23 at the time of the taking. If consent to the taking
24 of property was given by the person in possession of
25 the property and later withdrawn or found to be
26 insufficient, the property shall then be returned or
27 the property shall be deemed seized as of the time of
28 the demand and refusal.

29 4. The definitions contained in subsections 1
30 through 3 shall not apply to violations of chapter 321
31 or 321J, or to delinquent acts arising solely as a
32 result of a violation of chapter 321J.

33 Sec. 42. Section 809.5, subsection 1, Code 1993,
34 is amended to read as follows:

35 1. Seized property which is no longer required as
36 evidence or for use in an investigation may be
37 returned to the owner without the requirement of a
38 hearing, provided that the person's possession of the
39 property is not prohibited by law and there is no
40 forfeiture claim filed on behalf of the state. The
41 seizing agency ~~or~~, prosecuting attorney, or county
42 attorney filing a delinquency petition shall send
43 notice by regular mail, if the value of the property
44 is less than fifty dollars, or certified mail, if the
45 value of the property is equal to or greater than
46 fifty dollars, to the last known address of any person
47 having an ownership or possessory right in the
48 property stating that the property is released and
49 must be claimed within thirty days. Such notice shall
50 state that if no written claim for the property is

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1 made upon the seizing agency within thirty days after
2 the mailing of notice, the property shall be deemed
3 abandoned and disposed of accordingly. In the event
4 that there is more than one party who may assert a
5 right to possession or ownership of the property, the
6 seizing agency shall not release the property to any
7 party until the expiration of the date for filing
8 claims unless all other claimants execute a written
9 waiver. In the event that there is more than one
10 claim filed for the return of property under this
11 section, at the expiration of the period for filing
12 claims the seizing agency ~~or, prosecuting attorney, or~~
13 county attorney filing a delinquency petition shall
14 file a copy of all such claims with the clerk of court
15 and the clerk shall proceed as if such claims were
16 filed by the parties under section 809.3. In the
17 event that no owner can be located or no claim is
18 filed under this section, the property shall be deemed
19 abandoned and the seizing agency shall become the
20 owner of such property and may dispose of it in any
21 reasonable manner.

22 Sec. 43. Section 809.5, subsection 2, paragraph c,
23 Code 1993, is amended to read as follows:

24 c. The state has demonstrated that the evidence is
25 needed in a criminal investigation or prosecution or
26 in delinquency proceedings or investigations of
27 delinquent acts pursuant to chapter 232.

28 Sec. 44. Section 809.5, subsection 3, Code 1993,
29 is amended to read as follows:

30 3. The court shall, subject to any unresolved
31 forfeiture hearing, make orders appropriate to the
32 final disposition of the property including, but not
33 limited to, the destruction of contraband once it is
34 no longer needed in an investigation or prosecution,
35 or pursuant to delinquency proceedings under chapter
36 232.

37 Sec. 45. Section 809.7, unnumbered paragraph 2,
38 Code 1993, is amended to read as follows:

39 Property which has been seized for forfeiture, and
40 is not already secured as evidence in a criminal case
41 or delinquency proceedings pursuant to chapter 232,
42 shall be safely secured or stored by the agency which
43 caused its seizure unless directed otherwise by the
44 attorney general.

45 Sec. 46. Section 809.11, subsection 1, Code 1993,
46 is amended to read as follows:

47 1. Forfeiture is a civil proceeding. At the
48 hearing the burden is on the state to prove by a
49 preponderance of the evidence that the property is
50 forfeitable. However, forfeiture is not dependent

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1 upon a prosecution for, or conviction of, a criminal
2 offense, or the filing of a delinquency complaint or
3 petition or adjudication of delinquency pursuant to
4 chapter 232, and forfeiture proceedings are separate
5 and distinct from any related criminal or juvenile
6 court action.

7 Sec. 47. Section 809.12, subsection 2, Code 1993,
8 is amended to read as follows:

9 2. If property forfeitable under this chapter is
10 needed as evidence in a criminal or delinquency
11 proceeding, it shall be retained under the control of
12 the prosecuting attorney, or the prosecuting
13 attorney's designee, or the county attorney filing a
14 delinquency petition or the county attorney's
15 designee, until such time as its use as evidence is no
16 longer required.

17 Sec. 48. Section 809.13, subsection 2, Code 1993,
18 is amended to read as follows:

19 2. Forfeited property not needed as evidence in a
20 criminal case or delinquency proceeding shall be
21 delivered to the department of justice, or, upon
22 written authorization of the attorney general or the
23 attorney general's designee, the property may be
24 destroyed, sold, or delivered to an appropriate agency
25 for disposal in accordance with this section.

26 Sec. 49. Section 809.13, subsection 4, Code 1993,
27 is amended to read as follows:

28 4. Forfeited property which is not used by the
29 department of justice in the enforcement of the law
30 may be requisitioned by the department of public
31 safety or any law enforcement agency within the state
32 for use in enforcing the criminal laws of this state
33 and the delinquency provisions of chapter 232.
34 Forfeited property not requisitioned may be delivered
35 to the director of the department of general services
36 to be disposed of in the same manner as property
37 received pursuant to section 18.15.

38 Sec. 50. Section 809.14, subsection 1, Code 1993,
39 is amended to read as follows:

40 1. Property shall not be forfeited under this
41 chapter to the extent of the interest of an owner,
42 other than a joint tenant, who had no part in the
43 commission of the crime or delinquent act and who had
44 no knowledge of the criminal or delinquent use or
45 intended use of the property. However, if it is
46 established by a preponderance of the evidence that
47 the owner permitted the use of the property under
48 circumstances in which the owner knew or should have
49 known that the property was being used for a criminal
50 purpose, there is a rebuttable presumption that the

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1 owner knew that the property was intended to be used
2 in the commission of a crime.

3 Sec. 51. Section 809.14, subsection 4, Code 1993,
4 is amended to read as follows:

5 4. This section does not preclude a civil suit by
6 an owner of an interest in forfeited property against
7 the party who, by criminal or delinquent use, caused
8 the property to become forfeited to the state.

9 Sec. 52. Section 907.3, subsection 2, Code
10 Supplement 1993, is amended to read as follows:

11 2. At the time of or after pronouncing judgment
12 and with the consent of the defendant, the court may
13 defer the sentence and assign the defendant to the
14 judicial district department of correctional services.
15 However, the court shall not defer the sentence for a
16 violation of section 708.2A if the defendant has
17 previously received a deferred judgment or sentence
18 for a violation of section 708.2 or 708.2A which was
19 issued on a domestic abuse assault, or if similar
20 relief was granted anywhere in the United States
21 concerning that jurisdiction's statutes which
22 substantially correspond to domestic abuse assault as
23 provided in section 708.2A, and the court shall not
24 defer a sentence for a violation of section 124.406,
25 subsection 4. In addition, the court shall not defer
26 a sentence if it is imposed for contempt pursuant to
27 section 236.8 or 236.14. Upon a showing that the
28 defendant is not fulfilling the conditions of
29 probation, the court may revoke probation and impose
30 any sentence authorized by law. Before taking such
31 action, the court shall give the defendant an
32 opportunity to be heard on any matter relevant to the
33 proposed action. Upon violation of the conditions of
34 probation, the court may proceed as provided in
35 chapter 908.

36 Sec. 53. Section 907.3, subsection 3, Code
37 Supplement 1993, is amended to read as follows:

38 3. By record entry at the time of or after
39 sentencing, the court may suspend the sentence and
40 place the defendant on probation upon such terms and
41 conditions as it may require including commitment to
42 an alternate jail facility or a community correctional
43 residential treatment facility for a specific number
44 of days to be followed by a term of probation as
45 specified in section 907.7. A person so committed who
46 has probation revoked shall be given credit for such
47 time served. However, the court shall not suspend the
48 minimum term of two days imposed pursuant to section
49 708.2A, and the court shall not suspend a sentence
50 imposed pursuant to section 236.8 or 236.14 for

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1 contempt or the minimum term of five years imposed by
2 section 124.406, subsection 4.

3 Sec. 54. APPROPRIATION — TRANSFER. For the
4 fiscal year beginning July 1, 1994, and ending June
5 30, 1995, \$362,500 shall be appropriated from the
6 general fund to the governor's alliance on substance
7 abuse to provide one-time grants to community-based
8 correctional programs for replication of the youthful
9 offender program established in Polk county. The
10 governor's alliance on substance abuse may provide a
11 one-time grant of up to \$100,000 to each eligible
12 community-based correctional program, which applies
13 for a grant for a proposal for replication of the
14 youthful offender program to the governor's alliance
15 on substance abuse by September 1, 1994. The
16 governor's alliance on substance abuse shall submit a
17 report to the general assembly regarding the
18 distribution of these funds by January 15, 1995.

19 Sec. 55. APPROPRIATION — TRUANCY AND SCHOOL
20 BEHAVIORAL PROBLEMS. There is appropriated from the
21 general fund of the state to the department of human
22 services for the fiscal year beginning July 1, 1994,
23 and ending June 30, 1995, the following amount, or so
24 much thereof as is necessary, to be used for the
25 purpose designated:

26 For school-based programs addressing truancy and
27 school behavioral problems pursuant to section
28 232.192, subsection 2, as enacted in this Act:
29 \$ 200,000

30 Sec. 56. APPROPRIATION — VIOLENCE PREVENTION
31 CURRICULUM. There is appropriated from the general
32 fund of the state to the department of education for
33 the fiscal year beginning July 1, 1994, and ending
34 June 30, 1995, the following amount, or so much
35 thereof as is necessary, to be used for the following
36 purpose:

37 For implementation of a statewide violence
38 prevention program pursuant to section 280.9B, as
39 enacted in this Act:
40 \$ 75,000

41 Sec. 57. APPROPRIATION — ASSOCIATE JUVENILE
42 JUDGE. There is appropriated from the general fund of
43 the state to the judicial department for the fiscal
44 year beginning July 1, 1994, and ending June 30, 1995,
45 the following amount, or so much thereof as is
46 necessary, to be used for the purpose designated:

47 For an additional associate juvenile judge for a
48 judicial district located in a county with a
49 population over two hundred twenty-five thousand,
50 including salaries, support, maintenance,

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- 1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:
 3 \$ 140,000
 4 FTEs 2.75"
 5 2. Title page, by striking lines 1 through 3 and
 6 inserting the following: "An Act relating to juvenile
 7 justice by establishing or enhancing penalties for
 8 delinquent acts which may be committed by juveniles,
 9 establishing or enhancing penalties for public
 10 offenses relating to juvenile justice, authorizing
 11 searches of student lockers in a school without
 12 advance notice, and making related appropriations."

Kreiman of Davis offered the following amendment H-6091, to the committee amendment H-6057, filed by him and moved its adoption:

H-6091

- 1 Amend the amendment, H-6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 19, by striking the figure
 5 "362,500" and inserting the following: "400,000".

A non-record roll call was requested.

The ayes were 42, nays 50.

Amendment H-6091 lost.

Brand of Benton offered the following amendment H-6123, to the committee amendment H-6057, filed by him from the floor and moved its adoption:

H-6123

- 1 Amend the amendment, H-6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 20 through 32.

Roll call was requested by Brand of Benton and Wise of Lee.

On the question "Shall amendment H-6123, to the committee amendment H-6057, be adopted?" (S.F. 2319)

The ayes were, 45:

Beatty	Bell	Bernau	Black
Brand	Burke	Cataldo	Cohon

Connors	Dickinson	Doderer	Drake
Fallon	Fogarty	Gill	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Henderson	Holveck	Jochum	Koenigs
Kreiman	Larkin	May	McCoy
McKinney	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Running	Schrader	Weigel	Wise
Witt			

The nays were, 50:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Hester	Houser	Hurley	Iverson
Kistler	Klemme	Larson	Lundby
Martin	McNeal	Metcalf	Meyer
Millage	Miller	Plasier	Rafferty
Rants	Renken	Royer	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Welter	Mr. Speaker		
	Van Maanen		

Absent or not voting, 5:

Arnould	Baker	Brammer	Renaud
Shultz			

Amendment H—6123 lost.

Weidman of Cass offered the following amendment H—6128, to the committee amendment H—6057, filed by him and Kreiman from the floor and moved its adoption:

H—6128

- 1 Amend the amendment, H—6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 32 the
- 5 following:
- 6 "Sec. _____. Section 123.3, subsection 19, Code
- 7 Supplement 1993, is amended to read as follows:
- 8 19. "Legal age" means ~~nineteen~~ twenty-one years of
- 9 age or more.
- 10 Sec. _____. Section 123.47, Code 1993, is amended to
- 11 read as follows:
- 12 123.47 PERSONS UNDER THE AGE OF ~~EIGHTEEN~~ TWENTY-
- 13 ONE.

14 A person shall not sell, give, or otherwise supply
15 alcoholic liquor, wine, or beer to any person knowing
16 or having reasonable cause to believe that person to
17 be under the age of ~~eighteen~~ twenty-one, and a person
18 or persons under the age of ~~eighteen~~ twenty-one shall
19 not individually or jointly have alcoholic liquor,
20 wine, or beer in their possession or control; except
21 in the case of liquor, wine, or beer given or
22 dispensed to a person under the age of ~~eighteen~~
23 twenty-one within a private home and with the
24 knowledge, presence, and consent of the parent or
25 guardian for beverage or medicinal purposes or as
26 administered to the person by either a physician or
27 dentist for medicinal purposes and except to the
28 extent that a person under the age of ~~eighteen~~ twenty-
29 one may handle alcoholic beverages, wine, and beer
30 during the regular course of the person's employment
31 by a liquor control licensee, or wine or beer
32 permittee under this chapter.

33 A person, age ~~eighteen, nineteen, or twenty~~, other
34 than a licensee or permittee, who commits a first
35 offense under this section commits a scheduled
36 violation of section 805.8, subsection 10. A person,
37 age ~~eighteen, nineteen, or twenty~~, other than a
38 licensee or permittee, who commits a second or
39 subsequent violation of this section, commits a simple
40 misdemeanor. A licensee or permittee who violates
41 this section with respect to a person who is age
42 nineteen or twenty is guilty of a simple misdemeanor
43 punishable by a fine of not more than fifty dollars.
44 The penalty provided under this section against a
45 licensee or permittee who violates this section with
46 respect to a person who is age ~~nineteen or twenty~~ is
47 the only penalty which shall be imposed against a
48 licensee or permittee who violates this section. A
49 licensee or permittee who violates this section with
50 respect to a person who is ~~age eighteen~~ commits a

Page 2

1 simple misdemeanor, and is subject to the criminal and
2 civil penalties provided pursuant to sections 123.49
3 and 123.50 with respect to selling, giving, or
4 otherwise supplying alcoholic beverages, liquor, wine,
5 or beer to persons under legal age."

6 2. Page 11, by inserting before line 42 the
7 following:

8 "Sec. _____. Section 321.216B, Code Supplement 1993,
9 is amended to read as follows:

10 321.216B USE OF MOTOR VEHICLE LICENSE BY UNDERAGE
11 PERSON TO OBTAIN ALCOHOL.

12 A person who is under the age of twenty-one, who

13 alters or displays or has in the person's possession a
 14 fictitious or fraudulently altered motor vehicle
 15 license and who uses the license to violate or attempt
 16 to violate section 123.47 or 123.47A, commits a simple
 17 misdemeanor. The court shall forward a copy of the
 18 conviction or order of adjudication under section
 19 232.47 to the department."

20 3. Page 14, by inserting after line 4 the
 21 following:

22 "Sec. _____. Section 805.8, subsection 10, Code
 23 Supplement 1993, is amended to read as follows:

24 10. ALCOHOLIC BEVERAGE VIOLATIONS. For violations
 25 of section ~~123.47A~~ 123.47, which constitute first
 26 offenses as provided in that section, the scheduled
 27 fine is fifteen dollars."

28 4. Page 19, by inserting after line 2 the
 29 following:

30 "Sec. _____. Section 123.47A, Code 1993, is
 31 repealed."

32 5. By renumbering as necessary.

Amendment H—6128 was adopted.

McKinney of Dallas offered the following amendment H—6107,
 to the committee amendment H—6057, filed by him and moved its
 adoption:

H—6107

1 Amend the amendment, H—6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:

4 1. By striking page 1, line 49 through page 2,
 5 line 10 and inserting the following: "person or will
 6 endanger that person. The juvenile court officer
 7 shall notify the elementary or secondary school the
 8 person attends, if any, and the superintendent of the
 9 school district, the superintendent's designee, or the
 10 authorities in charge of the nonpublic school of the
 11 person's adjudication or entering into an informal
 12 adjustment agreement for the violation of section
 13 123.47. A reasonable attempt to".

14 2. Page 5, by striking lines 25 through 36 and
 15 inserting the following: "the person or will endanger
 16 that person. The juvenile court officer shall notify
 17 the elementary or secondary school the person attends,
 18 if any, and the superintendent of the school district,
 19 the superintendent's designee, or the authorities in
 20 charge of the nonpublic school of the person's
 21 adjudication or entering into an informal adjustment
 22 agreement for possession of a controlled substance,
 23 counterfeit substance, or simulated controlled

- 24 substance in violation of this chapter. A reasonable
 25 attempt to notify the person".
 26 3. Page 6, by striking lines 36 through 44.
 27 4. Page 8, by striking lines 2 through 13 and
 28 inserting the following: "amended by adding the
 29 following new subsection:"
 30 5. By renumbering as necessary.

Roll call was requested by Hansen of Woodbury and Shoultz of Black Hawk.

Rule 75 was invoked.

On the question "Shall amendment H-6107, to the committee amendment H-6057, be adopted?" (S.F. 2319)

The ayes were, 44:

Arnould	Baker	Beatty	Bernau
Black	Brand	Burke	Cataldo
Cohoon	Connors	Dickinson	Doderer
Fallon	Fogarty	Gill	Hammond
Hansen, S. D.	Harper	Haverland	Henderson
Holveck	Jochum	Koenigs	Kreiman
Larkin	May	McCoy	McKinney
Mertz	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	Ollie
Peterson	Renaud	Running	Schrader
Shoultz	Weigel	Wise	Witt

The nays were, 53:

Beaman	Bell	Blodgett	Boddicker
Branstad	Brauns	Brunkhorst	Carpenter
Churchill	Corbett	Daggett	Dinkla
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Hester	Houser
Hurley	Iverson	Kistler	Klemme
Larson	Lundby	Martin	McNeal
Metcalf	Meyer	Millage	Miller
O'Brien	Plasier	Rafferty	Rants
Renken	Royer	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Welter
Mr. Speaker			
Van Maanen			

Absent or not voting, 3:

Brammer	Grundberg	Osterberg
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Amendment H-6107 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, until his return, on request of Baker of Polk.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H—6108, filed by him on April 11, 1994.

Kreiman of Davis offered the following amendment H—6089, to the committee amendment H—6057, filed by him and moved its adoption:

H—6089

- 1 Amend the amendment, H—6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 1, line 33, through page 2,
- 5 line 12.
- 6 2. Page 5, by striking lines 9 through 38.
- 7 3. Page 6, by striking lines 36 through 44.
- 8 4. By renumbering as necessary.

Roll call was requested by Martin of Scott and Boddicker of Cedar.

Rule 75 was invoked.

On the question "Shall amendment H—6089, to the committee amendment H—6057, be adopted?" (S.F. 2319)

The ayes were, 24:

Baker	Beatty	Bernau	Black
Cataldo	Doderer	Fallon	Gill
Hammond	Hansen, S. D.	Harper	Haverland
Holveck	Jochum	Kreiman	McKinney
Moreland	Myers	Nelson	Neuhauser
Ollie	Running	Shoultz	Weigel

The nays were, 70:

Beaman	Bell	Blodgett	Boddicker
Branstad	Brauns	Brunkhorst	Burke
Churchill	Cohoon	Connors	Corbett
Daggett	Dickinson	Dinkla	Drake
Eddie	Ertl	Fogarty	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Henderson	Hester
Houser	Hurley	Iverson	Kistler
Klemme	Koenigs	Larkin	Larson
Lundby	Martin	May	McCoy

McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Mundie	Murphy
O'Brien	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Schrader	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

Absent or not voting, 6:

Arnould	Brammer	Brand	Carpenter
Grundberg	Osterberg		

Amendment H—6089 lost.

Kreiman of Davis offered amendment H—6093, to the committee amendment H—6057, filed by him and requested division as follows:

H—6093

- 1 Amend the amendment, H—6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H—6093A

- 4 1. Page 2, by striking lines 13 through 26.

H—6093B

- 5 2. Page 6, by inserting after line 44 the
- 6 following:
- 7 "Sec. _____. Section 232.29, subsection 2, Code
- 8 1993, is amended to read as follows:
- 9 2. An informal adjustment agreement may prohibit a
- 10 child from driving a motor vehicle for a specified
- 11 period of time or under specific circumstances,
- 12 require the child to perform a work assignment of
- 13 value to the state or to the public, or require the
- 14 child to make restitution consisting of a monetary
- 15 payment to the victim or a work assignment directly of
- 16 value to the victim."
- 17 3. Page 7, by inserting after line 26 the
- 18 following:
- 19 "Sec. _____. Section 232.46, subsection 1, Code
- 20 1993, is amended to read as follows:
- 21 1. At any time after the filing of a petition and
- 22 prior to entry of an order of adjudication pursuant to
- 23 section 232.47, the court may suspend the proceedings
- 24 on motion of the county attorney or the child's
- 25 counsel, enter a consent decree, and continue the case
- 26 under terms and conditions established by the court.
- 27 These terms and conditions may include prohibiting a
- 28 child from driving a motor vehicle for a specified

H-6093B

29 period of time or under specific circumstances, or the
 30 supervision of the child by a juvenile court officer
 31 or other agency or person designated by the court, and
 32 may include the requirement that the child perform a
 33 work assignment of value to the state or to the public
 34 or make restitution consisting of a monetary payment
 35 to the victim or a work assignment directly of value
 36 to the victim.

37 Sec. _____. Section 232.52, subsection 2, paragraph
 38 a, Code 1993, is amended by adding the following new
 39 subparagraph:

40 NEW SUBPARAGRAPH. (4) That the child shall not
 41 operate a motor vehicle for a specified period of time
 42 or under specified condition."

H-6093A

43 4. Page 11, by striking lines 23 through 41.

H-6093B

44 5. By renumbering as necessary.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-6093A.

McCoy of Polk offered the following amendment H-6117, to the committee amendment H-6057, filed by him from the floor and moved its adoption:

H-6117

1 Amend the amendment, H-6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 3, line 47, by inserting after the word
 5 "school," the following: "vocational school, public
 6 or private community college, college, or
 7 university,".

8 2. Page 3, line 48, by inserting after the word
 9 "park," the following: "public swimming pool, public
 10 or private youth center, or on a marked school bus,".

11 3. Page 4, line 11, by inserting after the word
 12 "school," the following: "vocational school, public
 13 or private community college, college, or
 14 university,".

15 4. Page 4, line 12, by inserting after the word
 16 "park," the following: "public swimming pool, public
 17 or private youth center, or on a marked school bus,".

18 5. Page 4, line 31, by inserting after the word
 19 "school," the following: "vocational school, public
 20 or private community college, college, or

21 university,"

22 6. Page 4, line 32, by inserting after the word

23 "park," the following: "public swimming pool, public

24 or private youth center, or on a marked school bus,".

Roll call was requested by McCoy of Polk and Cataldo of Polk.

On the question "Shall amendment H—6117, to the committee amendment H—6057, be adopted?" (S.F. 2319)

The ayes were, 60:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brunkhorst	Burke
Cataldo	Churchill	Cohoon	Connors
Dickinson	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gries	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Harper	Haverland	Henderson
Holveck	Hurley	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Martin	May	McCoy
McKinney	Mertz	Moreland	Mundie
Murphy	Nelson	Neuhauser	O'Brien
Ollie	Rants	Renaud	Running
Schrader	Shoultz	Siegrist	Weidman
Weigel	Welter	Wise	Witt

The nays were, 33:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Carpenter	Corbett	Daggett
Dinkla	Gill	Gipp	Greig
Greiner	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. R.	Hester	Houser	Iverson
Lundby	McNeal	Metcalf	Meyer
Millage	Miller	Myers	Rafferty
Renken	Royer	Spenner	Vande Hoef
Mr. Speaker			
Van Maanen			

Absent or not voting, 7:

Brammer	Brand	Grundberg	Osterberg
Peterson	Plasier	Tyrrell	

Amendment H—6117 was adopted, placing out of order amendment H—6121, to the committee amendment H—6057, filed by Larson of Linn from the floor.

McCoy of Polk offered the following amendment H—6119, to the committee amendment H—6057, filed by him from the floor and moved its adoption:

H-6119

1 Amend the amendment, H-6057, to Senate File 2319 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by inserting after line 50 the
5 following:

6 "A person convicted of a second or subsequent
7 violation of this section shall be sentenced to an
8 additional period of confinement of five years. The
9 judge may, at the judge's discretion, also impose a
10 fine of up to ten thousand dollars. A person paroled
11 or placed on probation for a violation of this section
12 shall be committed to the supervision of the
13 appropriate judicial district department of
14 correctional services' community-based correctional
15 program.

16 Notwithstanding any other provision regarding the
17 distribution of fines, moneys received from the fine
18 imposed under this section shall be distributed by the
19 clerk of the district court to the county in which the
20 violation occurred and used to fund substance abuse
21 prevention and treatment programs."

Amendment H-6119 lost.

McCoy of Polk offered the following amendment H-6118, to the
committee amendment H-6057, filed by him from the floor:

H-6118

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 4, by inserting before line 1 the
5 following:

6 "Sec. _____. NEW SECTION. 124.401B POSSESSION OF
7 CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY -
8 ADDITIONAL PENALTY.

9 In addition to any other penalties provided in this
10 chapter or another chapter, a person who unlawfully
11 possesses a substance listed in schedule I, II, or
12 III, or a simulated controlled substance represented
13 to be a controlled substance classified in schedule I,
14 II, or III, in or on, or within one thousand feet of
15 the real property comprising a public or private
16 elementary, secondary or vocational school, public or
17 private community college, college, or university,
18 public park, public swimming pool, public or private
19 youth center, or on a marked school bus, shall be
20 sentenced to one hundred hours of community service
21 work for a public agency or a nonprofit charitable
22 organization. The court shall provide the offender
23 with a written statement of the terms and monitoring
24 provisions of the community service."

25 2. By renumbering as necessary.

Millage of Scott in the chair at 4:53 p.m.

McCoy of Polk moved the adoption of amendment H—6118, to the committee amendment H—6057.

Roll call was requested by McCoy of Polk and Cataldo of Polk.

On the question "Shall amendment H—6118, to the committee amendment H—6057, be adopted?" (S.F. 2319)

The ayes were, 45:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brand	Burke
Cataldo	Cohoon	Connors	Dickinson
Eddie	Fallon	Fogarty	Gill
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Holveck	Jochum
Koenigs	Kreiman	Larkin	May
McCoy	McKinney	Mertz	Moreland
Mundie	Murphy	Nelson	O'Brien
Ollie	Osterberg	Renaud	Running
Schrader	Shoultz	Weigel	Wise
Witt			

The nays were, 51:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Doderer
Drake	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Hester	Houser	Hurley	Iverson
Kistler	Klemme	Larson	Martin
McNeal	Metcalf	Meyer	Miller
Myers	Neuhauser	Plasier	Rafferty
Rants	Renken	Royer	Siegrist
Spenner	Tyrrell	Vande Hoef	Van Maanen, Spkr.
Weidman	Welter	Millage, Presiding	

Absent or not voting, 4:

Brammer	Grundberg	Lundby	Peterson
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Amendment H—6118 lost.

Kreiman of Davis offered the following amendment H—6127, to the committee amendment H—6057, filed by him from the floor and moved its adoption:

H—6127

- 1 Amend the amendment, H—6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. By striking page 5, line 39 through page 6,
- 5 line 7.
- 6 2. Page 11, by striking lines 9 through 22.
- 7 3. Page 11, by striking lines 32 through 41.
- 8 4. By renumbering as necessary.

Amendment H—6127 lost.

Doderer of Johnson offered the following amendment H—6116, to the committee amendment H—6057, filed by her from the floor:

H—6116

1 Amend the amendment, H—6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 6, by inserting after line 7 the
5 following:

6 "Sec. _____. Section 232.2, subsection 22, Code
7 1993, is amended by adding the following new
8 unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Unless otherwise
10 enlarged or circumscribed by a court or juvenile court
11 having jurisdiction over the child or by operation of
12 law, the duties of a guardian ad litem with respect to
13 a child shall include the following:

14 a. Conducting in-person interviews with the child
15 and each parent, guardian, or other person having
16 custody of the child.

17 b. Visiting the home, residence, or both home and
18 residence of the child and any prospective home or
19 residence of the child.

20 c. Interviewing any person providing medical,
21 social, educational, or other services to the child.

22 d. Obtaining first-hand knowledge, if possible, of
23 the facts, circumstances, and parties involved in the
24 matter in which the person is appointed guardian ad
25 litem.

26 e. Attending any hearings in the matter in which
27 the person is appointed as the guardian ad litem.

28 Persons who are guardians ad litem for a child
29 shall not also be the attorney for any party, other
30 than the child, in any proceeding involving or
31 regarding the child."

32 2. By renumbering as necessary.

Martin of Scott rose on a point of order that amendment H—6116 was not germane, to the committee amendment H—6057.

The Speaker ruled the point well taken and amendment H—6116 not germane, to the committee amendment H—6057.

Doderer of Johnson moved to suspend the rules to consider amendment H-6116.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 44, nays 48.

The motion to suspend the rules lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Grundberg of Polk, for the remainder of the day, on request of Siegrist of Pottawattamie.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-6100, to the committee amendment H-6057, filed by him on April 11, 1994.

McKinney of Dallas offered the following amendment H-6103, to the committee amendment H-6057, filed by him:

H-6103

- 1 Amend the amendment, H-6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 6, by striking lines 8 through 28.
- 5 2. By renumbering as necessary.

Spenner of Henry in the chair at 5:27 p.m.

McKinney of Dallas moved the adoption of amendment H-6103, to the committee amendment H-6057.

Roll call was requested by Martin of Scott and Moreland of Wapello.

On the question "Shall amendment H-6103, to the committee amendment H-6057, be adopted?" (S.F. 2319)

The ayes were, 42:

Baker	Beatty	Bell	Bernau
Black	Brand	Burke	Cataldo
Cohoon	Dickinson	Doderer	Fogarty
Gill	Hammond	Hansen, S. D.	Harper
Haverland	Holveck	Jochum	Koenigs
Kreiman	Larkin	Lundby	May
McKinney	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	Neuhausser

O'Brien	Ollie	Osterberg	Renaud
Running	Schrader	Shoultz	Weigel
Wise	Witt		

The nays were, 54:

Arnould	Beaman	Blodgett	Boddicker
Branstad	Brauns	Brunkhorst	Carpenter
Churchill	Connors	Corbett	Daggett
Dinkla	Drake	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. E.	Henderson
Hester	Houser	Hurley	Iverson
Kistler	Klemme	Larson	Martin
McCoy	McNeal	Metcalf	Meyer
Millage	Miller	Plasier	Rafferty
Rants	Renken	Royer	Siegrist
Tyrrell	Vande Hoef	Van Maanen, Spkr.	Weidman
Welter	Spenner, Presiding		

Absent or not voting, 4:

Brammer	Grundberg	Hanson, D. R.	Peterson
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Amendment H—6103 lost.

Kreiman of Davis offered amendment H—6093B, to the committee amendment H—6057, filed by him and moved its adoption.

Amendment H—6093B was adopted.

Burke of Marshall offered the following amendment H—6113, to the committee amendment H—6057, filed by him from the floor and moved its adoption:

H—6113

- 1 Amend the amendment, H—6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, by inserting after line 4 the
- 5 following:
- 6 "Sec. _____. Section 232.44, subsection 1, Code
- 7 1993, is amended by adding the following new
- 8 unnumbered paragraph:
- 9 NEW UNNUMBERED PARAGRAPH. If the child is placed
- 10 in a detention facility in a county other than the
- 11 county in which the child resides or in which the
- 12 delinquent act allegedly occurred but which is within
- 13 the same judicial district, the hearing may take place
- 14 in the county in which the detention facility is

15 located and may take place by telephone conference
16 call."

17 2. Page 9, line 31, by inserting after the word
18 "notification" the following: "by the child's
19 guardian ad litem or legal counsel".

20 3. Page 14, by inserting after line 4 the
21 following:

22 "Sec. _____. Section 726.6, subsections 2 and 3,
23 Code 1993, are amended to read as follows:

24 2. a. A person who commits three or more acts of
25 child endangerment resulting in serious injury to a
26 child or minor is guilty of a class "B" felony.

27 b. A Except as otherwise provided in paragraph
28 "a", a person who commits child endangerment resulting
29 in serious injury to a child or minor is guilty of a
30 class "C" felony.

31 c. A person who commits three or more acts of
32 child endangerment not resulting in serious injury to
33 a child or minor is guilty of a class "C" felony.

34 3 d. A Except as otherwise provided in paragraph
35 "c", a person who commits child endangerment not
36 resulting in serious injury to a child or minor is
37 guilty of an aggravated misdemeanor."

38 4. By renumbering as necessary.

Amendment H-6113 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-6106, to the committee amendment H-6057, filed by him on April 11, 1994.

Kreiman of Davis offered the following amendment H-6099, to the committee amendment H-6057, filed by him and moved its adoption:

H-6099

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 7, by inserting before line 27 the
5 following:

6 "Sec. _____. Section 232.52, subsection 2, paragraph
7 c, Code 1993, is amended by adding the following new
8 unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. A parent or guardian may
10 be required by the juvenile court to participate in
11 educational or treatment programs as part of a
12 probation plan if the court determines it to be in the
13 best interest of the child. A parent or guardian who
14 does not participate in the probation plan when
15 required to do so by the court may be held in
16 contempt."

17 2. By renumbering as necessary.

Amendment H-6099 lost.

Dickinson of Jackson offered the following amendment H—6094, to the committee amendment H—6057, filed by him and moved its adoption:

H—6094

1 Amend the amendment, H—6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 7, by inserting after line 50 the
5 following:

6 "Sec. _____. Section 232.141, subsection 8, Code
7 Supplement 1993, is amended to read as follows:

8 8. This subsection applies only to placements in a
9 juvenile shelter care home which is publicly owned,
10 operated as a county or multicounty shelter care home,
11 organized under a chapter 28E agreement, or operated
12 by a private juvenile shelter care home. If the
13 actual and allowable costs of a child's shelter care
14 placement exceed the amount the department is
15 authorized to pay in accordance with law and
16 administrative rule, the unpaid costs may be recovered
17 from the child's county of legal settlement state.
18 However, the maximum amount of the unpaid costs which
19 may be recovered under this subsection is limited to
20 the difference between the amount the department is
21 authorized to pay and the statewide average of the
22 actual and allowable rates in effect in May of the
23 preceding fiscal year for reimbursement of juvenile
24 shelter care homes. In no case shall the home be
25 reimbursed for more than the home's actual and
26 allowable costs. The unpaid costs are payable
27 pursuant to filing of verified claims against the
28 county of legal settlement state, through the
29 department. A detailed statement of the facts upon
30 which a claim is based shall accompany the claim. Any
31 dispute between counties arising from filings of
32 claims pursuant to this subsection shall be settled in
33 the manner provided to determine legal settlement in
34 section 230.12."

35 2. Page 12, by inserting after line 41 the
36 following:

37 "Sec. _____. NEW SECTION. 709C.1 SEXUALLY VIOLENT
38 PREDATOR ACT.

39 This chapter shall be known as the "Sexually
40 Violent Predator Act".

41 Sec. _____. NEW SECTION. 709C.2 DEFINITIONS.

42 As used in this chapter, unless the context clearly
43 requires otherwise:

44 1. "Mental abnormality" means a congenital or
45 acquired condition affecting the emotional or
46 volitional capacity which predisposes the person to
47 the commission of criminal sexual acts in a degree
48 constituting the person a menace to the health and
49 safety of others.

50 2. "Predatory" means acts directed towards

Page 2

1 strangers or individuals with whom a relationship has
2 been established or promoted for the primary purpose
3 of victimization.

4 3. "Sexually violent offense" means an act which
5 is at least one of the following:

6 a. A public offense under section 709.2, 709.3,
7 709.4, 709.8, 709.11, 709.12, or 709.14.

8 b. Murder in the first degree or second degree
9 under section 707.2 or 707.3, assault under section
10 708.1, domestic abuse assault under section 708.2A,
11 kidnapping in the first degree or in the second degree
12 under section 710.2 or 710.3, burglary or attempted
13 burglary in the first degree under section 713.3 or
14 713.4, which is determined beyond a reasonable doubt
15 at the time of sentencing or during civil commitment
16 proceedings subsequent to the offense to have been
17 sexually motivated.

18 c. A felony offense under federal law or the law
19 of another state which is equivalent to one of the
20 offenses listed in paragraph "a" or "b".

21 d. A violation of chapter 705 or 706 regarding an
22 offense listed in paragraph "a", "b", or "c".

23 4. "Sexually violent predator" means a person who
24 has been convicted of or charged with a sexually
25 violent offense and who suffers from a mental
26 abnormality or personality disorder which makes the
27 person likely to engage in predatory acts of sexual
28 violence.

29 Sec. _____. NEW SECTION. 709C.3 SEXUALLY VIOLENT
30 PREDATOR PETITION.

31 1. The county attorney or the attorney general at
32 the request of the county attorney, may file a
33 petition alleging that a person is a sexually violent
34 predator. The petition shall state sufficient facts
35 to support the allegation.

36 2. A petition may be filed in the following
37 circumstances:

38 a. The person has been convicted of, plead guilty
39 to, or been adjudicated delinquent for committing a
40 sexually violent offense.

41 b. The person has been found not guilty of a
42 sexually violent offense by reason of insanity, or has
43 been found incompetent to stand trial for allegedly
44 committing a sexually violent offense.

45 c. The person is within ninety days of release
46 from a facility to which the person was committed
47 pursuant to the determination made in either paragraph
48 "a" or "b".

49 Sec. _____. NEW SECTION. 709C.4 JUDICIAL
50 DETERMINATION - TRANSFER FOR EVALUATION.

Page 3

1 Upon the filing of a petition under section 709C.3,
2 if the court determines that probable cause exists to
3 believe that the person named in the petition is a
4 sexually violent predator the court shall transfer a
5 person to an appropriate facility for evaluation as to
6 whether the person is a sexually violent predator.
7 The evaluation shall be conducted by a person deemed
8 to be professionally qualified to conduct the
9 examination pursuant to rules adopted by the
10 department of corrections in consultation with the
11 department of human services and the criminal and
12 juvenile justice planning division of the department
13 of human rights.

14 Sec. _____. NEW SECTION. 709C.5 TRIAL -- RIGHTS OF
15 PARTIES.

16 Not later than forty-five days after the filing of
17 a petition pursuant to section 709C.3, the court shall
18 conduct a trial to determine whether the person is a
19 sexually violent predator. At all stages of the
20 proceedings under this chapter, any person subject to
21 this chapter shall be entitled to the assistance of
22 counsel, and if the person is indigent, the court
23 shall appoint counsel to assist the person. If a
24 person is subjected to an examination under this
25 chapter, the person may retain experts or professional
26 persons to perform an examination on the person's
27 behalf. The person may be examined by a qualified
28 expert or professional person of the person's
29 choosing, and the expert or professional shall have
30 reasonable access to the person for the purpose of the
31 examination, as well as to all relevant medical and
32 psychological records and reports. In the case of a
33 person who is indigent, the court shall, upon the
34 person's request, assist the person in obtaining an
35 expert or professional person to perform an
36 examination or participate in the trial on the
37 person's behalf. The person, the county attorney or
38 the attorney general, or the judge shall have the
39 right to demand that the trial be before a jury, if
40 the person is an adult or a juvenile who has been
41 waived to the district court. If no demand is made,
42 or if the person is a juvenile who has not been waived
43 to the district court, the trial shall be to the court
44 or the juvenile court as applicable.

45 Sec. _____. NEW SECTION. 709C.6 TRIAL -- DETER-
46 MINATION -- COMMITMENT PROCEDURES.

47 1. The court or jury shall determine whether,
48 beyond a reasonable doubt, the person is a sexually
49 violent predator. If the state alleges that the prior
50 sexually violent offense that forms the basis for the

Page 4

1 petition for commitment was an act that was sexually
2 motivated, the state shall prove beyond a reasonable
3 doubt that the alleged sexually violent act was
4 sexually motivated. If the court or jury determines
5 that the person is a sexually violent predator, the
6 person shall be committed to the custody of the
7 department of human services in a secure facility for
8 control, care, and treatment until such time as the
9 person's mental abnormality of personality disorder
10 has so changed that the person is safe to be at large.
11 This control, care, and treatment shall be provided at
12 a facility operated by the department of human
13 services, however, adults and juveniles shall not be
14 sent to the same facility. If the court or jury does
15 not find beyond a reasonable doubt that the person is
16 a sexually violent predator, the court shall order the
17 person to be released in accordance with the terms of
18 the person's sentence.

19 2. If the person charged with a sexually violent
20 offense has been found incompetent to stand trial, and
21 is about to or has been released and the person's
22 commitment is sought pursuant to subsection 1, the
23 court shall first hear evidence and determine whether
24 the person did commit the act or acts charged if the
25 court did not enter a finding prior to dismissal due
26 to incompetence that the person committed the act or
27 acts charged. The hearing on this issue shall comply
28 with all the procedures specified in this section. In
29 addition, the rules of evidence applicable in criminal
30 cases shall apply, and all constitutional rights
31 available to defendants at criminal trials, other than
32 the right not to be tried while incompetent, shall
33 apply. After hearing evidence on this issue, the
34 court shall make specific findings on whether the
35 person did commit the act charged, the extent to which
36 the person's incompetence or developmental disability
37 affected the outcome of the hearing, including its
38 effect on the person's ability to consult with and
39 assist counsel and to testify on the person's own
40 behalf, the extent to which the evidence could be
41 reconstructed without the assistance of the person,
42 and the strength of the prosecution's case. If, after
43 the conclusion of the hearing on the issue, the court
44 finds beyond a reasonable doubt that the person did
45 commit the act charged, the court shall enter a final
46 order, appealable by the person, on that issue, and
47 may proceed to consider whether the person should be
48 committed pursuant to this section.

49 Sec. _____. NEW SECTION. 709C.7 ANNUAL
50 EXAMINATIONS.

Page 5

1 Each person committed under this chapter shall have
2 a current examination of the person's mental condition
3 made at least once every year. The person may retain,
4 or if the person is indigent and so requests, the
5 court may appoint, a qualified expert or a
6 professional person to examine the person, and the
7 expert or professional person shall have access to all
8 records concerning the person. The periodic report
9 shall be provided to the court that committed the
10 person under this chapter.

11 Sec. _____. NEW SECTION. 709C.8 PETITION FOR
12 RELEASE - PROCEDURES.

13 1. If the director of the department of human
14 services determines that the person's mental
15 abnormality or personality disorder has so changed
16 that the person is not likely to engage in predatory
17 acts of sexual violence if released, the director
18 shall authorize the person to petition the court for
19 release. The petition shall be served upon the court
20 and the county attorney. The court, upon receipt of
21 the petition for release, shall order a hearing on the
22 petition to be held not later than forty-five days
23 after the date of service of the petition. The county
24 attorney or the attorney general, if requested by the
25 county, shall represent the state, and shall have the
26 right to have the petitioner examined by an expert or
27 professional person of county attorney's or attorney
28 general's choice. The hearing shall be before a jury
29 if demanded by either the petitioner or the state's
30 counsel. The burden of proof shall be upon the county
31 attorney or attorney general to show beyond a
32 reasonable doubt that the petitioner's mental
33 abnormality or personality disorder remains such that
34 the petitioner is not safe to be at large and that if
35 discharged is likely to engage in predatory acts of
36 sexual violence.

37 2. Nothing contained in this chapter shall
38 prohibit the person from otherwise petitioning the
39 court for discharge without the approval of the
40 director of the department of human services. The
41 director shall provide the committed person with an
42 annual written notice of the person's right to
43 petition the court for release over the director's
44 objection. The notice shall contain a waiver of
45 rights. The director shall forward the notice and
46 waiver form to the court with the annual report. If
47 the person does not affirmatively waive the right to
48 petition, the court shall set a show cause hearing to
49 determine whether facts exist that warrant a hearing
50 on whether the person's condition has so changed that

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1 the person is safe to be at large. The committed
2 person shall have a right to have an attorney
3 represent the person at the show cause hearing but the
4 person is not entitled to be present at the show cause
5 hearing. If the court at the show cause hearing
6 determines that probable cause exists to believe that
7 the person's mental abnormality or personality
8 disorder has so changed that the person is safe to be
9 at large and is not likely to engage in predatory acts
10 of sexual violence if discharged, the court shall set
11 a hearing on the issue. At the hearing the committed
12 person shall be entitled to be present and to the
13 benefit of all constitutional protections that were
14 afforded to the person at the initial commitment
15 proceeding. The county attorney or attorney general
16 shall represent the state and shall have a right to
17 request a jury trial and to have the committed person
18 evaluated by experts chosen by the state. The
19 committed person shall also have the right to have
20 experts evaluate the person on the person's behalf and
21 the court shall appoint an expert if the person is
22 indigent and requests an appointment. The burden of
23 proof at the hearing shall be upon the state to prove
24 beyond a reasonable doubt that the committed person's
25 mental abnormality or personality disorder remains
26 such that the person is not safe to be at large and if
27 released is likely to engage in predatory acts of
28 sexual violence.

29 Sec. _____. NEW SECTION. 709C.9 SUBSEQUENT
30 PETITIONS.

31 Nothing in this chapter shall prohibit a person
32 from filing a petition for discharge pursuant to this
33 chapter. However, if a person has previously filed a
34 petition for discharge without the approval of the
35 director of the department of human services and the
36 court has determined, either upon review of the
37 petition or following a hearing, that the petitioner's
38 petition was frivolous or that the petitioner's
39 condition had not so changed that the petitioner was
40 safe to be at large, the court shall deny the
41 subsequent petition unless the petition contains facts
42 upon which a court could find that the condition of
43 the petitioner has so changed that a hearing is
44 warranted. Upon receipt of a first or subsequent
45 petition from a committed person without the
46 director's approval, the court shall review the
47 petition and determine if the petition is based upon
48 frivolous grounds and if so shall deny the petition
49 without a hearing.

50 Sec. _____. NEW SECTION. 709C.10 RELEASE OF

Page 7

1 INFORMATION AUTHORIZED.

2 Notwithstanding any other provision to the
3 contrary, the director of the department of human
4 services is authorized to release relevant information
5 that is necessary to protect the public, concerning a
6 specific sexually violent predator committed under
7 this chapter."

8 3. By renumbering as necessary.

Martin of Scott rose on a point of order that amendment H—6094 was not germane, to the committee amendment H—6057.

The Speaker ruled the point well taken and amendment H—6094 not germane, to the committee amendment H—6057.

Dickinson of Jackson asked for unanimous consent to suspend the rules to consider amendment H—6094.

Objection was raised.

Dickinson of Jackson moved to suspend the rules to consider amendment H—6094, to the committee amendment H—6057.

Roll call was requested by Dickinson of Jackson and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6094, to the committee amendment H—6057?" (S.F. 2319)

The ayes were, 50:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brand	Burke
Cataldo	Cohoon	Connors	Dickinson
Doderer	Ertl	Fallon	Fogarty
Gill	Grubbs	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Henderson
Hurley	Jochum	Koenigs	Kreiman
Larkin	Lundby	May	McCoy
McKinney	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Renaud
Running	Schrader	Shoultz	Weigel
Wise	Witt		

The nays were, 46:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake

Eddie Greiner	Garman Gries	Gipp Hahn	Greig Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Hester	Houser
Iverson	Kistler	Klemme	Larson
Martin	McNeal	Metcalf	Meyer
Millage	Miller	Plasier	Rafferty
Rants	Renken	Royer	Siegrist
Tyrrell	Vande Hoef	Van Maanen, Spkr.	Weidman
Welter	Spenner, Presiding		

Absent or not voting, 4:

Brammer	Grundberg	Holveck	Peterson
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The motion to suspend the rules lost.

Kreiman of Davis offered the following amendment H-6114, to the committee amendment H-6057, filed by him from the floor and moved its adoption:

H-6114

- 1 Amend the amendment, H-6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, line 2, by striking the word
- 5 "subsections" and inserting the following:
- 6 "subsection".
- 7 2. Page 8, by striking lines 14 through 19.
- 8 3. By striking page 9, line 48 through page 10,
- 9 line 8.
- 10 4. By striking page 14, line 37, through page 18,
- 11 line 8.
- 12 5. By renumbering as necessary.

Amendment H-6114 lost.

Kreiman of Davis asked and received unanimous consent to withdraw the following amendments, to the committee amendment H-6057, filed by him on April 11, 1994: H-6087 and H-6101.

McKinney of Dallas offered the following amendment H-6104, to the committee amendment H-6057, filed by him and moved its adoption:

H-6104

- 1 Amend the amendment, H-6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 8, lines 31 and 32, by striking the words
- 5 "constituting a felony other than a simple
- 6 misdemeanor" and inserting the following:
- 7 "constituting an aggravated misdemeanor or a felony".

Roll call was requested by Martin of Scott and Vande Hoef of Osceola.

On the question "Shall amendment H—6104, to the committee amendment H—6057, be adopted?" (S.F. 2319)

The ayes were, 42:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brand	Burke
Cataldo	Cohoon	Connors	Doderer
Fallon	Fogarty	Gill	Hammond
Hansen, S. D.	Harper	Haverland	Holveck
Jochum	Kreiman	Larkin	May
McKinney	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Renaud
Running	Schrader	Shoultz	Weigel
Wise	Witt		

The nays were, 53:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Daggett	Dinkla	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.
Henderson	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Koenigs
Larson	Lundby	Martin	McCoy
McNeal	Metcalf	Meyer	Millage
Miller	Plasier	Rafferty	Rants
Renken	Royer	Siegrist	Tyrrell
Vande Hoef	Van Maanen, Spkr.	Weidman	Welter
Spenner, Presiding			

Absent or not voting, 5:

Brammer	Corbett	Dickinson	Grundberg
Peterson			

Amendment H—6104 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H—6092, to the committee amendment H—6057, filed by him on April 11, 1994.

McKinney of Dallas offered the following amendment H—6105, to the committee amendment H—6057, filed by him and moved its adoption:

H-6105

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 8, by striking lines 32 through 38 and
5 inserting the following: "simple misdemeanor.
6 However, fingerprint and photograph files of a child
7 who enters into an informal adjustment or consent
8 decree shall be retained only if the child is notified
9 at the time of entering into the informal adjustment
10 or consent decree that the files will be permanently
11 retained by the criminal justice agency. The criminal
12 justice".

Amendment H-6105 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-6086, to the committee amendment H-6057, filed by him on April 11, 1994.

Kreiman of Davis offered the following amendment H-6115, to the committee amendment H-6057, filed by him from the floor and moved its adoption:

H-6115

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 9, by striking lines 3 through 5 and
5 inserting the following: "offense. If the comparison
6 is negative the fingerprint card and other copies of
7 the fingerprints taken shall be immediately destroyed.
8 If the".
9 2. Page 9, by striking lines 13 through 15 and
10 inserting the following: "are taken. If the child is
11 not referred to the court After notification by the
12 child or the child's representative that the child has
13 not had a delinquency petition filed against the child
14 or has not entered into an informal adjustment
15 agreement, the fingerprint card and copies of the
16 fingerprints shall be immediately destroyed."

Amendment H-6115 was adopted, placing out of order amendment H-6098, to the committee amendment H-6057, filed by McKinney of Dallas on April 11, 1994.

McKinney of Dallas asked and received unanimous consent to withdraw amendment H-6102, to the committee amendment H-6057, filed by him on April 11, 1994.

Kreiman of Davis offered the following amendment H—6088, to the committee amendment H—6057, filed by him and moved its adoption:

H—6088

- 1 Amend the amendment, H—6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 10, line 48 through page 11,
- 5 line 8.
- 6 2. Page 19, by striking lines 30 through 40.
- 7 3. By renumbering as necessary.

Amendment H—6088 lost.

Jochum of Dubuque offered the following amendment H—6138, to the committee amendment H—6057, filed by her from the floor:

H—6138

- 1 Amend the amendment, H—6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 12, by inserting after line 21 the
- 5 following:
- 6 "Sec. _____. Section 602.1508, Code 1993, is amended
- 7 to read as follows:
- 8 602.1508 COMPENSATION OF ASSOCIATE JUVENILE
- 9 JUDGES, ASSOCIATE PROBATE JUDGES, SPECIAL MASTERS, AND
- 10 REFEREES.
- 11 Referees Associate juvenile judges, associate
- 12 probate judges, referees, and other persons referred
- 13 to in section 602.6602 shall receive a salary or other
- 14 compensation as set by the supreme court.
- 15 Notwithstanding section 70A.1, vacation and sick leave
- 16 benefits for full-time associate juvenile judges and
- 17 associate probate judges shall be established by the
- 18 supreme court."
- 19 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H—6138 was not germane, to the committee amendment H—6057.

The Speaker ruled the point well taken and amendment H—6138 not germane, to the committee amendment H—6057.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—6129, to the committee amendment H—6057, filed by her from the floor.

Rafferty of Scott offered amendment H—6124, to the committee amendment H—6057, filed by him from the floor. Division was requested as follows:

H-6124

- 1 Amend the amendment, H-6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:

H-6124A

- 4 1. Page 13, by striking line 47 and inserting the
- 5 following: "a reckless manner at or toward an
- 6 individual or at or toward an area where individuals
- 7 would reasonably be expected to be present commits the
- 8 following:"

H-6124B

- 9 2. Page 13, lines 48 and 49, by striking the
- 10 words "or over one thousand dollars of property
- 11 damage".
- 12 3. Page 14, lines 1 and 2, by striking the words
- 13 "or property damage of one thousand dollars or less".
- 14 4. Page 14, by inserting after line 2 the
- 15 following:
- 16 "_____. An aggravated misdemeanor if property damage
- 17 occurs without a serious injury or bodily injury
- 18 occurring."
- 19 5. By renumbering as necessary.

On motion by Rafferty of Scott, amendment H-6124A lost.

On motion by Rafferty of Scott, amendment H-6124B was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-6132, to the committee amendment H-6057, filed by her and Myers from the floor.

Larson of Linn offered the following amendment H-6122, to the committee amendment H-6057, filed by him from the floor:

H-6122

- 1 Amend the amendment, H-6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 14, by inserting after line 36 the
- 5 following:
- 6 "Sec. 1001. Section 808B.9, Code 1993, is amended
- 7 to read as follows:
- 8 808B.9 REPEAL.
- 9 This chapter is repealed effective July 1, 1994
- 10 1999."
- 11 2. Page 20, by inserting after line 4 the

12 following:

13 "Sec. _____. Section 1001 of this Act takes effect
14 June 30, 1994."

15 3. Page 20, line 12, by inserting after the word
16 "notice," the following: "delaying the repeal of the
17 interception of communications law,".

18 4. Page 20, line 12, by inserting after the word
19 "appropriations" the following: "and providing an
20 effective date".

21 5. By renumbering as necessary.

Hansen of Woodbury rose on a point of order that amendment H-6122 was not germane, to the committee amendment H-6057.

The Speaker ruled the point well taken and amendment H-6122 not germane, to the committee amendment H-6057.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-6090, to the committee amendment H-6057, filed by him on April 11, 1994.

Brand of Benton offered the following amendment H-6120, to the committee amendment H-6057, filed by him from the floor and moved its adoption:

H-6120

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 20, by inserting after line 4 the
5 following:

6 "Sec. _____. APPROPRIATION - VIOLENT FEMALE
7 PROGRAM. There is appropriated from the general fund
8 of the state to the department of human services for
9 the fiscal year beginning July 1, 1994, and ending
10 June 30, 1995, the following amount, or so much
11 thereof as is necessary, to be used for an intensive
12 supervision and treatment services program for
13 violent, behaviorally disordered female juveniles at
14 an existing state facility with consideration to
15 reducing out-of-state placements of these female
16 juveniles:
17 \$45,000".

18 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 46.

Amendment H-6120 lost.

Halvorson of Webster offered the following amendment H-6134, to the committee amendment H-6057, filed by him from the floor and moved its adoption:

H-6134

- 1 Amend the amendment, H-6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4 and inserting
- 5 the following:
- 6 " _____. By striking page 1, line 1 through page 7,
- 7 line 8 and inserting the following:"
- 8 2. Page 20, by inserting after line 4 the
- 9 following:
- 10 " _____. By striking page 8, line 18 through page
- 11 17, line 26.
- 12 _____. By striking page 18, line 4 through page 19,
- 13 line 4."
- 14 3. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 51.

Amendment H-6134 lost.

Neuhauser of Johnson offered the following amendment H-6137, to the committee amendment H-6057, filed by her from the floor and moved its adoption:

H-6137

- 1 Amend the amendment, H-6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 4, by inserting before line 1 the
- 5 following:
- 6 "Sec. _____. NEW SECTION. 124.401B POSSESSION OF
- 7 CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY -
- 8 ADDITIONAL PENALTY.
- 9 In addition to any other penalties provided in this
- 10 chapter or another chapter, a person who unlawfully
- 11 possesses a substance listed in schedule I, II, or
- 12 III, or a simulated controlled substance represented
- 13 to be a controlled substance classified in schedule I,
- 14 II, or III, in or on, or within one thousand feet of
- 15 the real property comprising a public or private
- 16 elementary, secondary or vocational school, public or
- 17 private community college, college, or university,
- 18 public park, public swimming pool, public or private

19 youth center, or on a marked school bus, may be
 20 sentenced to one hundred hours of community service
 21 work for a public agency or a nonprofit charitable
 22 organization. The court shall provide the offender
 23 with a written statement of the terms and monitoring
 24 provisions of the community service."
 25 2. By renumbering as necessary.

Amendment H—6137 was adopted.

Dickinson of Jackson offered the following amendment H—6142,
 to the committee amendment H—6057, filed by him from the floor
 and moved its adoption:

H—6142

1 Amend the amendment, H—6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:

4 1. Page 12, by inserting after line 41 the
 5 following:

6 "Sec. _____. NEW SECTION. 709C.1 SEXUALLY VIOLENT
 7 PREDATOR ACT.

8 This chapter shall be known as the "Sexually
 9 Violent Predator Act".

10 Sec. _____. NEW SECTION. 709C.2 DEFINITIONS.

11 As used in this chapter, unless the context clearly
 12 requires otherwise:

13 1. "Mental abnormality" means a congenital or
 14 acquired condition affecting the emotional or
 15 volitional capacity which predisposes the person to
 16 the commission of criminal sexual acts in a degree
 17 constituting the person a menace to the health and
 18 safety of others.

19 2. "Predatory" means acts directed towards
 20 strangers or individuals with whom a relationship has
 21 been established or promoted for the primary purpose
 22 of victimization.

23 3. "Sexually violent offense" means an act which
 24 is at least one of the following:

25 a. A public offense under section 709.2, 709.3,
 26 709.4, 709.8, 709.11, 709.12, or 709.14.

27 b. Murder in the first degree or second degree
 28 under section 707.2 or 707.3, assault under section
 29 708.1, domestic abuse assault under section 708.2A,
 30 kidnapping in the first degree or in the second degree
 31 under section 710.2 or 710.3, burglary or attempted
 32 burglary in the first degree under section 713.3 or
 33 713.4, which is determined beyond a reasonable doubt
 34 at the time of sentencing or during civil commitment
 35 proceedings subsequent to the offense to have been
 36 sexually motivated.

37 c. A felony offense under federal law or the law
 38 of another state which is equivalent to one of the
 39 offenses listed in paragraph "a" or "b".

40 d. A violation of chapter 705 or 706 regarding an

41 offense listed in paragraph "a", "b", or "c".

42 4. "Sexually violent predator" means a person who
43 has been convicted of or charged with a sexually
44 violent offense and who suffers from a mental
45 abnormality or personality disorder which makes the
46 person likely to engage in predatory acts of sexual
47 violence.

48 Sec. _____. NEW SECTION. 709C.3 SEXUALLY VIOLENT
49 PREDATOR PETITION.

50 1. The county attorney or the attorney general at

Page 2

1 the request of the county attorney, may file a
2 petition alleging that a person is a sexually violent
3 predator. The petition shall state sufficient facts
4 to support the allegation.

5 2. A petition may be filed in the following
6 circumstances:

7 a. The person has been convicted of, plead guilty
8 to, or been adjudicated delinquent for committing a
9 sexually violent offense.

10 b. The person has been found not guilty of a
11 sexually violent offense by reason of insanity, or has
12 been found incompetent to stand trial for allegedly
13 committing a sexually violent offense.

14 c. The person is within ninety days of release
15 from a facility to which the person was committed
16 pursuant to the determination made in either paragraph
17 "a" or "b".

18 Sec. _____. NEW SECTION. 709C.4 JUDICIAL
19 DETERMINATION - TRANSFER FOR EVALUATION.

20 Upon the filing of a petition under section 709C.3,
21 if the court determines that probable cause exists to
22 believe that the person named in the petition is a
23 sexually violent predator the court shall transfer a
24 person to an appropriate facility for evaluation as to
25 whether the person is a sexually violent predator.
26 The evaluation shall be conducted by a person deemed
27 to be professionally qualified to conduct the
28 examination pursuant to rules adopted by the
29 department of corrections in consultation with the
30 department of human services and the criminal and
31 juvenile justice planning division of the department
32 of human rights.

33 Sec. _____. NEW SECTION. 709C.5 TRIAL - RIGHTS OF
34 PARTIES.

35 Not later than forty-five days after the filing of
36 a petition pursuant to section 709C.3, the court shall
37 conduct a trial to determine whether the person is a
38 sexually violent predator. At all stages of the
39 proceedings under this chapter, any person subject to
40 this chapter shall be entitled to the assistance of
41 counsel, and if the person is indigent, the court
42 shall appoint counsel to assist the person. If a
43 person is subjected to an examination under this

44 chapter, the person may retain experts or professional
45 persons to perform an examination on the person's
46 behalf. The person may be examined by a qualified
47 expert or professional person of the person's
48 choosing, and the expert or professional shall have
49 reasonable access to the person for the purpose of the
50 examination, as well as to all relevant medical and

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1 psychological records and reports. In the case of a
2 person who is indigent, the court shall, upon the
3 person's request, assist the person in obtaining an
4 expert or professional person to perform an
5 examination or participate in the trial on the
6 person's behalf. The person, the county attorney or
7 the attorney general, or the judge shall have the
8 right to demand that the trial be before a jury, if
9 the person is an adult or a juvenile who has been
10 waived to the district court. If no demand is made,
11 or if the person is a juvenile who has not been waived
12 to the district court, the trial shall be to the court
13 or the juvenile court as applicable.

14 Sec. _____. NEW SECTION. 709C.6 TRIAL — DETER-
15 MINATION — COMMITMENT PROCEDURES.

16 1. The court or jury shall determine whether,
17 beyond a reasonable doubt, the person is a sexually
18 violent predator. If the state alleges that the prior
19 sexually violent offense that forms the basis for the
20 petition for commitment was an act that was sexually
21 motivated, the state shall prove beyond a reasonable
22 doubt that the alleged sexually violent act was
23 sexually motivated. If the court or jury determines
24 that the person is a sexually violent predator, the
25 person shall be committed to the custody of the
26 department of human services in a secure facility for
27 control, care, and treatment until such time as the
28 person's mental abnormality of personality disorder
29 has so changed that the person is safe to be at large.
30 This control, care, and treatment shall be provided at
31 a facility operated by the department of human
32 services, however, adults and juveniles shall not be
33 sent to the same facility. If the court or jury does
34 not find beyond a reasonable doubt that the person is
35 a sexually violent predator, the court shall order the
36 person to be released in accordance with the terms of
37 the person's sentence.

38 2. If the person charged with a sexually violent
39 offense has been found incompetent to stand trial, and
40 is about to or has been released and the person's
41 commitment is sought pursuant to subsection 1, the
42 court shall first hear evidence and determine whether
43 the person did commit the act or acts charged if the
44 court did not enter a finding prior to dismissal due
45 to incompetence that the person committed the act or
46 acts charged. The hearing on this issue shall comply

47 with all the procedures specified in this section. In
48 addition, the rules of evidence applicable in criminal
49 cases shall apply, and all constitutional rights
50 available to defendants at criminal trials, other than

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1 the right not to be tried while incompetent, shall
2 apply. After hearing evidence on this issue, the
3 court shall make specific findings on whether the
4 person did commit the act charged, the extent to which
5 the person's incompetence or developmental disability
6 affected the outcome of the hearing, including its
7 effect on the person's ability to consult with and
8 assist counsel and to testify on the person's own
9 behalf, the extent to which the evidence could be
10 reconstructed without the assistance of the person,
11 and the strength of the prosecution's case. If, after
12 the conclusion of the hearing on the issue, the court
13 finds beyond a reasonable doubt that the person did
14 commit the act charged, the court shall enter a final
15 order, appealable by the person, on that issue, and
16 may proceed to consider whether the person should be
17 committed pursuant to this section.

18 Sec. _____. NEW SECTION. 709C.7 ANNUAL
19 EXAMINATIONS.

20 Each person committed under this chapter shall have
21 a current examination of the person's mental condition
22 made at least once every year. The person may retain,
23 or if the person is indigent and so requests, the
24 court may appoint, a qualified expert or a
25 professional person to examine the person, and the
26 expert or professional person shall have access to all
27 records concerning the person. The periodic report
28 shall be provided to the court that committed the
29 person under this chapter.

30 Sec. _____. NEW SECTION. 709C.8 PETITION FOR
31 RELEASE - PROCEDURES.

32 1. If the director of the department of human
33 services determines that the person's mental
34 abnormality or personality disorder has so changed
35 that the person is not likely to engage in predatory
36 acts of sexual violence if released, the director
37 shall authorize the person to petition the court for
38 release. The petition shall be served upon the court
39 and the county attorney. The court, upon receipt of
40 the petition for release, shall order a hearing on the
41 petition to be held not later than forty-five days
42 after the date of service of the petition. The county
43 attorney or the attorney general, if requested by the
44 county, shall represent the state, and shall have the
45 right to have the petitioner examined by an expert or
46 professional person of county attorney's or attorney
47 general's choice. The hearing shall be before a jury
48 if demanded by either the petitioner or the state's
49 counsel. The burden of proof shall be upon the county

50 attorney or attorney general to show beyond a

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1 reasonable doubt that the petitioner's mental
2 abnormality or personality disorder remains such that
3 the petitioner is not safe to be at large and that if
4 discharged is likely to engage in predatory acts of
5 sexual violence.

6 2. Nothing contained in this chapter shall
7 prohibit the person from otherwise petitioning the
8 court for discharge without the approval of the
9 director of the department of human services. The
10 director shall provide the committed person with an
11 annual written notice of the person's right to
12 petition the court for release over the director's
13 objection. The notice shall contain a waiver of
14 rights. The director shall forward the notice and
15 waiver form to the court with the annual report. If
16 the person does not affirmatively waive the right to
17 petition, the court shall set a show cause hearing to
18 determine whether facts exist that warrant a hearing
19 on whether the person's condition has so changed that
20 the person is safe to be at large. The committed
21 person shall have a right to have an attorney
22 represent the person at the show cause hearing but the
23 person is not entitled to be present at the show cause
24 hearing. If the court at the show cause hearing
25 determines that probable cause exists to believe that
26 the person's mental abnormality or personality
27 disorder has so changed that the person is safe to be
28 at large and is not likely to engage in predatory acts
29 of sexual violence if discharged, the court shall set
30 a hearing on the issue. At the hearing the committed
31 person shall be entitled to be present and to the
32 benefit of all constitutional protections that were
33 afforded to the person at the initial commitment
34 proceeding. The county attorney or attorney general
35 shall represent the state and shall have a right to
36 request a jury trial and to have the committed person
37 evaluated by experts chosen by the state. The
38 committed person shall also have the right to have
39 experts evaluate the person on the person's behalf and
40 the court shall appoint an expert if the person is
41 indigent and requests an appointment. The burden of
42 proof at the hearing shall be upon the state to prove
43 beyond a reasonable doubt that the committed person's
44 mental abnormality or personality disorder remains
45 such that the person is not safe to be at large and if
46 released is likely to engage in predatory acts of
47 sexual violence.

48 Sec. _____. NEW SECTION. 709C.9 SUBSEQUENT

49 PETITIONS.

50 Nothing in this chapter shall prohibit a person

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1 from filing a petition for discharge pursuant to this
2 chapter. However, if a person has previously filed a
3 petition for discharge without the approval of the
4 director of the department of human services and the
5 court has determined, either upon review of the
6 petition or following a hearing, that the petitioner's
7 petition was frivolous or that the petitioner's
8 condition had not so changed that the petitioner was
9 safe to be at large, the court shall deny the
10 subsequent petition unless the petition contains facts
11 upon which a court could find that the condition of
12 the petitioner has so changed that a hearing is
13 warranted. Upon receipt of a first or subsequent
14 petition from a committed person without the
15 director's approval, the court shall review the
16 petition and determine if the petition is based upon
17 frivolous grounds and if so shall deny the petition
18 without a hearing.

19 Sec. _____. NEW SECTION. 709C.10 RELEASE OF
20 INFORMATION AUTHORIZED.

21 Notwithstanding any other provision to the
22 contrary, the director of the department of human
23 services is authorized to release relevant information
24 that is necessary to protect the public, concerning a
25 specific sexually violent predator committed under
26 this chapter."

27 2. By renumbering as necessary.

Amendment H—6142 was adopted.

Carpenter of Polk asked and received unanimous consent to suspend the rules to consider amendment H—6116, to the committee amendment H—6057, found on page 1450 of the House Journal, previously ruled not germane.

The following amendment H—6143, to amendment H—6116, to the committee amendment H—6057, filed by Doderer of Johnson from the floor, was adopted by unanimous consent.

H—6143

- 1 Amend amendment, H—6116, to amendment, H—6057, to
- 2 Senate File 2319, as amended, passed, and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 1, by striking lines 28 through 31.

On motion by Doderer of Johnson amendment H—6116, to the committee amendment H—6057, was adopted.

Kreiman of Davis rose on point of order and invoked Section 256 of the Code of Iowa, requiring a correctional impact statement.

The Speaker ruled the point well taken.

The House stood at ease at 8:05 p.m., until the fall of the gavel.

The House resumed session at 8:44 p.m., Spenner of Henry in the chair.

Rafferty of Scott asked and received unanimous consent to reconsider amendment H—6122, to the committee amendment H—6057, found on pages 1465 through 1466 of the House Journal, previously ruled not germane.

On motion by Larson of Linn, amendment H—6122, to the committee amendment H—6057, was adopted.

The House stood at ease at 8:50 p.m., until the fall of the gavel.

The House resumed session at 9:23 p.m., Speaker Van Maanen in the chair.

The following amendment H—6145, to the committee amendment H—6057, filed by McNeal of Hardin and Dickinson, from the floor, was adopted by unanimous consent.

H—6145

- 1 Amend the amendment, H—6057, to Senate File 2319,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 20, by striking line 5, and inserting the
- 5 following:
- 6 "2. Title page 1, by striking line 1, through Title
- 7 page 2, line 19 and".
- 8 2. Page 20, line 12, by inserting before the word
- 9 "and" the following: "providing for the commitment of
- 10 persons determined to be sexually violent predators,".

On motion by Martin of Scott, the committee amendment H—6057, as amended, was adopted.

Martin 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. 2319)

The ayes were, 82:

Arnould	Beaman	Bell	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Churchill

Cohoon	Connors	Corbett	Daggett
Dickinson	Dinkla	Drake	Eddie
Ertl	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Martin	May	McCoy	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Mundie	Murphy	Myers
Nelson	O'Brien	Ollie	Osterberg
Plasier	Rafferty	Rants	Renken
Royer	Running	Schrader	Shultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 14:

Baker	Beatty	Bernau	Black
Cataldo	Doderer	Fallon	Hammond
Hansen, S. D.	Holveck	McKinney	Moreland
Neuhauser	Renaud		

Absent or not voting, 4:

Brammer	Grundberg	Lundby	Peterson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2319** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 2431, by committee on ways and means, a bill for an act relating to establishing certain cost containment mechanisms related to, and providing assistance for, the cost of health care, by establishing certain tax deductions and premium credits, family health accounts, and providing applicability and effective date provisions.

Read first time and referred to committee on **human resources**.

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 12, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2155, a bill for an act relating to public school services provided to children attending nonpublic schools.

Also: That the Senate has on April 12, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2352, a bill for an act relating to criminal offenders and the department of corrections, by making changes regarding payment of restitution by offenders and payments under the crime victim compensation program, making changes in specifications relating to corrections institutions in which offenders are housed, establishing an inmate tort claim fund, deleting requirements relating to inmate visits by the director of the department of corrections, and permitting the release of certain information regarding offenders by the department.

Also: That the Senate has on April 12, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2422, a bill for an act relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and providing an appropriation.

Also: That the Senate has on April 12, 1994, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2216, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions.

Also: That the Senate has on April 12, 1994, reconsidered Senate File 2313, previously passed on April 8, 1994, reconsidered problematic House amendment S-5511 with which the Senate had previously concurred on April 8, 1994, substituted S-5579 for S-5511, concurred in the substituted House amendment, and re-passed the following bill in which the concurrence of the Senate was asked:

Senate File 2313, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

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 12th day of April, 1994: House Files 2116, 2197, 2314 and 2403.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 12, 1994, he approved and transmitted to the Secretary of State the following bills:

House File 2018, an act relating to school bus transportation requirements.

House File 2169, an act relating to lawful fences, by providing for smooth high-tensile wire fences.

House File 2192, an act relating to the regulation of bingo, imposing license fees, and subjecting violators to existing penalties.

Senate File 216, an act relating to rates and charges for city utility and enterprise services by authorizing their collection as combined service accounts, authorizing the discontinuance of services in the event of nonpayment, and providing uniform notice procedures prior to discontinuance of service and prior to certification of lien for nonpayment.

Senate File 2044, an act relating to technical differences between an asbestos license and an asbestos permit.

Senate File 2153, an act providing for the distribution of earnings by cooperative associations operating on a pooling basis.

Senate File 2221, an act relating to use of water treatment operator certification and examination fees by the department of natural resources.

PRESENTATION OF VISITORS

Hanson of Black Hawk presented to the House the Honorable Marvin Diemer, former state representative, from Black Hawk County.

Brauns of Muscatine presented to the House Lotta Hohrmann, foreign exchange student from Denmark. She was accompanied by Mr. and Mrs. Roger Bengé, West Liberty.

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

Four foreign exchange students, two from Germany and two from Hong Kong, from Wellsburg, Ackley, Geneva and Hampton High Schools, accompanied by Harold Linderman and Harvin Meyer. By Renken of Grundy.

Nine twelfth grade students from Brooklyn-Guernsey-Malcom High School, Brooklyn, accompanied by Kent Brown. By Black of Jasper.

Forty-two eighth grade students from Pella Christian School, Pella, accompanied by Jim De Boef. By Van Maanen of Mahaska.

Seventy fifth grade students from Mount Ayr Elementary School, Mount Ayr, accompanied by Marilyn Saville, Mary Kay Overholster, Margerate Bishop and Jody Cross. By Daggett of Union.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

The 1993 Iowa Substance Abuse Report, pursuant to Chapter 125.10, Code of Iowa.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

ELIZABETH A. ISAACSON
Chief Clerk of the House

1994/171 Amy Larkin, Allamakee Senior High School, Waukon — For being named a State of Iowa Scholar and receiving a \$20,000 scholarship from Luther College.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Concurrent Resolution 122

Appropriations: Gipp, Chair; Beaman, Corbett, McKinney and Murphy

AMENDMENTS FILED

H—6111	H.F.	2424	Doderer of Johnson Hanson of Delaware
H—6112	S.F.	2311	Houser of Pottawattamie
H—6125	S.F.	2300	Greig of Emmet Gipp of Winneshiek Tyrrell of Iowa Martin of Scott
H—6126	S.F.	2314	Weigel of Chickasaw
H—6130	H.F.	2377	Halvorson of Webster
H—6131	H.F.	2415	Gill of Woodbury
H—6133	S.F.	2223	Beatty of Warren
H—6135	H.F.	2146	Ertl of Dubuque
H—6136	S.F.	2314	Weigel of Chickasaw
H—6139	H.F.	2155	Senate amendment
H—6140	H.F.	2352	Senate amendment
H—6141	H.F.	2422	Senate amendment

H-6144	H.F. 2409	Beatty of Warren Renaud of Polk Lundby of Linn
H-6146	H.F. 2377	Boddicker of Cedar Running of Linn Mertz of Kossuth Garman of Story

On motion by Siegrist of Pottawattamie, the House adjourned at 9:38 p.m., until 8:45 a.m., Wednesday, April 13, 1994.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day — Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 13, 1994

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

Prayer was offered by Monsignor Neil W. Tobin, Sacred Heart Church, Monticello.

The Journal of Tuesday, April 12, 1994, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dickinson of Jackson, for the remainder of the week, on request of Van Maanen of Marion; Grundberg of Polk, on request of Siegrist of Pottawattamie; Brammer of Linn, until his arrival, on request of Wise of Lee; Haverland of Polk, until his arrival, on request of Holveck of Polk.

SENATE FILES REREFERRED TO COMMITTEE

Under the provisions of House Rule 45, the following Senate Files are rereferred to the committees listed:

Senate File 49	Local Government
Senate File 54	Transportation
Senate File 130	Local Government
Senate File 308	Judiciary and Law Enforcement
Senate File 317	Transportation
Senate File 2006	Small Business, Economic Development and Trade
Senate File 2056	Local Government
Senate File 2090	Natural Resources and Outdoor Recreation
Senate File 2094	Judiciary and Law Enforcement
Senate File 2129	Transportation
Senate File 2194	Human Resources
Senate File 2233	Local Government
Senate File 2266	Judiciary and Law Enforcement
Senate File 2267	Human Resources
Senate File 2293	Judiciary and Law Enforcement
Senate File 2308	Energy and Environmental Protection

SENATE AMENDMENTS CONSIDERED

The House resumed consideration of **House File 181**, a bill for an act relating to motorcycle rider education, previously deferred and amendment H—6048, found on page 1372 of the House Journal, to the Senate amendment H—5746, pending.

Spenner of Henry moved the adoption of amendment H—6048, to the Senate amendment H—5746.

A non-record roll call was requested.

The ayes were 49, nays 29.

Amendment H—6048 was adopted.

On motion by Blodgett of Cerro Gordo, the House concurred in the Senate amendment H—5746, as amended.

Blodgett of Cerro Gordo 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. 181)

The ayes were, 76:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Burke
Carpenter	Churchill	Cohoon	Corbett
Daggett	Doderer	Drake	Ertl
Fogarty	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Rafferty	Royer	Siegrist
Spenner	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Spkr.

The nays were, 15:

Brauns	Brunkhorst	Dinkla	Eddie
Fallon	Garman	Henderson	Klemme
Moreland	Peterson	Rants	Renken
Running	Schrader	Tyrrell	

Absent or not voting, 9:

Brammer	Cataldo	Connors	Dickinson
Grundberg	Haverland	Plasier	Renaud
Shoultz			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 181** be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Brunkhorst of Bremer called up for consideration **House File 2049**, a bill for an act relating to the use of moneys from the physical plant and equipment levy to purchase exterior lighting, equipment and technology systems, amended by the Senate, and moved that the House concur in the following Senate amendment H—5785:

H—5785

- 1 Amend House File 2049, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 16 through 18 and
- 4 inserting the following:
- 5 "3. The purchase of buildings and the purchase of
- 6 a single unit of equipment or a technology system
- 7 exceeding five thousand dollars in value."

The motion lost and the House refused to concur in the Senate amendment H—5785.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2049** be immediately messaged to the Senate.

Appropriations Calendar

Senate File 2201, a bill for an act relating to funding of gifted and talented programs, was taken up for consideration.

Hanson 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. 2201)

The ayes were, 94:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Boddicker
Brand	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohoon	Corbett	Daggett	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 6:

Blodgett	Brammer	Connors	Dickinson
Grundberg	Haverland		

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2201** be immediately messaged to the Senate.

Ways and Means Calendar

House File 2426, a bill for an act relating to the abatement or refund of property taxes for nonprofit institutions in certain counties and providing an effective date, was taken up for consideration.

Larson 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. 2426)

The ayes were, 86:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Brand	Branstad	Brunckhorst	Burke
Carpenter	Cataldo	Churchill	Cohoon
Corbett	Daggett	Doderer	Eddie
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Harper
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Royer	Running	Schrader
Shoultz	Siegrist	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 7:

Brauns	Dinkla	Drake	Hahn
Millage	Renken	Spenner	

Absent or not voting, 7:

Boddicker	Brammer	Connors	Dickinson
Grundberg	Hanson, D. R.	Haverland	

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2426** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2206**, a bill for an act relating to the licensing of nonresident hunters of deer and turkey and providing effective and applicability date provisions, previously deferred and placed on the unfinished business calendar.

Vande Hoef of Osceola offered amendment H—5440 filed by the committee on natural resources and outdoor recreation and requested division as follows:

H—5440

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

H—5440A

- 3 1. Page 1, line 6, by striking the words "two
- 4 thousand licenses" and inserting the following: "one
- 5 thousand two hundred licenses for the 1995 license
- 6 year and two thousand licenses for each subsequent
- 7 license year".
- 8 2. Page 1, lines 21 and 22, by striking the words
- 9 "five thousand two hundred licenses" and inserting the
- 10 following: "two thousand two four hundred licenses
- 11 for the license year 1995 and five thousand licenses
- 12 for each subsequent license year".

H—5440B

- 13 3. Page 1, line 27, by inserting after the word
- 14 "deer." the following: "However, a nonresident
- 15 applicant may request one or more hunting zones, in
- 16 order of preference, in which the applicant wishes to
- 17 hunt. If the request cannot be fulfilled, the
- 18 applicable fees shall be returned to the applicant."

Vande Hoef of Osceola asked and received unanimous consent to withdraw the committee amendment H—5440A.

On motion by Vande Hoef of Osceola, the committee amendment H—5440B was adopted.

Royer of Page in the chair at 9:35 a.m.

Vande Hoef of Osceola 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, 75:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Brand
Branstad	Brauns	Brunkhorst	Carpenter
Cataldo	Churchill	Cohoon	Daggett
Dinkla	Doderer	Drake	Fogarty
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. R.	Harper	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McNeal
Mertz	Mercalf	Millage	Moreland
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Schrader	Shoultz	Siegrist	Spenner
Vande Hoef	Van Maanen, Spkr.	Weidman	Weigel
Wise	Witt	Royer,	
		Presiding	

The nays were, 18:

Beatty	Boddicker	Corbett	Eddie
Ertl	Fallon	Garman	Gill
Gipp	Hanson, D. E.	Koenigs	Meyer
Miller	Mundie	Murphy	Running
Tyrrell	Welter		

Absent or not voting, 7:

Brammer	Burke	Connors	Dickinson
Grundberg	Haverland	McKinney	

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2206** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Plasier of Sioux called up for consideration **House File 2422**, a bill for an act relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and providing an appropriation, amended by the Senate, and moved that the House concur in the following Senate amendment H-6141:

H-6141

- 1 Amend House File 2422, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 24, by inserting after the word
- 4 "physician," the following: "a practicing rural
- 5 physician assistant, a practicing rural advanced
- 6 registered nurse practitioner,".
- 7 2. Page 2, line 25, by inserting after the word
- 8 "physician" the following: "physician assistant, or
- 9 advanced registered nurse practitioner,".

- 10 3. Page 7, line 8, by striking the word
 11 "physician" and inserting the following: "primary
 12 care provider".
- 13 4. Page 8, line 18, by inserting after the word
 14 "service" the following: "which shall be for a
 15 minimum of ten years unless federal requirements for
 16 the program require differently".
- 17 5. Page 9, line 35, by inserting after the word
 18 "service" the following: "which shall be for a
 19 minimum of ten years unless federal requirements for
 20 the program require differently".
- 21 6. By renumbering, relettering, or redesignating
 22 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6141.

Plasier of Sioux 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. 2422)

The ayes were, 93:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Blodgett	Boddicker
Brand	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohoon	Corbett	Daggett	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Van Maanen, Spkr.	Weidman
Weigel	Welter	Wise	Witt
Royer, Presiding			

The nays were, none.

Absent or not voting, 7:

Black	Brammer	Connors	Dickinson
Grundberg	Haverland	Vande Hoef	

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

Hurley of Fayette called up for consideration **House File 2409**, a bill for an act relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, and providing an effective date, amended by the Senate amendment H—5920 as follows:

H—5920

- 1 Amend House File 2409, 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. 728.5A PUBLIC INDECENT**
- 6 **EXPOSURE — MINORS.**
- 7 A city or county may enact an ordinance to prevent
- 8 minors from entering any place of business required to
- 9 obtain a sales tax permit pursuant to chapter 422
- 10 where the business permits any act described by
- 11 section 728.5, subsections 1 through 4, and 7.
- 12 However, the provisions of this section shall not
- 13 apply to a theater, concert hall, art center, museum,
- 14 or similar establishment which is primarily devoted to
- 15 the arts or theatrical performances and any of the
- 16 circumstances contained in section 728.5, were
- 17 permitted or allowed as part of such art exhibits or
- 18 performances."
- 19 2. Title page, by striking lines 2 through 5 and
- 20 inserting the following: "minors access to public
- 21 indecent exposure in certain establishments."

Hurley of Fayette offered the following amendment H—6147, to the Senate amendment H—5920, filed by him from the floor and moved its adoption:

H—6147

- 1 Amend the Senate amendment, H—5920, to House File
- 2 2409, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 and 4 and
- 5 inserting the following:
- 6 "_____. Page 1, line 3, by striking the word and

- 7 figure "or 728.5" and inserting the following: "
8 728.5, or 728.5A,".
9 _____. By striking page 1, line 6 through page 2,
10 line 22 and inserting the following:"
11 2. Page 1, line 6, by striking the word "MINORS"
12 and inserting the following: "ORDINANCES".
13 3. Page 1, line 8, by striking the word "minors"
14 and inserting the following: "persons".
15 4. Page 1, line 16, by striking the figure
16 "728.5," and inserting the following: "728.5".
17 5. Page 1, by striking lines 19 through 21 and
18 inserting the following:
19 "_____. Page 2, line 24, by striking the word and
20 figure "or 728.5" and inserting the following: "
21 728.5, or 728.5A,".
22 _____. By renumbering as necessary."

Amendment H—6147 was adopted.

Beatty of Warren offered amendment H—6144, to the Senate amendment H—5920, filed by Beatty, et al. and requested division as follows:

H—6144

- 1 Amend the Senate amendment, H—5920, to House File
2 2409, as amended, passed, and reprinted by the House,
3 as follows:

H—6144A

- 4 1. Page 1, line 16, by striking the figure
5 "728.5," and inserting the following: "728.5".

H—6144B

- 6 2. Page 1, line 18, by inserting after the word
7 "performances." the following: "The provisions of
8 this section shall also not apply to any establishment
9 that is approved as a family-oriented clothing-
10 optional facility by the city or county enacting an
11 ordinance pursuant to this section where any of the
12 circumstances described by section 728.5, subsections
13 2 through 4, are permitted."

Beatty of Warren asked and received unanimous consent to withdraw amendment H—6144A, to the Senate amendment H—5920.

Beatty of Warren moved the adoption of amendment H—6144B, to the Senate amendment H—5920.

A non-record roll call was requested.

The ayes were 43, nays 43.

Amendment H—6144B lost.

On motion by Hurley of Fayette the House concurred in the Senate amendment H—5920, as amended.

Hurley of Fayette 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. 2409)

The ayes were, 90:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brand	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohoon	Corbett	Daggett	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renken	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Van Maanen, Spkr.
Weidman	Weigel	Welter	Wise
Witt	Royer,		
	Presiding		

The nays were, 5:

Beatty	Henderson	Koenigs	Renaud
Running			

Absent or not voting, 5:

Brammer	Connors	Dickinson	Grundberg
Haverland			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2409** be immediately messaged to the Senate.

Ways and Means Calendar

House File 2424, a bill for an act relating to the collection of debts owed to or collected by the state, the denial of issuance of motor vehicle registrations and certificates of title, as well as other licenses and renewals, the publication of information pertaining to certain debts, and related matters, was taken up for consideration.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-6111 filed by her and Hanson of Delaware on April 12, 1994.

Speaker Van Maanen in the chair at 10:10 a.m.

Lundby of Linn offered the following amendment H-5970 filed by her:

H-5970

1 Amend House File 2424 as follows:

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

4 "Sec. _____. Section 321.210A, subsection 3, Code
5 1993, is amended to read as follows:

6 3. Upon receipt of a report of a failure to pay
7 the fine, penalty, surcharge, or court costs from the
8 clerk of the district court, the department shall in
9 accordance with its rules, suspend the person's motor
10 vehicle license until the fine, penalty, surcharge, or
11 court costs are paid, unless the person proves to the
12 satisfaction of the department that the person cannot
13 pay the fine, penalty, surcharge, or court costs. A
14 suspension of a person's motor vehicle license under
15 this section shall not, by itself, render the person
16 ineligible for issuance of a temporary restricted
17 license under section 321.215, subsection 1.

18 Sec. _____. Section 321.215, subsection 2,
19 unnumbered paragraph 1, Code Supplement 1993, is
20 amended to read as follows:

21 Upon conviction and the suspension or revocation of
22 a person's motor vehicle license under section
23 321.209, subsection 5, 6, or 8; 321.210; ~~321.210A~~;
24 321.513; or 321.555, subsection 2, or upon the denial
25 of issuance of a license under section 321.560, based
26 solely on offenses defined in section 321.555,
27 subsection 1, paragraph "c", and upon the denial by
28 the director of an application for a temporary

29 restricted license, a person may apply to the district
30 court having jurisdiction for the residence of the
31 person for a temporary restricted permit to operate a
32 motor vehicle for the limited purpose or purposes
33 specified in subsection 1. The application may be
34 granted only if all of the following criteria are
35 satisfied:

36 Sec. _____. Section 321.215, subsection 2, paragraph
37 d, unnumbered paragraph 1, Code Supplement 1993, is
38 amended to read as follows:

39 Proof of financial responsibility is established as
40 defined in chapter 321A. However, such proof is not
41 required if the motor vehicle license was suspended
42 under section 321.210A or 321.513 or revoked under
43 section 321.209, subsection 8.

44 Sec. _____. Section 321.215, subsection 2, Code
45 Supplement 1993, is amended by adding the following
46 new paragraph:

47 NEW PARAGRAPH. e. A permit applicant, whose
48 license has been denied under section 321.560 for
49 offenses defined in section 321.555, subsection 1,
50 paragraph "c", shall be required to provide a proposed

Page 2

- 1 schedule for repayment of overdue fines, penalties,
- 2 surcharges, or court costs."
- 3 2. By renumbering as necessary.

Doderer of Johnson rose on a point of order that amendment H—5970 was not germane.

The Speaker ruled the point well taken and amendment H—5970 not germane.

Lundby of Linn asked for unanimous consent to suspend the rules to consider amendment H—5970.

Objection was raised.

Lundby of Linn moved to suspend the rules to consider amendment H—5970.

A non-record roll call was requested.

The ayes were 34, nays 53.

The motion to suspend the rules lost.

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?" (H.F. 2424)

The ayes were, 92:

Baker	Beaman	Bell	Bernau
Black	Blodgett	Boddicker	Brand
Branstad	Brauns	Brunkhorst	Burke
Carpenter	Cataldo	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, none.

Absent or not voting, 8:

Arnould	Beatty	Brammer	Churchill
Dickinson	Grundberg	Haverland	Murphy

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 2422 and 2424** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Grubbs of Scott called up for consideration **House File 2383**, a bill for an act relating to safety in schools, amended by the following Senate amendment H-6096:

H-6096

- 1 Amend House File 2383, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 1 through page 3,
- 4 line 5.

5 2. Page 3, by striking lines 6 through 15.

6 3. By striking page 4, line 8 through page 5,
7 line 8 and inserting the following: "educational
8 program. Schools involved in the pilot program may
9 use phase III funds in the establishment of the
10 program."

11 4. Page 5, by striking lines 21 through 33 and
12 inserting the following: "rule under this section.

13 Sec. _____. NEW SECTION. 279.9A INFORMATION
14 SHARING.

15 The rules referred to in section 279.9 shall
16 provide that upon the request of school officials of a
17 school to which the student seeks to transfer or has
18 transferred, school officials of the sending school
19 shall provide an accurate record of any suspension or
20 expulsion actions taken, and the basis for those
21 actions taken, against the student under sections
22 279.9, 280.19A, 282.3, 282.4, and 282.5. The
23 designated representative shall disclose this
24 information only to those school employees whose
25 duties require them to be involved with the student.
26 For purposes of this section, "school employees" means
27 persons employed by a nonpublic school, school
28 district, or any area education agency staff member
29 who provides services to a school or school district."

30 5. By striking page 6, line 18 through page 7,
31 line 19 and inserting the following:

32 "Sec. _____. Section 280.21, Code 1993, is amended
33 by adding the following new unnumbered paragraph:
34 NEW UNNUMBERED PARAGRAPH. To prevail in a civil
35 action alleging a violation of this section the party
36 bringing the action shall prove the violation by clear
37 and convincing evidence."

38 6. Page 7, line 26, by striking the words "under
39 section 280.21B".

40 7. Page 8, by striking lines 12 through 27.

41 8. Page 9, by striking lines 3 through 16 and
42 inserting the following:

43 "A pupil who commits an assault, as defined under
44 section 708.1, against a school employee in a school
45 building, on school grounds, or at a school-sponsored
46 function shall be suspended for a time to be
47 determined by the principal. Notice of the suspension
48 shall be immediately sent to the president of the
49 board. By special meeting or at the next regularly
50 scheduled board meeting, the board shall review the

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1 suspension and decide whether to ratify the suspension
2 or hold a disciplinary hearing to determine whether or
3 not to order further sanctions against the pupil.

4 which may include expelling the pupil. In making its
 5 decision, the board shall consider the best interests
 6 of the school district, which shall include what is
 7 best to protect and ensure the safety of the school
 8 employees and pupils from the pupil committing the
 9 assault."

10 9. Page 9, by inserting before line 17 the
 11 following:

12 "A pupil shall not be suspended or expelled
 13 pursuant to this section if the suspension or
 14 expulsion would violate the federal Individuals with
 15 Disabilities Education Act."

16 10. Page 10, by striking lines 6 through 13.

17 11. Page 10, by striking lines 14 through 18.

18 12. Page 10, by striking lines 19 through 34.

19 13. By striking page 10, line 35, through page
 20 11, line 7.

21 14. By renumbering as necessary.

Grubbs of Scott offered the following amendment H—6148, to the Senate amendment H—6096, filed by him from the floor and moved its adoption:

H—6148

1 Amend the Senate amendment, H—6096, to House File
 2 2383, as amended, passed, and reprinted by the House
 3 as follows:

4 1. Page 1, by striking line 38 and inserting the
 5 following:

6 "_____. Page 7, lines 25 and 26, by striking the
 7 words "or as a result of an employee's action under".

Amendment H—6148 was adopted.

On motion by Grubbs of Scott, the House concurred in the Senate amendment H—6096, as amended.

Grubbs 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. 2383)

The ayes were, 91:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brand	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Cohoon
Connors	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon

Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 9:

Beatty	Brammer	Churchill	Corbett
Dickinson	Grundberg	Haverland	Osterberg
Wise			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2383** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2190**, a bill for an act relating to the regulation, location, and taxation of mobile, modular, and manufactured homes, previously deferred and placed on the unfinished business calendar.

Iverson of Wright offered the following amendment H—5603 filed by the committee on local government and moved its adoption:

H—5603

- 1 Amend Senate File 2190, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 28, by inserting after the word
- 4 "land" the following: "under common ownership".
- 5 2. Page 3, line 28, by inserting after the word
- 6 "homes" the following: ", manufactured homes, modular

7 homes or a combination of the homes".

8 3. Page 3, by striking lines 32 and 33 and
9 inserting the following: "such mobile home park."

10 4. Page 4, line 1, by inserting after the word
11 "structure" the following: "built on a permanent
12 chassis".

13 5. Page 11, line 5, by inserting after the word
14 "exemption" the following: "as provided in sections
15 425.2 and 427.3".

16 6. Page 14, line 9, by inserting after the word
17 "homes" the following: "and manufactured homes".

18 7. Page 14, lines 14 through 17, by striking the
19 words "If a mobile home has been converted to real
20 estate the title shall be collected and returned to
21 the county treasurer for cancellation." and inserting
22 the following: "If a mobile home has been converted
23 to real estate the title shall be collected and
24 returned to the county treasurer for cancellation."

The committee amendment H—5603 was adopted.

Iverson of Wright 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. 2190)

The ayes were, 95:

Baker	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brand	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohon	Connors	Corbett	Daggett
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 5:

Arnould
Haverland

Brammer

Dickinson

Grundberg

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2190** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2263**, a bill for an act providing for the storage of bulk grain by producers owning the grain, previously deferred and placed on the unfinished business calendar.

Greiner of Washington asked and received unanimous consent to temporarily defer action on **Senate File 2263**.

The House resumed consideration of **Senate File 2268**, a bill for an act relating to funeral processions, previously deferred and placed on the unfinished business calendar.

Weidman of Cass 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. 2268)

The ayes were, 92:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Rants

Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 8:

Brammer	Dickinson	Greiner	Grundberg
Haverland	Miller	Plasier	Rafferty

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2268** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2263**, a bill for an act providing for the storage of bulk grain by producers owning the grain, temporarily deferred.

Greiner of Washington offered the following amendment H—5676, filed by the committee on agriculture and moved its adoption:

H—5676

- 1 Amend Senate File 2263, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 21, by inserting before the word
- 4 "produced" the following: "jointly".
- 5 2. Page 1, line 22, by inserting after the word
- 6 "grain." the following: "As used in this subsection,
- 7 "jointly produced" includes but is not limited to
- 8 grain owned by a landlord who receives a share of
- 9 agricultural products as rent."
- 10 3. Page 1, line 23, by inserting after the word
- 11 "owned" the following: "or leased".
- 12 4. Page 1, line 24, by striking the word
- 13 "storing" and inserting the following: "jointly
- 14 producing".
- 15 5. Page 1, line 25, by inserting after the word
- 16 "persons" the following: "jointly".
- 17 6. Page 1, by striking lines 27 through 29.

The committee amendment H—5676 was adopted.

Greiner of Washington 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. 2263)

The ayes were, 93:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohon	Connors	Daggett
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Schrader	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 7:

Brammer	Corbett	Dickinson	Grundberg
Haverland	Running	Shoultz	

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2263** 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 13, 1994, appointed the conference committee to Senate File 2016, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date, and the members of the Senate are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Tama, Senator Husak;

the Senator from Johnson, Senator Dvorsky; the Senator from Worth, Senator Bartz; the Senator from Plymouth, Senator Banks.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 10:54 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Royer of Page in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

HOUSE INSISTS

Rants of Woodbury called up for consideration **Senate File 2216**, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED

(Senate File 2216)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2216: Rants of Woodbury, Chair; Rafferty of Scott, Greiner of Washington, Myers of Johnson and Henderson of Scott.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, on request of Arnould of Scott.

SENATE AMENDMENTS CONSIDERED

Corbett of Linn called up for consideration **House File 2099**, a bill for an act providing for special natural resources motor vehicle registration plates and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5958:

H-5958

- 1 Amend House File 2099, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "resources" the following: "which design shall
- 5 include on the plate the name of the county where the
- 6 vehicle is registered".

The motion prevailed and the House concurred in the Senate amendment H—5958.

Corbett 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. 2099)

The ayes were, 93:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Running	Schrader	Shultz
Siegrist	Spenner	Vande Hoef	Van Maanen, Spkr.
Weidman	Weigel	Welter	Witt
Royer, Presiding			

The nays were, 2:

Renken Tyrrell

Absent or not voting, 5:

Brammer	Dickinson	Grundberg	Holveck
Wise			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2099** be immediately messaged to the Senate.

Ertl of Dubuque called up for consideration **House File 2146**, a bill for an act relating to access to, and the possession of, alcoholic beverages, and subjecting violators to existing penalties, amended by the following Senate amendment H—5929:

H—5929

1 Amend House File 2146, 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 123.47, Code 1993, is amended
6 to read as follows:

7 123.47 PERSONS UNDER THE AGE OF EIGHTEEN.

8 A person shall not sell, give, or otherwise supply
9 alcoholic liquor, wine, or beer to any person knowing
10 or having reasonable cause to believe that person to
11 be under the age of eighteen, and a person or persons
12 under the age of eighteen shall not individually or
13 jointly have alcoholic liquor, wine, or beer in their
14 possession or control; except in the case of liquor,
15 wine, or beer given or dispensed to a person under the
16 age of eighteen within a private home and with the
17 knowledge, presence, and consent of the parent or
18 guardian for beverage or medicinal purposes or as
19 administered to the person by either a physician or
20 dentist for medicinal purposes and except to the
21 extent that a person under the age of eighteen may
22 handle alcoholic beverages, wine, and beer during the
23 regular course of the person's employment by a liquor
24 control licensee, or wine or beer permittee under this
25 chapter.

26 Sec. 2. Section 123.47A, subsection 1, Code 1993,
27 is amended to read as follows:

28 1. A person shall not sell, give, or otherwise
29 supply alcoholic liquor, wine, or beer to any person
30 knowing or having reasonable cause to believe that the
31 person is age eighteen, nineteen, or twenty. A person
32 age eighteen, nineteen, or twenty shall not purchase
33 or possess alcoholic liquor, wine, or beer. However,
34 a person age eighteen, nineteen, or twenty may possess
35 alcoholic liquor, wine, or beer given to the person
36 within a private home with the knowledge, presence,
37 and consent of the person's parent or guardian, and a
38 person age eighteen, nineteen, or twenty may handle
39 alcoholic liquor, wine, and beer during the course of
40 the person's employment by a liquor control licensee,
41 or wine or beer permittee. A person, other than a
42 licensee or permittee, who commits a first offense
43 under this section commits a scheduled violation of
44 section 805.8, subsection 10. A person, other than a
45 licensee or permittee, who commits a second or
46 subsequent violation of this section, commits a simple
47 misdemeanor. A licensee or permittee who violates
48 this section with respect to a person who is age

49 nineteen or twenty is guilty of a simple misdemeanor
50 punishable by a fine of not more than fifty dollars.

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1 The penalty provided under this section against a
2 licensee or permittee who violates this section with
3 respect to a person who is age nineteen or twenty is
4 the only penalty which shall be imposed against a
5 licensee or permittee who violates this section. A
6 licensee or permittee who violates this section with
7 respect to a person who is age eighteen commits a
8 simple misdemeanor, and is subject to the criminal and
9 civil penalties provided pursuant to sections 123.49
10 and 123.50 with respect to selling, giving, or
11 otherwise supplying alcoholic beverages, liquor, wine,
12 or beer to persons under legal age.

13 Sec. 3. NEW SECTION. 123.47C SEIZURE OF FALSE OR
14 ALTERED MOTOR VEHICLE LICENSE OR NONOPERATOR
15 IDENTIFICATION CARD.

16 1. If a liquor control licensee or wine or beer
17 permittee or an employee of the licensee or permittee
18 has a reasonable belief based on factual evidence that
19 a motor vehicle license as defined in section 321.1,
20 subsection 43, or nonoperator identification card
21 issued pursuant to section 321.190 offered by a person
22 who wishes to purchase an alcoholic beverage at the
23 licensed premises is altered or falsified or belongs
24 to another person, the licensee, permittee, or
25 employee may retain the motor vehicle license or
26 nonoperator identification card. Within twenty-four
27 hours, the card and a written report of the
28 circumstances shall be delivered to the department of
29 transportation which may investigate whether a
30 violation of section 321.190, 321.216, or 321.216B has
31 occurred. If no investigation is initiated or no
32 probable cause is established by the department, the
33 motor vehicle license or nonoperator identification
34 card shall be delivered to the person to whom it was
35 issued.

36 2. Upon taking possession of an identification
37 card as provided in subsection 1, a receipt for the
38 card with the date and hour of seizure noted shall be
39 provided to the person from whom the card was seized.

40 3. A liquor control licensee or wine or beer
41 permittee or an employee of the licensee or permittee
42 is not subject to criminal prosecution for, or to
43 civil liability for damages alleged to have resulted
44 from, the retention and delivery of a motor vehicle
45 license or a nonoperator identification card which is
46 taken pursuant to subsections 1 and 2. This section
47 shall not be construed to relieve a licensee,
48 permittee, or employee of the licensee or permittee
49 from civil liability for damages resulting from the
50 use of unreasonable force in obtaining the altered or

Page 3

- 1 falsified motor vehicle license or identification card
- 2 or the motor vehicle license or identification card
- 3 believed to belong to another person."

Ertl of Dubuque offered the following amendment H—6135, to the Senate amendment H—5929, filed by him and moved its adoption:

H—6135

- 1 Amend the amendment, H—5929, to House File 2146, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 27 through 35 and
- 5 inserting the following: "hours, the card shall be
- 6 delivered to the appropriate city or county law
- 7 enforcement agency of the jurisdiction in which the
- 8 licensed premises is located. When the card is
- 9 delivered to the appropriate law enforcement agency,
- 10 the licensee shall file a written report of the
- 11 circumstances under which the card was retained. The
- 12 local law enforcement agency may investigate whether a
- 13 violation of section 321.190, 321.216, or 321.216B has
- 14 occurred. If an investigation is not initiated or a
- 15 probable cause is not established by the local law
- 16 enforcement agency, the motor vehicle license or
- 17 nonoperator identification card shall be delivered to
- 18 the person to whom it was issued. The local law
- 19 enforcement agency may forward the card with the
- 20 report to the department of transportation for
- 21 investigation, in which case, the department may
- 22 investigate whether a violation of section 321.190,
- 23 321.216, or 321.216B has occurred. The department of
- 24 transportation shall return the card to the person to
- 25 whom it was issued if an investigation is not
- 26 initiated or a probable cause is not established."

Amendment H—6135 was adopted.

On motion by Ertl of Dubuque, the House concurred in the Senate amendment H—5929, as amended.

Ertl of Dubuque 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. 2146)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo

Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Van Maanen, Spkr.	Weidman	Weigel
Welter	Wise	Witt	Royer, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Dickinson	Grundberg	Holveck
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2146** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2126**, a bill for an act relating to payment by clerks of the district court of amounts less than one dollar, previously deferred and placed on the unfinished business calendar.

Boddicker of Cedar 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. 2126)

The ayes were, 93:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo

Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Van Maanen, Spkr.
Weidman	Weigel	Welter	Wise
Royer, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Dickinson	Grundberg	Holveck
Mundie	Osterberg	Witt	

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

SENATE AMENDMENT CONSIDERED

Garman of Story called up for consideration, **House File 2155**, a bill for an act relating to public school services provided to children attending nonpublic schools, amended by the Senate and moved that the House concur in the following Senate amendment H-6139.

H-6139

- 1 Amend House File 2155, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 31 the
- 4 following:
- 5 "Students enrolled in nonpublic schools who receive
- 6 services pursuant to this subsection shall be weighted
- 7 at the level provided for in section 256B.9,
- 8 subsection 1.
- 9 A local school district providing services pursuant
- 10 to this subsection shall submit an accounting to the
- 11 department of education by August 1 following the
- 12 school year for the actual costs of the special

13 education programs and services provided. The
14 department shall review and approve or modify the
15 accounting by September 1 and shall notify the
16 department of revenue and finance of the approved
17 accounting amount. The department of revenue and
18 finance shall adjust the September payment to the
19 local school district for the next fiscal year by the
20 difference between the amount generated by the
21 weighting for the provision of services to nonpublic
22 school students, as provided in this subsection, and
23 the amount of the actual costs as reflected in the
24 local school district's accounting. Any amount paid
25 by the department of revenue and finance shall be
26 deducted monthly from the state foundation aid paid
27 under section 257.16 during that fiscal year to all
28 school districts in the state. The portion of the
29 total amount of the approved accounting amount that
30 shall be deducted from the state aid of a school
31 district shall be the same as the ratio that the
32 budget enrollment for the budget year of the school
33 district bears to the total budget enrollment in the
34 state for that budget year.

35 Sec. _____. Section 256B.9, subsections 3 and 4,
36 Code 1993, are amended to read as follows:

37 3. The weight that a child is assigned under this
38 section shall be dependent upon the required
39 educational modifications necessary to meet the
40 special education needs of the child. Enrollment for
41 the purpose of this section, and all payments to be
42 made pursuant thereto, includes all children for whom
43 a special education program or course is to be
44 provided pursuant to section 256.12, subsection 2,
45 sections 273.1 to 273.9, and this chapter, whether or
46 not the children are actually enrolled upon the
47 records of a school district.

48 4. On December 1, 1987, and no later than December
49 1 every two years thereafter, for the school year
50 commencing the following July 1, the director of the

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1 department of education shall report to the school
2 budget review committee the average costs of providing
3 instruction for children requiring special education
4 in the categories of the weighting plan established
5 under this section, and for providing services to
6 nonpublic school students pursuant to section 256.12,
7 subsection 2, and the director of the department of
8 education shall make recommendations to the school
9 budget review committee for needed alterations to make
10 the weighting plan suitable for subsequent school
11 years. The school budget review committee shall

12 establish the weighting plan for each school year
 13 after the school year commencing July 1, 1987, and
 14 shall report the plan to the director of the
 15 department of education. Commencing December 1, 1990,
 16 the The school budget review committee may establish
 17 weights to the nearest hundredth. The school budget
 18 review committee shall not alter the weighting
 19 assigned to pupils in a regular curriculum, but it may
 20 increase or decrease the weighting assigned to each
 21 category of children requiring special education by
 22 not more than two-tenths of the weighting assigned to
 23 pupils in a regular curriculum. The state board of
 24 education shall adopt rules under chapter 17A, to
 25 implement the weighting plan for each year and to
 26 assist in identification and proper indexing of each
 27 child in the state who requires special education."
 28 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6139.

Garman 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. 2155)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cphoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Running	Schrader
Siegrist	Spenner	Tyrrell	Vande Hoef
Van Maanen, Spkr.	Weidman	Weigel	Welter
Wise	Witt	Royer,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer
Shoultz

Dickinson

Grundberg

Jochum

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2155 and Senate File 2126** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2264**, a bill for an act relating to the establishment of supplemental needs trusts for persons with disabilities, previously deferred and placed on the unfinished business calendar.

Witt of Black Hawk offered the following amendment H—5605, filed by the committee on human resources and moved its adoption:

H—5605

- 1 Amend Senate File 2264, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 17, by striking the word "a" and
- 4 inserting the following: "an inter vivos or
- 5 testamentary".
- 6 2. Page 1, line 32, by inserting after the words
- 7 "payment of" the following: "expenses which include
- 8 but are not limited to".

The committee amendment H—5605 was adopted.

Witt 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. 2264)

The ayes were, 96:

Arnould
Bell
Boddicker
Brunkhorst
Churchill
Dinkla
Ertl

Baker
Bernau
Brand
Burke
Cohoon
Doderer
Fallon

Beaman
Black
Branstad
Carpenter
Connors
Drake
Fogarty

Beatty
Blodgett
Brauns
Cataldo
Daggett
Eddie
Garman

Gill	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Van Maanen, Spkr.	Weidman	Weigel
Welter	Wise	Witt	Royer, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer Corbett Dickinson Grundberg

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2264** be immediately messaged to the Senate.

Speaker Van Maanen in the chair at 3:08 p.m.

The House resumed consideration of **Senate File 2071**, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property, previously deferred and placed on the unfinished business calendar.

Greig of Emmet offered the following amendment H—5439 filed by the committee on natural resources and outdoor recreation:

H—5439

- 1 Amend Senate File 2071, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 25 through 27 and
- 4 inserting the following: "taken without prior
- 5 permission. All fur-bearing animals so taken shall be
- 6 relinquished to a representative of the commission."

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H—5553, to the committee amendment H—5439, filed by Brunkhorst, et al., on March 21, 1994.

Brunkhorst of Bremer offered the following amendment H—5572, to the committee amendment H—5439, filed by Brunkhorst, et al., and moved its adoption:

H—5572

- 1 Amend the Committee amendment, H—5439, to Senate
- 2 File 2071, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, by striking lines 5 and 6 and
- 5 inserting the following: "permission. All furbearing
- 6 animals so and all parts thereof taken as provided in
- 7 the section shall be disposed of on the site or shall
- 8 be relinquished to a representative of the
- 9 commission."

Amendment H—5572 was adopted.

On motion by Greig of Emmet, the committee amendment H—5439, as amended, was adopted.

Greig of Emmet offered the following amendment H—5617 filed by him and moved its adoption:

H—5617

- 1 Amend Senate File 2071, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "Code." the following: "All fish, furs, birds, or
- 5 animals, or mussels, clams, or frogs seized under this
- 6 section shall be relinquished to a representative of
- 7 the commission."

Amendment H—5617 was adopted.

Greig of Emmet 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. 2071)

The ayes were, 93:

Baker	Beaman	Bell	Bernau
Black	Blodgett	Boddicker	Brand
Branstad	Brauns	Brunkhorst	Burke
Carpenter	Cataldo	Churchill	Cohon
Connors	Corbett	Daggett	Dinkla
Doderer	Drake	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper

Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, 2:

Eddie Renken

Absent or not voting, 5:

Arnould Beatty Brammer Dickinson
Grundberg

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2071** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Brunkhorst of Bremer called up for consideration, **House File 2323**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date, amended by the following Senate amendment H—6060:

H—6060

- 1 Amend House File 2323, as passed by the House, as
- 2 follows:
- 3 1. Page 8, line 10, by inserting after the word
- 4 "grant" the following: "of which a minimum of 4
- 5 percent shall be set aside with one-half the actual
- 6 amount set aside to be expended for a grant program
- 7 for the homeless for the construction, rehabilitation,

8 or expansion of group home shelter for the homeless
 9 and with the other one-half to be expended for a home
 10 ownership program to help lower income and very low
 11 income families achieve single family home ownership.
 12 However, after January 1, 1995, the department may
 13 allocate the set-aside money between the programs
 14 based on the number of applications received. If the
 15 allocation for the current federal fiscal year is not
 16 fully obligated, the excess shall be allocated to the
 17 general competitive program for the following federal
 18 fiscal year".

19 2. Page 17, by inserting after line 20 the
 20 following:

21 "Sec. _____. PROCEDURE FOR EXPENDITURE OF ADDITIONAL
 22 FEDERAL FUNDS. If other federal grants, receipts, and
 23 funds and other nonstate grants, receipts, and funds
 24 become available or are awarded which are not
 25 available or awarded during the period in which the
 26 general assembly is in session, but which require
 27 expenditure by the applicable department or agency
 28 prior to March 15 of the fiscal year beginning July 1,
 29 1994, and ending June 30, 1995, these grants,
 30 receipts, and funds are appropriated to the extent
 31 necessary, provided that the fiscal committee of the
 32 legislative council is notified within thirty days of
 33 receipt of the grants, receipts, or funds and the
 34 fiscal committee of the legislative council has an
 35 opportunity to comment on the expenditure of the
 36 grants, receipts, or funds."

37 3. Page 17, line 28, by inserting after the word
 38 "law" the following: ", in the following amounts for
 39 the purposes indicated".

40 4. Page 17, by inserting after line 28 the
 41 following:

42 "1. For plant and animal disease and pest control,	
43 grant number 10025:	
44	\$ 670,666
45 2. For assistance for intrastate meat and poultry,	
46 grant number 10475:	
47	\$ 918,839
48 3. For farmers market nutrition program, grant	
49 number 10577:	
50	\$ 320,647

Page 2

1 4. For soil and water conservation, grant number	
2 10902:	
3	\$ 190,300
4 5. For food and drug -- research grants, grant	
5 number 13103:	
6	\$ 166,241
7 6. For surface coal mining regulation, grant	
8 number 15250:	
9	\$ 149,328
10 7. For abandoned mine land reclamation, grant	

11 number 15252:
 12 \$ 2,204,461
 13 8. For pesticide enforcement program, grant number
 14 66700:
 15 \$ 599,081
 16 9. For pesticide certification program, grant
 17 number 66720:
 18 \$ 59,050".
 19 5. Page 18, line 15, by inserting after the word
 20 "law" the following: ", in the following amounts for
 21 the purposes indicated".
 22 6. Page 18, by inserting after line 15 the
 23 following:
 24 "1. For vocational rehabilitation - FICA, grant
 25 number 13802:
 26 \$ 464,218
 27 2. For assistive technology information network,
 28 grant number 84022:
 29 \$ 22,980
 30 3. For rehabilitation services - basic support,
 31 grant number 84126:
 32 \$ 4,270,586
 33 4. For rehabilitation training, grant number
 34 84129:
 35 \$ 27,073
 36 5. For centers for independent living, grant
 37 number 84132:
 38 \$ 123,319
 39 6. For independent living project, grant number
 40 84169:
 41 \$ 49,077
 42 7. For older blind, grant number 84177:
 43 \$ 194,060
 44 8. For supported employment, grant number 84187:
 45 \$ 63,626".
 46 7. Page 19, line 26, by inserting after the word
 47 "law" the following: ", in the following amounts for
 48 the purposes indicated".
 49 8. Page 19, by inserting after line 26 the
 50 following:

Page 3

1 "1. For historic preservation grants-in-aid, grant
 2 number 15904:
 3 \$ 490,100
 4 2. For promotion of the arts - education, grant
 5 number 45003:
 6 \$ 110,200
 7 3. For promotion of the arts - federal and state,
 8 grant number 45007:
 9 \$ 486,000

10	4. For promotion of the arts — special projects,	
11	grant number 45011:	
12	.....	\$ 31,500
13	It is the intent of the general assembly that the	
14	department of cultural affairs place an emphasis on	
15	programs which provide grants to local arts and	
16	cultural organizations when making application for	
17	federal funds during the fiscal year beginning July 1,	
18	1994, for the federal fiscal year which begins on	
19	October 1, 1995."	
20	9. Page 19, line 34, by inserting after the word	
21	"law" the following: ", in the following amounts for	
22	the purposes indicated".	
23	10. Page 19, by inserting after line 34 the	
24	following:	
25	"1. For nutrition program for elderly, grant	
26	number 10570:	
27	.....	\$ 2,090,803
28	2. For senior community service employment	
29	program, grant number 17235: -	
30	.....	\$ 1,008,816
31	3. For prevention of elder abuse, grant number	
32	93041:	
33	.....	\$ 54,099
34	4. For preventive health, grant number 93043:	
35	.....	\$ 215,025
36	5. For supportive services, grant number 93044:	
37	.....	\$ 4,469,202
38	6. For nutrition, grant number 93045:	
39	.....	\$ 5,761,049
40	7. For frail elderly, grant number 93046:	
41	.....	\$ 90,296".
42	11. Page 20, line 7, by inserting after the word	
43	"law" the following: ", in the following amounts for	
44	the purposes indicated".	
45	12. Page 20, by inserting after line 7 the	
46	following:	
47	"1. For Trade Expansion Act, grant number 11309:	
48	\$ 295,000
49	2. For child support enforcement, grant number	
50	13783:	

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1	\$ 109,068
2	3. For employment statistics, grant number 17002:	
3	\$ 1,400,416
4	4. For research and statistics, grant number	
5	17005:	
6	.....	\$ 95,421
7	5. For labor certification, grant number 17202:	
8	.....	\$ 108,885

9	6. For employment service, grant number 17207:	
10	.....	\$ 11,640,817
11	7. For unemployment insurance grant to state,	
12	grant number 17225:	
13	.....	\$ 19,730,000
14	8. For occupational safety and health, grant	
15	number 17500:	
16	.....	\$ 1,585,286
17	9. For disabled veterans outreach, grant number	
18	17801:	
19	.....	\$ 1,016,101
20	10. For local veterans employment representation,	
21	grant number 17804:	
22	.....	\$ 1,382,805
23	11. For unemployment insurance trust receipts,	
24	grant number 17998:	
25	.....	\$145,000,000".
26	13. Page 20, line 31, by inserting after the word	
27	"law" the following: ", in the following amounts for	
28	the purposes indicated".	
29	14. Page 20, by inserting after line 31 the	
30	following:	
31	"1. For juvenile justice and delinquency	
32	prevention, grant number 16540:	
33	.....	\$ 545,924
34	2. For weatherization assistance, grant number	
35	81042:	
36	.....	\$ 4,452,472
37	3. For client assistance, grant number 84161:	
38	.....	\$ 108,100
39	4. For low-income home energy assistance, grant	
40	number 93568:	
41	.....	\$ 25,214,357
42	5. For community services block grant, grant	
43	number 93572:	
44	.....	\$ 4,330,117".
45	15. Page 21, line 4, by inserting after the word	
46	"law" the following: ", in the following amounts for	
47	the purposes indicated".	
48	16. Page 21, by inserting after line 4 the	
49	following:	
50	"1. For assistance for intrastate meat and	

Page 5

1	poultry, grant number 10475:	
2	.....	\$ 19,480
3	2. For food and drug - research grants, grant	
4	number 13103:	
5	.....	\$ 5,819
6	3. For Title XVIII medicare inspections, grant	
7	number 13773:	

8	.....	\$2,659,692
9	4. For state medicaid fraud control unit, grant	
10	number 13775:	
11	.....	\$ 1,790
12	5. For state medicaid fraud control, grant number	
13	93775:	
14	.....	\$ 293,376".
15	17. Page 21, line 34, by inserting after the word	
16	"law" the following: ", in the following amounts for	
17	the purposes indicated".	
18	18. Page 21, by inserting after line 34 the	
19	following:	
20	"1. For forestry incentive program, grant number	
21	10064:	
22	.....	\$ 985,000
23	2. For cooperative forestry assistance, grant	
24	number 10664:	
25	.....	\$ 490,000
26	3. For surface coal mining regulation, grant	
27	number 15250:	
28	.....	\$ 28,128
29	4. For fish restoration, grant number 15605:	
30	.....	\$4,715,400
31	5. For wildlife restoration, grant number 15611:	
32	.....	\$2,300,000
33	6. For rare and endangered species conservation,	
34	grant number 15612:	
35	.....	\$ 34,500
36	7. For acquisition, development, and planning,	
37	grant number 15916:	
38	.....	\$ 500,000
39	8. For recreation boating safety financial	
40	assistance, grant number 20005:	
41	.....	\$ 225,000
42	9. For Clean Lakes Act, grant number 66435:	
43	.....	\$ 250,000
44	10. For consolidated environmental programs	
45	support, grant number 66600:	
46	.....	\$8,091,391
47	11. For energy conservation, grant number 81041:	
48	.....	\$ 297,274
49	12. For energy extension service, grant number	
50	81050:	

Page 6

1	.....	\$ 107,860
2	13. For grants for local government, grant number	
3	81052:	
4	.....	\$ 323,066".
5	19. Page 22, line 21, by inserting after the word	
6	"law" the following: ", in the following amounts for	

7 the purposes indicated".

8 20. Page 22, by inserting after line 21 the

9 following:

10 "1. For military operations -- Army national

11 guard, grant number 12991:

12 \$ 7,301,305

13 2. For hazardous materials transport, grant number

14 20703:

15 \$ 146,993

16 3. For population protection planning, grant

17 number 83211:

18 \$ 254,373

19 4. For emergency management training, grant number

20 83403:

21 \$ 108,631

22 5. For emergency management assistance, grant

23 number 83503:

24 \$ 897,619

25 6. For state and local maintenance and service,

26 grant number 83504:

27 \$ 52,200

28 7. For state disaster preparedness grants, grant

29 number 83505:

30 \$ 20,000

31 8. For state and local emergency operation

32 centers, grant number 83512:

33 \$ 2,100,000

34 9. For disaster assistance, grant number 83516:

35 \$ 6,039,252

36 10. For hazard mitigation, grant number 83519:

37 \$ 430,000".

38 21. Page 23, line 1, by inserting after the word

39 "law" the following: ", in the following amounts for

40 the purposes indicated".

41 22. Page 23, by inserting after line 1 the

42 following:

43 "1. For agricultural experiment, grant number

44 10203:

45 \$ 3,870,819

46 2. For 1890 land grant colleges, grant number

47 10205:

48 \$ 50,000

49 3. For cooperative extension service, grant number

50 10500:

Page 7

1 \$ 8,400,000

2 4. For school breakfast program, grant number

3 10553:

4 \$ 10,260

5 5. For school lunch program, grant number 10555:

6	.....	\$ 211,398
7	6. For maternal and child health, grant number	
8	13110:	
9	.....	\$ 105,435
10	7. For cancer treatment research, grant number	
11	13395:	
12	.....	\$ 29,776
13	8. For general research, grant number 83500:	
14	.....	\$ 207,896,969
15	9. For education of handicapped children, grant	
16	number 84009:	
17	.....	\$ 20,713
18	10. For handicapped — state grants, grant number	
19	84027:	
20	.....	\$ 263,417".
21	23. Page 24, line 13, by inserting after the word	
22	"law" the following: ", in the following amounts for	
23	the purposes indicated".	
24	24. Page 24, by inserting after line 13 the	
25	following:	
26	"1. For department of housing and urban	
27	development, grant number 14000:	
28	.....	\$ 19,292
29	2. For department of justice, grant number 16000:	
30	.....	\$ 400,000
31	3. For marijuana control, grant number 16580:	
32	.....	\$ 58,000
33	4. For state and community highway safety, grant	
34	number 20600:	
35	.....	\$ 2,191,569".
36	25. Page 24, line 21, by inserting after the word	
37	"law" the following: ", in the following amounts for	
38	the purposes indicated".	
39	26. Page 24, by inserting after line 21 the	
40	following:	
41	"1. For women, infants, and children, grant number	
42	10557:	
43	.....	\$ 25,158,507
44	2. For food and drug — research grants, grant	
45	number 13103:	
46	.....	\$ 12,582
47	3. For primary care services, grant number 13130:	
48	\$ 61,148
49	4. For health services — grants and contracts,	
50	grant number 13226:	

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1	\$ 303,756
2	5. For drug abuse research grant, grant number	
3	13279:	
4	\$ 97,270

5	6. For prevention disability, grant number 13283:	
6	.....	\$ 93,747
7	7. For treatment programs, grant number 13902:	
8	.....	\$ 242,784
9	8. For health programs for refugees, grant number	
10	13987:	
11	.....	\$ 36,777
12	9. For alcohol and drug abuse block grant, grant	
13	number 13992:	
14	.....	\$ 10,983,789
15	10. For radon control, grant number 66032:	
16	.....	\$ 261,450
17	11. For toxic substance compliance monitoring,	
18	grant number 66701:	
19	.....	\$ 200,082
20	12. For asbestos enforcement program, grant number	
21	66702:	
22	.....	\$ 184,480
23	13. For drug-free schools — communities, grant	
24	number 84186:	
25	.....	\$ 1,283,809
26	14. For consumer protection safety, grant number	
27	87001:	
28	.....	\$ 17,600
29	15. For regional delivery systems, grant number	
30	93110:	
31	.....	\$ 341,116
32	16. For PB control — elimination, grant number	
33	93116:	
34	.....	\$ 93,412
35	17. For AIDS prevention project, grant number	
36	93118:	
37	.....	\$ 948,613
38	18. For physician education, grant number 93161:	
39	.....	\$ 315,151
40	19. For childhood lead, grant number 93197:	
41	.....	\$ 305,672
42	20. For family planning projects, grant number	
43	93217:	
44	.....	\$ 517,350
45	21. For immunization program, grant number 93268:	
46	.....	\$ 630,370
47	22. For needs assessment grant, grant number	
48	93283:	
49	\$ 1,271,862
50	23. For model programs for adolescents, grant	

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1	number 93902:	
2	\$ 710,408
3	24. For rural health, grant number 93913:	

4	\$ 49,489
5	25. For HIV cares grants, grant number 93917:	
6	.....	\$ 110,588
7	26. For trauma care, grant number 93953:	
8	.....	\$ 164,301
9	27. For preventive health services, grant number	
10	93977:	
11	.....	\$ 392,399
12	28. For preventive health blocks, grant number	
13	93991:	
14	.....	\$ 1,417,241
15	29. For maternal and child health block grant,	
16	grant number 93994:	
17	.....	\$ 6,976,288".
18	27. Page 24, line 29, by inserting after the word	
19	"law" the following: ", in the following amounts for	
20	the purposes indicated".	
21	28. Page 24, by inserting after line 29 the	
22	following:	
23	"1. For food stamps, grant number 10551:	
24	.....	\$ 3,843,072
25	2. For administration expense for food stamps,	
26	grant number 10561:	
27	.....	\$ 9,728,338
28	3. For commodity support food program, grant	
29	number 10565:	
30	.....	\$ 312,671
31	4. For temporary emergency food assistance, grant	
32	number 10568:	
33	.....	\$ 382,000
34	5. For child care planning and development, grant	
35	number 13673:	
36	.....	\$ 14,281
37	6. For Title XVIII medicare inspections, grant	
38	number 13773:	
39	.....	\$ 100,000
40	7. For foster grandparents program, grant number	
41	72001:	
42	.....	\$ 359,097
43	8. For retired senior volunteer program, grant	
44	number 72002:	
45	.....	\$ 23,844
46	9. For disaster assistance, grant number 83516:	
47	\$ 1,000,000
48	10. For projects with industries, grant number	
49	84128:	
50	\$ 462,765

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1	11. For mental health, grant number 93125:	
2	\$ 105,679

3	12. For mental health training, grant number	
4	93244:	
5	.....	\$ 483,849
6	13. For family support payments to states, grant	
7	number 93560:	
8	.....	\$ 97,264,216
9	14. For job opportunities and basic skills	
10	training, grant number 93561:	
11	.....	\$ 18,089,007
12	15. For child support enforcement, grant number	
13	93563:	
14	.....	\$ 19,176,508
15	16. For refugee and entrant assistance, grant	
16	number 93566:	
17	.....	\$ 3,787,734
18	17. For child care development block grant, grant	
19	number 93575:	
20	.....	\$ 8,115,638
21	18. For developmental disabilities basic support,	
22	grant number 93630:	
23	.....	\$ 780,680
24	19. For children's justice, grant number 93643:	
25	.....	\$ 171,347
26	20. For child welfare services, grant number	
27	93645:	
28	.....	\$ 4,199,900
29	21. For crisis nursery, grant number 93656:	
30	.....	\$ 136,241
31	22. For foster care Title IV-E, grant number	
32	93658:	
33	.....	\$ 16,378,702
34	23. For adoption assistance, grant number 93659:	
35	.....	\$ 4,092,314
36	24. For social services block grant, grant number	
37	93667:	
38	.....	\$ 31,975,889
39	25. For child abuse basic, grant number 93669:	
40	.....	\$ 280,024
41	26. For child abuse challenge, grant number 93672:	
42	.....	\$ 57,507
43	27. For development of dependent care, grant	
44	number 93673:	
45	.....	\$ 50,601
46	28. For Title IV-E independent living, grant	
47	number 93674:	
48	.....	\$ 481,440
49	29. For sexually transmitted disease control	
50	program, grant number 93777:	

2	30. For medical assistance, grant number 93778:	
3	.....	\$ 772,626,577
4	31. For community mental health services, grant	
5	number 93958:	
6	.....	\$ 2,100,000".
7	29. Page 25, line 2, by inserting after the word	
8	"law" the following: ", in the following amounts for	
9	the purposes indicated".	
10	30. Page 25, by inserting after line 2 the	
11	following:	
12	"1. For department of agriculture, grant number	
13	10000:	
14	.....	\$ 128,580
15	2. For young adult conservation corps, grant	
16	number 10663:	
17	.....	\$ 750,000
18	3. For state and local planning, grant number	
19	11305:	
20	.....	\$ 50,000
21	4. For procurement office/department of defense,	
22	grant number 12600:	
23	.....	\$ 83,000
24	5. For community development block grant state	
25	program, grant number 14228:	
26	.....	\$ 32,115,760
27	6. For national Affordable Housing Act, grant	
28	number 14239:	
29	.....	\$ 10,637,714
30	7. For department of labor, grant number 17000:	
31	.....	\$ 408,816
32	8. For Job Training Partnership Act, grant number	
33	17250:	
34	.....	\$ 28,280,312
35	9. For small business administration tree program,	
36	grant number 59045:	
37	.....	\$ 160,000".
38	31. Page 25, line 10; by inserting after the word	
39	"law" the following: ", in the following amounts for	
40	the purposes indicated".	
41	32. Page 25, by inserting after line 10 the	
42	following:	
43	"1. For airport improvement program — federal	
44	aviation administration, grant number 20106:	
45	.....	\$ 100,000
46	2. For highway research, plan and construction,	
47	grant number 20205:	
48	\$ 281,014,000
49	3. For motor carrier safety assistance, grant	
50	number 20217:	

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1	\$ 50,000
2	4. For local rail service assistance, grant number	
3	20308:	
4	\$ 400,000
5	5. For urban mass transportation, grant number	
6	20507:	
7	.....	\$ 2,000,000".
8	33. Page 25, line 17, by inserting after the word	
9	"law" the following: ", in the following amounts for	
10	the purposes indicated".	
11	34. Page 25, by inserting after line 17 the	
12	following:	
13	"1. For school breakfast program, grant number	
14	10553:	
15	.....	\$1,300,000
16	2. For school lunch program, grant number 10555:	
17	.....	\$ 46,500,000
18	3. For special milk program for children, grant	
19	number 10556:	
20	.....	\$ 200,000
21	4. For child care food program, grant number	
22	10558:	
23	.....	\$ 4,100,000
24	5. For summer food service for children, grant	
25	number 10559:	
26	.....	\$ 300,000
27	6. For administration expenses for child	
28	nutrition, grant number 10560:	
29	.....	\$ 1,887,921
30	7. For public telecommunication facilities, grant	
31	number 11550:	
32	.....	\$ 45,000
33	8. For vocational rehabilitation — state	
34	supplementary assistance, grant number 13625:	
35	.....	\$ 588,317
36	9. For vocational rehabilitation — FICA, grant	
37	number 13802:	
38	.....	\$ 8,730,100
39	10. For Job Training Partnership Act, grant number	
40	17250:	
41	.....	\$ 178,000
42	11. For mine health and safety, grant number	
43	17600:	
44	.....	\$ 80,000
45	12. For veterans education, grant number 64111:	
46	.....	\$ 183,696
47	13. For asbestos enforcement program, grant number	
48	66702:	
49	\$ 14,850
50	14. For adult education, grant number 84002:	

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1		\$ 2,293,233
2	15. For bilingual education, grant number 84003:	
3		\$ 75,000
4	16. For civil rights, grant number 84004:	
5		\$ 307,469
6	17. For education of handicapped children, grant	
7	number 84009:	
8		\$ 600,000
9	18. For E.C.I.A. — chapter 1, grant number 84010:	
10		\$ 45,951,194
11	19. For migrant education, grant number 84011:	
12		\$ 270,991
13	20. For educationally deprived children, grant	
14	number 84012:	
15		\$ 415,512
16	21. For education for neglected — delinquent	
17	children, grant number 84013:	
18		\$ 266,680
19	22. For handicapped education, grant number 84025:	
20		\$ 98,000
21	23. For handicapped — state grants, grant number	
22	84027:	
23		\$ 24,676,416
24	24. For handicapped professional preparation,	
25	grant number 84029:	
26		\$ 118,000
27	25. For public library services, grant number	
28	84034:	
29		\$ 1,184,117
30	26. For interlibrary cooperation, grant number	
31	84035:	
32		\$ 263,812
33	27. For vocational education — state grants,	
34	grant number 84048:	
35		\$ 9,676,906
36	28. For vocational education — consumer and	
37	homemaking, grant number 84049:	
38		\$ 32,078
39	29. For vocational education — state advisory	
40	councils, grant number 84053:	
41		\$ 168,643
42	30. For national diffusion network, grant number	
43	84073:	
44		\$ 95,405
45	31. For rehabilitation services — basic support,	
46	grant number 84126:	
47		\$ 12,859,978
48	32. For rehabilitation training, grant number	
49	84129:	
50		\$ 81,723

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1	33. For chapter 2 block grant, grant number 84151:	
2	\$ 5,086,312
3	34. For public library construction, grant number	
4	84154:	
5	.....	\$ 240,000
6	35. For transition services, grant number 84158:	
7	.....	\$ 507,559
8	56. For emergency immigrant education, grant	
9	number 84162:	
10	.....	\$ 33,405
11	57. For EESA Title II, grant number 84164:	
12	.....	\$ 1,675,321
13	58. For independent living project, grant number	
14	84169:	
15	.....	\$ 194,420
16	59. For education of handicapped — incentive,	
17	grant number 84173:	
18	.....	\$ 4,337,839
19	60. For education of handicapped — infants and	
20	toddlers, grant number 84181:	
21	.....	\$ 1,705,171
22	61. For Byrd scholarship program, grant number	
23	84185:	
24	.....	\$ 113,950
25	62. For drug free schools/communities, grant	
26	number 84186:	
27	.....	\$ 4,006,464
28	63. For supported employment, grant number 84187:	
29	.....	\$ 268,632
30	64. For homeless youth and children, grant number	
31	84196:	
32	.....	\$ 183,607
33	65. For star schools grant, grant number 84203:	
34	.....	\$ 1,000,001
35	66. For even start, grant number 84213:	
36	.....	\$ 557,824
37	67. For E.C.I.A. capital expense, grant number	
38	84216:	
39	.....	\$ 495,884
40	68. For E.C.I.A. state improvements, grant number	
41	84218:	
42	.....	\$ 180,000
43	69. For foreign language assistance, grant number	
44	84249:	
45	.....	\$ 55,766
46	70. For literacy resource center, grant number	
47	84254:	
48	\$ 73,458
49	71. For AIDS prevention project, grant number	
50	93118:	

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1	\$ 154,738
2	72. For headstart collaborative grant, grant	
3	number 93600:	
4	\$ 95,850
5	73. For serve America, grant number 94001:	
6	.....	\$ 156,657".
7	35. Page 25, by inserting after line 25 the	
8	following:	
9	"Sec. _____. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE.	
10	Federal grants, receipts, and funds and other nonstate	
11	grants, receipts, and funds, available in whole or in	
12	part for the fiscal year beginning July 1, 1994, and	
13	ending June 30, 1995, are appropriated to the	
14	governor's alliance on substance abuse for the	
15	purposes set forth in the grants, receipts, or	
16	conditions accompanying the receipt of the funds,	
17	unless otherwise provided by law, in the following	
18	amount for the purpose indicated.	
19	For narcotics control assistance, grant number	
20	16579:	
21	.....	\$ 6,500,001".
22	36. By renumbering, relettering, or redesignating	
23	and correcting internal references as necessary.	

Brunkhorst of Bremer offered the following amendment H—6158, to the Senate amendment H—6060, filed by him and Hammond from the floor and moved its adoption:

H—6158

- 1 Amend the Senate amendment, H—6060, to House File
- 2 2323, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 3 through 18.
- 4 2. Page 14, line 8, by striking the figure "56"
- 5 and inserting the following: "36".
- 6 3. Page 14, line 11, by striking the figure "57"
- 7 and inserting the following: "37".
- 8 4. Page 14, line 13, by striking the figure "58"
- 9 and inserting the following: "38".
- 10 5. Page 14, line 16, by striking the figure "59"
- 11 and inserting the following: "39".
- 12 6. Page 14, line 19, by striking the figure "60"
- 13 and inserting the following: "40".
- 14 7. Page 14, line 22, by striking the figure "61"
- 15 and inserting the following: "41".
- 16 8. Page 14, line 25, by striking the figure "62"
- 17 and inserting the following: "42".
- 18 9. Page 14, line 28, by striking the figure "63"
- 19 and inserting the following: "43".
- 20 10. Page 14, line 30, by striking the figure "64"

- 21 and inserting the following: "44".
- 22 11. Page 14, line 33, by striking the figure "65"
- 23 and inserting the following: "45".
- 24 12. Page 14, line 35, by striking the figure "66"
- 25 and inserting the following: "46".
- 26 13. Page 14, line 37, by striking the figure "67"
- 27 and inserting the following: "47".
- 28 14. Page 14, line 40, by striking the figure "68"
- 29 and inserting the following: "48".
- 30 15. Page 14, line 43, by striking the figure "69"
- 31 and inserting the following: "49".
- 32 16. Page 14, line 46, by striking the figure "70"
- 33 and inserting the following: "50".
- 34 17. Page 14, line 49, by striking the figure "71"
- 35 and inserting the following: "51".
- 36 18. Page 15, line 2, by striking the figure "72"
- 37 and inserting the following: "52".
- 38 19. Page 15, line 5, by striking the figure "73"
- 39 and inserting the following: "53".
- 40 20. Page 15, by inserting after line 21 the
- 41 following:
- 42 "Sec. 100. 1992 Iowa Acts, chapter 1234, section
- 43 6, is amended by adding the following new subsection:
- 44 NEW SUBSECTION. 3. There is appropriated from the
- 45 fund created by section 8.41 to the department of
- 46 economic development for the federal fiscal year
- 47 beginning October 1, 1992, and ending September 30,
- 48 1993, the following amount:
- 49 \$ 28,736,000
- 50 Funds appropriated by this subsection are community

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- 1 development block grant funds awarded to the state
- 2 under public law No. 103-75, Emergency Supplemental
- 3 Appropriations for Relief From the Major Widespread
- 4 Flooding in the Midwest Act of 1993. The department
- 5 of economic development shall expend the funds
- 6 appropriated by this subsection as provided in the
- 7 federal law making the funds available and in
- 8 conformance with chapter 17A. An amount not exceeding
- 9 1.8 percent of the funds awarded shall be used by the
- 10 department for administrative expenses. From the
- 11 funds set aside for administrative expenses, the
- 12 department shall pay to the auditor of state an amount
- 13 sufficient to pay the cost of auditing the use and
- 14 administration of the state's portion of the funds
- 15 appropriated in this subsection."
- 16 _____. Page 25, line 26, by striking the words and
- 17 figures "Section 16" and inserting the following:
- 18 "Sections 16 and 100".
- 19 _____. Page 25, line 27, by striking the words

- 20 "takes" and inserting the following: "take".
 21 _____. Page 25, by inserting after line 27 the
 22 following:
 23 "Sec. 101. RETROACTIVE APPLICABILITY. Section 100
 24 of this Act is retroactively applicable to October 1,
 25 1992, and is applicable on and after that date."
 26 _____. Title page, line 7, by inserting after the
 27 word "effective" the following: "and applicability"."

Amendment H—6158 was adopted.

On motion by Brunkhorst of Bremer, the House concurred in the Senate amendment H—6060, as amended.

Brunkhorst of Bremer 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. 2323)

The ayes were, 93:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brand	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohoon	Connors	Corbett	Daggett
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Myers	Nelson	Neuhauser	O'Brien
Ollie	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 7:

Beatty	Brammer	Dickinson	Grundberg
Lundby	Murphy	Osterberg	

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2323** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 2429**, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations, previously deferred and placed on the unfinished business calendar.

Metcalf of Polk offered the following amendment H—6159, filed by her from the floor and moved its adoption:

H—6159

- 1 Amend House File 2429 as follows:
- 2 1. Page 6, line 24, by striking the figure
- 3 "31,400,000" and inserting the following:
- 4 "31,700,000".
- 5 2. Page 8, lines 16 and 17, by striking the word
- 6 and figure "and 581 IAC 10.4".
- 7 3. Page 8, line 27, by striking the figure
- 8 "16,400,000" and inserting the following:
- 9 "16,700,000".
- 10 4. By striking page 9, line 27 through page 10,
- 11 line 1.
- 12 5. By renumbering as necessary.

Amendment H—6159 was adopted, placing out of order amendment H—6160, filed by Hammond of Story, Brand and Bernau, from the floor.

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?" (H.F. 2429)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo

Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royce	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 1:

Fallon

Absent or not voting, 4:

Brammer

Dickinson

Grundberg

Osterberg

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

Under the provisions of Rule 76, conflict of interest, Osterberg of Linn, refrained from voting.

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 13, 1994, insisted on its amendment to Senate File 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Szymoniak, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Warren, Senator Fink; the Senator from Muscatine, Senator Drake; the Senator from Mahaska, Senator Hedge.

JOHN F. DWYER, Secretary

The House stood at ease at 4:00 p.m., until the fall of the gavel.

The House resumed session at 4:37 p.m., Speaker Van Maanen in the chair.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that House File 2429 be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Carpenter of Polk called up for consideration House File 2418, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, amended by the Senate amendment H-6055:

H-6055

1 Amend House File 2418, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 19A.30, unnumbered paragraph
6 1, Code 1993, is amended to read as follows:

7 At the request of an employee of a state agency
8 through contractual agreement, the director may
9 arrange for the purchase of group or individual
10 annuity contracts for any of the employees of that
11 agency, which annuity contracts are issued by a
12 nonprofit corporation issuing retirement annuities
13 exclusively for educational institutions and their
14 employees or are purchased from any company the
15 employee chooses that is authorized to do business in
16 this state and or through an Iowa-licensed insurance
17 agent salesperson that the employee selects, on a
18 group or individual basis, for retirement or other
19 purposes, and may make payroll deductions in
20 accordance with the arrangements for the purpose of
21 paying the entire premium due and to become due under
22 the contract. The deductions shall be made in the
23 manner which will qualify the annuity premiums for the
24 benefits afforded under section 403b 403(b) of the
25 Internal Revenue Code, as defined in section 422.3.
26 The employee's rights under the annuity contract are
27 nonforfeitable except for the failure to pay premiums.
28 As used in this section, unless the context otherwise
29 requires, "annuity contract" includes any custodial
30 account which meets the requirements of section
31 403(b)(7) of the Internal Revenue Code, as defined in
32 section 422.3."

33 2. Page 9, line 12, by inserting after the word
34 "federal" the following: "and state".

35 3. Page 9, by striking lines 26 and 27 and
36 inserting the following: "for federal and state
37 income tax purposes only and for all other purposes of

38 this chapter shall be".

39 4. Page 10, by inserting after line 14 the
40 following:

41 "Sec. 100. Section 97B.11A, as enacted in this
42 Act, is amended to read as follows:

43 97B.11A PICKUP OF EMPLOYEE CONTRIBUTIONS.

44 1. Notwithstanding section 97B.11 or other
45 provisions of this chapter, beginning January 1, 1995
46 1996, member contributions required under section
47 97B.11 which are picked up by the employer shall be
48 considered employer contributions for federal and
49 state income tax purposes, and each employer shall
50 pick up the member contributions to be made under

Page 2

1 section 97B.11 by its employees. Each employer shall
2 pick up these contributions by reducing the salary of
3 each of its employees covered by this chapter by the
4 amount which each employee is required to contribute
5 under section 97B.11 and shall pay the amount picked
6 up in lieu of the member contributions as provided in
7 section 97B.14.

8 2. Member contributions picked up by each employer
9 under subsection 1 shall be treated as employer
10 contributions for federal and state income tax
11 purposes only and for all other purposes of this
12 chapter and the laws of this state shall be treated as
13 employee contributions and deemed part of the
14 employee's wages or salary."

15 5. Page 14, by striking lines 13 through 19 and
16 inserting the following: "the wages for the third
17 year by combining the wages from the highest quarter
18 or quarters not being used in the selection of the two
19 highest years computing the average quarter of all
20 quarters from the member's highest calendar year of
21 covered wages and using the computed average quarter
22 for each quarter in the third year in which no wages
23 have been reported in combination with the final
24 quarter or quarters of the member's service to create
25 a full year. However, the department shall not use
26 the member's final quarter of wages if using that
27 quarter would reduce the member's three-year average
28 covered wage. If the three-year".

29 6. Page 16, line 10, by striking the words "one
30 year" and inserting the following: "three years".

31 7. Page 21, by inserting after line 31 the
32 following:

33 "Sec. _____. Section 97B.49, subsection 16,
34 paragraph a, subparagraph (4), Code Supplement 1993,
35 is amended to read as follows:

36 (4) The years of membership service required under
37 this paragraph include membership service as a sheriff
38 or deputy sheriff and membership service as an
39 employee in a protection occupation under paragraph
40 "d", subparagraph (2). The years of membership

41 service required under this paragraph also includes
42 membership service as an airport fire fighter employed
43 by the military division of the department of public
44 defense.

45 Sec. _____. Section 97B.49, subsection 16, paragraph
46 b, Code Supplement 1993, is amended to read as
47 follows:

48 b. (1) Notwithstanding other provisions of this
49 chapter:

50 (1) (a) A member who retires from employment as a

Page 3

1 county sheriff or deputy sheriff who retires on or
2 after July 1, 1988, and before July 1, 1990, and at
3 the time of retirement is at least fifty-five years of
4 age and has completed at least twenty-two years of
5 membership service, may elect to receive in lieu of
6 the receipt of any benefits under subsection 5 or 15,
7 a monthly retirement allowance equal to one-twelfth of
8 fifty percent of the member's three-year average
9 covered wage as a member, with benefits payable during
10 the member's lifetime.

11 (2) (b) A member who retires from employment as a
12 county sheriff or deputy sheriff who retires on or
13 after July 1, 1990, or a member who is or has been
14 employed as a county sheriff or deputy sheriff who
15 retires on or after July 1, 1994, and at the time of
16 retirement is at least fifty-five years of age and has
17 completed at least twenty-two years of membership
18 service, may elect to receive in lieu of the receipt
19 of any benefits under subsection 5 or 15, a monthly
20 retirement allowance equal to one-twelfth of the same
21 percentage of the member's three-year average covered
22 wage as is provided in paragraph "a", with benefits
23 payable during the member's lifetime.

24 (3) (c) The years of membership service required
25 under this paragraph subparagraph shall include
26 membership service as a sheriff or deputy sheriff and
27 membership service under employment in a protection
28 occupation included in paragraph "d", subparagraph
29 (2).

30 (4) (d) For the purposes of this subsection,
31 sheriff "sheriff" means a county sheriff as defined in
32 section 39.17 and deputy sheriff "deputy sheriff"
33 means a deputy sheriff appointed pursuant to section
34 341.1 prior to July 1, 1981, or section 331.903 on or
35 after July 1, 1981.

36 (2) Notwithstanding other provisions of this
37 chapter:

38 (a) A member who is an airport fire fighter
39 employed by the military division of the department of
40 public defense or has been employed as an airport fire
41 fighter by the military division of the department of
42 public defense who retires on or after July 1, 1994,
43 and at the time of retirement is at least fifty-five

44 years of age and has completed at least twenty-two
 45 years of membership service, may elect to receive in
 46 lieu of the receipt of any benefits under subsection 5
 47 or 15, a monthly retirement allowance equal to one-
 48 twelfth of the same percentage of the member's three-
 49 year average covered wage as is provided in paragraph
 50 "a", with benefits payable during the member's

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1 lifetime.

2 (b) The years of membership service required under
 3 this subparagraph shall include membership service as
 4 an airport fire fighter, regardless of whether the
 5 service occurred prior to the inclusion of airport
 6 fire fighters under this paragraph, and the inclusion
 7 of that service shall not affect the contribution
 8 rates paid by the member or the employer under this
 9 subsection.

10 (c) For the purposes of this subsection, "airport
 11 fire fighter" means an airport fire fighter employed
 12 by the military division of the department of public
 13 defense.

14 Sec. _____. Section 97B.49, subsection 16, paragraph
 15 c, unnumbered paragraph 3, Code Supplement 1993, is
 16 amended to read as follows:

17 For the purpose of this subsection, "fraction of
 18 years of service" means a number, not to exceed one,
 19 equal to the sum of the years of membership service
 20 for a member retiring in a protection occupation,
 21 divided by twenty-five years, or the sum of the years
 22 of membership service for a member retiring as a
 23 sheriff or deputy sheriff or airport fire fighter
 24 divided by twenty-two years."

25 8. Page 21, by inserting after line 31 the
 26 following:

27 "Sec. _____. Section 97B.49, subsection 16,
 28 paragraph d, subparagraph (2), Code Supplement 1993,
 29 is amended to read as follows:

30 (2) A marshal or police officer in a city not
 31 covered under chapter 400 or a fire fighter or police
 32 officer of a city not participating in the retirement
 33 system established in chapter 411."

34 9. Page 21, by inserting after line 31 the
 35 following:

36 "Sec. _____. Section 97B.49, subsection 16,
 37 paragraph d, subparagraph (4), Code Supplement 1993,
 38 is amended by striking the subparagraph."

39 10. Page 22, by inserting after line 7 the
 40 following:

41 "Sec. _____. Section 97B.49, subsection 16,
 42 paragraph d, Code Supplement 1993, is amended by
 43 adding the following new subparagraph:

44 **NEW SUBPARAGRAPH.** (9) An employee of a judicial
 45 district department of correctional services who is
 46 employed as a probation officer I, II, or III, or

47 parole officer I, II, or III."
48 11. Page 22, by striking lines 8 through 16 and
49 inserting the following:
50 "Sec. _____. Section 97B.49, subsection 16,

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1 paragraph j, Code Supplement 1993, is amended by
2 striking the paragraph."
3 12. Page 22, by inserting before line 17 the
4 following:
5 "Sec. _____. Section 97B.49, subsection 16, Code
6 Supplement 1993, is amended by adding the following
7 new paragraph:
8 NEW PARAGRAPH. l. For the fiscal year commencing
9 July 1, 1994, and each succeeding fiscal year, each
10 judicial district department of correctional services
11 shall pay to the department of personnel from funds
12 appropriated to that judicial district department of
13 correctional services, the amount necessary to pay the
14 employer share of the cost of the additional benefits
15 provided to employees covered under paragraph "d",
16 subparagraph (9)."
17 13. Page 22, by inserting before line 17 the
18 following:
19 "Sec. _____. Section 97B.49, subsection 16, Code
20 Supplement 1993, is amended by adding the following
21 new paragraph:
22 NEW PARAGRAPH. m. For the fiscal year commencing
23 July 1, 1994, and each succeeding fiscal year, there
24 is appropriated from the general fund of the state to
25 the department of personnel, from funds not otherwise
26 appropriated, an amount necessary to pay the employer
27 share of the cost of the additional benefits provided
28 to airport fire fighters pursuant to paragraph "b",
29 subparagraph (2)."
30 14. By striking page 36, line 13 through page 37,
31 line 4 and inserting the following:
32 "9. At the request of an employee through
33 contractual agreement the board may arrange for the
34 purchase of group or individual annuity contracts for
35 any of its employees, which annuity contracts are
36 issued by a nonprofit corporation issuing retirement
37 annuities exclusively for educational institutions and
38 their employees or are purchased from any company the
39 employee chooses that is authorized to do business in
40 this state and or through an Iowa-licensed insurance
41 agent salesperson that the employee selects, on a
42 group or individual basis, for retirement or other
43 purposes, and may make payroll deductions in
44 accordance with the arrangements for the purpose of
45 paying the entire premium due and to become due under
46 the contract. The deductions shall be made in the
47 manner which will qualify the annuity premiums for the
48 benefits under section 403(b) of the Internal Revenue
49 Code, as defined in section 422.3. The employee's

50 rights under the annuity contract are nonforfeitable

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1 except for the failure to pay premiums. If an
2 existing tax-sheltered annuity contract is to be
3 replaced by a new contract, the agent or
4 representative of the company shall submit a letter of
5 intent by registered mail to the company being
6 replaced, to the insurance commissioner of the state
7 of Iowa, and to the agent's or representative's own
8 company at least thirty days prior to any action.
9 This letter of intent shall contain the policy number
10 and description of the contract being replaced and a
11 description of the replacement contract. As used in
12 this section, unless the context otherwise requires,
13 "annuity contract" includes any custodial account
14 which meets the requirements of section 403(b)(7) of
15 the Internal Revenue Code, as defined in section
16 422.3."

17 15. Page 37, by inserting before line 28 the
18 following:

19 "Sec. _____. Section 262.21, unnumbered paragraph 1,
20 Code 1993, is amended to read as follows:

21 At the request of an employee through contractual
22 agreement the board may arrange for the purchase of
23 group or individual annuity contracts for any of its
24 employees, which annuity contracts are issued by a
25 nonprofit corporation issuing retirement annuities
26 exclusively for educational institutions and their
27 employees or are purchased from any company the
28 employee chooses that is authorized to do business in
29 this state, or the board may arrange for the purchase
30 of an individual mutual fund contract from any company
31 the employee chooses from a broker-dealer,
32 salesperson, or mutual fund registered in this state,
33 or through an Iowa-licensed salesperson that the
34 employee selects, on a group or individual basis, for
35 retirement or other purposes, and may make payroll
36 deductions in accordance with the arrangements for the
37 purpose of paying the entire premium due and to become
38 due under the contract. The deductions shall be made
39 in the manner which will qualify the annuity premiums
40 for the benefits under section 403b 403(b) of the
41 Internal Revenue Code, as defined in section 422.3.
42 The employee's rights under the annuity contract are
43 nonforfeitable except for the failure to pay premiums.
44 As used in this section, unless the context otherwise
45 requires, "annuity contract" includes any custodial
46 account which meets the requirements of section
47 403(b)(7) of the Internal Revenue Code, as defined in
48 section 422.3.

49 Sec. _____. Section 273.3, subsection 14, Code 1993,
50 is amended to read as follows:

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1 14. At the request of an employee through
2 contractual agreement the board may purchase group or
3 individual annuity contracts for employees, which
4 annuity contracts are issued by a nonprofit
5 corporation issuing retirement annuities exclusively
6 for educational institutions and their employees or
7 are purchased from an insurance organization or mutual
8 fund any company the employee chooses for retirement
9 or other purposes that is authorized to do business in
10 this state, and or through an Iowa-licensed insurance
11 agent, securities dealer, or salesperson that the
12 employee selects, on a group or individual basis, for
13 retirement or other purposes. The board may make
14 payroll deductions for the purpose of paying the
15 entire premium due, and to become due, in accordance
16 with the terms of the contract. The deductions shall
17 be made in the manner which will qualify the annuity
18 premiums for the benefits under section 403b 403(b) of
19 the Internal Revenue Code, as defined in section
20 422.3. The employee's rights under the annuity
21 contract are nonforfeitable except for the failure to
22 pay premiums. As used in this section, unless the
23 context otherwise requires, "annuity contract"
24 includes any custodial account which meets the
25 requirements of section 403(b)(7) of the Internal
26 Revenue Code, as defined in section 422.3."

27 16. Page 38, by inserting after line 19 the
28 following:

29 "Sec. _____. Section 294.16, Code 1993, is amended
30 to read as follows:

31 294.16 ANNUITY CONTRACTS.

32 At the request of an employee through contractual
33 agreement a school district may purchase group or
34 individual annuity contracts for employees, which
35 annuity contracts are issued by a nonprofit
36 corporation issuing retirement annuities exclusively
37 for educational institutions and their employees or
38 are purchased from an insurance organization or mutual
39 fund any company the employee chooses that is
40 authorized to do business in this state and or through
41 an Iowa-licensed insurance agent or from a securities
42 dealer, salesperson, or mutual fund registered in this
43 state that the employee selects, on a group or
44 individual basis, for retirement or other purposes,
45 and may make payroll deductions in accordance with the
46 arrangements for the purpose of paying the entire
47 premium due and to become due under the contract. The
48 deductions shall be made in the manner which will
49 qualify the annuity premiums for the benefits under
50 section 403(b) of the Internal Revenue Code, as

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1 defined in section 422.3. The employee's rights under
2 the annuity contract are nonforfeitable except for the
3 failure to pay premiums. As used in this section,
4 unless the context otherwise requires, "annuity
5 contract" includes any custodial account which meets
6 the requirements of section 403(b)(7) of the Internal
7 Revenue Code, as defined in section 422.3."

8 17. Page 47, line 11, by inserting after the word
9 "federal" the following: "and state".

10 18. Page 47, by striking lines 22 and 23 and
11 inserting the following: "for federal and state
12 income tax purposes only and for all other purposes of
13 this chapter shall be".

14 19. Page 47, by striking lines 26 through 34.

15 20. Page 48, line 4, by inserting after the
16 figure "97B" the following: "for the tax year
17 beginning on January 1, 1995".

18 21. Page 48, by inserting after line 8 the
19 following:

20 "Sec. 200. Section 422.7, subsection 30, as
21 enacted in this Act, is amended by striking the
22 subsection."

23 22. Page 48, by inserting before line 18 the
24 following:

25 "Sec. _____. Section 509A.12, unnumbered paragraph
26 1, Code 1993, is amended to read as follows:

27 At the request of an employee the governing body or
28 the county board of supervisors shall by contractual
29 agreement acquire an individual or group life
30 insurance contract, annuity contract, interest in a
31 mutual fund, security or any other deferred payment
32 contract for the purpose of funding a deferred
33 compensation program for an employee, from any company
34 the employee may choose that is authorized to do
35 business in this state and from any life underwriter
36 duly licensed by this state or from any securities
37 dealer or through an Iowa-licensed salesperson
38 registered in this state to contract business in this
39 state that the employee selects on a group or
40 individual basis. The deferred compensation program
41 shall be administered so that the director of revenue
42 and finance or the director's designees remit one sum
43 for the entire program according to a single billing."

44 23. Page 55, by inserting after line 11 the
45 following:

46 "Sec. _____. Section 724.6, subsection 2, Code
47 Supplement 1993, is amended to read as follows:

48 2. Notwithstanding subsection 1, fire fighters, as
49 defined in section 411.1, subsection 9, airport fire
50 fighters included under section 97B.49, subsection 16,

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1 paragraph "d" "b", subparagraph (4) (2), emergency
2 medical technicians-ambulance and emergency rescue
3 technicians, as defined in section 147.1, and advanced
4 emergency medical care providers, as defined in
5 section 147A.1, shall not, as a condition of
6 employment, be required to obtain a permit under this
7 section. However, the provisions of this subsection
8 shall not apply to a person designated as an arson
9 investigator by the chief fire officer of a political
10 subdivision."

11 24. Page 59, by inserting after line 33 the
12 following:

13 "Sec. _____. STUDY CONCERNING SURVIVING SPOUSE
14 BENEFITS UNDER CHAPTERS 97A AND 411 - REPORT. The
15 public retirement systems committee established in
16 section 97D.4 shall study the feasibility of
17 increasing the benefits paid to surviving spouses
18 under the Iowa department of public safety peace
19 officers' retirement, accident, and disability system
20 established in chapter 97A and the statewide fire and
21 police retirement system established in chapter 411.
22 The public retirement systems committee shall submit a
23 report to the general assembly on or before January
24 31, 1996, containing its findings and
25 recommendations."

26 25. Page 60, by striking lines 9 through 11 and
27 inserting the following: "community-based
28 correctional facilities. The study shall specify the
29 information".

30 26. Page 62, by inserting after line 5 the
31 following:

32 "_____. The sections of this Act which amend section
33 97A.8, subsection 1, by enacting a new paragraph "i"
34 and amend section 411.8, subsection 1, by enacting a
35 new paragraph "i", take effect January 1, 1995, and
36 apply to tax years beginning on or after January 1,
37 1995."

38 27. Page 62, by striking lines 22 through 24.

39 28. Page 62, line 27, by striking the words "tax
40 years beginning on or after" and inserting the
41 following: "the tax year beginning on".

42 29. Page 62, by inserting after line 27 the
43 following:

44 "_____. Section 100 of this Act, which amends
45 section 97B.11A, as enacted in this Act, takes effect
46 January 1, 1996, and applies to tax years beginning on
47 or after January 1, 1996."

48 30. Page 62, by inserting after line 27 the
49 following:

50 "_____. Section 200 of this Act, which amends

Page 10

- 1 section 422.7, subsection 30, as enacted in this Act,
 2 by striking the subsection, takes effect January 1,
 3 1996.”
 4 31. Title page, line 3, by inserting after the
 5 word “purposes,” the following: “making
 6 appropriations.”
 7 32. By renumbering, relettering, or redesignating
 8 and correcting internal references as necessary.

The House stood at ease at 4:45 p.m., until the fall of the gavel.

The House resumed session at 5:03 p.m., Speaker Van Maanen in the chair.

Carpenter of Polk moved that the House concur in the Senate amendment H—6055.

Roll call was requested by Renaud of Polk and Kreiman of Davis.

Rule 75 was invoked.

On the question “Shall the House concur in the Senate amendment H—6055?” (H.F. 2418)

The ayes were, 47:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brand	Burke
Cataldo	Cohoon	Connors	Doderer
Fogarty	Gill	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Henderson
Holveck	Jochum	Koenigs	Kreiman
Larkin	Lundby	May	McCoy
McKinney	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Renaud	Running	Schrader	Shoultz
Weigel	Wise	Witt	

The nays were, 49:

Beaman	Bloodgett	Boddicker	Brauns
Brunkhorst	Carpenter	Churchill	Corbett
Daggett	Dinkla	Drake	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Hester	Houser	Hurley	Iverson
Kistler	Klemme	Larson	Martin
McNeal	Metcalf	Meyer	Millage
Miller	Plasier	Rafferty	Rants
Renken	Royer	Siegrist	Spenner

Tyrrell
Mr. Speaker
Van Maanen

Vande Hoef

Weidman

Welter

Absent or not voting, 4:

Brammer

Branstad

Dickinson

Grundberg

The motion lost and the House refused to concur in the Senate amendment H-6055.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2418** be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED (Senate File 2038)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2038: Spenner of Henry, Chair; Grubbs of Scott, Welter of Jones, Neuhauser of Johnson and Myers of Johnson.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the appropriations committee upon adjournment.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 13, 1994, he approved and transmitted to the Secretary of State the following bills:

House File 2118, an act relating to underground storage tank lender liability.

House File 2145, an act relating to public health issues regarding persons with brain injury, substance abuse treatment programs, the health data commission, vital records services, and immunizations.

House File 2153, an act relating to eluding a law enforcement vehicle by prohibiting eluding while participating in the commission of a felony, making changes in the provisions applicable to unintentional death or serious injury caused as a result of eluding, and providing penalties.

House File 2197, an act relating to the investment of funds paid to the clerk of the district court.

House File 2218, an act relating to civil service employment, to the probationary employment period for police dispatchers and to certain fire fighters, to civil service lists for certain cities, and providing retroactive applicability and effective dates.

House File 2314, an act relating to insurance fraud and establishing an insurance fraud bureau within the Insurance Division of the Department of Commerce.

House File 2343, an act authorizing cities to assess and collect fees for connection to a sewer or water utility.

Senate File 2224, an act relating to the disbursement of funds to the foreign trade offices of the department of economic development.

Senate File 2244, an act providing for the confidentiality of certain information provided in workers' compensation mediation.

Senate File 2245, an act relating to workers' compensation by limiting debt collection of certain health care charges, by providing wage replacement for certain injured workers receiving treatment, by modifying the minimum weekly benefit amount for death, permanent partial disability, or a total disability, by providing for payment of temporary partial disability benefits in certain situations, and by providing an employer credit for the overpayment of certain benefits to employees.

Senate File 2261, an act relating to employment services by eliminating certain unemployment benefit charges, requiring participation in reemployment services for certain individuals receiving unemployment benefits, making the voluntary shared work program permanent, and making changes to the workers' compensation laws.

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 13, 1994

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

Dear Mr. President:

I hereby transmit Senate File 2218, an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates.

Senate File 2218 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 3, unnumbered and unlettered paragraph 1. This language would remove the discretion of the director of the Department of Employment Services in filling vacant positions within the agency. Personnel decisions within the department are the prerogative of the executive branch. The director of the department must have the authority to adjust personnel to respond to the agency's needs.

I am unable to approve the item designated as Section 4, subsection 1, in its entirety. This provision would require the Department of Employment Services to maintain all workforce centers in operation as of July 1, 1993. The department must retain the flexibility to provide services where they are most needed and in the most cost effective manner.

I am unable to approve the item designated as Section 4, subsection 2, in its entirety. This provision specifies the number, location and schedule of hearings for contested workers' compensation cases which the Industrial Services Division would be required to conduct through June 30, 1995. The division must retain flexibility to conduct hearings to meet the needs of employers and injured workers.

I am unable to approve the item designated as Section 13, subsection 3, unnumbered and unlettered paragraph 2, in its entirety. This provision relates to the elimination of an employee position within the Division of Alcoholic Beverages and the loaning of employees by the Department of Commerce to other agencies. Decisions concerning personnel in the Department of Commerce are the prerogative of the executive branch. The director of the department must retain the authority to assign employees to perform tasks as needed.

I am unable to approve the item designated as Section 15, in its entirety. This provision would require the Departments of Commerce, Employment Services and Inspections and Appeals to prepare and monitor budget proposals for divisions within the agencies under zero-based and performance-based budgeting methods. Agencies within the executive branch should utilize only one budgeting method to provide consistency and uniformity in budget preparation and tracking across state government.

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 2218 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

April 13, 1994

The Honorable Leonard Boswell
President of the Senate
State Capitol Building
LOCAL

Dear Mr. President:

I hereby transmit Senate File 2229, an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters.

Senate File 2229 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 10, unnumbered and unlettered paragraph 4, in its entirety. This provision would require the Department of Management to state staffing targets in terms of full-time equivalent positions. The executive branch must maintain flexibility to utilize reporting formats that best meet its management needs.

I am unable to approve the item designated as Section 30, in its entirety. This provision restricts executive branch agencies in their ability to enter into lease-purchase agreements. While additional review and oversight of lease-purchase contracting by state agencies may be worthwhile, sufficient flexibility must be provided to allow agencies to respond to situations which cannot be planned, e.g. emergencies and new federal requirements.

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 2229 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

Boddicker of Cedar presented to the House the Honorable Vic Stueland, former member of the House representing Clinton County.

Black of Jasper presented to the House the Honorable Ivan Niki-shin, Mayor of Zheleznovodsk, Stavropol, Krai, Russia, who addressed the House briefly.

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

Five Student Council Officers from Lyons Middle School, accompanied by Joyce Ollie and Linda Smith. By Ollie of Clinton.

Eighteen 5th grade students from Kellogg Elementary, Kellogg, accompanied by Hazel Peterson. By Black of Jasper.

Thirty-five eighth grade Student Council Members from Holmes Junior High School, Cedar Falls, accompanied by Mr. Andreason. By Witt of Black Hawk.

Ten third, fourth and fifth grade students from Prairie City Elementary School, Prairie City, accompanied by Sid Graham and Mary Schendel. By Bell of Jasper and Schrader of Marion.

Twenty-five fifth grade students from Waukee Middle School, Waukee, accompanied by Susan Hope. By McKinney of Dallas.

Fifty-seven sixth grade students from Messervy-Thorton Community School, Thornton, accompanied by Nancy Longlitz. By Blodgett of Cerro Gordo and McNeal of Hardin.

Eighteen fourth grade students from St. Alphonsus Catholic School, Davenport, accompanied by John Ripslinger. By Arnould and Grubbs of Scott.

Fifty fifth grade students from Waukee Middle School, Waukee.
By McKinney of Dallas.

SUBCOMMITTEE ASSIGNMENT

House File 2431

Human Resources: Plasier, Chair; Blodgett, Grundberg, Hammond and Haverland.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 746 Ways and Means

Relating to the withholding of state income taxes from certain wages and providing a retroactive applicability date.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2322, a bill for an act relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 1994.

Senate Concurrent Resolution 111, a concurrent resolution urging the passage by the United States Congress of S-1825, the Tax Fairness for Main Street Business Act of 1994 or similar legislation.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** April 13, 1994.

AMENDMENTS FILED

H-6149	H.F.	2430	Hansen of Woodbury
H-6150	H.F.	2430	Hansen of Woodbury
H-6151	H.F.	2377	Hurley of Fayette
H-6152	S.F.	2300	Shoultz of Black Hawk
H-6153	H.F.	2377	Harper of Black Hawk
H-6154	H.F.	2377	Neuhauser of Johnson
H-6155	H.F.	2377	Martin of Scott
			Neuhauser of Johnson
H-6156	S.F.	2223	Halvorson of Webster
H-6157	S.F.	2277	Wise of Lee

H-6161	H.F. 2377	Bernau of Story
H-6162	H.F. 2377	Ollie of Clinton
		Cohoon of Des Moines
H-6163	H.F. 2427	Weigel of Chickasaw

On motion by Siegrist of Pottawattamie, the House adjourned at 5:12 p.m., until 8:45 a.m., Thursday, April 14, 1994.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day — Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 14, 1994

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

Prayer was offered by Reverend Charles Stallworth, Corinthian Baptist Church, Des Moines.

The Journal of April 13, 1994 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 14, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2337, a bill for an act relating to agricultural development and rural revitalization, by providing for value-added agricultural products and processes, providing for programs and moneys, providing for repeal of provisions, and providing effective dates.

Also: That the Senate has on April 14, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates.

Also: That the Senate has on April 14, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2413, a bill for an act relating to the filing of a disclaimer of the homestead credit and the filing of a belated claim for the homestead credit.

Also: That the Senate has on April 14, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2421, a bill for an act relating to notices of disallowance of the homestead property tax credit and the military service property tax exemption.

Also: I am directed to inform your honorable body that the Senate has, on April 14, 1994, appointed the conference committee to Senate File 2216, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions, (Formerly SSB 2045), and the members of the Senate are: The Senator from Warren, Senator Fink, Chair; the Senator from Scott, Senator Deluhery; the Senator from Boone, Senator Sorensen; the Senator from Webster, Senator Kersten; the Senator from Mahaska, Senator Hedge.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration, **House File 2352**, a bill for an act relating to criminal offenders and the department of corrections, by making changes regarding payment of restitution by offenders and payments under the crime victim compensation program, making changes in specifications relating to corrections institutions in which offenders are housed, establishing an inmate tort claim fund, deleting requirements relating to inmate visits by the director of the department of corrections, and permitting the release of certain information regarding offenders by the department, amended by the Senate and moved that the House concur in the following Senate amendment H—6140:

H—6140

- 1 Amend House File 2352, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, by striking lines 8 through 25.
- 4 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6140.

Millage of Scott 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. 2352)

The ayes were, 99:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie

Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Dickinson

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2352** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2157**, a bill for an act relating to electric transmission line franchises, previously deferred and placed on the unfinished business calendar.

Gill of Woodbury asked and received unanimous consent to withdraw amendment H-5894, filed by Dickinson of Jackson on March 30, 1994, placing out of order amendment H-5915, to amendment H-5894, filed by Dickinson of Jackson on March 31, 1994.

Holveck of Polk offered the following amendment H-5294, filed by Holveck, et al., and moved its adoption:

H-5294

- 1 Amend Senate File 2157, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, line 10, by inserting after the word
- 4 "years." the following: "An extension of time shall
- 5 only be allowed for franchises granted on or after
- 6 July 1, 1994."

Amendment H-5294 was adopted.

Greiner of Washington 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. 2157)

The ayes were, 96:

Baker	Beamn	Beatty	Bell
Black	Blodgett	Boddicker	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohoon	Connors	Daggett	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

Arnould	Bernau	Corbett	Dickinson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2157** be immediately messaged to the Senate.

Hanson of Delaware in the chair at 9:23 a.m.

SENATE AMENDMENT CONSIDERED

Grundberg of Polk called up for consideration **House File 2286**, a bill for an act increasing the jurisdictional amount for small claims, amended by the Senate, and moved that the House concur in the following Senate amendment H—6059:

H—6059

- 1 Amend House File 2286, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "two" the following: "three thousand dollars or less"

5 for actions commenced on or after July 1, 1994, and
6 before July 1, 1995, and”.

7 2. Page 1, line 8, by inserting after the word
8 “less” the following: “for actions commenced on or
9 after July 1, 1995”.

10 3. Page 1, line 18, by inserting after the word
11 “two” the following: “three thousand dollars or less
12 for actions commenced on or after July 1, 1994, and
13 before July 1, 1995, and”.

14 4. Page 1, line 18, by inserting after the word
15 “less” the following: “for actions commenced on or
16 after July 1, 1995”.

17 5. Page 1, line 25, by inserting after the word
18 “two” the following: “three thousand dollars or less
19 for actions commenced on or after July 1, 1994, and
20 before July 1, 1995, and”.

21 6. Page 1, line 25, by inserting after the word
22 “less” the following: “for actions commenced on or
23 after July 1, 1995”.

24 7. Page 1, line 29, by inserting after the word
25 “the” the following: “three or”.

The motion prevailed and the House concurred in the Senate amendment H—6059.

Grundberg 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. 2286)

The ayes were, 96:

Baker	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Cohon	Connors	Daggett	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser

O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Van Maanen, Spkr.	Weidman	Weigel
Welter	Wise	Witt	Hanson, D. R., Presiding

The nays were, none.

Absent or not voting, 4:

Arnould	Branstad	Corbett	Dickinson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2286** be immediately messaged to the Senate.

Speaker Van Maanen in the chair at 9:30 a.m.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2272**, a bill for an act relating to prize promotions by creating criminal and civil penalties and creating a private cause of action, previously deferred and placed on the unfinished business calendar.

Grundberg 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. 2272)

The ayes were, 96:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May

McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, 4:

Cataldo	Dickinson	Houser	Mundie
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2272** 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 14, 1994, 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 2323, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

Also: That the Senate has on April 14, 1994, 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 2383, a bill for an act relating to safety in schools.

Also: Mr. Speaker, I am directed to inform your honorable body that the Senate has, on April 14, 1994, insisted on its amendment to House File 2418, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, 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 Pottawattamie, Senator Gronstal; the Senator from Jasper, Senator Dieleman; the Senator from Clinton, Senator Rittmer; the Senator from Muscatine, Senator Drake.

Also: That the Senate has on April 14, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2190, a bill for an act relating to the regulation, location, and taxation of mobile, modular, and manufactured homes.

Also: That the Senate has on April 14, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2206, a bill for an act relating to the licensing of nonresident hunters of deer and turkey and providing effective and applicability date provisions.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED (House File 2418)

The Speaker announced the appointment of the following conference committee to consider the differences between the House and Senate concerning House File 2418: Carpenter of Polk, Chair; Hanson of Delaware, Gipp of Winneshiek; Renaud of Polk and Beatty of Warren.

The House stood at ease at 10:02 a.m., until the fall of the gavel.

The House resumed session at 10:19 a.m., Speaker Van Maanen in the chair.

The House stood at ease at 10:20 a.m.

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 14, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2107, a bill for an act relating to the jurisdiction of district associate judges.

Also: That the Senate has on April 14, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2263, a bill for an act providing for the storage of bulk grain by producers owning the grain.

Also: That the Senate has on April 14, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2264, a bill for an act relating to the establishment of supplemental needs trusts for persons with disabilities.

Also: That the Senate has on April 14, 1994, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking

age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations.

Also: That the Senate has on April 14, 1994, passed the following bill in which the concurrence of the House is asked:

Senate File 2326, a bill for an act relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

JOHN F. DWYER, Secretary

The House resumed session at 11:49 a.m., Rafferty of Scott in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 11:50 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Van Maanen in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2326, by committee on appropriations, a bill for an act relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

Read first time and referred to committee on appropriations.

QUORUM CALL

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

SENATE AMENDMENTS CONSIDERED

Martin of Scott called up for consideration, **House File 2261**, a bill for an act relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date, amended by the Senate and moved that the House concur in the following Senate amendment H—6063:

H—6063

1 Amend House File 2261, as passed by the House as
2 follows:

3 1. Page 5, by striking lines 22 through 25 and
4 inserting the following:

5 "3. The subject of a child abuse report may appeal
6 the decision resulting from the a hearing may be
7 appealed held pursuant to subsection 2 to the district
8 court of Polk county by the person requesting the
9 correction or to the district court of the district in
10 which the person subject of the child abuse report
11 resides."

12 2. Page 5, by inserting after line 29 the
13 following:

14 **DIVISION V**
15 **CHILD OR DEPENDENT ADULT ABUSE**
16 **INFORMATION — USE AND ACCESS**

17 "Sec. ____ Section 125.14A, Code 1993, is amended
18 by adding the following new subsections:

19 **NEW SUBSECTION. 5.** In addition to the record
20 checks required under this section, the department of
21 human services may conduct dependent adult abuse
22 record checks in this state and may conduct these
23 checks in other states, on a random basis. The
24 provisions of this section, relative to an evaluation
25 following a determination that a person has been
26 convicted of a crime or has a record of founded child
27 abuse, shall also apply to a random check conducted
28 under this subsection.

29 **NEW SUBSECTION. 6.** Beginning July 1, 1994, a
30 program or facility shall inform all new applicants
31 for employment of the possibility of the performance
32 of a record check and shall obtain, from the
33 applicant, a signed acknowledgment of the receipt of
34 the information.

35 **NEW SUBSECTION. 7.** On or after July 1, 1994, a
36 program or facility shall include the following
37 inquiry in an application for employment: "Do you
38 have a record of founded child or dependent adult

39 abuse or have you ever been convicted of a crime in
40 this state or any other state?"

41 Sec. _____. NEW SECTION. 135C.33 CHILD OR
42 DEPENDENT ADULT ABUSE INFORMATION AND CRIMINAL RECORDS
43 - EVALUATIONS.

44 1. On or after July 1, 1994, with regard to new
45 applicants for licensure or employment, if a person is
46 being considered for licensure under this chapter, or
47 for employment involving direct responsibility for a
48 resident or with access to a resident when the
49 resident is alone, or if the person considered for
50 licensure or employment under this chapter will reside

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1 in a facility, the facility may request that the
2 department of human services conduct criminal and
3 child and dependent adult abuse record checks in this
4 state and in other states, on a random basis.
5 Beginning July 1, 1994, a facility shall inform all
6 new applicants for employment of the possibility of
7 the performance of a record check and shall obtain,
8 from the applicant, a signed acknowledgment of the
9 receipt of the information. Additionally, on or after
10 July 1, 1994, a facility shall include the following
11 inquiry in an application for employment: "Do you
12 have a record of founded child or dependent adult
13 abuse or have you ever been convicted of a crime, in
14 this state or any other state?" If the person has
15 been convicted of a crime under a law of any state or
16 has a record of founded child or dependent adult
17 abuse, the department of human services shall perform
18 an evaluation to determine whether the crime or
19 founded child or dependent adult abuse warrants
20 prohibition of licensure, employment, or residence in
21 the facility. The evaluation shall be performed in
22 accordance with procedures adopted for this purpose by
23 the department of human services.

24 2. If the department of human services determines
25 that a person has committed a crime or has a record of
26 founded child or dependent adult abuse and is
27 licensed, employed by a facility licensed under this
28 chapter, or resides in a licensed facility, the
29 department shall notify the licensee that an
30 evaluation will be conducted to determine whether
31 prohibition of the person's licensure, employment, or
32 residence is warranted.

33 3. In an evaluation, the department of human
34 services shall consider the nature and seriousness of
35 the crime or founded child or dependent adult abuse in
36 relation to the position sought or held, the time
37 elapsed since the commission of the crime or founded
38 child or dependent adult abuse, the circumstances

39 under which the crime or founded child or dependent
40 adult abuse was committed, the degree of
41 rehabilitation, the likelihood that the person will
42 commit the crime or founded child or dependent adult
43 abuse again, and the number of crimes or founded child
44 or dependent adult abuses committed by the person
45 involved. The department of human services has final
46 authority in determining whether prohibition of the
47 person's licensure, employment, or residence is
48 warranted.

49 4. If the department of human services determines
50 that the person has committed a crime or has a record

Page 3

1 of founded child or dependent adult abuse which
2 warrants prohibition of licensure, employment, or
3 residence, the person shall not be licensed under this
4 chapter and shall not be employed by a facility or
5 reside in a facility licensed under this chapter.

6 Sec. _____. Section 135H.7, Code 1993, is amended by
7 adding the following new subsections:

8 NEW SUBSECTION. 4. In addition to the record
9 checks required under subsection 2, the department of
10 human services may conduct dependent adult abuse
11 record checks in this state and may conduct these
12 checks in other states, on a random basis. The
13 provisions of subsections 2 and 3, relative to an
14 evaluation following a determination that a person has
15 been convicted of a crime or has a record of founded
16 child abuse, shall also apply to a random dependent
17 adult abuse record check conducted under this
18 subsection.

19 NEW SUBSECTION. 5. Beginning July 1, 1994, a
20 licensee shall inform all new applicants for
21 employment of the possibility of the performance of a
22 record check and shall obtain, from the applicant, a
23 signed acknowledgment of the receipt of the
24 information.

25 NEW SUBSECTION. 6. On or after July 1, 1994, a
26 licensee shall include the following inquiry in an
27 application for employment: "Do you have a record of
28 founded child or dependent adult abuse or have you
29 ever been convicted of a crime, in this state or any
30 other state?"

31 Sec. _____. Section 237.8, Code 1993, is amended by
32 adding the following new subsections:

33 NEW SUBSECTION. 3. In addition to the record
34 checks required under subsection 2, the department of
35 human services may conduct dependent adult abuse
36 record checks in this state and may conduct these
37 checks in other states, on a random basis. The

38 provisions of subsection 2, relative to an evaluation
39 following a determination that a person has been
40 convicted of a crime or has a record of founded child
41 abuse, shall also apply to a random check conducted
42 under this subsection.

43 NEW SUBSECTION. 4. On or after July 1, 1994, a
44 licensee shall inform all new applicants for
45 employment of the possibility of the performance of a
46 record check and shall obtain, from the applicant, a
47 signed acknowledgment of the receipt of the
48 information.

49 NEW SUBSECTION. 5. On or after July 1, 1994, a
50 licensee shall include the following inquiry in an

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1 application for employment: "Do you have a record of
2 founded child or dependent adult abuse or have you
3 ever been convicted of a crime, in this state or any
4 other state?"

5 Sec. _____. Section 237A.5, Code 1993, is amended by
6 adding the following new subsections:

7 NEW SUBSECTION. 3. In addition to the record
8 checks required under subsection 2, the department of
9 human services may conduct dependent adult abuse
10 record checks in this state and may conduct these
11 checks in other states, on a random basis. The
12 provisions of subsection 2, relative to an evaluation
13 following a determination that a person has been
14 convicted of a crime or has a record of founded child
15 abuse, shall also apply to a random dependent adult
16 abuse record check conducted under this subsection.

17 NEW SUBSECTION. 4. On or after July 1, 1994, a
18 licensee or registrant shall inform all new applicants
19 for employment of the possibility of the performance
20 of a record check and shall obtain, from the
21 applicant, a signed acknowledgment of the receipt of
22 the information.

23 NEW SUBSECTION. 5. On or after July 1, 1994, a
24 licensee or registrant shall include the following
25 inquiry in an application for employment: "Do you
26 have a record of founded child or dependent adult
27 abuse or have you ever been convicted of a crime, in
28 this state or any other state?"

29 Sec. _____. Section 692.2, subsection 1, paragraph
30 c, Code Supplement 1993, is amended to read as
31 follows:

32 c. The department of human services for the
33 purposes of section 135C.33, section 218.13, section
34 232.71, subsection 16, section 232.142, section 237.8,
35 subsection 2, section 237A.5, section 237A.20, and
36 section 600.8, subsections 1 and 2.

37 Sec. _____. Section 692.2, subsection 1, Code
38 Supplement 1993, is amended by adding the following
39 new paragraph:

40 **NEW PARAGRAPH.** 1. Health care facilities licensed
41 pursuant to chapter 135C for the purposes of section
42 135C.33.

43 Sec. _____. Section 692.3, subsection 2, Code 1993,
44 is amended to read as follows:

45 2. Notwithstanding subsection 1, paragraph "a",
46 the department of human services may redisseminate
47 criminal history data obtained pursuant to section
48 692.2, subsection 1, paragraph "c", to persons
49 licensed, registered, or certified under chapters
50 135C, 237, 237A, 238 and 600 for the purposes of

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1 section 135C.33, section 237.8, subsection 2 and
2 section 237A.5. A person who receives information
3 pursuant to this subsection shall not use the
4 information other than for purposes of section
5 135C.33, section 237.8, subsection 2, section 237A.5,
6 or section 600.8, subsections 1 and 2. A person who
7 receives criminal history data pursuant to this
8 subsection who uses the information for purposes other
9 than those permitted by this subsection or who
10 communicates the information to another person except
11 for the purposes permitted by this subsection is
12 guilty of an aggravated misdemeanor."

13 3. Page 5, by inserting after line 29 the fol-
14 lowing:

15 "Sec. _____. **CHILD PROTECTION TASK FORCE.** The
16 legislative council is requested to establish a task
17 force for the 1994 interim to review federal and state
18 laws, regulations, and policies regarding child
19 protection, including the central child abuse
20 registry, and to make recommendations for changes in
21 the child protection system. The task force members
22 shall include legislators, individuals knowledgeable
23 concerning child protection and prevention of child
24 abuse, and other interested persons. The task force
25 shall submit a report of its findings and
26 recommendations to the general assembly on or before
27 January 9, 1995. The department of human services
28 shall seek federal or private funding for the costs of
29 the task force.

30 Sec. _____. **EFFECTIVE DATE.** Section 9 of this Act
31 takes effect July 1, 1995."

32 4. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6063.

Martin of Scott 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. 2261)

The ayes were, 96:

Arnould	Baker	Beamam	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, 1:

Fallon

Absent or not voting, 3:

Dickinson Haverland Holveck

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2261** be immediately messaged to the Senate.

Halvorson of Clayton called up for consideration **House File 2337**, a bill for an act relating to agricultural development and rural revitalization, by providing for value-added agricultural products and

processes, providing for programs and moneys, providing for repeal of provisions, and providing effective dates, amended by the following Senate amendment H—6167:

H—6167

1 Amend House File 2337, 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. FINDINGS AND POLICY.

6 1. The general assembly finds and declares the
7 following:

8 a. The production and processing of agricultural
9 commodities and products represents the foundation of
10 this state's economy, and the economic viability of
11 this nation is contingent upon the production of
12 wealth generated primarily from materials, including
13 food and fiber, produced on farms.

14 b. The future economic prosperity of this state
15 depends upon new innovations that improve processes
16 and products utilizing agricultural commodities and
17 livestock.

18 c. Iowa's traditional investment in livestock
19 production is an essential part of this state's
20 continuing efforts to revitalize its rural economy,
21 and to ensure general prosperity for all of the
22 state's population.

23 d. It is increasingly necessary to support
24 industries in this state which rely upon agricultural
25 commodities to manufacture value-added products.

26 e. Renewable fuels and coproducts industries
27 promise to utilize agricultural products in order to
28 reduce the state's dependency upon petroleum products,
29 reduce atmospheric contamination of this state's
30 environment from the combustion of fossil fuels, and
31 produce coproducts, such as corn gluten feed,
32 distillers grain, and solubles, which can be used to
33 increase livestock production in this state.

34 2. This state adopts a policy of enhancing
35 agricultural production, including livestock
36 production, through support of the renewable fuel
37 industry. State agencies including the department of
38 agriculture and land stewardship, the department of
39 economic development, and the department of natural
40 resources shall cooperate in order to ensure that this
41 policy is carried out.

42 Sec. 2. Section 15.313, subsection 2, paragraph b,
43 Code 1993, is amended by striking the paragraph.

44 Sec. 3. Section 15.313, subsection 3, Code 1993,
45 is amended to read as follows:

46 3. The director shall submit annually at a regular
47 or special meeting preceding the beginning of the
48 fiscal year, for approval by the economic development
49 board, the proposed allocation of funds from the
50 strategic investment fund to be made for that fiscal

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1 year to the community economic betterment program, the
2 value-added agricultural products and processes
3 financial assistance program, the business development
4 finance corporation, the self-employment loan program,
5 and the targeted small business financial assistance
6 program and for comprehensive management assistance.
7 If funds are available under a federal microloan
8 demonstration program, the director may recommend an
9 allocation for that purpose. The plans may provide
10 for increased or decreased allocations if the demand
11 in a program indicates that the need exceeds the
12 allocation for that program. The director shall
13 report on a monthly basis to the board on the status
14 of the funds and may present proposed revisions for
15 approval by the board in January and April of each
16 year. Unobligated and unencumbered moneys remaining
17 in the strategic investment fund or any of its
18 accounts on June 30 of each year shall be considered
19 part of the fund for purposes of the next year's
20 allocation.

21 Sec. 4. Section 15.318, Code 1993, is amended by
22 adding the following new subsections:

23 NEW SUBSECTION. 16. The capacity of the proposed
24 project to create products by adding value to
25 agricultural commodities.

26 NEW SUBSECTION. 17. The degree to which the
27 proposed project relies upon agricultural or value-
28 added research conducted at a college or university,
29 including a regents institution, community college, or
30 a private university or college.

31 Sec. 5. Section 15E.111, Code 1993, is amended to
32 read as follows:

33 15E.111 VALUE-ADDED AGRICULTURAL PRODUCTS AND
34 PROCESSES FINANCIAL ASSISTANCE PROGRAM.

35 1. Contingent on the availability of funding for
36 this program, the The department may shall establish a
37 value-added agricultural products and processes
38 financial assistance program. The department shall
39 consult with the Iowa corn growers association and the
40 Iowa soybean association. The purpose of the program
41 is to foster encourage the increased utilization of
42 agricultural commodities produced in this state. The
43 program shall assist in efforts to revitalize rural
44 regions of this state, by committing resources to
45 provide financial assistance to new or existing value-
46 added production facilities. In awarding financial
47 assistance, the department shall commit resources to
48 assist the following:

49 a. Facilities which are involved in the
50 development of new innovative products, praetiees and

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1 processes related to agriculture through specialized
2 financial or technical assistance to facilitate the
3 acquisition of capital. The facility must do either
4 of the following: produce a good derived from an
5 agricultural commodity, if the good is not commonly
6 produced from an agricultural commodity; or use a
7 process to produce a good derived from an agricultural
8 process, if the process is not commonly used to
9 produce the good.

10 b. Renewable fuel production facilities. As used
11 in this section, "renewable fuel" means an energy
12 source which is derived from an organic compound
13 capable of powering machinery, including an engine or
14 power plant.

15 Financial assistance awarded under this section may
16 be in the form of a loan, loan guarantee, grant,
17 production incentive payment, or a combination of
18 financial assistance. The department shall not award
19 more than twenty-five percent of the amount allocated
20 to the value-added agricultural products and processes
21 financial assistance fund during any fiscal year to
22 support a single person. The department may finance
23 any size of facility. However, the department shall
24 reserve up to fifty percent of the total amount
25 allocated to the fund, for purposes of assisting
26 persons requiring one hundred thousand dollars or less
27 in financial assistance. The amount shall be reserved
28 until the end of the third quarter of the fiscal year.
29 The department shall not provide financial assistance
30 to support a value-added production facility, if the
31 facility or a person owning a controlling interest in
32 the facility, has demonstrated a continuous and
33 flagrant disregard for the health and safety of its
34 employees, or the quality of the environment.
35 Evidence of such disregard shall include a history of
36 serious or uncorrected violations of state or federal
37 law protecting occupational health and safety or the
38 environment, including but not limited to serious or
39 uncorrected violations of occupational safety and
40 health standards enforced by the division of labor
41 services of the department of employment services
42 pursuant to chapter 84A, or rules enforced by the
43 environmental protection division of the department of
44 natural resources pursuant to chapter 455B.

45 2. A person is eligible to apply for assistance
46 under this section, if the person satisfies the
47 following requirements:

48 a. The person is a resident of this state, or the
49 person's principal place of business is The existing
50 or proposed facility is located in this state.

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- 1 b. The person applies to the department of
2 economic development in a manner and according to
3 procedures required by the department.
- 4 c. The person submits a business plan which
5 demonstrates managerial and technical expertise.
- 6 d. The person operates for profit or not-for-
7 profit and under a single management, and either
8 employs fewer than twenty employees or has an annual
9 gross income of less than three million dollars
10 computed as the average of the three preceding fiscal
11 years.
- 12 3. The department of economic development may
13 shall grant financial or technical assistance to a
14 person determined by the department to be eligible to
15 receive assistance under this section, upon review and
16 evaluation of the person's application by the
17 agricultural products advisory council as established
18 in section 15.203. The department shall consider the
19 council's evaluation in granting or denying
20 assistance. The department shall not approve an
21 application for assistance under this section to
22 refinance an existing loan or to finance traditional
23 agricultural operations. An application is eligible
24 for consideration if the application seeks assistance
25 for any of the following purposes: The department
26 shall not directly award financial assistance to
27 support an activity directly related to farming as
28 defined in section 9H.1, including the establishment
29 or operation of a livestock production operation,
30 regardless of whether the activity is related to a
31 renewable fuel production facility.
- 32 4. The department shall select an applicant to
33 receive financial assistance based on the following
34 criteria:
- 35 a. The feasibility of the existing or proposed
36 facility to remain a viable enterprise and the degree
37 to which the facility will increase the utilization of
38 agricultural commodities produced in this state.
- 39 b. The extent to which the existing or proposed
40 facility is located in a rural region of the state.
- 41 c. The proportion of local match to be contributed
42 to the project.
- 43 d. The level of need of the region where the
44 existing facility is or the proposed facility is to be
45 located.
- 46 e. The degree to which the facility produces a
47 coproduct which is marketed in the same locality as
48 the facility.
- 49 5. An application based on innovation shall be
50 considered if any of the following apply:

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1 a. The development of value-added agricultural
2 processes production process is not commonly available
3 in this state which are to be carried out by the
4 person in this state.

5 b. The development of an innovative or diversified
6 agricultural product is not commonly produced in this
7 state which is to be carried out by the person in this
8 state.

9 c. The development of an innovative processing,
10 packaging, marketing, or management practice not
11 commonly available in this state which is to be
12 carried out by the person in this state.

13 4. Assistance by the department granted to an
14 eligible person shall be subject to the following
15 restrictions:

16 a. The person shall not receive financial
17 assistance totaling more than eighty thousand dollars
18 under this program.

19 b. Interest on a loan shall not exceed the current
20 fair market interest rate. A loan shall not exceed
21 fifty thousand dollars.

22 c. A loan guarantee shall not exceed eighty
23 thousand dollars. A loan guarantee shall guarantee
24 not more than eighty percent of a conventionally
25 obtained loan.

26 d. A grant shall not exceed twenty-five thousand
27 dollars. A grant shall be made only to provide
28 leverage for a conventionally obtained loan. The
29 conventionally obtained loan must be for an amount
30 significantly larger than the amount of the grant.

31 5. Notwithstanding restrictions contained in
32 subsection 4, the department may use up to five
33 thousand dollars to contract for technical assistance
34 in order to aid a person having a pending or approved
35 application under this section.

36 6. a. The department shall consider an
37 application to assist a renewable fuel production
38 facility. An application based on ethanol fuel
39 production shall be considered by the department if
40 all of the following apply:

41 (1) All fermentation, distillation, and
42 dehydration of the ethanol will occur at the proposed
43 facility.

44 (2) The ethanol produced at the proposed facility
45 will be at least one hundred ninety proof and must be
46 denatured. However, if the facility markets the
47 ethanol for further refining, the facility must
48 demonstrate that the refiner will produce one hundred
49 ninety proof ethanol from the ethanol purchased from
50 the facility.

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1 b. The department shall give priority to
2 supporting proposed renewable fuel production
3 facilities which directly support livestock production
4 operations. The highest priority shall be provided to
5 a renewable fuel production facility which produces
6 coproducts which are used to produce livestock raised
7 in the same locality as the production facility. If
8 the department has several proposals having the
9 highest priority, a preference shall be given to a
10 proposal in which the livestock operation:

11 (1) Is located in an agricultural area as provided
12 in chapter 352.

13 (2) Is located in close proximity to and is an
14 integral part of the renewable fuel production
15 facility. However, the owner of the facility is not
16 required to hold an interest in the land on which the
17 livestock are produced. The livestock may be produced
18 under the terms of a contract, in which a person
19 regularly engaged in livestock production provides for
20 the care and feeding of the livestock on behalf of the
21 facility's owner.

22 c. The department shall cooperate with the office
23 of renewable fuels and coproducts in order to carry
24 out this subsection, as provided in section 159A.6B.
25 The office shall be primarily responsible for
26 providing technical expertise regarding the operation
27 of a renewable fuel production facility, and
28 specifically a facility which supports livestock
29 production operations. The department shall cooperate
30 with any contract consultant supported by the office
31 as provided in section 159A.6B. The agricultural
32 products advisory council as established in section
33 15.203, shall coordinate the activities of the
34 department and the office. In administering this part
35 of the program, the department and the office shall
36 cooperate with the department of natural resources
37 which shall assist an applicant in complying with all
38 applicable environmental regulations. The department
39 of natural resources shall acknowledge receipt of a
40 completed application for a permit not later than two
41 weeks following receipt of a completed application by
42 the department. Within twelve weeks following receipt
43 of the application, the department shall issue the
44 permit or reply to the applicant describing reasons
45 why the permit cannot be issued.

46 7. The university of Iowa, Iowa state university,
47 and the university of northern Iowa shall cooperate in
48 assisting facilities receiving financial assistance
49 under this section. Iowa state university, including
50 the Iowa cooperative extension service in agriculture

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1 and home economics, shall cooperate in assisting each
 2 renewable fuel production facility supporting
 3 livestock operations, including advising producers
 4 regarding nutrition and management practices.
 5 Community colleges and private universities and
 6 colleges are not precluded from providing this
 7 assistance.

8 8. The department of economic development and the
 9 office of renewable fuels and coproducts shall prepare
 10 a report each six months detailing the progress of the
 11 department and other agencies provided in this
 12 section. The office of renewable fuels and
 13 coproducts, the department of natural resources, and
 14 Iowa state university may contribute a summary of
 15 their activities. The report shall be delivered to
 16 the secretary of the senate and the chief clerk of the
 17 house; the legislative service bureau; the
 18 chairpersons and ranking members of the senate
 19 standing committee on agriculture; the senate standing
 20 committee on small business, economic development, and
 21 tourism; the house of representatives standing
 22 committee on agriculture; and the house of
 23 representatives standing committee on small business,
 24 economic development, and trade.

25 Sec. 6. Section 15E.112, Code 1993, is amended to
 26 read as follows:

27 15E.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND
 28 PROCESSES FINANCIAL ASSISTANCE ACCOUNT FUND.

29 1. A value-added agricultural products and
 30 processes financial assistance account fund is
 31 established within the strategic investment fund
 32 created in section 15.313 created within the state
 33 treasury under the control of the department. The
 34 account fund shall consist of any money appropriated
 35 by the general assembly for that purpose, moneys
 36 allocated to the account from the strategic investment
 37 fund, and any other moneys available to and obtained
 38 or accepted by the department from the federal
 39 government or private sources for placement in the
 40 account fund. Until July 1, 2000, moneys shall be
 41 deposited in the fund as provided in section 423.24.
 42 Not more than one percent of the total moneys
 43 available to support value-added agricultural products
 44 and processes pursuant to section 423.24 during each
 45 quarter shall be used by the department for
 46 administration of the value-added agricultural
 47 products and processes financial assistance program,
 48 as provided in section 15E.111. Except as otherwise
 49 provided in subsection 2, the The assets of the
 50 account fund shall be used by the department only for

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- 1 carrying out the purposes of section 15E.111.
- 2 2. The In administering the fund and the value-
3 added agricultural products and processes financial
4 assistance program, the department may use moneys in
5 the account to do any of the following:
- 6 a. Contract, sue and be sued, and adopt
7 administrative rules necessary to carry out the
8 provisions of this section and section 15E.111, but.
9 However, the department shall not in any manner
10 directly or indirectly pledge the credit of the state.
- 11 b. Authorize payment from the account fund for
12 costs, commissions, attorney fees, and other
13 reasonable expenses, including expenses related to and
14 carrying out duties necessary for insuring or
15 guaranteeing loans under section 15E.111, and for the
16 recovery of loan moneys insured or guaranteed or the
17 management of property acquired in connection with
18 such loans.
- 19 3. Payments of interest, recaptures of awards, or
20 repayments of moneys loaned under the value-added
21 agricultural products and processes financial
22 assistance program shall be deposited into the
23 strategic investment into the fund. Section 8.33 does
24 not apply to any moneys in the fund. Unencumbered or
25 unobligated moneys in the fund derived from moneys
26 deposited pursuant to section 423.24, which are in
27 excess of three million six hundred fifty thousand
28 dollars of unencumbered or unobligated moneys in the
29 fund deposited pursuant to that section, which are
30 remaining on June 30 of each fiscal year, shall be
31 credited on August 31 to the road use tax fund as
32 created in section 312.1.
- 33 4. The fund is subject to an annual audit by the
34 auditor of state. Moneys in the fund, which may be
35 subject to warrants written by the director of revenue
36 and finance, shall be drawn upon the written
37 requisition of the director of the department of
38 economic development or an authorized representative
39 of the director.
- 40 Sec. 7. Section 18.115, subsection 5, Code
41 Supplement 1993, is amended to read as follows:
- 42 5. Of all new passenger vehicles and light pickup
43 trucks purchased by the state vehicle dispatcher,
44 institutions under the control of the state board of
45 regents, community colleges, and any other state
46 agency purchasing such new vehicles and trucks,
47 beginning July 1, 1992, a minimum of five percent, and
48 beginning July 1, 1994, a minimum of ten percent of
49 all such vehicles and trucks purchased shall be
50 equipped with engines which utilize alternative

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1 methods of propulsion including but not limited to
2 those propelled by flexible fuels, compressed any of
3 the following:

4 a. A flexible fuel, which is any of the following:

5 (1) A fuel blended with not more than fifteen
6 percent gasoline and at least eighty-five percent
7 ethanol.

8 (2) A fuel which is a mixture of diesel fuel and
9 processed soybean oil. At least twenty percent of the
10 mixed fuel by volume must be processed soybean oil.

11 (3) A renewable fuel approved by the office of
12 renewable fuels and coproducts pursuant to section
13 159A.2.

14 b. Compressed or liquified natural gas, propane,
15 solar.

16 c. Propane gas.

17 d. Solar energy, or electricity.

18 e. Electricity. For the purpose of this
19 subsection, "flexible fuels" means fuels which are
20 blended with eighty-five percent ethanol and fifteen
21 percent gasoline.

22 PARAGRAPH DIVIDED. The provisions of this
23 subsection do not apply to such vehicles and trucks
24 purchased and directly used for the following
25 purposes: law enforcement, or off-road maintenance
26 work, or work vehicles used to pull loaded trailers.
27 This subsection also does not apply to school
28 corporations, with the exceptions of those designated
29 above.

30 PARAGRAPH DIVIDED. It is the intent of the general
31 assembly that the members of the midwest energy
32 compact promote the development and purchase of motor
33 vehicles equipped with engines which utilize
34 alternative methods of propulsion.

35 Sec. 8. Section 19A.3, subsection 22, Code 1993,
36 is amended to read as follows:

37 22. The appointee serving as the coordinator of
38 the office of renewable fuel fuels and coproducts, as
39 provided in section 159A.3.

40 Sec. 9. Section 20.4, subsection 13, Code 1993, is
41 amended to read as follows:

42 13. The appointee serving as the coordinator of
43 the office of renewable fuel fuels and coproducts, as
44 provided in section 159A.3.

45 Sec. 10. Section 159.20, subsection 10, Code 1993,
46 is amended to read as follows:

47 10. Assist the office of fuel fuels and coproducts
48 and the renewable fuel fuels and coproducts advisory
49 committee in administering the provisions of chapter
50 159A.

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1 Sec. 11. Section 159A.1, subsections 2 and 3, Code
2 1993, are amended to read as follows:

3 2. It is necessary to support industries using
4 agricultural commodities to produce increase the
5 demand for and production and consumption of sources
6 of energy in order to reduce the state's dependency
7 upon petroleum products; and to ameliorate threats to
8 this; to reduce atmospheric contamination of this
9 state's environment resulting from the atmospheric
10 contamination of carbon monoxide from the combustion
11 of fossil fuels; and to produce coproducts, such as
12 corn gluten feed, distillers grain, and solubles,
13 which can be used to increase livestock production in
14 this state.

15 3. This state adopts a policy of enhancing
16 agricultural production through support of the
17 renewable fuel industry by encouraging the development
18 and use of fuels and coproducts derived from
19 agricultural commodities, as provided in this chapter,
20 including rules adopted by the office of renewable
21 fuel fuels and coproducts and the renewable fuel fuels
22 and coproducts advisory committee.

23 Sec. 12. Section 159A.2, Code 1993, is amended to
24 read as follows:

25 159A.2 DEFINITIONS.

26 As used in this chapter, unless the context
27 otherwise requires:

28 1. "Committee" means the renewable fuel fuels and
29 coproducts advisory committee established pursuant to
30 section 159A.4.

31 2. "Coordinator" means the administrative head of
32 the office of renewable fuel fuels and coproducts
33 appointed by the department as provided in section
34 159A.3.

35 2A. "Coproduct" means a product other than a
36 renewable fuel which at least in part is derived from
37 the processing of agricultural commodities, and which
38 may include corn gluten feed, distillers grain, or
39 solubles, or can be used as livestock feed or a feed
40 supplement.

41 3. "Fund" means the renewable fuel fuels and
42 coproducts fund established pursuant to section
43 159A.7.

44 4. "Office" means the office of renewable fuel
45 fuels and coproducts created pursuant to section
46 159A.3.

47 5. "Renewable fuel" means an energy source at
48 least in part derived from an organic compound,
49 including a photosynthate, which may be used to power
50 capable of powering machinery, including an engine or

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1 power plant. A renewable fuel includes but is not
2 limited to ethanol-blended or soydiesel fuel.

3 6. "Renewable fuel fuels and coproducts
4 activities" means either of the following:

5 a. The research, development, production,
6 promotion, marketing, or consumption of a renewable
7 fuel fuels and coproducts.

8 b. The research, development, transfer, or use of
9 technologies which directly or indirectly increase the
10 supply or demand of a renewable fuel fuels and
11 coproducts.

12 7. "Soydiesel fuel" means a fuel which is a
13 mixture of diesel fuel and processed soybean oil, if
14 at least twenty percent of the mixed fuel by volume is
15 processed soybean oil.

16 Sec. 13. Section 159A.3, Code 1993, is amended to
17 read as follows:

18 159A.3 OFFICE OF RENEWABLE FUEL FUELS AND
19 COPRODUCTS.

20 1. An office of renewable fuel fuels and
21 coproducts is created within the department and shall
22 be staffed by a coordinator who shall be appointed by
23 the secretary. It shall be the policy of the office
24 to further renewable fuel fuels and coproducts
25 activities. The office shall first further renewable
26 fuel fuels and coproducts activities based on the
27 following considerations:

28 a. The price competitiveness of the renewable fuel
29 or coproduct.

30 b. The production capacity and supply of the
31 renewable fuel or coproduct.

32 c. The ease and safety of transporting and storing
33 the renewable fuel or coproduct.

34 d. The degree to which the renewable fuel or
35 coproduct is currently developed for ready transfer to
36 current engine technology.

37 e. The degree to which the renewable fuel or
38 coproduct is environmentally protective.

39 f. The degree to which the renewable fuel or
40 coproduct provides economic development opportunities.

41 2. The duties of the office include, but are not
42 limited to, the following:

43 a. Serving as advisor to the department regarding
44 regulations, including federal and state standards,
45 relating to oxygenate octane enhancers, as defined in
46 section 214A.1.

47 b. Serving as advisor to the department regarding
48 renewable fuel fuels and coproducts programs.

49 c. Serving as monitor of regulations administered
50 in the state, in other states, or by the federal

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1 government. The office shall collect information and
2 data prepared by state agencies related to these
3 regulations, and provide referral and assistance to
4 interested persons and agencies.

5 d. Cooperating with persons and agencies involved
6 in renewable fuel fuels and coproducts activities,
7 including other states and the federal government, to
8 standardize regulations and coordinate programs, in
9 order to increase administrative effectiveness and
10 reduce administrative duplication.

11 e. Implementing policies and procedures designed
12 to facilitate communication between persons involved
13 in renewable fuel fuels and coproducts activities.

14 f. Assisting state or federal agencies, or
15 assisting commercial enterprises or commodity
16 organizations which are located in or desiring to
17 locate in the state. The assistance may include
18 support of public research relating to renewable fuel
19 fuels and coproducts activities.

20 g. Conducting studies relating to the viability of
21 producing or using a renewable fuel fuels and
22 coproducts, and methods and schedules required to
23 ensure a practicable transition to the use of a
24 renewable fuel fuels and coproducts.

25 h. Preparing an annual report to the secretary
26 regarding renewable fuel fuels and coproducts
27 activities. The report shall include a review of
28 research and research results, areas of study with
29 promising potential, a summary of initiatives in other
30 states, and an analysis of state and federal
31 regulations and programs.

32 i. Promoting the use of by-products resulting from
33 the production of renewable fuel.

34 j i. Cooperating with the committee in carrying
35 out the purposes of the committee as provided in
36 section 159A.5. The office shall regularly inform the
37 committee regarding its operations and programs
38 administered under this chapter, including financial
39 reports concerning the fund.

40 j. Approve a renewable fuel which may be used as a
41 flexible fuel powering a motor vehicle required to be
42 purchased by state agencies.

43 3. a. A chief purpose of the office is to further
44 the production and consumption of ethanol fuel in this
45 state. The office shall be the primary state agency
46 charged with the responsibility to promote public
47 consumption of ethanol fuel.

48 b. The office shall promote the production and
49 consumption of soydiesel fuel in this state.

50 4. The office shall cooperate with the Wallace

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1 technology transfer foundation of Iowa in formulating
2 long-range strategic plans to guide state investment
3 in applied research, development, and commercial
4 transfer of selected scientific and technological
5 innovation relating to renewable fuel fuels and
6 coproducts technology.

7 5. The office and state entities, including the
8 department, the committee, the Iowa department of
9 economic development, the state department of
10 transportation, the department of natural resources,
11 state board of regents' institutions, and the Wallace
12 technology transfer foundation of Iowa, shall
13 cooperate to implement this section.

14 Sec. 14. Section 159A.4, subsection 1, unnumbered
15 paragraph 1, Code 1993, is amended to read as follows:

16 A renewable fuel fuels and coproducts advisory
17 committee is established within the department. The
18 committee shall be composed of the following persons:

19 Sec. 15. Section 159A.4, subsection 1, Code 1993,
20 is amended by adding the following new paragraph after
21 paragraph h and relettering the subsequent paragraphs:

22 NEW PARAGRAPH. i. A person representing the Iowa
23 soybean association.

24 Sec. 16. Section 159A.4, subsection 1, paragraph
25 j, Code 1993, is amended to read as follows:

26 j. A person representing the renewable fuel fuels
27 industry in this state.

28 Sec. 17. Section 159A.4, unnumbered paragraph 2,
29 Code 1993, is amended to read as follows:

30 The governor shall appoint persons who shall be
31 confirmed by the senate, pursuant to section 2.32, to
32 serve as voting members of the committee. However,
33 the secretary of agriculture shall appoint the person
34 representing the department of agriculture and land
35 stewardship, the director of the Iowa department of
36 economic development shall appoint the person
37 representing that department, the director of the
38 state department of transportation shall appoint the
39 person representing that department, and the director
40 of the department of natural resources shall appoint
41 the person representing that department. The governor
42 may make appointments of persons representing
43 organizations listed under paragraphs "g" and "h"
44 through "i" from a list of candidates which shall be
45 provided by the organization upon request by the
46 governor.

47 Sec. 18. Section 159A.5, subsections 1, 2, 4, 5,
48 Code Supplement 1993, are amended to read as follows:

49 1. The purpose of the committee is to provide
50 general oversight of operations of the office and to

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- 1 advise the office about all aspects concerning the
2 production and consumption of renewable fuel fuels and
3 coproducts. However, the committee shall not control
4 policy decisions or direct the administration of this
5 chapter.
- 6 2. The committee shall monitor conditions,
7 practices, policies, programs, and procedures
8 affecting the production and consumption of renewable
9 fuel fuels and coproducts.
- 10 4. The committee shall review the annual report to
11 the secretary regarding renewable fuel fuels and
12 coproducts activities, as provided in section 159A.3.
13 The committee may make written comments concerning the
14 contents of the report. Upon request of the
15 committee, the coordinator shall include the comments
16 as part of the report.
- 17 5. The committee, in cooperation with the
18 coordinator, shall do all of the following:
- 19 a. Review the operations of the office and shall
20 make recommendations regarding the effectiveness of
21 programs provided under this chapter.
- 22 b. Establish performance goals for the office and
23 adopt recommendations relating to improving the
24 functions of the office and furthering the purposes of
25 this chapter.
- 26 c. Encourage full support of programs designed to
27 inform the public or targeted groups regarding
28 renewable fuel fuels and coproducts production and
29 consumption.
- 30 d. Support promotional programs or marketing
31 strategies designed to encourage public consumption of
32 renewable fuel fuels and coproducts.
- 33 e. Review the distribution of ethanol production
34 incentive payments to qualified persons, pursuant to
35 section 159A.8.
- 36 Sec. 19. Section 159A.6, Code 1993, is amended to
37 read as follows:
- 38 **159A.6 POINT-OF-SALE PUBLIC PROMOTION PROGRAM**
39 **EDUCATION, PROMOTION, AND ADVERTISING.**
- 40 1. The office shall support education regarding,
41 and promotion and advertising of, renewable fuels and
42 coproducts. The office shall consult with the Iowa
43 corn growers association and the Iowa soybean
44 association.
- 45 2. The office shall establish a program to promote
46 the advantages related to the use of renewable fuel
47 fuels as an alternative to nonrenewable fuel fuels.
48 Promotions shall be designed to inform the ultimate
49 consumer of advantages associated with using renewable
50 fuel fuels, and emphasize the benefits to the natural

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1 environment. The promotion shall inform consumers at
2 the businesses of retail dealers of the motor vehicle
3 fuel fuels.

4 The committee shall develop standards for decals
5 required pursuant to section 214A.16, which shall be
6 designed to promote the advantages of using renewable
7 fuel fuels. The standards may be incorporated within
8 a model decal adopted by the committee and approved by
9 the office.

10 3. The office shall promote the advantages related
11 to the use of coproducts derived from the production
12 of renewable fuels, including the use of coproducts
13 used as livestock feed or meal. Promotions shall be
14 designed to inform the potential purchasers of the
15 advantages associated with using coproducts. The
16 office shall promote advantages associated with using
17 coproducts of ethanol production as livestock feed or
18 meal to cattle producers in this state.

19 4. The office may contract to provide all or part
20 of these services.

21 **Sec. 20. NEW SECTION. 159A.6A RENEWABLE FUELS**
22 **AND COPRODUCTS RESEARCH.**

23 The office shall support research relating to
24 renewable fuels and coproducts, including methods to
25 increase efficiency and reduce costs associated with
26 production. The office shall consult with the Iowa
27 corn growers association and the Iowa soybean
28 association. The office shall support research
29 activities at the university of Iowa, Iowa state
30 university of science and technology, and the
31 university of northern Iowa. The office may contract
32 to provide all or part of these services.

33 **Sec. 21. NEW SECTION. 159A.6B TECHNICAL**
34 **ASSISTANCE.**

35 The office shall assist persons in revitalizing
36 rural regions of this state, by providing technical
37 assistance to new or existing renewable fuel
38 production facilities, including the establishment and
39 operation of facilities, and specifically facilities
40 which create coproducts, including coproducts which
41 support livestock production operations. The office
42 shall consult with the Iowa corn growers association
43 and the Iowa soybean association. The office shall
44 provide planning assistance which may include
45 evaluations of methods to most profitably manage these
46 operations. The business planning assistance shall
47 provide for adequate environmental protection of this
48 state's natural resources from the operation of the
49 facility.

50 The office may execute contracts in order to

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1 provide technical support and outreach services for
2 purposes of assisting and educating interested persons
3 as provided in this section. The office may also
4 contract with a consultant to provide part or all of
5 these services. The office may require that a person
6 receiving assistance pursuant to this section
7 contribute up to fifty percent of the amount required
8 to support the costs of contracting with the
9 consultant to provide assistance to the person. The
10 office shall assist the person in completing any
11 technical information required in order to receive
12 assistance by the department of economic development
13 pursuant to the value-added agricultural products and
14 processes financial assistance program created
15 pursuant to section 15E.111. The office shall
16 cooperate with the department of economic development,
17 the department of natural resources, and regent
18 institutions or other universities and colleges as
19 provided in section 15E.111, in order to carry out
20 this section.

21 Sec. 22. Section 159A.7, Code Supplement 1993, is
22 amended to read as follows:

23 159A.7 RENEWABLE FUEL FUELS AND COPRODUCTS FUND.

24 1. A renewable fuel fuels and coproducts fund is
25 created in the state treasury under the control of the
26 office of renewable fuel fuels and coproducts. The
27 fund is composed of moneys accepted by the office.
28 Moneys in the fund shall be deposited into the
29 renewable fuel activities account or the ethanol
30 production incentive account. The fund may include
31 moneys appropriated by the general assembly, and other
32 moneys available to and obtained or accepted by the
33 office, including moneys from the United States, other
34 states in the union, foreign nations, state agencies,
35 political subdivisions, and private sources.

36 Moneys in the fund shall be used only to administer
37 this chapter carry out the provisions of this section
38 and sections 159A.3, 159A.4, 159A.5, 159A.6, 159A.6A,
39 and 159A.6B within the state of Iowa.

40 2. Moneys in the renewable fuel activities account
41 fund shall be allocated at the beginning of during
42 each fiscal year as follows:

43 a. Up to At least forty percent may shall be
44 dedicated to support education, promotion, and
45 advertising of ethanol fuel renewable fuels and
46 coproducts as provided in section 159A.6.

47 b. Up to thirty percent may be dedicated to
48 support research at the university of Iowa.,

49 c. Up to thirty percent may be dedicated to
50 support research at Iowa state university of science

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1 and technology, and the university of northern Iowa,
2 as provided in section 159A.6A.
3 d c. The Any remaining balance shall be used by
4 the office to support technical assistance as provided
5 in section 159A.6B and any other projects or programs
6 developed by the office.

7 3. Moneys Until July 1, 2000, moneys shall be
8 deposited in the ethanol production incentive account
9 fund as provided in section 423.24. One Not more than
10 one and one-half percent of the total moneys deposited
11 in the account during each quarter available to
12 support value-added agricultural products and
13 processes pursuant to section 423.24 shall be
14 allocated to the department for administration of the
15 office. Remaining moneys shall be allocated to
16 provide financial incentives to support the increased
17 production of ethanol derived from an organic
18 compound, including a photosynthate, as provided in
19 section 159A.8.

20 4. Moneys in the fund are subject to an annual
21 audit by the auditor of state. The fund is subject to
22 warrants by the director of revenue and finance, drawn
23 upon the written requisition of the coordinator.

24 5. In administering the fund, the office may do
25 all of the following:

26 a. Contract, sue and be sued, and adopt procedures
27 necessary to administer this section. However, the
28 office shall not in any manner, directly or
29 indirectly, pledge the credit of the state.

30 b. Authorize payment from the accounts, from
31 income received by investment of moneys in the fund,
32 fund for administrative costs, commissions, attorney
33 and accountant fees, and other reasonable expenses
34 related to and necessary for administering the
35 accounts fund.

36 6. Section 8.33 does not apply to moneys in the
37 renewable fuel activities account fund. Income
38 received by investment of moneys in the account fund
39 shall remain in that account the fund. Moneys
40 appropriated for a state fiscal year to the ethanol
41 production incentive account which remain unobligated
42 and unencumbered on July 31 of the following state
43 fiscal year shall be credited to the road use tax fund
44 as provided in section 423.24. Unencumbered or
45 unobligated moneys in the fund derived from moneys
46 deposited pursuant to section 423.24, which are in
47 excess of three hundred fifty thousand dollars of
48 unencumbered or unobligated moneys in the fund
49 deposited pursuant to that section, and which are
50 remaining on June 30 of each fiscal year, shall be

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1 credited on August 31 to the road use tax fund as
2 created in section 312.1.

3 Sec. 23. Section 214A.16, Code 1993, is amended to
4 read as follows:

5 214A.16 NOTICE OF BLENDED FUEL — DECAL.

6 All motor vehicle fuel kept, offered, or exposed
7 for sale, or sold at retail containing over one
8 percent ethanol, methanol, or any combination of
9 oxygenate octane enhancers shall be identified as
10 "with" either "ethanol", "methanol",
11 "ethanol/methanol", or similar wording on a decal.

12 All diesel fuel kept, offered, or exposed for sale, or
13 sold at retail containing over one percent soybean oil
14 by volume shall be identified as "with soydiesel" or
15 similar wording on a decal. The design and location
16 of the decals may shall be prescribed by rules adopted
17 by the department. The department shall adopt the
18 rules to be effective by January 1, 1995. A decal
19 identifying a renewable fuel shall be consistent with
20 standards adopted pursuant to section 159A.6. If
21 Until the department does not establish establishes
22 standards for a decal relating to a specific oxygenate
23 octane enhancer decals, the wording shall be on a
24 white adhesive decal with black letters at least one-
25 half inch high and at least one-quarter inch wide
26 placed between thirty and forty inches above the
27 driveway level on the front sides of any container or
28 pump from which the motor fuel is sold. The
29 department may approve an application to place a decal
30 in a special location on a pump or container or use a
31 decal with special lettering or colors, if the decal
32 appears clear and conspicuous to the consumer. The
33 application shall be made in writing pursuant to
34 procedures adopted by the department. Designs for a
35 decal identifying a renewable fuel shall be consistent
36 with standards adopted pursuant to section 159A.6.

37 Sec. 24. Section 216B.3, subsection 16, Code
38 Supplement 1993, is amended to read as follows:

39 16. a. A motor vehicle purchased by the
40 commission shall not operate on gasoline other than
41 gasoline blended with at least ten percent ethanol. A
42 state issued credit card used to purchase gasoline
43 shall not be valid to purchase gasoline other than
44 gasoline blended with at least ten percent ethanol.
45 The motor vehicle shall also be affixed with a
46 brightly visible sticker which notifies the traveling
47 public that the motor vehicle is being operated on
48 gasoline blended with ethanol. However, the sticker
49 is not required to be affixed to an unmarked vehicle
50 used for purposes of providing law enforcement or

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1 security.

2 b. Of all new passenger vehicles and light pickup
3 trucks purchased by the commission, a minimum of ten
4 percent of all such vehicles and trucks purchased
5 shall be equipped with engines which utilize
6 alternative methods of propulsion, including but not
7 limited to any of the following:

8 (1) A flexible fuel which is either of the
9 following:

10 (a) A fuel blended with not more than fifteen
11 percent gasoline and at least eighty-five percent
12 ethanol.

13 (b) A fuel which is a mixture of diesel fuel and
14 processed soybean oil. At least twenty percent of the
15 mixed fuel by volume must be processed soybean oil.

16 (c) A renewable fuel approved by the office of
17 renewable fuels and coproducts pursuant to section
18 159A.3.

19 (2) Compressed or liquified natural gas.

20 (3) Propane gas.

21 (4) Solar energy.

22 (5) Electricity.

23 The provisions of this paragraph "b" do not apply
24 to vehicles and trucks purchased and directly used for
25 law enforcement or off-road maintenance work.

26 Sec. 25. Section 260C.19A, Code Supplement 1993,
27 is amended to read as follows:

28 260C.19A MOTOR VEHICLES REQUIRED TO OPERATE ON
29 ETHANOL-BLENDED GASOLINE ALTERNATIVE FUELS.

30 1. A motor vehicle purchased by or used under the
31 direction of the board of directors to provide
32 services to a merged area shall not, on or after
33 January 1, 1993, operate on gasoline other than
34 gasoline blended with at least ten percent ethanol.
35 The motor vehicle shall also be affixed with a
36 brightly visible sticker which notifies the traveling
37 public that the motor vehicle is being operated on
38 gasoline blended with ethanol. However, the sticker
39 is not required to be affixed to an unmarked vehicle
40 used for purposes of providing law enforcement or
41 security.

42 2. Of all new passenger vehicles and light pickup
43 trucks purchased by or under the direction of the
44 board of directors to provide services to a merged
45 area, a minimum of ten percent of all such vehicles
46 and trucks purchased shall be equipped with engines
47 which utilize alternative methods of propulsion,
48 including but not limited to any of the following:

49 a. A flexible fuel which is either of the
50 following:

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1 (1) A fuel blended with not more than fifteen
2 percent gasoline and at least eighty-five percent
3 ethanol.

4 (2) A fuel which is a mixture of diesel fuel and
5 processed soybean oil. At least twenty percent of the
6 mixed fuel by volume must be processed soybean oil.

7 (3) A renewable fuel approved by the office of
8 renewable fuels and coproducts pursuant to section
9 159A.3.

10 b. Compressed or liquified natural gas.

11 c. Propane gas.

12 d. Solar energy.

13 e. Electricity.

14 The provisions of this subsection do not apply to
15 vehicles and trucks purchased and directly used for
16 law enforcement or off-road maintenance work.

17 Sec. 26. Section 262.25A, Code Supplement 1993, is
18 amended by adding the following new subsection:

19 NEW SUBSECTION. 3. Of all new passenger vehicles
20 and light pickup trucks purchased by or under the
21 direction of the state board of regents to provide
22 services to a merged area, a minimum of ten percent of
23 all such vehicles and trucks purchased shall be
24 equipped with engines which utilize alternative
25 methods of propulsion, including but not limited to
26 any of the following:

27 a. A flexible fuel which is either of the
28 following:

29 (1) A fuel blended with not more than fifteen
30 percent gasoline and at least eighty-five percent
31 ethanol.

32 (2) A fuel which is a mixture of processed soybean
33 oil and diesel fuel. At least twenty percent of the
34 fuel by volume must be processed soybean oil.

35 (3) A renewable fuel approved by the office of
36 renewable fuels and coproducts pursuant to section
37 159A.3.

38 b. Compressed or liquified natural gas.

39 c. Propane gas.

40 d. Solar energy.

41 e. Electricity.

42 The provisions of this subsection do not apply to
43 vehicles and trucks purchased and directly used for
44 law enforcement or off-road maintenance work.

45 Sec. 27. NEW SECTION. 266.19 RENEWABLE FUEL --
46 ASSISTANCE.

47 The university shall cooperate in assisting
48 renewable fuel production facilities supporting
49 livestock operations managed by persons receiving
50 assistance pursuant to the value-added agricultural

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1 products and processes financial assistance program
2 established in section 15E.111.

3 Sec. 28. Section 307.21, Code Supplement 1993, is
4 amended by adding the following new subsection:

5 NEW SUBSECTION. 4A. Of all new passenger vehicles
6 and light pickup trucks purchased by the
7 administrator, a minimum of ten percent of all such
8 vehicles and trucks purchased shall be equipped with
9 engines which utilize alternative methods of
10 propulsion, including but not limited to any of the
11 following:

12 a. A flexible fuel which is either of the
13 following:

14 (1) A fuel blended with not more than fifteen
15 percent gasoline and at least eighty-five percent
16 ethanol.

17 (2) A fuel which is a mixture of processed soybean
18 oil and diesel fuel. At least twenty percent of the
19 fuel by volume must be processed soybean oil.

20 (3) A renewable fuel approved by the office of
21 renewable fuels and coproducts pursuant to section
22 159A.3.

23 b. Compressed or liquified natural gas.

24 c. Propane gas.

25 d. Solar energy.

26 e. Electricity.

27 The provisions of this subsection do not apply to
28 vehicles and trucks purchased and directly used for
29 law enforcement or off-road maintenance work.

30 Sec. 29. Section 423.24, subsection 1, paragraph
31 b, Code Supplement 1993, is amended to read as
32 follows:

33 b. Beginning on July 1, 1993, three and one-half
34 percent of the revenue, not to exceed one million
35 dollars per quarter, derived from the use tax on motor
36 vehicles, trailers, and motor vehicle accessories and
37 equipment as collected pursuant to section 423.7,
38 shall be deposited in the ethanol production incentive
39 account of the renewable fuel fund created in section
40 159A.7: used to support value-added agricultural
41 products and processes as follows:

42 (1) Ninety-one and one-quarter percent of these
43 moneys shall be deposited in the value-added
44 agricultural products and processes financial
45 assistance fund as created in section 15E.112.

46 (2) eight and three-quarters percent of these
47 moneys shall be deposited in the renewable fuels and
48 coproducts fund as created in section 159A.7.

49 PARAGRAPH DIVIDED. Moneys deposited according to
50 this paragraph "b" are a continuing appropriation for

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1 expenditure under section 159A.8 sections 15E.112 and
2 159A.7. Moneys deposited during a state fiscal year
3 to the ethanol production incentive account which
4 remain unobligated and unencumbered on July 31 of the
5 following state fiscal year shall be credited to the
6 road use tax fund as provided in this section.

7 Sec. 30. Section 455B.104, Code Supplement 1993,
8 is amended by adding the following new unnumbered
9 paragraph:

10 **NEW UNNUMBERED PARAGRAPH.** The department shall
11 assist persons applying for assistance to establish
12 and operate renewable fuel production facilities
13 pursuant to the value-added agricultural products and
14 processes financial assistance program established in
15 section 15E.111.

16 Sec. 31. **NEW SECTION. 904.312A MOTOR VEHICLES.**

17 1. A motor vehicle purchased by the department
18 shall not operate on gasoline other than gasoline
19 blended with at least ten percent ethanol. A state-
20 issued credit card used to purchase gasoline shall not
21 be valid to purchase gasoline other than gasoline
22 blended with at least ten percent ethanol. The motor
23 vehicle shall also be affixed with a brightly visible
24 sticker which notifies the traveling public that the
25 motor vehicle is being operated on gasoline blended
26 with ethanol. However, the sticker is not required to
27 be affixed to an unmarked vehicle used for purposes of
28 providing law enforcement or security.

29 2. Of all new passenger vehicles and light pickup
30 trucks purchased by the department, a minimum of ten
31 percent of all such vehicles and trucks purchased
32 shall be equipped with engines which utilize
33 alternative methods of propulsion, including but not
34 limited to any of the following:

35 a. A flexible fuel which is either of the
36 following:

37 (1) A fuel blended with not more than fifteen
38 percent gasoline and at least eighty-five percent
39 ethanol.

40 (2) A fuel which is a mixture of diesel fuel and
41 processed soybean oil. At least twenty percent of the
42 mixed fuel by volume must be processed soybean oil.

43 (3) A renewable fuel approved by the office of
44 renewable fuels and coproducts pursuant to section
45 159A.3.

46 b. Compressed or liquified natural gas.

47 c. Propane gas.

48 d. Solar energy.

49 e. Electricity.

50 The provisions of this subsection do not apply to

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1 vehicles and trucks purchased and directly used for
2 law enforcement or off-road maintenance work.

3 Sec. 32. SOYDIESEL DEMONSTRATION PROJECTS.

4 1. The state department of transportation shall
5 conduct a demonstration project using diesel trucks
6 owned by the department. Each truck shall operate
7 using soydiesel fuel for at least twenty thousand
8 miles. However, trucks primarily used for snow
9 removal shall operate for at least twelve thousand
10 miles. The projects shall be under the oversight of
11 the renewable fuels and coproducts advisory committee.
12 The state department of transportation shall evaluate
13 the performance of vehicles operating on soydiesel
14 fuel, including the rate of repairs on the vehicles
15 and comments of persons operating and maintaining the
16 vehicles. The department shall submit its findings
17 and recommendations to the renewable fuels and
18 coproducts advisory committee as part of the reports
19 provided in subsection 2.

20 2. Notwithstanding section 423.24, as amended in
21 this Act, for the period beginning on July 1, 1993,
22 and ending July 1, 1994, an amount equal to two and
23 one-half percent of the total moneys used to support
24 value-added agricultural products and processes as
25 provided in that section, which would otherwise be
26 allocated to the value-added agricultural products and
27 processes financial assistance fund, shall instead be
28 allocated to the office of renewable fuels and
29 coproducts. The moneys shall be used for purposes of
30 conducting soydiesel demonstration projects
31 administered by the state department of transportation
32 under the oversight of the renewable fuels and
33 coproducts advisory committee.

34 a. The office of renewable fuels and coproducts
35 shall allocate the moneys to the state department of
36 transportation. The department shall apply the moneys
37 to support one or more special projects operations
38 assistance grants which demonstrate the use of
39 soydiesel fuel in one or more public transit systems.

40 b. The state department of transportation shall
41 evaluate the performance of vehicles operating on
42 soydiesel fuel, including the rate of repairs on the
43 vehicles and comments of persons operating and
44 maintaining the vehicles. The department shall submit
45 initial findings and recommendations to the renewable
46 fuels and coproducts advisory committee which shall
47 submit a report to the senate and chief clerk of the
48 house, the legislative service bureau, the
49 chairpersons and ranking members of the senate
50 standing committee on agriculture, the senate standing

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1 committee on small business, economic development and
2 tourism, the house of representatives standing
3 committee on agriculture, and the house of
4 representatives standing committee on small business,
5 economic development and trade. The department shall
6 submit final findings and recommendations to the
7 renewable fuels and coproducts advisory committee
8 which shall submit a report to the general assembly.
9 The initial report shall be due on October 1, 1994.
10 The final report shall be due on March 1, 1995.

11 c. Moneys described pursuant to this subsection
12 are allocated contingent upon a contribution made by
13 either a private or public source to support soydiesel
14 fuel demonstration projects in Iowa commencing during
15 the fiscal year beginning July 1, 1993, and ending
16 June 30, 1994.

17 d. Moneys available under this section which
18 remain unexpended or unobligated on June 30, 1994,
19 shall remain available to support the demonstration
20 project and shall not revert pursuant to section 8.33.
21 Moneys remaining unexpended or unobligated on June 30,
22 1995, shall be credited to the value-added
23 agricultural products and processes financial
24 assistance fund as created in section 15E.112.

25 **Sec. 33. ETHANOL PRODUCTION AND LIVESTOCK FEEDING**
26 **EDUCATION PROJECT.**

27 1. For the period beginning July 1, 1993, and
28 ending June 30, 1994, the office of renewable fuels
29 and coproducts shall allocate from the renewable fuels
30 and coproducts fund, not more than an amount equal to
31 one and one-half percent of the total moneys used to
32 support value-added agricultural products and
33 processes as provided in section 423.24 to Iowa state
34 university for purposes of sponsoring at least four
35 seminars in different regions throughout the state,
36 and a conference in a central location of the state.
37 Iowa state university shall consult with the Iowa corn
38 growers association and the Iowa soybean association.
39 The seminars and the conference shall provide
40 information relating to establishing and managing
41 ethanol production facilities, the use of ethanol
42 production coproducts to feed livestock, and the
43 relationship between ethanol production and livestock
44 feeding operations. The university shall, to every
45 extent possible, invite nationally recognized experts
46 to provide information regarding ethanol production
47 processes, livestock nutrition, capitalization of
48 production facilities, operational requirements, and
49 marketing opportunities.

50 2. The department of economic development and

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1 relevant organizations representing agricultural
2 producers as designated by the department shall
3 cooperate with the university, and shall provide
4 information and a representative to appear at each
5 seminar and the conference. The department shall
6 provide information regarding financial and technical
7 assistance available from the department.

8 3. The university shall submit a report not later
9 than December 1 to the secretary of the senate and the
10 chief clerk of the house, describing the seminars and
11 conference, including attendance numbers, and an
12 analysis regarding the results of the project in
13 attracting persons to begin ethanol production and
14 livestock feeding operations.

15 4. Moneys available under this section which
16 remain unexpended or unobligated on June 30, 1994,
17 shall remain available to support the education
18 project and shall not revert pursuant to section 8.33.
19 Moneys remaining unexpended or unobligated on June 30,
20 1995, shall be credited to the renewable fuels and
21 coproducts fund created in section 159A.7.

22 Sec. 34. MICROBUSINESS RURAL ENTERPRISE
23 DEMONSTRATION PROJECT.

24 1. As used in this section:

25 a. "Department" means the department of economic
26 development.

27 b. "Microbusiness or microbusiness enterprise"
28 means a business producing services with five or fewer
29 full-time equivalent employee positions, and with
30 asset requirements of up to twenty-five thousand
31 dollars.

32 c. "Microbusiness organization" means a nonprofit
33 corporation organized under chapter 504A which is
34 exempt from taxation pursuant to section 501(c) of the
35 Internal Revenue Code, and which has a principal
36 mission of actively engaging in microbusiness
37 development, training, technical assistance, and
38 access to capital for the start-up or expansion of
39 microbusinesses.

40 2. For the period beginning July 1, 1993, and
41 ending June 30, 1994, the department may allocate from
42 the value-added agricultural products and processes
43 financial assistance fund an amount equal to one and
44 one-quarter percent of the total moneys used to
45 support value-added agriculture products and processes
46 as provided in section 423.24 to be used for the
47 purpose of conducting a microbusiness rural enterprise
48 demonstration project.

49 3. The department shall contract with a
50 microenterprise organization actively engaged in

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1 microbusiness enterprise in order to assist the
2 establishment of this demonstration project. In order
3 to qualify as the demonstration project, the
4 microenterprise organization must:

- 5 a. Demonstrate a past performance and a capacity
6 to successfully engage in microbusiness development.
- 7 b. Have a statewide commitment and focus to
8 microbusiness development.
- 9 c. Provide training and technical assistance.
- 10 d. Demonstrate an ability to provide access to
11 capital for start-up or expansion of a microbusiness.
- 12 e. Have established linkages with financial
13 institutions.
- 14 f. Demonstrate an ability to provide follow-up
15 technical assistance after a microbusiness start-up or
16 expansion.

17 4. Moneys appropriated pursuant to this section
18 which remain unexpended or unobligated on June 30,
19 1994, shall be available to support the demonstration
20 project and shall not revert pursuant to section 8.33.
21 Moneys remaining unexpended or unobligated on June 30,
22 1995, shall be available to support the demonstration
23 project and shall not revert pursuant to section 8.33,
24 but may be credited to the value-added agricultural
25 products and processes financial assistance fund as
26 created in section 15E.112.

27 5. The department shall submit a report to the
28 secretary of the senate and the chief clerk of the
29 house not later than November 1, 1994. The report
30 shall detail the activities of the microenterprise
31 organization, and describe the success of the project.

32 Sec. 35. PRIOR ALLOCATED MONEYS. In order to
33 carry out the provisions of this Act, any moneys
34 deposited in the ethanol production incentive account
35 of the renewable fuel fund as provided in section
36 423.24 prior to the effective date of this Act, shall
37 be credited to the renewable fuels and coproducts fund
38 as if the moneys had been allocated to the fund
39 pursuant to section 423.24 as provided by this Act.
40 Moneys which remain in the renewable fuels and
41 coproducts fund which exceed the amount required to be
42 deposited in the fund pursuant to this Act shall be
43 credited to the value-added agricultural products and
44 processes financial assistance fund as created in
45 section 15E.112 as if the moneys had been allocated to
46 that fund pursuant to section 423.24 as provided by
47 this Act.

48 Sec. 36. ELIMINATION OF FUNDING SOURCE —
49 DIRECTIONS TO CODE EDITOR.

50 1. Section 423.24, subsection 1, paragraph b, Code

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1 Supplement 1993, is amended by striking the paragraph.

2 2. No moneys shall be deposited into the value-
3 added agricultural products and processes financial
4 assistance fund or the renewable fuels and coproducts
5 fund, pursuant to section 423.24, as provided in this
6 Act, after June 30, 2000.

7 3. Notwithstanding this section, restrictions upon
8 the amount of money used to support administrative
9 expenses by the department of economic development and
10 the office of renewable fuels and coproducts shall
11 continue to apply to moneys deposited in the value-
12 added agricultural products and processes financial
13 assistance fund and the renewable fuels and coproducts
14 fund, pursuant to section 423.24, as provided in this
15 Act, after June 30, 2000.

16 4. a. Any unencumbered or unobligated moneys in
17 the value-added agricultural products and processes
18 financial assistance fund derived from moneys
19 deposited pursuant to section 423.24, which are in
20 excess of three million six hundred fifty thousand
21 dollars of the unencumbered or unobligated moneys in
22 the fund deposited pursuant to that section, and which
23 are remaining on June 30, 2000, shall be credited on
24 August 31, 2000, to the road use tax fund as created
25 in section 312.1.

26 b. Any unencumbered or unobligated moneys in the
27 renewable fuels and coproducts fund derived from
28 moneys deposited pursuant to section 423.24, which are
29 in excess of three hundred fifty thousand dollars of
30 the unencumbered or unobligated moneys in the fund
31 deposited pursuant to that section, and which are
32 remaining on June 30, 2000, shall be credited on
33 August 31, 2000, to the road use tax fund as created
34 in section 312.1.

35 5. The Code editor is directed to eliminate
36 provisions within sections of the Code as provided in
37 this Act wherever references to section 423.24,
38 subsection 1, paragraph "b", appear in those
39 provisions.

40 6. This section takes effect on July 1, 2000.

41 Sec. 37. REPEALS.

42 1. 1992 Iowa Acts, chapter 1099, section 11, is
43 repealed.

44 2. Section 159A.8, Code 1993, is repealed.

45 Sec. 38. EFFECTIVE DATE. This Act, being deemed
46 of immediate importance, takes effect upon enactment."

The House stood at ease at 1:53 p.m., until the fall of the gavel.

The House resumed session at 2:43 p.m., Speaker Van Maanen in the chair.

On motion by Halvorson of Clayton, the House concurred in the Senate amendment H—6167.

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. 2337)

The ayes were, 77:

Arnould	Baker	Beaman	Bernau
Blodgett	Boddicker	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burke
Carpenter	Churchill	Cphoon	Connors
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Kistler	Klemme	Kreiman	Larkin
Larson	Martin	McNeal	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	Ollie	Osterberg	Peterson
Plasier	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Tyrrell
Vande Hoef	Weidman	Welter	Witt
Mr. Speaker			
Van Maanen			

The nays were, 20:

Beatty	Bell	Black	Cataldo
Corbett	Gill	Hansen, S. D.	Jochum
Koenigs	Lundby	May	McCoy
McKinney	Mertz	Rafferty	Rants
Renaud	Spenner	Weigel	Wise

Absent or not voting, 3:

Daggett	Dickinson	O'Brien
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2337** be immediately messaged to the Senate.

Hurley of Fayette called up for consideration **House File 2377**, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties, and providing an effective date and an applicability provision, amended by the following Senate amendment H-6054:

H-6054

1 Amend House File 2377, as amended, passed, and re-
2 printed by the House, as follows:

3 1. By striking page 1, line 1, through page 4,
4 line 13, and inserting the following:

5 "Section 1. Section 13.2, Code 1993, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 13. Prepare standard forms which
8 contain information regarding the legal procedures
9 related to and the consequences of the execution of a
10 release of custody, termination of parental rights,
11 and adoption. The attorney general shall distribute
12 the forms, upon request, to agencies and persons
13 making independent placements pursuant to section
14 600A.4 and shall collect and review completed forms
15 forwarded to the office of the attorney general. The
16 attorney general shall also appoint an assistant
17 attorney general to provide assistance to biological
18 parents who request assistance in completion of the
19 form.

20 Sec. 2. Section 22.7, Code Supplement 1993, is
21 amended by adding the following new subsection:

22 NEW SUBSECTION. 31. Information contained in a
23 declaration of paternity completed and filed with the
24 state registrar of vital statistics pursuant to
25 section 144.12A, except to the extent that the
26 information may be provided to persons in accordance
27 with section 144.12A.

28 Sec. 3. NEW SECTION. 144.12A DECLARATION OF
29 PATERNITY REGISTRY.

30 1. As used in this section, unless the context
31 otherwise requires:

32 a. "Child" means a person under eighteen years of
33 age for whom paternity has not been established.

34 b. "Court" means the juvenile court.

35 c. "Father" means the male, biological parent of a
36 child.

37 d. "Putative father" means a man who is alleged to
38 be or who claims to be the biological father of a

39 child born to a woman to whom the man is not married
40 at the time of the birth of the child.

41 e. "Registrant" means a person who has registered
42 pursuant to this section and who claims to be the
43 father of a child.

44 f. "Registrar" means the state registrar of vital
45 statistics.

46 g. "Registry" means the declaration of paternity
47 registry established in this section.

48 2. a. The registrar shall establish a declaration
49 of paternity registry to record the name, address,
50 social security number, and any other identifying

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1 information required by rule of the department of a
2 putative father who wishes to register under this
3 section prior to the birth of a child and no later
4 than the date of the filing of the petition for
5 termination of parental rights.

6 b. The declaration does not constitute an
7 affidavit of paternity filed pursuant to section
8 252A.3 and declarations filed shall be maintained by
9 the registrar in a registry distinct from the registry
10 used to maintain affidavits of paternity filed
11 pursuant to section 252A.3. A declaration of
12 paternity filed with the registry may be used as
13 evidence of paternity in an action to establish
14 paternity or to determine a support obligation with
15 respect to the putative father.

16 c. Failure or refusal to file a declaration of
17 paternity shall not be used as evidence to avoid a
18 legally established obligation of financial support
19 for a child.

20 3. A person who files a declaration of paternity
21 with the registrar shall include in the declaration
22 all of the following:

23 a. The person's name, current address, social
24 security number, and any other identifying information
25 requested by the department. If the person filing the
26 declaration of paternity changes the person's address,
27 the person shall notify the registrar of the new
28 address in a manner prescribed by the department.

29 b. The name, last known address, and social
30 security number, if known, of the mother of the child,
31 or any other identifying information requested by the
32 department.

33 c. The name of the child, if known, and the date
34 and location of the birth of the child, if known.

35 d. The registrar shall accept a declaration of
36 paternity filed in accordance with this section.

37 e. The registrar shall forward a copy of the

38 declaration to the mother as notification that the
39 person has registered with the registry.

40 f. The registrar shall accept and immediately
41 register, upon receipt, a declaration of paternity
42 without a fee and without the signature of the
43 biological mother. The registrar may charge a
44 reasonable fee as established by rule of the
45 department for processing searches of the registry.

46 4. The department shall, upon request, provide the
47 name, address, social security number, and any other
48 identifying information of a registrant to the
49 biological mother of the child; a court; the
50 department of human services; the attorney of any

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1 party to an adoption, termination of parental rights,
2 or establishment of paternity or support action; or to
3 the child support recovery unit for an action to
4 establish paternity or support. The information shall
5 not be divulged to any other person and shall be
6 considered a confidential record as to any other
7 person, except upon order of the court for good cause
8 shown. If the registry has not received a declaration
9 of paternity, the department shall provide a written
10 statement to that effect to the person making the
11 inquiry.

12 5. a. Information provided to the registry may be
13 revoked by the registrant by submission of a written
14 statement signed and acknowledged by the registrant
15 before a notary public.

16 b. The statement shall include a declaration that
17 to the best of the registrant's knowledge, the
18 registrant is not the father of the named child or
19 that paternity of the true father has been
20 established.

21 c. Revocation shall be deemed a nullity and the
22 information provided by the registrant shall be
23 expunged.

24 d. Revocation is effective only following the
25 birth of the child.

26 6. The department shall adopt rules necessary to
27 implement and administer this section. The rules
28 shall include establishment of sites throughout the
29 state for local distribution of declaration of
30 paternity registration forms."

31 2. Page 5, line 33, by striking the word
32 "natural" and inserting the following: "biological".

33 3. Page 5, line 34, by striking the word
34 "natural" and inserting the following: "biological".

35 4. Page 6, line 7, by striking the word "natural"
36 and inserting the following: "biological".

- 37 5. Page 6, line 24, by striking the word
38 "natural" and inserting the following: "biological".
39 6. Page 6, line 27, by striking the word
40 "natural" and inserting the following: "biological".
41 7. Page 6, line 33, by inserting after the word
42 "provided" the following: "to the biological parents
43 prior to the birth of the child,".
44 8. Page 6, line 34, by striking the word
45 "natural" and inserting the following: "biological".
46 9. Page 7, line 1, by striking the word "natural"
47 and inserting the following: "biological".
48 10. Page 7, line 7, by striking the word
49 "natural" and inserting the following: "biological".
50 11. Page 7, by striking lines 15 through 25.

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- 1 12. Page 8, by inserting after line 2 the
2 following:
3 "Sec. _____. Section 600.16, subsection 3, Code
4 1993, is amended to read as follows:
5 3. Any person other than the adopting parents or
6 the adopted person, who discloses information in
7 violation of this section, is guilty of a simple
8 misdemeanor for the first offense, a serious
9 misdemeanor for a second offense, and an aggravated
10 misdemeanor for a third or subsequent offense."
11 13. Page 8, line 13, by striking the word
12 "natural" and inserting the following: "biological".
13 14. By striking page 8, line 32, through page 10,
14 line 1.
15 15. Page 10, by inserting before line 2, the
16 following:
17 "Sec. _____. Section 600A.4, Code 1993, is amended
18 by adding the following new subsection:
19 NEW SUBSECTION. 1A. a. Prior to the execution of
20 a release of custody, the agency or person making the
21 independent placement shall provide the biological
22 parent who wishes to execute the release the standard
23 information form prepared and distributed by the
24 office of the attorney general. The form shall
25 include information regarding the legal procedures
26 relating to and the consequences of the execution of a
27 release of custody, termination of parental rights,
28 and adoption. The form shall also contain information
29 which advises the biological parent of the parent's
30 right to legal counsel and shall provide for the
31 requesting of counsel through completion of the form.
32 Upon receipt of the form, the biological parent shall
33 read and sign the form certifying receipt and
34 acknowledgment of the information provided in the
35 form, and shall also complete the form to request or

36 waive the provision of legal counsel. Following
37 completion and signing of the form by the biological
38 parent, the agency or person making the independent
39 placement shall forward the form to the office of the
40 attorney general.

41 b. The office of the attorney general shall
42 prepare standard information forms which contain
43 information regarding the legal procedures relating to
44 and the consequences of the execution of a release of
45 custody, termination of parental rights, and adoption.
46 The forms shall be available, upon request, to any
47 agency or person making an independent placement. The
48 office of the attorney general shall provide
49 instruction for completion of the forms and shall
50 collect and review all forms completed and forwarded

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1 to the office. The office of the attorney general
2 shall appoint one assistant attorney general to
3 provide assistance to biological parents, who request
4 legal counsel through completion of the standard
5 form."

6 16. Page 10, line 5, by striking the word "a".

7 17. Page 10, by striking line 6 and inserting the
8 following: "three hours of counseling to the
9 biological parents".

10 18. Page 10, line 8, by striking the word
11 "natural" and inserting the following: "biological".

12 19. Page 10, line 10, by striking the word
13 "natural" and inserting the following: "biological".

14 20. Page 10, line 14, by inserting after the word
15 "rights" the following: "as applicable".

16 21. Page 10, line 24, by striking the word
17 "natural" and inserting the following: "biological".

18 22. Page 10, line 25, by striking the word
19 "natural" and inserting the following: "biological".

20 23. Page 10, line 29, by inserting after the word
21 "paragraph." the following: "The requirements of this
22 paragraph do not apply to a release of custody which
23 is executed for the purposes of a stepparent
24 adoption."

25 24. By striking page 10, line 30, through page
26 11, line 1, and inserting the following:

27 "NEW PARAGRAPH. e. Shall contain a notice to the
28 biological parent that if the biological parent
29 chooses to identify the other biological parent and
30 knowingly and intentionally identifies a person who is
31 not the other biological parent in the written release
32 of custody or in any other document related to the
33 termination of parental rights proceedings, the
34 biological parent who provides the incorrect

35 identifying information is guilty of a simple
36 misdemeanor."

37 25. Page 11, line 9, by striking the word
38 "natural" and inserting the following: "biological".

39 26. Page 11, by striking line 12 and inserting
40 the following: "description of the minor child's
41 biological parents and an account".

42 27. Page 11, by striking lines 16 through 22 and
43 inserting the following: "visits."

44 28. Page 11, by striking lines 23 through 29 and
45 inserting the following:

46 "A biological parent may also provide ongoing
47 information to the adoptive parents, as additional
48 medical or social history information becomes known,
49 by providing information to the clerk of court, the
50 department of human services, or the agency which made

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1 the placement, and may provide the current address of
2 the biological parent. The clerk of court, the
3 department of human services, or the agency which made
4 the placement shall transmit the information to the
5 adoptive parents if the address of the adoptive
6 parents is known."

7 29. Page 12, by striking lines 15 through 17 and
8 inserting the following:

9 "d g. Shall be signed, not less than seventy-two
10 hours after the birth of the child to be released, by
11 all living parents. The seventy-two hour".

12 30. Page 12, by striking lines 31 and 32 and
13 inserting the following: "declaration of paternity in
14 accordance with section 144.12A, or any unknown
15 putative father, if any, except".

16 31. Page 12, line 33, by striking the word
17 "natural" and inserting the following: "natural
18 biological".

19 32. Page 12, line 34, by striking the word
20 "natural" and inserting the following: "natural
21 biological".

22 33. Page 13, line 32, by striking the word "AND"
23 and inserting the following: "OR".

24 34. Page 14, by striking lines 7 through 14.

25 35. Page 14, by inserting after line 20 the
26 following:

27 "Sec. _____, Section 600A.7, Code 1993, is amended
28 by adding the following new subsection:

29 NEW SUBSECTION. 3. If a putative father files a
30 declaration of paternity pursuant to section 144.12A,
31 the putative father or the mother of the child may
32 request that paternity be established pursuant to
33 section 600B.41 prior to the granting of a dismissal

34 of the petition to terminate parental rights.

35 Sec. _____. Section 600A.9, subsection 2, Code 1993,
36 is amended to read as follows:

37 2. If an order is issued under subsection 1,
38 paragraph "b" of this section, the juvenile court
39 shall retain jurisdiction to change a guardian or
40 custodian and to allow a terminated parent or any
41 putative biological parent to request vacation or
42 appeal of the termination order if the child is not on
43 placement for adoption or a petition for adoption of
44 the child is not on file which request must be made
45 within thirty days of issuance of the granting of the
46 order. The period for request by a terminated parent
47 or by a putative biological parent for vacation or
48 appeal shall not be waived or extended and a vacation
49 or appeal shall not be granted after the expiration of
50 this period. The juvenile court shall grant the

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1 vacation request only if it is in the best interest of
2 the child. The supreme court shall prescribe rules to
3 establish a period of thirty days, which shall not be
4 waived or extended, in which a terminated or putative
5 biological parent may request a vacation or appeal of
6 a termination order."

7 36. Page 14, by striking lines 23 through 26 and
8 inserting the following:

9 "1. Any biological parent who chooses to identify
10 the other biological parent and who knowingly and
11 intentionally identifies a person who is not the other
12 biological parent in the written release of custody or
13 in any other document related to the termination of
14 parental rights proceedings is guilty of a simple
15 misdemeanor."

16 37. Page 14, line 28 by striking the words "one
17 hundred twenty." and inserting the following:
18 "seventy-two".

19 38. By striking page 14, line 30 through page 15,
20 line 1, and inserting the following:

21 "Sec. _____. PENDING PROCEEDINGS UNAFFECTED. This
22 Act does not apply to a termination of parental rights
23 proceeding or an adoption proceeding pending on July
24 1, 1994."

25 39. Title page, by striking line 3 and inserting
26 the following: "penalties and an".

27 40. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

Hurley of Fayette offered the following amendment H—6151, to
the Senate amendment H—6054, filed by him and moved its adoption:

H-6151

- 1 Amend the Senate amendment, H-6054, to House File
- 2 2377, as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking lines 5 through 19.
- 5 2. By striking page 4, line 15 through page 5,
- 6 line 5.
- 7 3. By renumbering as necessary.

Amendment H-6151 was adopted.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-6146, to the Senate amendment H-6054, filed by Boddicker, et al. on April 12, 1994, placing the following amendments out of order:

H-6162, to amendment H-6146, filed by Ollie of Clinton and Cohoon, on April 13, 1994.

H-6153, to amendment H-6146, filed by Harper of Black Hawk on April 12, 1994.

H-6154, to amendment H-6146, filed by Neuhauser of Johnson on April 12, 1994.

H-6155, to amendment H-6146, filed by Martin of Scott and Neuhauser on April 12, 1994.

H-6161, to amendment H-6146, filed by Bernau of Story on April 13, 1994.

Halvorson of Webster offered the following amendment H-6130, to the Senate amendment H-6054, filed by him and moved its adoption:

H-6130

- 1 Amend the Senate amendment, H-6054, to House File
- 2 2377, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by striking lines 7 through 11.
- 5 2. Page 7, by striking lines 16 through 18.
- 6 3. By renumbering as necessary.

Amendment H-6130 lost.

On motion by Hurley of Fayette, the House concurred in the Senate amendment H-6054, as amended.

Hurley of Fayette moved that the bill, as amended by the Senate, further amended 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. 2377)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Dickinson	Ertl	Renken
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2377** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peterson of Carroll, for the remainder of the day, on request of Arnould of Scott.

Gipp of Winneshiek in the chair at 3:22 p.m.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2049**, a bill for an act relating to the use of mobile radio transmitters for hunting or

the tracking of dogs or birds of prey, and providing a penalty, previously deferred and placed on the unfinished business calendar.

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. 2049)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 4:

Doderer	Fallon	Grundberg	Hammond
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Absent or not voting, 1:

Dickinson

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2049** be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED

Corbett of Linn called up for consideration the motion to reconsider Senate File 2314, filed by him on April 11, 1994, and moved to reconsider the vote by which **Senate File 2314**, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, failed to pass the House on April 11, 1994.

A non-record roll call was requested.

The ayes were 68, nays 4.

The motion prevailed and the House reconsidered **Senate File 2314**, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

Weigel of Chickasaw asked and received unanimous consent to withdraw the following amendments, filed by him on April 12, 1994: H-6126 and H-6136.

Corbett 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. 2314)

The ayes were, 65:

Arnould	Baker	Beaman	Beatty
Blodgett	Boddicker	Branstad	Brauns
Burke	Carpenter	Churchill	Cohoon
Connors	Corbett	Daggett	Doderer
Drake	Ertl	Garman	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Larkin	Larson	Lundby	Martin
McNeal	Meyer	Millage	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Plasier
Rafferty	Rants	Royer	Shoultz
Siegrist	Spenner	Tyrrell	Van Maanen, Spkr.
Weidman	Weigel	Welter	Witt
Gipp, Presiding			

The nays were, 31:

Bell	Bernau	Black	Brammer
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Brand	Brunkhorst	Cataldo	Dinkla
Eddie	Fallon	Fogarty	Gill
Greig	Greiner	Halvorson, R. N.	Hammond
Hansen, S. D.	Koenigs	Kreiman	May
McCoy	McKinney	Mertz	Miller
Moreland	Renaud	Renken	Running
Schrader	Vande Hoef	Wise	

Absent or not voting, 4:

Dickinson	Hester	Metcalf	Peterson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2314** be immediately messaged to the Senate.

Speaker Van Maanen in the chair at 3:43 p.m.

The House resumed consideration of **Senate File 2277**, a bill for an act relating to social studies requirements in the schools, previously deferred and placed on the unfinished business calendar.

Wise of Lee asked and received unanimous consent to defer action on amendment H—5726 filed by the committee on education.

Cohoon of Des Moines offered the following amendment H—5898 filed by him and Eddie:

H—5898

- 1 Amend Senate File 2277, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 9 through 11 and
- 4 inserting the following: "one-half unit of United
- 5 States government and one-half unit of United States
- 6 history. The one-half unit of United States
- 7 government shall include the voting procedure as
- 8 described in this lettered paragraph and section
- 9 280.9A. The government instruction shall also include
- 10 a study of the Constitution of the United States and
- 11 the bill of rights contained in the Constitution and
- 12 an assessment of a student's knowledge of the
- 13 Constitution and the bill of rights."

Wise of Lee offered the following amendment H—6157, to amend H—5898, filed by him and moved its adoption:

H—6157

- 1 Amend the amendment, H—5898, to Senate File 2277,

2 as passed by the Senate as follows:

- 3 1. Page 1, line 5, by striking the word "one-
4 half" and inserting the following: "one".

Amendment H—6157 was adopted.

On motion by Cohoon of Des Moines, amendment H—5898, as amended, was adopted.

Wise of Lee asked and received unanimous consent to withdraw the committee amendment H—5726, filed by him on March 28, 1994, previously deferred.

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. 2277)

The ayes were, 94:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Harper	Haverland
Henderson	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 1:

Brunkhorst

Absent or not voting, 5:

Dickinson	Hanson, D. R.	Hester	Murphy
Peterson			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2277** 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 14, 1994, 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 certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree.

Also: That the Senate has on April 14, 1994, 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 181, a bill for an act relating to motorcycle rider education.

Also: That the Senate has on April 14, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2326, a bill for an act relating to the definition of project for which certain revenue bonds may be issued by a city or county and providing an effective date.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1994, adopted the conference committee report and passed Senate File 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated.

Also: That the Senate has on April 14, 1994, 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 2071, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property.

Also: That the Senate has on April 14, 1994, passed the following bill in which the concurrence of the House is asked:

Senate File 2316, a bill for an act relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters.

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 3:56 p.m., Speaker Van Maanen in the chair.

HOUSE INSISTS

Spenner of Henry called up for consideration **Senate File 2319**, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 2319)

The Speaker announced the appointment of the following conference committee to consider the differences between the House and

Senate concerning Senate File 2319: McNeal of Hardin, Chair; Martin of Scott, Rafferty of Scott, Brammer of Linn and McKinney of Dallas.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2319** be immediately messaged to the Senate.

Ways and Means Calendar

House File 2430, a bill for an act relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, providing appropriations of state revenues relating to such services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions, was taken up for consideration.

The House stood at ease at 4:05 p.m., until the fall of the gavel.

The House resumed session at 5:07 p.m., Speaker Van Maanen in the chair.

Iverson of Wright offered the following amendment H-6170 filed from the floor by Iverson, Royer, Houser, Branstad, Meyer, Tyrrell, Vande Hoef, Klemme, Hester, Mundie, Boddicker, Kistler and Mertz:

H-6170

- 1 Amend House File 2430 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. 100. Section 249A.12, Code 1993, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION. 3. a.** Effective July 1, 1995,
- 7 the state shall be responsible for all of the
- 8 nonfederal share of the costs of intermediate care
- 9 facility for the mentally retarded services provided
- 10 under medical assistance to minors. Notwithstanding
- 11 subsection 2 and contrary provisions of section
- 12 222.73, effective July 1, 1995, a county is not
- 13 required to reimburse the department and shall not be
- 14 billed for the nonfederal share of the costs of such
- 15 services provided to minors.
- 16 b. Effective July 1, 1995, the state shall be
- 17 responsible for all of the nonfederal share of medical
- 18 assistance home and community-based waivers for
- 19 persons with mental retardation services provided to
- 20 minors and a county is not required to reimburse the
- 21 department and shall not be billed for the nonfederal
- 22 share of the costs of the services."

- 23 2. Page 1, line 5, by striking the word
24 "LIMITED".
25 3. Page 1, by striking lines 13 through 19 and
26 inserting the following:
27 "b. "State payment" means the payment made by the
28 state to a county determined to be eligible for the
29 payment in accordance with section 331.439. Except as
30 modified based upon the actual amount of the
31 appropriation for purposes of state payment under
32 section 331.439, the amount of the state payment for a
33 fiscal year shall be calculated as fifty percent of
34 the amount by which the county's qualified
35 expenditures during the immediately preceding fiscal
36 year were in excess of the amount of the county's base
37 year expenditures."
38 4. Page 1, line 20, by striking the word
39 "reimbursement" and inserting the following:
40 "payment".
41 5. Page 1, line 25, by striking the word
42 "reimbursement" and inserting the following:
43 "payment".
44 6. By striking page 1, line 27 through page 2,
45 line 1.
46 7. Page 2, line 2, by striking the word
47 "coordinating" and inserting the following:
48 "management".
49 8. Page 2, by striking lines 11 through 14 and
50 inserting the following:

Page 2

- 1 "b. The management committee shall consist of not
2 more than nine members representing the state and
3 counties. An equal number of the not more than nine
4 members shall be appointed by the director of human
5 services and the Iowa state association of counties
6 and one additional member shall be jointly appointed
7 by both entities. In addition, the committee shall
8 also include one member nominated by service providers
9 and one member nominated by service advocates and
10 consumers, with both members appointed by the
11 governor."
12 9. Page 2, line 19, by inserting after the word
13 "member" the following: "serves in an ex officio,
14 nonvoting capacity and".
15 10. Page 2, line 26, by striking the word
16 "coordinating" and inserting the following:
17 "management".
18 11. Page 3, line 16, by striking the word
19 "reimbursement" and inserting the following: "payment
20 pursuant to subsection 1".
21 12. Page 3, line 22, by striking the word
22 "reimbursement" and inserting the following:

23 "payment".

24 13. Page 3, line 29, by striking the word

25 "coordinating" and inserting the following:

26 "management".

27 14. Page 4, line 1, by striking the word

28 "coordinating" and inserting the following:

29 "management".

30 15. Page 4, by inserting after line 2 the

31 following:

32 "() On or before December 1, 1994, submit to
33 the governor and general assembly a methodology for
34 the state and counties to move toward the goal of an
35 equal partnership in the funding of mental health,
36 mental retardation, and developmental disabilities
37 services. The committee consideration of methodology
38 options shall include an expenditure per consumer
39 basis."

40 16. Page 4, by striking line 4 and inserting the
41 following: "PAYMENT."

42 17. Page 4, line 5, by inserting before the word

43 "A" the following: "The state payment to eligible
44 counties under this section shall be made in January
45 of the fiscal year for which the appropriation for the
46 state payment is made."

47 18. Page 4, line 5, by striking the words
48 "reimbursement as provided" and inserting the
49 following: "payment as defined".

50 19. Page 4, line 6, by striking the figure "1995"

Page 3

1 and inserting the following: "1996".

2 20. Page 4, by inserting after line 12 the
3 following:

4 " _____. The county has implemented a single entry
5 point process in accordance with the rules adopted
6 pursuant to section 331.440."

7 21. Page 4, line 19, by striking the word

8 "coordinating" and inserting the following:

9 "management".

10 22. Page 4, line 22, by striking the words

11 "required under" and inserting the following: "in
12 accordance with the rules adopted pursuant to".

13 23. Page 5, by striking lines 2 and 3 and

14 inserting the following: "service management, the
15 county must describe efforts to investigate the
16 development and implementation of a system of managed
17 care which".

18 24. Page 6, by striking lines 4 through 12 and

19 inserting the following:

20 "2. The department of human services shall seek
21 federal approval as necessary for the single entry

22 point and clinical assessment processes to be eligible
 23 for federal financial participation under medical
 24 assistance. A county may implement the single entry
 25 point process as part of a consortium of counties and
 26 may implement the process beginning with the fiscal
 27 year ending June 30, 1995."

28 25. Page 6, line 14, by striking the word
 29 "coordinating" and inserting the following:
 30 "management".

31 26. Page 7, by inserting after line 27 the
 32 following:

33 "d. Emergency management to be deposited into the
 34 local emergency management fund and expended for
 35 development of hazardous substance teams pursuant to
 36 chapter 29C."

37 27. Page 7, line 28, by striking the word "d" and
 38 inserting the following: "e".

39 28. Page 9, line 15, by striking the word "d"
 40 and inserting the following: "e".

41 29. Page 11, by striking lines 1 through 20.

42 30. Page 11, by striking lines 22 through 29 and
 43 inserting the following:

44 "_____. If an appropriation is not enacted by the
 45 Seventy-sixth General Assembly, 1995 regular session,
 46 to fund the provisions of section 100 of this Act,
 47 section 444.25A and the amendments to sections 444.26
 48 and 444.27, as enacted by this Act, are repealed
 49 effective on the date of the final adjournment of the
 50 Seventy-sixth General Assembly, 1995 regular session."

Page 4

1 31. Page 11, by striking line 34 and inserting
 2 the following: "enacted by this Act, are repealed
 3 effective on the date of the final adjournment of the
 4 Seventy-sixth General Assembly, 1996 regular session."

5 32. Title page, lines 4 and 5, by striking the
 6 words "providing appropriations of state revenues
 7 relating to such services,".

Schrader of Marion offered the following amendment H-6188, to amendment H-6170, filed by Schrader, Wise and Bernau from the floor and moved its adoption:

H-6188

1 Amend the amendment, H-6170, to House File 2430 as
 2 follows:

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

5 "Sec. 101. NEW SECTION. 217.44 STATE MENTAL
 6 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
 7 DISABILITIES SERVICE EXPENDITURES FUND.

8 1. A state mental health, mental retardation, and
9 developmental disabilities service expenditures fund
10 is created in the office of the treasurer of state
11 under the authority of the director of human services.
12 Moneys deposited in the fund shall be used as directed
13 by the general assembly for state payment of the costs
14 of such services. Notwithstanding section 8.33,
15 moneys in the service expenditures fund which remain
16 unexpended or unencumbered at the end of a fiscal year
17 shall not revert to the general fund of the state but
18 shall remain in the service expenditures fund.

19 2. For the fiscal year beginning July 1, 1995,
20 moneys in the fund shall be used for state payment of
21 the nonfederal share of medical assistance costs of
22 intermediate care facility for the mentally retarded
23 services and home and community-based waiver services,
24 provided to minors.

25 3. For the fiscal year beginning July 1, 1996, and
26 succeeding fiscal years, moneys in the fund shall be
27 used for state payment to counties in accordance with
28 the provisions of sections 331.438 and 331.439."

29 2. Page 3, by inserting after line 41 the
30 following:

31 "_____. Page 11, by inserting after line 21 the
32 following:

33 "_____. If the general assembly does not transfer or
34 appropriate funds from the ending balance of the
35 general fund of the state for fiscal year 1993-1994 to
36 the state mental health, mental retardation, and
37 developmental disabilities service expenditures fund
38 created in this Act, in an amount sufficient to fully
39 fund the provisions of section 100 of this Act,
40 section 444.25A and the amendments to sections 444.26
41 and 444.27, as enacted by this Act, are repealed
42 effective July 1, 1994."

43 3. Page 4, by inserting before line 5, the
44 following:

45 "_____. Page 11, by inserting before line 35 the
46 following:

47 "Sec. 200. EFFECTIVE DATE. Section 101 of this
48 Act, being deemed of immediate importance, takes
49 effect upon enactment."

50 4. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Hansen of Woodbury.

On the question "Shall amendment H-6188, to amendment H-6170 be adopted?" (H.F. 2430)

The ayes were, 45:

Arnould	Baker	Beatty	Bell
Bernau	Brammer	Brand	Burke
Cataldo	Cphoon	Connors	Doderer
Fallon	Fogarty	Gill	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Henderson	Holveck	Jochum	Koenigs
Kreiman	Larkin	May	McCoy
McKinney	Moreland	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Plasier	Renaud	Running
Schrader	Shoultz	Weigel	Wise
Witt			

The nays were, 53:

Beaman	Black	Blodgett	Boddicker
Branstad	Brauns	Brunkhorst	Carpenter
Churchill	Corbett	Daggett	Dinkla
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Hester	Houser
Hurley	Iverson	Kistler	Klemme
Larson	Lundby	Martin	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Mundie	Rafferty	Rants
Renken	Royer	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Welter
Mr. Speaker			
Van Maanen			

Absent or not voting, 2:

Dickinson Peterson

Amendment H—6188 lost.

Neuhauser of Johnson offered the following amendment H—6182, to amendment H—6170, filed by her and Witt from the floor and moved its adoption:

H—6182

- 1 Amend the amendment, H—6170, to House File 2430 as
- 2 follows:
- 3 1. Page 3, line 44, by inserting before the word
- 4 "by" the following: "on or before March 1, 1995,".
- 5 2. Page 3, by striking lines 49 and 50 and
- 6 inserting the following: "effective March 2, 1995." "

Roll call was requested by Neuhauser of Johnson and Hammond of Story.

On the question "Shall amendment H-6182, to amendment H-6170, be adopted?" (H.F. 2430)

The ayes were, 44:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brammer	Brand
Burke	Cataldo	Cohoon	Connors
Doderer	Fallon	Fogarty	Gill
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Holveck	Jochum
Koenigs	Kreiman	Larkin	May
McCoy	McKinney	Miller	Moreland
Murphy	Myers	Nelson	Neuhauser
Ollie	Osterberg	Rafferty	Running
Schrader	Shoultz	Weigel	Witt

The nays were, 53:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Mertz
Metcalf	Meyer	Millage	Mundie
O'Brien	Plasier	Rants	Renken
Royer	Siegrist	Spenner	Tyrell
Vande Hoef	Weidman	Welter	Wise
Mr. Speaker			
Van Maanen			

Absent or not voting, 3:

Dickinson	Peterson	Renaud
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Amendment H-6182 lost.

Iverson of Wright asked and received unanimous consent to defer action on the Senate amendment H-6170.

Witt of Black Hawk offered the following amendment H-6181 filed by him and Neuhauser from the floor and moved its adoption:

H-6181

- 1 Amend House File 2430 as follows:
- 2 1. Page 5, line 29, by inserting after the word
- 3 "services." the following: "Any recommendations
- 4 developed concerning a person's plan of services shall
- 5 be consistent with the person's unique strengths,
- 6 circumstances, priorities, concerns, abilities, and
- 7 capabilities."

Amendment H—6181 was adopted.

Hansen of Woodbury offered the following amendment H—6149 filed by him and moved its adoption:

H—6149

- 1 Amend House File 2430 as follows:
- 2 1. Page 7, by inserting after line 27 the
- 3 following:
- 4 "d. For transfer or deposit into the secondary
- 5 road fund pursuant to section 331.429, subsection 1,
- 6 paragraphs "a" and "b", solely to avoid a reduction in
- 7 the allotment of farm-to-market road funds under
- 8 section 312.2, subsection 8."
- 9 2. Page 7, line 28, by striking the letter "d."
- 10 and inserting the following: "e."
- 11 3. Page 9, line 15, by striking the letter "d","
- 12 and inserting the following: "e",."
- 13 4. By renumbering and correcting internal
- 14 references as necessary.

Roll call was requested by Gill of Woodbury and Hansen of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment H—6149 be adopted?"
(H.F. 2430)

The ayes were, 46:

Arnould	Baker	Bernau	Brammer
Brand	Burke	Cataldo	Cohoon
Connors	Dinkla	Doderer	Fallon
Fogarty	Gill	Gries	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Henderson	Holveck	Jochum	Klemme
Koenigs	Kreiman	Larkin	May
McCoy	McKinney	Moreland	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Rants	Renaud
Running	Schrader	Shoultz	Weigel
Wise	Witt		

The nays were, 51:

Beaman	Bell	Black	Blodgett
Boddicker	Branstad	Brauns	Brunkhorst
Carpenter	Churchill	Corbett	Daggett
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley

Iverson	Kistler	Larson	Lundby
Martin	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Mundie
Plasier	Rafferty	Renken	Royer
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Welter	Mr. Speaker	
		Van Maanen	

Absent or not voting, 3:

Beatty Dickinson Peterson

Amendment H—6149 lost.

Iverson of Wright asked and received unanimous consent to defer action on amendment H—6189.

Hansen of Woodbury offered the following amendment H—6150, filed by him and moved its adoption:

H—6150

- 1 Amend House File 2430 as follows:
- 2 1. Page 9, by inserting after line 33 the
- 3 following:
- 4 "(5) Need to increase the amount transferred to
- 5 the secondary road fund from the amount transferred in
- 6 the previous fiscal year solely to avoid a reduction
- 7 in the allotment of farm-to-market road funds under
- 8 section 312.2, subsection 8."
- 9 2. By renumbering and correcting internal
- 10 references as necessary.

Amendment H—6150 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Arnould of Scott.

The House resumed consideration of the Senate amendment H—6170, previously deferred.

Iverson of Wright asked and received unanimous consent to withdraw amendment H—6190, to the Senate amendment H—6170, filed by him from the floor.

Iverson of Wright offered the following amendment H—6197, to the Senate amendment H—6170, filed by him from the floor and moved its adoption:

H—6197

- 1 Amend the amendment, H—6170, to House File 2430 as
- 2 follows:

- 3 1. Page 3, line 46, by inserting before the word
 4 "fund" the following: "fully".
- 5 2. Page 3, line 50, by inserting after the word
 6 "session." the following: "If the repeals provided in
 7 this subsection take effect, notwithstanding section
 8 24.17, for the fiscal year beginning July 1, 1995, the
 9 budget of each county may be recertified in duplicate
 10 to the county auditor not later than May 15, 1995, and
 11 protests to the budget shall be filed not later than
 12 May 25, 1995."
- 13 3. Page 4, by striking lines 1 through 4 and
 14 inserting the following:
 15 "_____. Page 11, by striking lines 30 through 34
 16 and inserting the following:
 17 "2. If appropriations are not enacted by the
 18 Seventy-sixth General Assembly, 1996 Session, to fully
 19 fund the unmodified state payment calculation
 20 provisions of sections 331.438 and 331.439, as enacted
 21 in this Act, in fiscal year 1996-1997, section 444.25A
 22 and the amendments to sections 444.26 and 444.27, as
 23 enacted by this Act, are repealed effective on the
 24 date of the final adjournment of the Seventy-sixth
 25 General Assembly, 1996 Regular Session. If the
 26 repeals provided in this section take effect,
 27 notwithstanding section 24.17, for the fiscal year
 28 beginning July 1, 1996, the budget of each county may
 29 be recertified in duplicate to the county auditor not
 30 later than May 15, 1996, and protests to the budget
 31 shall be filed not later than May 25, 1996." "
- 32 4. By renumbering as necessary.

Amendment H—6197 was adopted.

On motion by Iverson of Wright, the Senate amendment H—6170, as amended, was adopted.

Kreiman of Davis offered the following amendment H—6200, filed by him from the floor:

H—6200

- 1 Amend House File 2430 as follows:
 2 1. Page 7, by inserting after line 27 the
 3 following:
 4 "_____. Law enforcement pursuant to chapters 356 and
 5 356A and sections 331.651 through 331.759."
 6 2. By relettering and correcting internal
 7 references as necessary.

Spanner of Henry in the chair at 7:15 p.m.

Kreiman of Davis moved the adoption of amendment H—6200.

Roll call was requested by Kreiman of Davis and Hansen of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment H—6200 be adopted?"
(H.F. 2430)

The ayes were, 46:

Arnould	Baker	Bell	Bernau
Black	Brammer	Brand	Burke
Cataldo	Cohoon	Connors	Doderer
Fallon	Fogarty	Gill	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Henderson	Jochum	Koenigs	Kreiman
Larkin	May	McCoy	McKinney
Miller	Moreland	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Plasier	Rants	Renaud
Running	Schrader	Shoultz	Weigel
Wise	Witt		

The nays were, 50:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Mertz
Metcalf	Meyer	Millage	Mundie
Rafferty	Renken	Royer	Siegrist
Tyrrell	Vande Hoef	Van Maanen, Spkr.	Weidman
Welter	Spenner, Presiding		

Absent or not voting, 4:

Beatty	Dickinson	Holveck	Peterson
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Amendment H—6200 lost.

Iverson of Wright asked and received unanimous consent to withdraw amendment H—6189, previously deferred, filed by him from the floor.

Iverson of Wright moved that the bill as amended by the Senate, further amended 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. 2430)

The ayes were, 85:

Arnould	Baker	Beaman	Bell
Black	Blodgett	Boddicker	Brand
Branstad	Brauns	Brunkhorst	Burke
Carpenter	Cataldo	Churchill	Cohoon
Connors	Corbett	Daggett	Dinkla
Doderer	Drake	Eddie	Ertl
Fogarty	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Myers
Nelson	Neuhauser	O'Brien	Ollie
Rafferty	Rants	Renaud	Renken
Royer	Schrader	Shoultz	Siegrist
Tyrrell	Vande Hoef	Van Maanen, Spkr.	Weidman
Weigel	Welter	Wise	Witt
Spenner, Presiding			

The nays were, 11:

Bernau	Brammer	Fallon	Gill
Hammond	Lundby	Miller	Murphy
Osterberg	Plasier	Running	

Absent or not voting, 4:

Beatty	Dickinson	Holveck	Peterson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2430** 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 14, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 642, a bill for an act relating to revisions of mandates and goals to political subdivisions of the state.

Also: That the Senate has on April 14, 1994, 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 2377, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties, and providing an effective date and an applicability provision.

Also: That the Senate has on April 14, 1994, 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 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions.

Also: That the Senate has on April 14, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2429, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

Also: That the Senate has on April 14, 1994, 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 2091, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Also: That the Senate has on April 14, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2157, a bill for an act relating to electric transmission line franchises.

Also: That the Senate has on April 14, 1994, passed the following bill in which the concurrence of the House is asked:

Senate File 2215, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 14, 1994, adopted the conference committee report and passed Senate File 2216, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 14, 1994, appointed the conference committee to Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume

alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, and the members of the Senate are: The Senator from Story, Senator Rosenberg, Chair; the Senator from Johnson, Senator Dvorsky; the Senator from Pottawattamie, Senator Gronstal; the Senator from Polk, Senator Maddox; the Senator from Scott, Senator Tinsman.

JOHN F. DWYER, Secretary

Unfinished Business Calendar

The House resumed consideration of **Senate File 2282**, a bill for an act relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state, previously deferred and placed on the unfinished business calendar.

Halvorson of Clayton offered the following amendment H—5715, filed by Halvorson, et al. and moved its adoption:

H—5715

- 1 Amend Senate File 2282, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 505.7, subsection 1, Code
- 6 Supplement 1993, is amended to read as follows:
- 7 1. All fees and charges which are required by law
- 8 to be paid by insurance companies, and associations,

9 and other regulated entities shall be payable to the
10 commissioner of the insurance division of the
11 department of commerce or department of revenue and
12 finance, as provided by law, whose duty it shall be to
13 account for and pay over the same to the treasurer of
14 state at the time and in the manner provided by law
15 for deposit in the general fund of the state.

16 Sec. _____. Section 505.7, Code Supplement 1993, is
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 8. The commissioner may assess
19 the costs of an audit or examination to a health
20 insurance purchasing cooperative, in the same manner
21 as provided for insurance companies under sections
22 507.7 through 507.9, and may establish by rule
23 reasonable filing fees to fund the cost of regulatory
24 oversight.

25 Sec. _____. Section 505.8, Code 1993, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 6. The commissioner shall
28 supervise all health insurance purchasing cooperatives
29 providing services or operating within the state and
30 the organization of domestic cooperatives. The
31 commissioner may admit nondomestic health insurance
32 purchasing cooperatives under the same standards as
33 domestic cooperatives."

34 2. Page 1, by inserting after line 9 the
35 following:

36 "Sec. _____. NEW SECTION. 505.20 HEALTH ACCOUNTING
37 STANDARDS — DUTIES OF COMMISSIONER.

38 The commissioner, in conjunction with the community
39 health management information system established in
40 chapter 144C, if enacted by the Seventy-fifth General
41 Assembly, shall adopt rules establishing health
42 accounting standards to be enforced statewide. The
43 community health management information system board
44 shall propose accounting standards for cost and
45 quality to the commissioner for approval. The
46 commissioner shall enforce the standards in
47 conjunction with the community health management
48 information system board.

49 Sec. 101. NEW SECTION. 505.21 HEALTH CARE ACCESS
50 — DUTIES OF COMMISSIONER — PENALTIES.

Page 2

1 1. The commissioner shall adopt rules establishing
2 a requirement that an employer provide access to
3 health care to the employees of the employer. The
4 rules shall provide that an employer doing business
5 within this state shall offer each employee, at a
6 minimum, access to health insurance. The requirement
7 contained in this section may be satisfied by offering

8 any of the following:

9 a. Health care coverage through an insurer or
10 health maintenance organization authorized to do
11 business in this state.

12 b. Access to health benefits through a health
13 benefits plan qualified under the federal Employee
14 Retirement Income Security Act of 1974.

15 c. Enrollment in an Iowa-licensed health insurance
16 purchasing cooperative. A cooperative may require
17 payroll deduction of employee contributions and direct
18 deposit of premium payments to the account of the
19 cooperative.

20 2. An employer is not required to financially
21 contribute toward the employee's health plan.

22 3. A violation of this section may be reported to
23 the consumer and legal affairs bureau in the insurance
24 division. The division may issue, upon a finding that
25 an employer has failed to offer an employee access to
26 health insurance, any of the following:

27 a. A cease and desist order instructing the
28 employer to cure the failure and desist from future
29 violations of this section.

30 b. An order requiring an employer who has
31 previously been the subject of a cease and desist
32 order to pay an employee's reasonable health insurance
33 premiums necessary to prevent or cure a lapse in
34 health care coverage arising out of the employer's
35 failure to offer as required.

36 c. An order upon the employer assessing the
37 reasonable costs of the division's investigation and
38 enforcement action."

39 3. Page 23, by inserting after line 17 the
40 following:

41 "Sec. _____. Section 513B.2, subsection 16, Code
42 Supplement 1993, is amended to read as follows:

43 16. "Small employer" means a person actively
44 engaged in business who, on at least fifty percent of
45 the employer's working days during the preceding year,
46 employed not less than two and not more than twenty-
47 five fifty full-time equivalent eligible employees.

48 In determining the number of eligible employees,
49 companies which are affiliated companies or which are
50 eligible to file a combined tax return for purposes of

Page 3

1 state taxation are considered one employer.

2 Sec. _____. Section 513B.4, Code Supplement 1993, is
3 amended by adding the following new subsection:

4 **NEW SUBSECTION. 1A.** Notwithstanding subsection 1,
5 there shall be no variance in premium rates for a
6 basic or standard benefit plan offered pursuant to

7 this chapter for health status or claim experience.

8 Sec. _____. Section 513B.4, subsection 2, unnumbered
9 paragraph 2, Code Supplement 1993, is amended by
10 striking the paragraph and inserting in lieu thereof
11 the following:

12 Case characteristics other than age, geographic
13 area, family composition, and group size shall not be
14 used by a small employer carrier without the prior
15 approval of the commissioner. Case characteristics
16 which may be used with the prior approval of the
17 commissioner include but are not limited to health
18 choices.

19 Sec. _____. Section 513B.4, Code Supplement 1993, is
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 5. Notwithstanding subsection 1,
22 the commissioner, with the concurrence of the board of
23 the Iowa small employer health reinsurance program
24 established in section 513B.13, may by order reduce or
25 eliminate the allowed rating bands provided under
26 subsection 1, paragraphs "a", "b", and "c", or
27 otherwise limit or eliminate the use of experience
28 rating."

29 4. Page 29, by inserting after line 17 the
30 following:

31 "Sec. _____. Section 101 of this Act, which creates
32 new section 505.21, relating to health care access, is
33 effective January 1, 1995."

34 5. Title page, line 6, by inserting after the
35 word "state" the following: ", and providing an
36 effective date".

37 6. By renumbering as necessary.

Mertz of Kossuth offered the following amendment H-5856, to
amendment H-5715, filed by her and Weigel:

H-5856

1 Amend the amendment, H-5715, to Senate File 2282,
2 as passed by the Senate, as follows:

3 1. Page 1, line 5, by striking the word and
4 figure " "Section 1" and inserting the following:

5 "Section 101. Section 422.7, Code Supplement 1993,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 29. Subtract, to the extent not
8 otherwise deducted in computing adjusted gross income,
9 the amount of medical expenses, not reimbursed by
10 insurance or otherwise, spent for the taxpayer or
11 taxpayer's spouse or dependent.

12 Sec. 102. section 422.9, subsection 2, unnumbered
13 paragraph 1, Code 1993, is amended to read as follows:

14 The total of contributions, interest, taxes,
15 medical expense, nonbusiness losses, miscellaneous

16 expenses and moving expenses deductible for federal
 17 income tax purposes under the Internal Revenue Code,
 18 with the following adjustments:

19 Sec. _____.”

20 2. Page 3, by inserting after line 28 the

21 following:

22 “_____. Page 29, by inserting after line 17 the

23 following:

24 “Sec. _____. MEDICAL EXPENSE DEDUCTION. Sections

25 101 and 102 of this Act, which amend section 422.7 by

26 adding a new subsection 29 and section 422.9, take

27 effect upon enactment and apply retroactively to

28 January 1, 1994, for tax years beginning on or after

29 that date.””

Mertz of Kossuth rose on a point of order that amendment H—5856 was not germane, to amendment H—5715.

The Speaker ruled the point well taken and amendment H—5856 not germane, to amendment H—5715.

Schrader of Marion asked and received unanimous consent to withdraw amendment H—5820, to amendment H—5715, filed by him and Bernau on March 29, 1994.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—5819, to amendment H—5715, filed by him on March 29, 1994.

Haverland of Polk offered the following amendment H—5790, to amendment H—5715, filed by him and moved its adoption:

H—5790

1 Amend the amendment, H—5715, to Senate File 2282,

2 as passed by the Senate, as follows:

3 1. Page 2, by striking lines 15 through 21 and

4 inserting the following:

5 “2. An employer may financially contribute toward

6 the employee’s health benefit plan. The employer

7 shall offer payroll deduction of employee

8 contributions and direct deposit of premium payments

9 related to a health insurance purchasing cooperative

10 or other health care coverage.”

Amendment H—5790 was adopted.

Haverland of Polk offered the following amendment H—5789, to amendment H—5715, filed by him and moved its adoption:

H—5789

1 Amend the amendment, H—5715, to Senate File 2282,

2 as passed by the Senate, as follows:

3 1. Page 2, line 38, by striking the word
4 "action." and inserting the following: "action."
5 4. The insurance division shall annually provide a
6 written report to the general assembly beginning
7 January 1, 1995, which evaluates the effects of this
8 section on providing universal coverage for all
9 Iowans. If the division determines that the state has
10 not achieved a level of individuals without health
11 care coverage of less than three percent of total
12 population through voluntary means by June 30, 1999,
13 the division shall make recommendations for the
14 implementation of and a financing mechanism for a
15 requirement that all individuals in this state procure
16 and maintain health care coverage for themselves and
17 their dependents."

Amendment H-5789 was adopted.

Harper of Black Hawk asked and received unanimous consent to withdraw amendment H-5796, to amendment H-5715, filed by Harper, et al., on March 29, 1994.

Halvorson of Clayton offered the following amendment H-5735, to amendment H-5715, filed by Halvorson, et al. and moved its adoption:

H-5735

1 Amend the amendment, H-5715, to Senate File 2282,
2 as passed by the Senate as follows:
3 1. Page 3, by striking lines 15 through 18 and
4 inserting the following: "approval of the
5 commissioner."

Amendment H-5735 was adopted, placing out of order amendment H-5804, to amendment H-5715, filed by Gill of Woodbury on March 29, 1994.

The following amendments, to amendment H-5715, were withdrawn by unanimous consent:

H-5812, filed by Hammond of Story and Haverland on March 29, 1994.

H-5805, filed by Jochum of Dubuque on March 29, 1994.

H-6042, filed by Jochum of Dubuque on April 7, 1994.

H-5799, filed by Hammond of Story on March 29, 1994.

On motion by Halvorson of Clayton, amendment H-5715, as amended, was adopted.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5755, filed by her on March 28, 1994.

Murphy of Dubuque asked and received unanimous consent to defer action on amendment H—5756.

Halvorson of Clayton offered the following amendment H—6008, filed by him and moved its adoption:

H—6008

- 1 Amend the Senate File 2282, as passed by the Senate
- 2 as follows:
- 3 1. Page 23, by inserting after line 17 the
- 4 following:
- 5 "Sec. _____. Section 515A.13, Code 1993, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 5. PROHIBITED RELEASE. A person
- 8 other than the commissioner or the commissioner's
- 9 designee shall not release to another person, other
- 10 than to the servicing insurer of the policy or to the
- 11 commissioner or the commissioner's designee,
- 12 experience, payroll, loss data, expiration date of a
- 13 policy, or classification information without the
- 14 prior written approval of the policy holder. A
- 15 violation of this section shall be considered an
- 16 unfair trade practice pursuant to chapter 507B."
- 17 2. By renumbering as necessary.

Amendment H—6008 was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H—5756, previously deferred, filed by him on March 28, 1994.

Halvorson of Clayton 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. 2282)

The ayes were, 96:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Hayerland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Tyrrell
Vande Hoef	Van Maanen, Spkr.	Weidman	Weigel
Welter	Wise	Witt	Spenner, Presiding

The nays were, none.

Absent or not voting, 4:

Beatty	Dickinson	Koenigs	Peterson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2282** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 637)

Greig of Emmet called up for consideration the report of the conference committee on House File 637 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 637

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 637, a bill for an Act relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4094.
2. That the House recedes from its amendment, S-3694.

3. That House File 637, as passed by the House, is amended by striking everything after the enacting clause and inserting the following:

"Section 1. Section 162.13, unnumbered paragraph 2, Code 1993, is amended to read as follows:

Failure The failure of any pound, research facility, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder, public auction, or dealer, to adequately house, feed, or water dogs, cats, or vertebrate animals in the person's or facility's possession or custody is a simple misdemeanor. The animals are subject to seizure and impoundment and may be sold or destroyed as provided by rules which shall be adopted by the department pursuant to chapter 17A. The rules shall provide for the destruction of an animal by a humane method, including by euthanasia at the discretion of the secretary and the. The failure to meet the requirements of this section is also grounds cause for revocation or suspension of license or registration after public hearing. The commission of an act declared to be an unlawful practice under section 714.16 or prohibited under chapter 717 or 717B, by a person or facility licensed or registered under this chapter is grounds cause for revocation or suspension of the license or registration certificate. Dogs, cats, and other vertebrates upon which euthanasia is permitted by law may be destroyed by persons or facilities a person subject to this chapter or chapter 169, and only by a humane method, including euthanasia, as provided by rules which shall be adopted by the department pursuant to chapter 17A.

Sec. 2. NEW SECTION. 331.308 NEGLECTED ANIMALS.

A county may rescue, provide maintenance, or dispose of neglected livestock or another animal, as provided in chapters 717 and 717B.

Sec. 3. Section 331.653, subsection 21, Code 1993, is amended by striking the subsection.

Sec. 4. NEW SECTION. 364.22A NEGLECTED ANIMALS.

A city may rescue, provide maintenance, or dispose of neglected livestock or another animal, as provided in chapters 717 and 717B.

Sec. 5. Section 602.6405, subsection 1, Code 1993, 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. Magistrates have jurisdiction to determine the disposition of livestock or another animal, as provided in sections 717.5 and 717B.4, if the magistrate determines the value of the livestock or animal is less than ten thousand dollars. 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. Magistrates have jurisdiction over violations of section 123.49, subsection 2, paragraph "h". Magistrates who are admitted to the practice of law in this state have jurisdiction over all proceedings for the involuntary commitment, treatment, or hospitalization of individuals under chapters 125 and 229, except as otherwise provided under section 229.6A; nonlawyer magistrates have jurisdiction over emergency detention and hospitalization proceedings under sections 125.91 and 229.22. Magistrates have jurisdiction to conduct hearings authorized under section 809.4 and section 809.10, subsection 2.

Sec. 6. Section 670.4, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13. A claim based on an act or omission by a county or city pursuant to section 717.2A or chapter 717B relating to either of the following:

- a. Rescuing neglected livestock or another animal by a law enforcement officer.
- b. Maintaining or disposing of neglected livestock or another animal by a county or city.

Sec. 7. Section 717.1, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

717.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Law enforcement officer" means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.

2. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species or poultry.

3. "Livestock care provider" means a person designated by a local authority to provide care to livestock which is rescued by the local authority pursuant to section 717.2A.

4. "Local authority" means a city as defined in section 362.2 or a county as provided in chapter 331.

5. "Maintenance" means to provide on-site or off-site care to neglected livestock.

6. "Sustenance" means food, water, or a nutritional formulation customarily used in the production of livestock.

Sec. 8. NEW SECTION. 717.1A LIVESTOCK ABUSE.

A person is guilty of livestock abuse, if the person intentionally injures or destroys livestock owned by another person, in any manner, including, but not limited to, intentionally doing any of the following: administering drugs or poisons to the livestock, or disabling the livestock, by using a firearm or trap. A person guilty of livestock abuse commits an aggravated misdemeanor. This section shall not apply to any of the following:

1. A person acting with the consent of the person owning the livestock, unless the action constitutes livestock neglect as provided in section 717.2.

2. A person acting to carry out an order issued by a court.

3. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.

4. A person acting in order to carry out another provision of law which allows the conduct.

5. A person reasonably acting to protect the person's property from damage caused by stray livestock.

6. A person reasonably acting to protect a person from injury or death caused by stray livestock.

7. An institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions

within the scope of accepted practices and disciplines associated with the institution or research facility.

Sec. 9. Section 717.2, Code 1993, is amended to read as follows:

717.2 CRUELTY TO ANIMALS LIVESTOCK NEGLECT.

1. A person who impounds or confines livestock, in any place, a domestic animal or fowl, or an animal or fowl subject to section 481A.60, or dog or cat, and fails to supply the animal during confinement with a sufficient quantity of food, and water, or who fails does any of the following commits the offense of livestock neglect:

a. Fails to provide a dog or cat livestock with adequate shelter, or who tortures, torments, deprives care consistent with customary animal husbandry practices.

b. Deprives livestock of necessary sustenance, mutilates, overdrives, overloads, drives when overloaded, beats,

c. Injures or kills an animal destroys livestock by any means which cause unjustified causes pain, distress, or suffering, whether intentionally or negligently, commits the offense of cruelty to animals in a manner inconsistent with customary animal husbandry practices.

2. A person who commits the offense of cruelty to animals livestock neglect is guilty of a simple misdemeanor. A person who intentionally commits the offense of cruelty to animals livestock neglect which results in serious injury to or the death of an animal livestock is guilty of a serious misdemeanor. However, a person shall not be guilty of more than one offense of livestock neglect punishable as a serious misdemeanor, when care or sustenance is not provided to multiple head of livestock during any period of uninterrupted neglect.

3. This section does not apply to an institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

Sec. 10. NEW SECTION. 717.2A RESCUE OF NEGLECTED LIVESTOCK.

1. a. A law enforcement officer may rescue livestock neglected as provided in section 717.2 on public or private property, as provided in this subsection.

b. The officer may enter onto property of a person to rescue neglected livestock if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

c. Livestock neglected as provided in section 717.2 may be rescued pursuant to the following conditions:

(1) If a criminal proceeding has not been commenced against the person owning or caring for the livestock, the following shall apply:

(a) The local authority shall receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that, in the veterinarian's opinion, the livestock is neglected.

(b) The local authority shall provide written notice to the person owning or caring for the livestock by delivery at the last known address of the person. The local authority shall deliver the notice by certified mail or make a good faith effort to personally deliver the notice to the person owning or caring for the livestock. The notice shall include all of the following:

(i) The name and address of the local authority.

(ii) A description of the livestock subject to rescue.

(iii) A statement informing the person that the livestock may be rescued pursuant to this chapter within one day following receipt of the notice by the person. The statement must specify a date, time, and a location for delivery of the response designated by the local authority, as provided in this subsection.

(iv) A statement informing the person that in order to avoid rescue of the livestock, the person must respond to the notice in writing signed by a veterinarian licensed pursuant to chapter 169. The veterinarian must state that, in the opinion of the veterinarian, the livestock is not neglected, or the person is taking immediate measures required to rehabilitate the livestock.

(c) A law enforcement officer may rescue the livestock, if the local authority fails to receive a written response by the person owning or caring for the livestock by the end of normal office hours of the next day that the local authority is available to receive the response at the offices of the local authority. However, if the local authority is not available to receive a response at its offices, the local authority may designate another location in the county to receive the response.

(2) If a criminal proceeding has been commenced against the person owning or caring for the livestock, the local authority must receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that, in the veterinarian's opinion, the livestock is neglected.

(3) Regardless of whether a criminal proceeding has commenced, the local authority may immediately rescue livestock without providing notice as otherwise required in this section. However, the local authority must receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that in the veterinarian's opinion, the livestock is neglected. In order to rescue the livestock, the local authority must determine that the livestock has been abandoned or that no person is able or willing to care for the livestock, and the livestock is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

2. If livestock is rescued pursuant to this section, the local authority shall post a notice in a conspicuous place at the location where the livestock was rescued. The notice shall state that the livestock has been rescued by the local authority pursuant to this section. The local authority shall provide for the maintenance of the neglected livestock. The local authority may contract with a livestock care provider for the maintenance of the neglected livestock. The local authority shall pay the livestock care provider for the livestock's maintenance regardless of proceeds received from the sale of the livestock or any reimbursement ordered by a court, pursuant to section 717.5.

3. The livestock shall be subject to disposition pursuant to section 717.5.

Sec. 11. Section 717.5, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

717.5 DISPOSITION OF NEGLECTED LIVESTOCK.

1. A court shall order the disposition of livestock neglected as provided in section 717.2 after a hearing upon application or petition to the court by a local authority or a person owning or caring for the livestock. The matter shall be heard within ten days from the filing of a petition by the local authority or the person. The court may continue the hearing for up to forty days upon petition by the person. However, the person shall post a bond or other security with the local authority in an amount determined by the court, which shall not be more than the amount sufficient to provide for the maintenance of the livestock for forty days. The court may grant a subsequent continuance by the person for the same length of time if the person submits a new

bond or security. However, the court shall order the immediate disposition of the livestock if the livestock is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if livestock has been neglected for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of section 717.2.

3. A court may order a person owning the neglected livestock to pay an amount which shall not be more than the expenses incurred in maintaining the neglected livestock rescued pursuant to section 717.2A, and reasonable attorney fees and expenses related to the investigation of the case. The remaining amount of a bond or other security posted pursuant to this section shall be used to reimburse the local authority. If more than one person has a divisible interest in the livestock, the amount required to be paid shall be prorated based on the percentage of interest in the livestock owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds owed to the owner or owners of the livestock, which are received from the sale of the livestock ordered by the court. Moneys owed to the local authority from the sale of neglected livestock shall be paid to the local authority before satisfying indebtedness secured by any security interest in or lien on the livestock. If an owner of the livestock is a landowner, the local authority may submit an amount to the clerk of the county board of supervisors who shall report the amount to the county treasurer. The amount shall equal the balance remaining after the sale of the livestock. If the livestock owner owns a percentage of the livestock, the reported amount shall equal the remaining balance owed by all landowners who own a percentage of the livestock. That amount shall be prorated among the landowners based on the percentage of interest in the livestock attributable to each landowner. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

4. Neglected livestock ordered to be destroyed shall be destroyed only by a humane method, including euthanasia as defined in section 162.2.

Sec. 12. NEW SECTION. 717B.1 ANIMAL DEFINED.

As used in this chapter:

1. "Animal" means a nonhuman vertebrate. However, "animal" does not include any of the following:

a. Livestock, as defined in section 717.1.

b. Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in section 481A.1, unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.

c. Any nongame species declared to be a nuisance pursuant to section 481A.42.

2. "Animal care provider" means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to section 717B.5.

3. "Law enforcement officer" means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and dedication of crime and the enforcement of the criminal laws of this state.

4. "Maintenance" means to provide on-site or off-site care to neglected animals.

5. "Local authority" means a city as defined in section 362.2 or a county as provided in chapter 331.

Sec. 13. NEW SECTION. 717B.2 ANIMAL ABUSE.

A person is guilty of animal abuse if the person intentionally injures, maims, disfigures, or destroys an animal owned by another person, in any manner, including intentionally poisoning the animal. A person guilty of animal abuse is guilty of an aggravated misdemeanor. This section shall not apply to any of the following:

1. A person acting with the consent of the person owning the animal, unless the action constitutes animal neglect as provided in section 717B.3.

2. A person acting to carry out an order issued by a court.

3. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.

4. A person acting in order to carry out another provision of law which allows the conduct.

5. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.

6. A person acting to protect the person's property from a wild animal as defined in section 481A.1.

7. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.

8. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.

9. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.

10. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

11. An institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

Sec. 14. NEW SECTION. 717B.3 ANIMAL NEGLECT.

1. A person who impounds or confines, in any place, an animal is guilty of animal neglect, if the person does any of the following: fails to supply the animal during confinement with a sufficient quantity of food or water; fails to provide a confined dog or cat with adequate shelter; or tortures, deprives of necessary sustenance, mutilates, beats, or kills an animal by any means which causes unjustified pain, distress, or suffering.

2. This section does not apply to an institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

3. A person who negligently or intentionally commits the offense of animal neglect is guilty of a simple misdemeanor. A person who intentionally commits the offense of animal abuse which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.

Sec. 15. NEW SECTION. 717B.4 DISPOSITION OF NEGLECTED ANIMALS.

1. A court shall order the disposition of an animal neglected as provided in section 717B.3 after a hearing upon application or petition to the court by a local authority or the person owning or caring for the animal. The matter shall be heard within ten days from the filing of the petition. The court may continue the hearing for up to forty days upon petition by the person. However, the person shall post a bond or other security with the local authority in an amount determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for forty days. The court may grant a subsequent continuance by the person for the same length of time if the person submits a new bond or security. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if the animal has been neglected for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of section 717B.3.

3. A court may order a person owning the neglected animal to pay an amount which shall not be more than the expenses incurred in maintaining the neglected animal rescued pursuant to section 717B.5, and reasonable attorney fees and expenses related to the investigation of the case. The remaining amount of a bond or other security posted pursuant to this chapter shall be used to reimburse the local authority. If more than one person has a divisible interest in the animal, the amount required to be paid shall be prorated based on the percentage of interest in the animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds owed to the owner or owners of the animal, which are received from the sale of the animal ordered by the court. Moneys owed to the local authority from the sale of a neglected animal shall be paid to the local authority before satisfying indebtedness secured by any security interest in or lien on the animal. If an owner of the animal is a landowner, the local authority may submit an amount to the clerk of the county board of supervisors who shall report the amount to the county treasurer. The amount shall equal the balance remaining after the sale of the animal. If the animal owner owns a percentage of the animal, the reported amount shall equal the remaining balance owed by all landowners who own a percentage of the animal. That amount shall be prorated among the landowners based on the percentage of interest in the animal attributable to each landowner. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

4. Neglected animals ordered to be destroyed shall be destroyed only by a humane method, including euthanasia as defined in section 162.2.

Sec. 16. NEW SECTION. 717B.5 RESCUE OF NEGLECTED ANIMALS.

1. A law enforcement officer, after consulting with a veterinarian licensed pursuant to chapter 169, may rescue an animal neglected as provided in section 717B.3 on public or private property, as provided in this subsection. The officer may enter onto property of a person to rescue a neglected animal, if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

2. If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the neglected animal. The local authority may contract with an animal care provider for the maintenance of the neglected animal. The local authority shall post a notice in a conspicuous place at the location where the animal was rescued. The notice shall state that the animal has been rescued by the local authority pursuant to this section. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the sale of the animal or any reimbursement ordered by a court, pursuant to section 717B.4.

3. The animal shall be subject to disposition as required by a court, pursuant to section 717B.4.

Sec. 17. NEW SECTION. 717B.5A DISABLED ANIMALS DESTROYED.

A person may humanely destroy a wild animal as defined in section 481A.1, if the wild animal is permanently distressed by injury or disease to a degree that results in severe and prolonged suffering. The destroyed animal shall be subject to disposition as provided by rules adopted by the natural resource commission pursuant to chapter 17A.

Sec. 18. NEW SECTION. 717B.6 EXHIBITIONS AND FIGHTS.

A person shall not arrange, promote, or stage an exhibition at which an animal is tormented, or in which there is a fight between animals or between a person and an animal. A person shall not maintain an establishment where such an exhibition is conducted. A person violating this section is guilty of a serious misdemeanor.

Sec. 19. NEW SECTION. 717B.7 ABANDONMENT OF CATS AND DOGS — PENALTIES.

A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound as defined in section 162.2. A person who violates this section is guilty of a simple misdemeanor.

Sec. 20. NEW SECTION. 717B.8 INJURY OR INTERFERENCE WITH A POLICE SERVICE DOG.

1. A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a simple misdemeanor.

2. A person who knowingly, and willfully or maliciously tortures, injures so as to disfigure or disable, kills, or administers poison to a police service dog, commits a serious misdemeanor.

3. As used in this section, "police service dog" means a dog used by a peace officer in the performance of the officer's duties, whether or not the dog is on duty.

4. This section does not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.

Sec. 21. RULES REQUIRED — DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. The department of agriculture and land stewardship shall adopt rules as provided in section 162.13 as amended by this Act not later than August 30, 1994. The department shall not use the procedures set out in section 17A.4, subsection 2, or section 17A.5, subsection 2, paragraph "b" to meet this deadline.

Sec. 22. EFFECTIVE DATE. Sections 1, 21, and this section of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 23. REPEALS. Sections 169B.49, 717.3, 717.4, and 717.6, Code 1993, are repealed."

2. Title page, line 4, by inserting after the word "sections" the following: "and effective dates".

ON THE PART OF THE HOUSE:

JOHN M. GREIG, Chair
CLIFFORD O. BRANSTAD
BARRY BRAUNS
DENNIS MAY
DOLORES MERTZ

ON THE PART OF THE SENATE:

BERL E. PRIEBE, Chair
BRAD BANKS
JACK W. HESTER
EMIL J. HUSAK
JIM RIORDAN

The motion prevailed and the conference committee report was adopted.

Greig of Emmet 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. 637)

The ayes were, 96:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Tyrrell
Vande Hoef	Van Maanen, Spkr.	Weidman	Weigel
Welter	Wise	Witt	Spenner, Van Maanen

The nays were, none.

Absent or not voting, 4:

Beatty	Dickinson	Koenigs	Peterson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 637** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 2188**, a bill for an act exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date, previously deferred and placed on the unfinished business calendar.

Speaker Van Maanen in the chair at 9:15 p.m.

SENATE FILE 2074 SUBSTITUTED FOR HOUSE FILE 2188

Carpenter of Polk asked and received unanimous consent to substitute Senate File 2074 for House File 2188.

Senate File 2074, a bill for an act exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date, was taken up for consideration.

The following amendments were withdrawn by unanimous consent:

H—5591, filed by Hansen of Woodbury on March 22, 1994.

H—5564, filed by O'Brien of Boone, on March 22, 1994, placing the following amendments, to amendment H—5564, out of order:

H—5619, filed by O'Brien of Boone on March 23, 1994.

H—5613, filed by Rants of Woodbury on March 23, 1994.

H—5855, filed by O'Brien of Boone and Henderson on March 30, 1994.

Carpenter 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. 2074)

The ayes were, 92:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cphoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Shoultz	Siegrist	Spencer
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, 4:

Fallon	Halvorson, R. N.	Running	Schrader
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Absent or not voting, 4:

Beatty	Dickinson	Koenigs	Peterson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2074** be immediately messaged to the Senate.

HOUSE FILE 2188 WITHDRAWN

Carpenter of Polk asked and received unanimous consent to withdraw House File 2188 from further consideration by the House.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2418)

Carpenter of Polk called up for consideration the report of the conference committee on House File 2418 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2418

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 2418, a bill for an Act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, respectfully make the following report:

1. That the Senate amendment, H—6055, to House File 2418, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking page 1, line 33 through page 2, line 14.

2. Page 2, line 21, by inserting after the word "wages" the following: "not being used in the selection of the two highest years".

3. Page 2, line 30, by striking the words "three years" and inserting the following: "eighteen months".

4. Page 4, by striking line 33 and inserting the following: "systems established in chapter 410 or 411." "

5. Page 4, by striking lines 46 and 47 and inserting the following: "employed as a probation officer III or a parole officer III." "

6. Page 8, by striking lines 8 through 22.

7. Page 9, by striking lines 26 through 29 and inserting the following:

"_____. Page 60, by striking lines 10 and 11 and inserting the following: "as probation officers I and II, and parole officers I and II. The study shall specify the information"."

8. By striking page 9, line 30 through page 10, line 3.

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

“ _____. Page 62, by inserting after line 27 the following:

“ _____. The section of this Act which enacts a new section 509A.13A, being deemed of immediate importance, takes effect upon enactment.” ”

10. By renumbering as necessary.

ON THE PART OF THE HOUSE:

DOROTHY CARPENTER, Chair
LINDA L. BEATTY
CHUCK GIPP
DARRELL R. HANSON
DENNIS L. RENAUD

ON THE PART OF THE SENATE:

JOHN P. KIBBIE, Chair
WILLIAM W. DIELEMAN
RICHARD F. DRAKE
MICHAEL E. GRONSTAL
SHELDON RITTMER

The motion prevailed and the conference committee report was adopted.

On the question “Shall the bill pass?” (H.F. 2418)

The ayes were, 94:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 6:

Beatty	Dickinson	Fallon	Koenigs
Murphy	Peterson		

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

Under the provisions of Rule 76, conflict of interest, Fallon of Polk refrained from voting.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2418** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Vande Hoef of Osceola called up for consideration **House File 2350**, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates, amended by the following Senate amendment H-6169:

H-6169

- 1 Amend House File 2350, 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. DEPARTMENT OF JUSTICE. There is
- 6 appropriated from the general fund of the state to the
- 7 department of justice for the fiscal year beginning
- 8 July 1, 1994, and ending June 30, 1995, the following
- 9 amounts, or so much thereof as is necessary, to be
- 10 used for the purposes designated:
- 11 1. For the general office of attorney general for
- 12 salaries, support, maintenance, miscellaneous purposes
- 13 including odometer fraud enforcement, and for not more
- 14 than the following full-time equivalent positions:
- 15 \$ 4,752,448
- 16 FTEs 169.00
- 17 2. Prosecuting attorney training program for
- 18 salaries, support, maintenance, miscellaneous
- 19 purposes, and for not more than the following full-
- 20 time equivalent positions:
- 21 \$ 113,326
- 22 FTEs 4.00
- 23 a. In addition to the funds appropriated in this
- 24 subsection for the fiscal year beginning July 1, 1994,
- 25 and ending June 30, 1995, the attorney general shall
- 26 provide up to \$41,000 in state matching funds from
- 27 moneys retained by the attorney general from property
- 28 forfeited pursuant to section 809.13, for the
- 29 prosecuting attorney training program, the prosecuting
- 30 intern program, or both. Counties participating in
- 31 the prosecuting intern program shall match the state
- 32 funds.
- 33 b. In addition to the funds appropriated in this
- 34 subsection for the fiscal year beginning July 1, 1994,
- 35 and ending June 30, 1995, and the moneys retained by

36 the attorney general pursuant to paragraph "a", the
37 attorney general shall provide up to \$10,000 in state
38 matching funds from moneys retained by the attorney
39 general from property forfeited pursuant to section
40 809.13, for the office of the prosecuting attorneys
41 training coordinator to use for continuation of the
42 domestic violence response enhancement program
43 established in accordance with 1992 Iowa Acts, chapter
44 1240, section 1, subsection 2, paragraph "b".

45 c. The prosecuting attorneys training coordinator
46 shall cooperate and consult with the judicial
47 department, as otherwise provided in this Act, to
48 provide for the education and training of prosecuting
49 attorneys, as defined in section 13A.1, in
50 implementing the recommendations of the equality in

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1 the courts task force.

2 d. The prosecuting attorneys training program
3 shall use a portion of the funds appropriated in this
4 subsection for educating and training prosecuting
5 attorneys, as defined in section 13A.1, in alternative
6 dispute resolution techniques.

7 3. In addition to the funds appropriated in
8 subsection 1, there is appropriated from the general
9 fund of the state to the department of justice for the
10 fiscal year beginning July 1, 1994, and ending June
11 30, 1995, an amount not exceeding \$200,000 to be used
12 for the enforcement of the Iowa competition law. The
13 expenditure of the funds appropriated in this
14 subsection is contingent upon receipt by the general
15 fund of the state of an amount at least equal to
16 either the expenditures from damages awarded to the
17 state or a political subdivision of the state by a
18 civil judgment under chapter 553, if the judgment
19 authorizes the use of the award for enforcement
20 purposes or costs or attorneys fees awarded the state
21 in state or federal antitrust actions. However, if
22 the funds received as a result of these judgments are
23 in excess of \$200,000, the excess funds shall not be
24 appropriated to the department of justice pursuant to
25 this subsection.

26 4. In addition to the funds appropriated in
27 subsection 1, there is appropriated from the general
28 fund of the state to the department of justice for the
29 fiscal year beginning July 1, 1994, and ending June
30 30, 1995, an amount not exceeding \$125,000 to be used
31 for public education relating to consumer fraud and
32 for enforcement of section 714.16, and an amount not
33 exceeding \$75,000 for investigation, prosecution, and
34 consumer education relating to consumer and criminal
35 fraud against older Iowans. The expenditure of the
36 funds appropriated in this subsection is contingent
37 upon receipt by the general fund of the state of an
38 amount at least equal to the expenditures from damages

39 awarded to the state or a political subdivision of the
 40 state by a civil consumer fraud judgment or
 41 settlement, if the judgment or settlement authorizes
 42 the use of the award for public education on consumer
 43 fraud. However, if the funds received as a result of
 44 these judgments and settlements are in excess of
 45 \$200,000, the excess funds shall not be appropriated
 46 to the department of justice pursuant to this
 47 subsection.

48 5. For victim assistance grants:
 49\$1,359,812
 50 a. The funds appropriated in this subsection shall

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1 be used to provide grants to care providers providing
 2 services to crime victims of domestic abuse or to
 3 crime victims of rape and sexual assault.
 4 b. Notwithstanding section 8.33 or 8.39, any
 5 balance remaining from the appropriation made pursuant
 6 to this subsection shall not revert to the general
 7 fund of the state but shall be available for
 8 expenditure during the subsequent fiscal year for the
 9 same purpose, and shall not be transferred to any
 10 other program.

11 6. For the GASA prosecuting attorney program and
 12 for not more than the following full-time equivalent
 13 positions:
 14 \$ 102,927
 15 FTEs 3.00

16 7. The balance of the victim compensation fund
 17 established under section 912.14 may be used to
 18 provide salary and support of not more than 9.00 FTEs
 19 and to provide maintenance for the victim compensation
 20 functions of the department of justice.

21 8. The department of justice shall submit monthly
 22 financial statements to the legislative fiscal bureau
 23 and the department of management containing all
 24 appropriated accounts in the same manner as provided
 25 in the monthly financial status reports and personal
 26 services usage reports of the department of revenue
 27 and finance. The monthly financial statements shall
 28 include comparisons of the moneys and percentage spent
 29 of budgeted to actual revenues and expenditures on a
 30 cumulative basis for full-time equivalent positions
 31 and available moneys.

32 9. a. The department of justice, in submitting
 33 budget estimates pursuant to section 8.23, shall
 34 include a report of funding from sources other than
 35 amounts appropriated directly from the general fund of
 36 the state to the department of justice or to the
 37 office of consumer advocate. These funding sources
 38 shall include, but are not limited to, reimbursements
 39 from other state agencies, commissions, boards, or
 40 similar entities, and reimbursements from special
 41 funds or internal accounts within the department of

42 justice. The department of justice shall report
 43 actual reimbursements for the fiscal year commencing
 44 July 1, 1993, and actual and expected reimbursements
 45 for the fiscal year commencing July 1, 1994.

46 b. The department of justice shall include the
 47 report required under paragraph "a", as well as
 48 information regarding any revisions occurring as a
 49 result of reimbursements actually received or expected
 50 at a later date, in a report to the co-chairpersons

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1 and ranking members of the joint appropriations
 2 subcommittee on the justice system and the legislative
 3 fiscal bureau. The department of justice shall submit
 4 the report on or before January 15, 1995.

5 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 6 appropriated from the general fund of the state to the
 7 office of consumer advocate of the department of
 8 justice for the fiscal year beginning July 1, 1994,
 9 and ending June 30, 1995, the following amount, or so
 10 much thereof as is necessary, to be used for the
 11 purposes designated:

12 For salaries, support, maintenance, miscellaneous
 13 purposes, and for not more than the following full-
 14 time equivalent positions:
 15 \$ 2,040,396
 16 FTEs 32.00

17 Sec. 3. BOARD OF PAROLE. There is appropriated
 18 from the general fund of the state to the board of
 19 parole for the fiscal year beginning July 1, 1994, and
 20 ending June 30, 1995, the following amount, or so much
 21 thereof as is necessary, to be used for the purposes
 22 designated:

23 For salaries, support, maintenance, including
 24 maintenance of an automated docket and the board's
 25 automated risk assessment model, employment of two
 26 statistical research analysts to assist with the
 27 application of the risk assessment model in the parole
 28 decision-making process, miscellaneous purposes, and
 29 for not more than the following full-time equivalent
 30 positions:
 31 \$ 778,747
 32 FTEs 17.00

33 1. The board of parole shall require the board's
 34 administrative staff to be cross-trained to assure
 35 that each individual on that staff is familiar with
 36 all tasks performed by the staff.

37 2. The department of corrections and the board of
 38 parole shall review, and implement as necessary, the
 39 findings and recommendations contained in the final
 40 report prepared by the consultant and presented to the
 41 corrections system review task force which was
 42 established by 1988 Iowa Acts, chapter 1271, as they
 43 relate to the department of corrections and the board
 44 of parole. The board shall submit a report to the co-

45 chairpersons of the joint appropriations subcommittee
 46 on the justice system and the legislative fiscal
 47 bureau on or before January 16, 1995, detailing steps
 48 taken to implement any of the recommendations, and for
 49 those recommendations which have not been implemented,
 50 specifying the reasons for failing to implement the

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1 recommendations. The report shall include, but is not
 2 limited to, copies of all reports submitted to the
 3 legislative fiscal bureau pursuant to section 906.5,
 4 subsection 2, for the fiscal year commencing July 1,
 5 1994, as well as details pertaining to other steps
 6 taken to implement the recommendations contained in
 7 the fiscal report prepared by the consultant for the
 8 corrections system review task force pertaining to the
 9 early parole of nonviolent property offenders.

10 3. The board of parole shall conduct a study of
 11 the parole process to identify and eliminate bias in
 12 the parole system based upon race, creed, color, sex,
 13 national origin, religion, or disability. The board
 14 of parole shall report its findings and
 15 recommendations to the co-chairpersons and ranking
 16 members of the joint appropriations subcommittee on
 17 the justice system and the legislative fiscal bureau
 18 on or before January 15, 1995.

19 **Sec. 4. DEPARTMENT OF CORRECTIONS — FACILITIES.**

20 There is appropriated from the general fund of the
 21 state to the department of corrections for the fiscal
 22 year beginning July 1, 1994, and ending June 30, 1995,
 23 the following amounts, or so much thereof as is
 24 necessary, to be used for the purposes designated:

25 1. For the operation of adult correctional
 26 institutions, to be allocated as follows:

27 a. For the operation of the Fort Madison
 28 correctional facility, including salaries, support,
 29 maintenance, employment of 310 correctional officers,
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32	\$	24,705,497
33	FTEs	490.50

34 b. For the operation of the Anamosa correctional
 35 facility, including salaries, support, maintenance,
 36 employment of 211 correctional officers and a part-
 37 time chaplain to provide religious counseling to
 38 inmates of a minority race, miscellaneous purposes,
 39 and for not more than the following full-time
 40 equivalent positions:

41	\$	18,498,730
42	FTEs	356.25

43 Moneys are provided within this appropriation for 2
 44 full-time substance abuse counselors for the Luster
 45 Heights facility, for the purpose of certification of
 46 a substance abuse program at that facility.

47 c. For the operation of the Oakdale correctional

48 facility, including salaries, support, maintenance,
49 employment of 159 correctional officers, miscellaneous
50 purposes, and for not more than the following full—

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1	time equivalent positions:		
2	\$	15,478,173
3	FTEs	320.80

4 d. For the operation of the Newton correctional
5 facility, including salaries, support, maintenance,
6 employment of 44 correctional officers, miscellaneous
7 purposes, and for not more than the following full-
8 time equivalent positions:

9	.....	\$	5,293,526
10	.....	FTEs	110.25

11 e. For the operation of the Mt. Pleasant
12 correctional facility, including salaries, support,
13 maintenance, employment of 141 correctional officers
14 and a full-time chaplain to provide religious
15 counseling at the Oakdale and Mt. Pleasant
16 correctional facilities, miscellaneous purposes, and
17 for not more than the following full-time equivalent
18 positions:

19	.....	\$	13,219,851
20	.....	FTEs	258.92

21 f. For the operation of the Rockwell City
22 correctional facility, including salaries, support,
23 maintenance, employment of 58 correctional officers,
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:

26	.....	\$	5,341,798
27	.....	FTEs	112.00

28 g. For the operation of the Clarinda correctional
29 facility, including salaries, support, maintenance,
30 employment of 68 correctional officers, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:

33	.....	\$	6,308,034
34	.....	FTEs	136.20

35 h. For the operation of the Mitchellville
36 correctional facility, including salaries, support,
37 maintenance, employment of 71.50 correctional
38 officers, miscellaneous purposes, and for not more
39 than the following full-time equivalent positions:

40	.....	\$	6,081,317
41	.....	FTEs	133.00

42 The department of corrections shall analyze and
43 compare policies and guidelines concerning inmates at
44 the correctional facilities, and shall propose
45 revisions to the general assembly as necessary to
46 ensure that male and female inmates have comparable
47 opportunities for education, vocational education, and
48 treatment at the state correctional facilities. Where
49 legislative action is not necessary to ensure
50 comparable opportunities, the department shall take

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1 administrative action to implement the policies or
2 guidelines needed to accomplish the comparable
3 opportunities mandated by this paragraph. The
4 department shall report the progress on the analysis
5 and comparison of the policies and guidelines, and any
6 changes made, to the co-chairpersons and ranking
7 members of the joint appropriations subcommittee on
8 the justice system and the legislative fiscal bureau
9 on or before December 15, 1994.

10 2. The department of corrections shall provide a
11 report to the co-chairpersons and ranking members of
12 the joint appropriations subcommittee on the justice
13 system and the joint appropriations subcommittee on
14 education, the chairpersons and ranking members of the
15 senate and house standing committees on education, and
16 the legislative fiscal bureau on or before January 15,
17 1995, outlining the implementation of the centralized
18 education program for the correctional system. The
19 report shall include a listing of the educational
20 institutions that are involved, the amount of any
21 federal funds received for use with these programs,
22 and any other pertinent information.

23 3. If the inmate tort claim fund for inmate claims
24 of less than \$50 is exhausted during the fiscal year,
25 sufficient funds shall be transferred from the
26 institutional budgets to pay approved tort claims for
27 the balance of the fiscal year. The warden or
28 superintendent of each institution or correctional
29 facility shall designate an employee to receive,
30 investigate, and recommend whether to pay any properly
31 filed inmate tort claim for less than the above
32 amount. The designee's recommendation shall be
33 approved or denied by the warden or superintendent and
34 forwarded to the department of corrections for final
35 approval and payment. The amounts appropriated to
36 this fund pursuant to 1987 Iowa Acts, chapter 234,
37 section 304, subsection 2, are not subject to
38 reversion under section 8.33.

39 Tort claims denied at the institution shall be
40 forwarded to the state appeal board for their
41 consideration as if originally filed with that body.
42 This procedure shall be used in lieu of chapter 669
43 for inmate tort claims of less than \$50.

44 4. The department of corrections shall submit a
45 plan to the general assembly prior to January 1, 1995,
46 to establish in the institutions a mandatory literacy
47 requirement for all inmates. The plan shall include
48 the following:

49 a. Statistics indicating the current reading and
50 education levels of the average inmate.

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1 b. The funding and number of years necessary for
2 implementation.

3 c. The feasibility of mandating participation and
4 the need for exemptions.

5 d. The availability of sanctions and incentives.

6 e. The special education services for inmates
7 under the age of twenty-one.

8 f. The continuation of educational programming
9 after release.

10 5. The department of corrections, in consultation
11 and cooperation with the judicial district departments
12 of correctional services, board of parole, division of
13 criminal and juvenile justice planning of the
14 department of human rights, and any other applicable
15 state agencies, shall provide a report detailing the
16 steps taken to implement the reports of the
17 consultants retained by the corrections system review
18 task force established by 1988 Iowa Acts, chapter
19 1271, section 14. The department shall provide the
20 report to the co-chairpersons and ranking members of
21 the joint appropriations subcommittee on the justice
22 system and the legislative fiscal bureau, on or before
23 January 15, 1995.

24 6. In accordance with the financing methods
25 specified in the plan for financing of additional
26 correctional beds at correctional facilities and
27 community-based correctional facilities provided in
28 this Act, the department of corrections shall
29 construct a 750-bed, medium security correctional
30 facility for men, to be located at or near the
31 Clarinda correctional facility.

32 Sec. 5. DEPARTMENT OF CORRECTIONS --
33 ADMINISTRATION. There is appropriated from the
34 general fund of the state to the department of
35 corrections for the fiscal year beginning July 1,
36 1994, and ending June 30, 1995, the following amounts,
37 or so much thereof as is necessary, to be used for the
38 purposes designated:

39 1. For general administration, including salaries,
40 support, maintenance, employment of an education
41 director and clerk to administer a centralized
42 education program for the correctional system,
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:

45	\$	2,223,408
46	FTEs	38.52

47 The department shall monitor the use of the
48 classification model by the judicial district
49 departments of correctional services and has the
50 authority to override a district department's decision

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1 regarding classification of community-based clients.
2 The department shall notify a district department of
3 the reasons for the override.

4 2. For reimbursement of counties for temporary
5 confinement of work release and parole violators, as
6 provided in sections 901.7, 904.908, and 906.17 and
7 for offenders confined pursuant to section 904.513:

8 \$ 237,038

9 3. For federal prison reimbursement,
10 reimbursements for out-of-state placements, and
11 miscellaneous contracts:

12 \$ 341,334

13 The department of corrections shall use funds
14 appropriated by this subsection to continue to
15 contract for the services of a Muslim imam.

16 4. For salaries, support, maintenance,
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions at the
19 correctional training center at Mt. Pleasant:

20 \$ 381,095

21 FTEs 7.16

22 5. For annual payment relating to the financial
23 arrangement for the construction of expansion in
24 prison capacity as provided in 1989 Iowa Acts, chapter
25 316, section 7, subsection 6:

26 \$ 625,860

27 6. For annual payment relating to the financial
28 arrangement for the construction of expansion in
29 prison capacity as provided in 1990 Iowa Acts, chapter
30 1257, section 24:

31 \$ 3,186,995

32 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF
33 CORRECTIONAL SERVICES.

34 1. There is appropriated from the general fund of
35 the state to the department of corrections for the
36 fiscal year beginning July 1, 1994, and ending June
37 30, 1995, the following amounts, or so much thereof as
38 is necessary, to be allocated as follows:

39 a. For the first judicial district department of
40 correctional services, including the treatment and
41 supervision of probation and parole violators who have
42 been released from the department of corrections
43 violator program, the following amount, or so much
44 thereof as is necessary:

45 \$ 6,226,704

46 (1) The district department shall continue the
47 intensive supervision program established within the
48 district in 1988 Iowa Acts, chapter 1271, section 6,
49 subsection 1, paragraph "a", and the sex offender
50 treatment program established within the district in

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1 1989 Iowa Acts, chapter 316, section 8, subsection 1,
2 paragraph "a".

3 (2) The district department, in cooperation with
4 the chief judge of the judicial district, shall
5 continue the implementation of a plan to divert low-
6 risk offenders to the least restrictive sanction
7 available.

8 b. For the second judicial district department of
9 correctional services, including the treatment and
10 supervision of probation and parole violators who have
11 been released from the department of corrections
12 violator program, the following amount, or so much
13 thereof as is necessary:

14 \$4,791,293

15 (1) The district department shall continue the sex
16 offender treatment program established within the
17 district in 1988 Iowa Acts, chapter 1271, section 6,
18 subsection 1, paragraph "b".

19 (2) The district department, in cooperation with
20 the chief judge of the judicial district, shall
21 continue the implementation of a plan to divert low-
22 risk offenders to the least restrictive sanction
23 available.

24 c. For the third judicial district department of
25 correctional services, including the treatment and
26 supervision of probation and parole violators who have
27 been released from the department of corrections
28 violator program, the following amount, or so much
29 thereof as is necessary:

30 \$3,114,437

31 (1) The district department shall continue the sex
32 offender treatment program established within the
33 district in 1988 Iowa Acts, chapter 1271, section 6,
34 subsection 1, paragraph "c", and the intensive
35 supervision program established within the district in
36 1990 Iowa Acts, chapter 1268, section 6, subsection 3,
37 paragraph "d".

38 (2) The district department, in cooperation with
39 the chief judge of the judicial district, shall
40 continue the implementation of a plan to divert low-
41 risk offenders to the least restrictive sanction
42 available.

43 d. For the fourth judicial district department of
44 correctional services, including the treatment and
45 supervision of probation and parole violators who have
46 been released from the department of corrections
47 violator program, the following amount, or so much
48 thereof as is necessary:

49 \$2,316,208

50 (1) The district department shall continue the sex

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1 offender treatment program established within the
2 district in 1988 Iowa Acts, chapter 1271, section 6,
3 subsection 1, paragraph "d".

4 (2) The district department, in cooperation with
5 the chief judge of the judicial district, shall
6 continue the implementation of a plan to divert low-
7 risk offenders to the least restrictive sanction
8 available.

9 e. For the fifth judicial district department of
10 correctional services, including the treatment and
11 supervision of probation and parole violators who have
12 been released from the department of corrections
13 violator program, the following amount, or so much
14 thereof as is necessary:

15\$ 8,401,666

16 (1) The district department shall continue the
17 intensive supervision program established within the
18 district in 1988 Iowa Acts, chapter 1271, section 6,
19 subsection 1, paragraph "e", and shall continue to
20 provide for the rental of electronic monitoring
21 equipment.

22 (2) The district department, in cooperation with
23 the chief judge of the judicial district, shall
24 continue the implementation of a plan to divert low-
25 risk offenders to the least restrictive sanction
26 available.

27 f. For the sixth judicial district department of
28 correctional services, including the treatment and
29 supervision of probation and parole violators who have
30 been released from the department of corrections
31 violator program, the following amount, or so much
32 thereof as is necessary:

33\$ 6,279,190

34 (1) The district department shall continue the
35 intensive supervision program established within the
36 district in 1988 Iowa Acts, chapter 1271, section 6,
37 subsection 1, paragraph "f", and the sex offender
38 treatment program established within the district in
39 1989 Iowa Acts, chapter 316, section 8, subsection 1,
40 paragraph "f".

41 (2) The district department, in cooperation with
42 the chief judge of the judicial district, shall
43 continue the implementation of a plan to divert low-
44 risk offenders to the least restrictive sanction
45 available.

46 (3) The district department shall continue the
47 implementation of a plan providing for the expanded
48 use of intermediate criminal sanctions, as provided in
49 1993 Iowa Acts, chapter 171, section 6, subsection 1,
50 paragraph "f", subparagraph (3).

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1 (4) Of the funds appropriated in this paragraph,
 2 the district department shall use not more than
 3 \$40,000, to provide for financial arrangements,
 4 including entering a lease-purchase agreement, for the
 5 relocation of the Cedar Rapids community corrections
 6 center.

7 g. For the seventh judicial district department of
 8 correctional services, including the treatment and
 9 supervision of probation and parole violators who have
 10 been released from the department of corrections
 11 violator program, the following amount, or so much
 12 thereof as is necessary:
 13 \$4,229,668

14 (1) The district department shall continue the
 15 intensive supervision program established within the
 16 district in 1988 Iowa Acts, chapter 1271, section 6,
 17 subsection 1, paragraph "g", and shall continue the
 18 sex offender treatment program established within the
 19 district in 1989 Iowa Acts, chapter 316, section 8,
 20 subsection 1, paragraph "g".

21 (2) The district department shall continue the job
 22 development program established within the district in
 23 1990 Iowa Acts, chapter 1268, section 6, subsection 7,
 24 paragraph "e".

25 (3) The district department, in cooperation with
 26 the chief judge of the judicial district, shall
 27 continue the implementation of a plan to divert low-
 28 risk offenders to the least restrictive sanction
 29 available.

30 h. For the eighth judicial district department of
 31 correctional services, including the treatment and
 32 supervision of probation and parole violators who have
 33 been released from the department of corrections
 34 violator program, the following amount, or so much
 35 thereof as is necessary:
 36 \$3,627,205

37 (1) The district department shall continue the
 38 intensive supervision program established within the
 39 district in 1988 Iowa Acts, chapter 1271, section 6,
 40 subsection 1, paragraph "h", and shall continue the
 41 sex offender treatment program established within the
 42 district in 1989 Iowa Acts, chapter 316, section 8,
 43 subsection 1, paragraph "h".

44 (2) The district department, in cooperation with
 45 the chief judge of the judicial district, shall
 46 continue the implementation of a plan to divert low-
 47 risk offenders to the least restrictive sanction
 48 available.

49 i. For the department of corrections for the
 50 assistance and support of each judicial district

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1 department of correctional services, the following
 2 amount, or so much thereof as is necessary:
 3 \$ 85,817

4 2. The department of corrections shall continue
 5 the OWI facilities established in 1986 Iowa Acts,
 6 chapter 1246, section 402, in compliance with the
 7 conditions specified in that section.

8 3. The department of corrections shall continue to
 9 contract with a judicial district department of
 10 correctional services to provide for the rental of
 11 electronic monitoring equipment which shall be
 12 available statewide.

13 4. Each judicial district department of
 14 correctional services and the department of
 15 corrections shall continue the treatment alternatives
 16 to street crime programs established in 1989 Iowa
 17 Acts, chapter 225, section 9.

18 5. The first, sixth, and eighth judicial district
 19 departments of correctional services and the
 20 department of corrections shall continue the job
 21 training and development grant programs established in
 22 1989 Iowa Acts, chapter 316, section 7, subsection 2.

23 6. The department of corrections shall not make an
 24 intradepartmental transfer of moneys appropriated to
 25 the department, unless notice of the intradepartmental
 26 transfer is given prior to its effective date to the
 27 legislative fiscal bureau. The notice shall include
 28 information on the department's rationale for making
 29 the transfer and details concerning the work load and
 30 performance measures upon which the transfers are
 31 based.

32 7. The governor's alliance on substance abuse
 33 shall consider federal grants made to the department
 34 of corrections for the benefit of each of the eight
 35 judicial district departments of correctional services
 36 as local government grants, as defined pursuant to
 37 federal regulations.

38 8. Each judicial district department of
 39 correctional services shall provide a report
 40 concerning the treatment and supervision of probation
 41 and parole violators who have been released from the
 42 department of corrections violator program, to the co-
 43 chairpersons and ranking members of the joint
 44 appropriations subcommittee on the justice system and
 45 the legislative fiscal bureau, on or before January
 46 15, 1995.

47 9. It is the intent of the general assembly that
 48 each judicial district department of correctional
 49 services shall operate the community-based
 50 correctional facilities in a manner which provides for

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1 a residential population of at least 110 percent of
2 the design capacity of the facility.

3 Sec. 7. JUDICIAL DEPARTMENT. There is
4 appropriated from the general fund of the state to the
5 judicial department for the fiscal year beginning July
6 1, 1994, and ending June 30, 1995, the following
7 amounts, or so much thereof as is necessary, to be
8 used for the purposes designated:

9 1. For salaries of supreme court justices,
10 appellate court judges, district court judges,
11 district associate judges, judicial magistrates and
12 staff, state court administrator, clerk of the supreme
13 court, district court administrators, clerks of the
14 district court, trial court supervisors, trial court
15 technicians II, financial supervisors I and II,
16 juvenile court officers, board of law examiners and
17 board of examiners of shorthand reporters and judicial
18 qualifications commission, receipt and disbursement of
19 child support payments, reimbursement of the auditor
20 of state for expenses incurred in completing audits of
21 the offices of the clerks of the district court during
22 the fiscal year beginning July 1, 1994, and
23 maintenance, equipment, and miscellaneous purposes:
24 \$81,470,924

25 a. The judicial department, except for purposes of
26 internal processing, shall use the current state
27 budget system, the state payroll system, and the Iowa
28 finance and accounting system in administration of
29 programs and payments for services, and shall not
30 duplicate the state payroll, accounting, and budgeting
31 systems.

32 b. The judicial department shall submit monthly
33 financial statements to the legislative fiscal bureau
34 and the department of management containing all
35 appropriated accounts in the same manner as provided
36 in the monthly financial status reports and personal
37 services usage reports of the department of revenue
38 and finance. The monthly financial statements shall
39 include a comparison of the dollars and percentage
40 spent of budgeted versus actual revenues and
41 expenditures on a cumulative basis for full-time
42 equivalent positions and dollars.

43 c. It is the intent of the general assembly that
44 counties installing new telephone systems shall
45 provide those systems to all judicial department
46 offices within the county at no cost.

47 d. Of the funds appropriated in this subsection,
48 not more than \$1,897,728 may be transferred into the
49 revolving fund established pursuant to section
50 602.1302, subsection 3, to be used for the payment of

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1 jury and witness fees and mileage.

2 e. The judicial department shall use not more than
3 \$150,000 of the funds appropriated in this subsection
4 for educational purposes in implementing the
5 recommendations of the equality in the courts task
6 force. The judicial department, in cooperation and
7 consultation with the prosecuting attorneys training
8 coordinator, shall use the funds so appropriated for
9 the education and training of employees of the
10 judicial department and prosecuting attorneys, as
11 defined in section 13A.1.

12 f. Of the funds appropriated in this subsection,
13 the judicial department shall use not more than
14 \$35,000 to reestablish the court appointed special
15 advocate program in Woodbury county.

16 g. Of the funds appropriated pursuant to this
17 subsection, the judicial department shall use not more
18 than \$1,115,000 for increasing the existing capacity
19 of the Iowa court information system by extending the
20 system into additional counties and for the
21 development of a computer software program to allow
22 state agencies to gain access to data in the Iowa
23 court information system. However, the funds shall
24 not be used to expand the applications of the system
25 for purposes other than those for which the system is
26 currently used, and the judicial department shall
27 focus efforts in utilizing the funds referred to in
28 this paragraph upon the collection of delinquent
29 fines, penalties, court costs, fees, surcharges, or
30 similar amounts. Of the funds specified in this
31 paragraph, the judicial department shall use not more
32 than \$20,000 for the development of a computer
33 software program to allow state agencies to gain
34 access to data in the Iowa court information system.
35 The judicial department shall investigate the most
36 efficient way to complete the expansion of the
37 department's entire communication and information
38 management system, and include this information in a
39 report to be submitted to the co-chairpersons and
40 ranking members of the joint appropriations
41 subcommittee on the justice system and the legislative
42 fiscal bureau, on or before January 15, 1995.

43 h. It is the intent of the general assembly that
44 the offices of the clerks of the district court
45 operate in all ninety-nine counties and be accessible
46 to the public as much as is reasonably possible in
47 order to address the relative needs of the citizens of
48 each county.

49 i. The judicial department shall report to the co-
50 chairpersons and ranking members of the joint

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1 appropriations subcommittee on the justice system by
 2 February 1, 1995, concerning an evaluation of the
 3 needs of the court system, particularly resources
 4 necessary to meet the increasing demands on the
 5 courts. The report shall also identify legislative
 6 changes which would reduce or alleviate the workload
 7 of the courts.

8 j. The judicial department shall use a portion of
 9 the funds appropriated in this subsection for
 10 educating and training the appropriate court personnel
 11 in alternative dispute resolution techniques.

12 2. For the juvenile victim restitution program:
 13 \$ 131,663

14 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
 15 appropriated from the general fund of the state to the
 16 judicial department for the fiscal year beginning July
 17 1, 1994, and ending June 30, 1995, the following
 18 amount, or so much thereof as is necessary, to be used
 19 for the purpose designated:

20 For the Iowa court information system:
 21 \$ 857,500

22 1. The judicial department shall not change the
 23 appropriations from the amounts appropriated in this
 24 section, unless notice of the revisions is given prior
 25 to their effective date to the legislative fiscal
 26 bureau. The notice shall include information on the
 27 department's rationale for making the changes and
 28 details concerning the work load and performance
 29 measures upon which the changes are based.

30 2. The judicial department shall provide a report
 31 semiannually to the co-chairpersons and ranking
 32 members of the joint appropriations subcommittee on
 33 the justice system and the legislative fiscal bureau
 34 specifying the amounts of fines, surcharges, and court
 35 costs collected using the Iowa court information
 36 system. The report shall demonstrate and specify how
 37 the Iowa court information system is used to improve
 38 the collection process. The report shall also compare
 39 fines, surcharges, and court costs collected in
 40 selected counties which are using an automated system
 41 versus the amounts collected in at least three
 42 counties which are not using an automated system.

43 Sec. 9. JUDICIAL RETIREMENT FUND. There is
 44 appropriated from the general fund of the state to the
 45 judicial retirement fund for the fiscal year beginning
 46 July 1, 1994, and ending June 30, 1995, the following
 47 amount, or so much thereof as is necessary, to be used
 48 for the purpose designated:

49 For the state's contribution to the judicial
 50 retirement fund established in section 602.9104, in

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1 the amount of 23.7 percent of the basic salaries of
 2 the judges covered under chapter 602, article 9:
 3\$3,150,915

4 If House File 2418 or Senate File 2251 is not
 5 enacted by the Seventy-fifth General Assembly, 1994
 6 Regular Session, in a manner which enacts a new
 7 section 602.9104A or other provision to prohibit the
 8 deposit of certain court revenues in the judicial
 9 retirement fund, then the appropriation provided in
 10 this section is reduced by \$2,019,682. If Senate File
 11 413 is not enacted by the Seventy-fifth General
 12 Assembly, 1994 Regular Session, in a manner which
 13 provides for an increase in certain court costs, fees,
 14 fines, penalties, surcharges, forfeited bail, or
 15 similar charges collected by the court and the
 16 ultimate deposit of at least some of the increase in
 17 the general fund of the state, then the appropriation
 18 in this section is reduced by \$752,000. If both of
 19 the contingencies specified in this paragraph occur,
 20 the appropriation provided in this section is reduced
 21 by \$2,771,682. The judicial department shall file a
 22 report with the legislative fiscal bureau for each
 23 quarter of the fiscal year commencing July 1, 1994,
 24 detailing any additional amounts deposited in the
 25 general fund of the state as a result of the
 26 provisions of Senate File 413, if enacted.

27 Sec. 10. COURT TECHNOLOGY AND MODERNIZATION. If
 28 Senate File 413 or similar legislation is not enacted
 29 by the Seventy-fifth General Assembly, second regular
 30 session, in a manner which establishes a court
 31 technology and modernization fund as a separate fund
 32 in the state treasury, with an allocation of
 33 \$1,000,000 of court revenues to the fund, then there
 34 is appropriated from the general fund of the state to
 35 the judicial department for the fiscal year beginning
 36 July 1, 1994, and ending June 30, 1995, the following
 37 amount, or so much thereof as is necessary, to be used
 38 for the purpose designated:

39 For modernization and enhancement of court tech-
 40 nology:
 41\$1,000,000

42 1. The judicial department shall use not more than
 43 \$800,000 of the moneys, if appropriated pursuant to
 44 this section, to enhance the ability of the judicial
 45 department to process cases more quickly and
 46 efficiently, to electronically transmit information to
 47 state government, local governments, law enforcement
 48 agencies, and the public, and to improve public access
 49 to the court system. The moneys specified in this
 50 subsection shall not be used for the Iowa court

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1 information system.

2 2. The judicial department shall use not more than
3 \$200,000 of the moneys, if appropriated pursuant to
4 this section, in equal amounts to facilitate
5 alternative dispute resolution and methods to resolve
6 domestic abuse cases, which may include personnel for
7 hearings under section 236.4.

8 Sec. 11. AUTOMATED DATA SYSTEM. The department of
9 corrections, judicial district departments of
10 correctional services, board of parole, and the
11 judicial department shall continue to develop an
12 automated data system for use in the sharing of
13 information between the department of corrections,
14 judicial district departments of correctional
15 services, board of parole, and the judicial
16 department. The information to be shared shall
17 concern any individual who may, as the result of an
18 arrest or infraction of any law, be subject to the
19 jurisdiction of the department of corrections,
20 judicial district departments of correctional
21 services, or board of parole. The department of
22 corrections, in consultation and cooperation with the
23 judicial district departments of correctional
24 services, the board of parole, and the judicial
25 department, shall provide a report concerning the
26 development of the automated data system to the co-
27 chairpersons and ranking members of the joint
28 appropriations subcommittee on the justice system and
29 the legislative fiscal bureau, on or before January
30 15, 1995.

31 Sec. 12. PLACEMENTS FOR ELDERLY, MENTALLY ILL,
32 MENTALLY RETARDED, OR INFIRM INMATES. The department
33 of corrections, board of parole, Iowa department of
34 public health, department of human services,
35 department of elder affairs, and department of
36 inspections and appeals shall cooperate in developing
37 community-based placements for elderly, mentally ill,
38 mentally retarded, or infirm inmates who, by nature of
39 their medical and criminal histories, are deemed to be
40 low-risk for committing future public offenses.
41 Community-based placements may include, but are not
42 limited to, county care facilities, retirement homes,
43 or veterans homes. The departments shall consider the
44 potential for these community-based placement
45 facilities to obtain federal funds for providing
46 services to these inmates. The department of
47 corrections shall develop a parole plan for these
48 inmates once a community-based placement has been
49 developed. The department of corrections shall
50 identify those inmates who are ineligible for parole

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1 in the near future, but who would otherwise qualify
2 for community-based placements under this section, and
3 shall issue a request for proposals on or before
4 November 1, 1994, from private institutions which
5 would be able to accept transfers of such inmates in
6 accordance with section 904.503. In preparing the
7 request for proposals, the department shall include
8 relevant information concerning the availability of
9 funding sources to assist in the payment of services
10 for such inmates. The department of corrections shall
11 provide a report concerning the activities of
12 developing community-based placements for elderly or
13 infirm inmates to the co-chairpersons and ranking
14 members of the joint appropriations subcommittee on
15 the justice system and the legislative fiscal bureau,
16 on or before January 15, 1995.

17 Sec. 13. CORRECTIONAL INSTITUTIONS — VOCATIONAL
18 TRAINING. The state prison industries board and the
19 department of corrections shall continue the
20 implementation of a plan to enhance vocational
21 training opportunities within the correctional
22 institutions listed in section 904.102, as provided in
23 1993 Iowa Acts, chapter 171, section 12. The plan
24 shall provide for increased vocational training
25 opportunities within the correctional institutions,
26 including the possibility of approving community
27 college credit for inmates working in prison
28 industries. The department of corrections shall
29 provide a report concerning the implementation of the
30 plan to the co-chairpersons and ranking members of the
31 joint appropriations subcommittee on the justice
32 system and the legislative fiscal bureau, on or before
33 January 15, 1995.

34 Sec. 14. MONEYS RECOVERED THROUGH COURT-APPOINTED
35 RECEIVER — NONREVERSION — USES OF FUNDS.

36 1. As used in this section, unless the context
37 otherwise requires, "recovered funds" means moneys
38 which were appropriated to the department of
39 corrections in previous fiscal years for the purposes
40 of the judicial district departments of correctional
41 services, which have been recovered in the fiscal year
42 commencing July 1, 1993, as a result of the actions of
43 the court-appointed receiver in litigation pertaining
44 to the Iowa trust matter, and which would otherwise be
45 deposited in the general fund of the state.

46 2. Notwithstanding any other provision of law to
47 the contrary, recovered funds shall not revert to the
48 general fund of the state at the end of the fiscal
49 year commencing July 1, 1993, but shall be available
50 to and transferred by the department of corrections,

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1 in the manner and in the amounts specified in
2 subsection 3. Recovered funds shall be deemed
3 dedicated to the purposes specified in this section,
4 rather than the original purposes for which the moneys
5 were appropriated.

6 3. Notwithstanding any other provision of law to
7 the contrary, the department of corrections shall
8 transfer and remit recovered funds as follows:

9 a. The department of corrections shall make
10 available \$150,000 of the recovered funds to the first
11 judicial district department of correctional services,
12 for use in the fiscal year commencing July 1, 1994, to
13 pay for the construction of 8 additional community-
14 based corrections residential beds at the West Union
15 community-based correctional facility.

16 b. The department of corrections shall transfer
17 \$148,500 to the second judicial district department of
18 correctional services, for use in the fiscal year
19 commencing July 1, 1994, to make the financial
20 arrangements necessary to relocate the Marshalltown
21 community-based correctional facility, and to increase
22 the number of community-based corrections residential
23 beds at the relocated facility, from the current 24
24 residential beds to 40 residential beds. The second
25 judicial district department of correctional services
26 shall use the recovered funds transferred by this
27 paragraph to pay the initial costs connected with the
28 relocation and construction project, including but not
29 limited to, architectural fees, costs associated with
30 obtaining lease-purchase financing, and additional
31 equipment needs.

32 c. The department of corrections shall remit the
33 additional recovered funds not otherwise transferred
34 or made available in this subsection to the treasurer
35 of state, the recovered funds shall be available to
36 the judicial department, and the treasurer of state
37 shall transfer and distribute the recovered funds to
38 the judicial department for use in the fiscal year
39 commencing July 1, 1994. The judicial department
40 shall use the recovered funds for the purposes
41 specified, and subject to the limitations enumerated,
42 in section 7, subsection 1 of this Act, and the
43 amounts available to the judicial department through
44 the use of recovered funds shall be in addition to any
45 moneys otherwise appropriated in this Act.

46 4. The department of corrections, the first and
47 second judicial district departments of correctional
48 services, and the judicial department shall use
49 recovered funds for the purposes specified in this
50 section in the fiscal year commencing July 1, 1994,

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1 and any funds which are unexpended at the end of the
2 fiscal year commencing July 1, 1994, shall revert to
3 the general fund of the state.

4 Sec. 15. APPROPRIATIONS TO THE DEPARTMENT OF
5 CORRECTIONS — MONEYS ENCUMBERED — PRIORITIES.

6 1. Notwithstanding any other provision of law to
7 the contrary, moneys appropriated to the department of
8 corrections pursuant to 1993 Iowa Acts, chapter 171,
9 sections 4, 5, and 6, shall be considered encumbered
10 pursuant to section 8.33, and shall not revert to the
11 general fund of the state at the end of the fiscal
12 year commencing July 1, 1993. As used in this
13 section, unless the context otherwise requires,
14 "encumbered funds" means the moneys appropriated to
15 the department of corrections pursuant to 1993 Iowa
16 Acts, chapter 171, sections 4, 5, and 6, which would
17 otherwise revert to the general fund of the state
18 after the end of the fiscal year in which the moneys
19 were appropriated, but for the prohibition contained
20 in this section.

21 2. The department of corrections shall use
22 encumbered funds in the fiscal year commencing July 1,
23 1994, to fund up to an additional 50 FTEs for the
24 employment of correctional officers in the
25 correctional institutions specified in section
26 904.102, and to purchase critically needed safety
27 equipment, including but not limited to radios,
28 emergency notification equipment, surveillance
29 cameras, and other necessary surveillance and
30 emergency response equipment, for use in correctional
31 institutions. The FTEs provided in this section for
32 the employment of correctional officers and the
33 funding provided for the purchase of equipment are in
34 addition to any FTEs or equipment funded in section 4
35 of this Act. The department of corrections shall use
36 its discretion in distributing the additional
37 correctional officers and equipment throughout the
38 correctional facilities. The department of
39 corrections shall file a report with the department of
40 management concerning correctional officer positions
41 filled and critically needed safety equipment
42 purchased from encumbered funds provided under this
43 section. If the department is able to fund an
44 additional 50 FTEs for the employment of correctional
45 officers pursuant to this section and to purchase all
46 critically needed safety equipment, any remaining
47 funds shall be unencumbered and shall revert to the
48 general fund of the state at the end of the fiscal
49 year commencing July 1, 1994.

50 Sec. 16. STATE AGENCY PURCHASES FROM PRISON

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1 INDUSTRIES.

2 1. As used in this section, unless the context
3 otherwise requires, "state agency" means the
4 government of the state of Iowa, including but not
5 limited to all executive departments, agencies,
6 boards, bureaus, and commissions, the judicial
7 department, the general assembly and all legislative
8 agencies, institutions within the purview of the state
9 board of regents, and any corporation whose primary
10 function is to act as an instrumentality of the state.

11 2. State agencies are hereby encouraged to
12 purchase products from Iowa state industries, as
13 defined in section 904.802, when purchases are
14 required and the products are available from Iowa
15 state industries.

16 Sec. 17. INDIGENT DEFENSE COSTS. The supreme
17 court shall submit a written report for the preceding
18 fiscal year no later than January 1 of each year
19 indicating the amounts collected pursuant to section
20 815.9A, relating to recovery of indigent defense
21 costs. The report shall include the total amount
22 collected by all courts, as well as the amounts
23 collected by each judicial district. The supreme
24 court shall also submit a written report quarterly
25 indicating the number of criminal and juvenile filings
26 which occur in each judicial district for purposes of
27 estimating indigent defense costs. A copy of each
28 report shall be provided to the public defender, the
29 department of management, and the legislative fiscal
30 bureau.

31 Sec. 18. SENTENCING STUDY. The legislative
32 council is requested to establish an interim study
33 committee to review current criminal penalties and
34 sentencing practices, including but not limited to the
35 effects of mandatory minimum penalties on sentencing
36 practices and the effects of sentencing practices on
37 inmate populations at state and adult and residential
38 community-based correctional facilities. The
39 committee shall also conduct a comparative assessment
40 of the relative penalties imposed for various crimes
41 based not only on the threat posed by the prohibited
42 criminal conduct, but also by the risk generally
43 associated with particular criminal offenders.

44 Sec. 19. PLAN FOR FINANCING OF ADDITIONAL
45 CORRECTIONAL BEDS AT CORRECTIONAL FACILITIES AND
46 COMMUNITY-BASED CORRECTIONAL FACILITIES.

47 1. Except for those projects authorized in the
48 section of this Act utilizing moneys recovered through
49 the court-appointed receiver in the Iowa trust matter
50 for construction of additional community-based

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1 residential beds in the first and second judicial
2 district departments of correctional services and
3 those projects for which at least partial funding is
4 appropriated in this Act for the fiscal year beginning
5 July 1, 1994, the department of corrections shall not
6 proceed with any plans for the construction or lease
7 of additional correctional beds at correctional
8 facilities and community-based corrections residential
9 facilities unless the beds are financed in accordance
10 with this section. If the general assembly authorizes
11 the construction or lease of additional correctional
12 beds pursuant to this Act, such action shall
13 constitute a declaration by the general assembly that
14 additional correctional beds and the financing
15 specified in this section serve the public purpose and
16 are essential governmental functions that promote the
17 general welfare of the citizens of the state of Iowa.

18 2. Pursuant to the guidelines established in this
19 subsection, the treasurer of state shall determine
20 which of the financing methods specified in this
21 subsection shall be used for funding any additional
22 correctional beds authorized pursuant to this Act.

23 a. If the treasurer of state determines that bonds
24 can be issued in accordance with sections 16.177 and
25 602.8108A, then the bonding method specified in those
26 sections shall be used to fund any additional
27 correctional beds provided in this Act.

28 b. If the treasurer of state determines that bonds
29 cannot be issued in accordance with sections 16.177
30 and 602.8108A, then the treasurer of state shall
31 inform the department of corrections in writing that
32 bonds shall not be issued, and the department of
33 corrections shall proceed in accordance with this
34 paragraph. If the general assembly authorizes
35 additional correctional beds pursuant to this Act, and
36 the treasurer of state informs the department of
37 corrections that bonds cannot be issued, the
38 department of corrections shall enter into financial
39 arrangements with the department of general services
40 pursuant to section 18.12 to fund the construction of
41 any additional correctional beds authorized in this
42 Act, with an initial payment under the financial
43 arrangements that is not due until on or after July 1,
44 1995.

45 c. (1) If a separate provision of this Act
46 authorizes the construction of a 750-bed, medium
47 security correctional facility for men, to be located
48 at or near the Clarinda correctional facility, the
49 treasurer of state shall, within thirty days of the
50 enactment of this Act, analyze whether the financing

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1 method specified in paragraph "a" or "b" of this
2 subsection provides for financing the project in a
3 manner which is less expensive to the state than the
4 method specified in subparagraph (2) of this
5 paragraph. The treasurer of state shall report the
6 findings of the analysis to the department of
7 corrections. If the manner specified in paragraph "a"
8 or "b" is found by the treasurer of state to be less
9 expensive and a separate provision of this Act
10 authorizes the construction, the construction shall be
11 financed as provided in paragraph "a" or "b".
12 However, if the construction financing is less
13 expensive pursuant to subparagraph (2) of this
14 paragraph and a separate provision of this Act
15 authorizes the construction, the construction shall
16 proceed in the manner specified in subparagraph (2).

17 (2) If a separate provision of this Act authorizes
18 the construction of a 750-bed, medium security
19 correctional facility for men, to be located at or
20 near the Clarinda correctional facility, and the
21 treasurer of state determines pursuant to subparagraph
22 (1) that financing is less expensive pursuant to this
23 subparagraph, then notwithstanding any other provision
24 of law to the contrary or any provision providing for
25 an alternative or independent method of establishing a
26 correctional facility, the department of corrections
27 may establish a correctional facility pursuant to this
28 subparagraph and the separate provision of this Act
29 authorizing the construction. The department of human
30 services may lease unimproved real property located
31 near the state mental health institute at Clarinda to
32 a person or entity that is leasing the property for
33 the purpose of constructing a 750-bed, medium security
34 correctional facility. The department of corrections
35 may enter into a lease or lease-purchase agreement, to
36 lease the newly constructed correctional facility from
37 the person or entity leasing the real property from
38 the department of human services. Notwithstanding any
39 other provision of law to the contrary, a party to a
40 lease or lease-purchase agreement entered into
41 pursuant to this subparagraph shall not be required to
42 publish any notice or proceed with any other or
43 further proceedings with respect to the lease or
44 lease-purchase agreement, except as otherwise provided
45 in this subparagraph. Any lease entered into in
46 accordance with this subparagraph shall specify the
47 duration of the lease and any possible extensions, as
48 well as whether a purchase option is included. The
49 department of corrections may enter into a lease
50 agreement pursuant to this subparagraph for an

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1 original term of one year, or for an original term of
2 a different duration. However, if the original term
3 is for one year, the lease agreement shall provide
4 automatic one-year extensions of the term, and such
5 automatic extensions shall occur unless legislation is
6 enacted prior to the expiration of the original term
7 or the applicable extension which directs the
8 department of corrections to terminate the lease.

9 3. If a provision of this Act provides for the
10 construction or lease of additional correctional beds
11 located at or near the Clarinda correctional facility
12 or the state mental health institute at Clarinda, with
13 financing provided as specified in subsection 2,
14 paragraph "a" or "b" of this section, the treasurer of
15 state and the auditor of state, in cooperation and
16 consultation with each other, shall review the
17 development costs incurred by Clarinda Heartland,
18 Inc., and determine which development costs are
19 necessary and appropriate. Those development costs
20 approved by the treasurer of state and the auditor of
21 state shall be paid through the financing method
22 authorized pursuant to subsection 2, paragraph "a" or
23 "b" of this section. However, costs associated with
24 lobbying on behalf of Clarinda Heartland, Inc. shall
25 not be authorized for payment through the financing
26 method authorized pursuant to subsection 2, paragraph
27 "a" or "b" of this section.

28 Sec. 20. NEW SECTION. 16.177 PRISON
29 INFRASTRUCTURE REVENUE BONDS.

30 1. The authority is authorized to issue its bonds
31 to provide prison infrastructure financing as provided
32 in this section. The bonds may only be issued in
33 amounts and to finance projects which have been
34 approved for financing by the general assembly. Bonds
35 may be issued in order to fund the construction and
36 equipping of a project or projects, the payment of
37 interest on the bonds, the establishment of reserves
38 to secure the bonds, the costs of issuance of the
39 bonds and other expenditures incident to or necessary
40 or convenient to carry out the bond issue. The bonds
41 are investment securities and negotiable instruments
42 within the meaning of and for the purposes of the
43 uniform commercial code.

44 2. The department of corrections is authorized to
45 pledge amounts in the Iowa prison infrastructure fund
46 established under section 602.8108A as security for
47 the payment of the principal of, premium, if any, and
48 interest on the bonds. Bonds issued under this
49 section are payable solely and only out of the moneys,
50 assets, or revenues of the fund, all of which may be

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1 deposited with trustees or depositories in accordance
2 with bond or security documents, and are not an
3 indebtedness of this state or the authority, or a
4 charge against the general credit or general fund of
5 the state or the authority, and the state shall not be
6 liable for the bonds except from amounts on deposit in
7 the fund. Bonds issued under this section shall
8 contain a statement that the bonds do not constitute
9 an indebtedness of the state or the authority.

10 3. The proceeds of bonds issued by the authority
11 and not required for immediate disbursement may be
12 deposited with a trustee or depository as provided in
13 the bond documents and invested in any investment
14 approved by the authority and specified in the trust
15 indenture, resolution, or other instrument pursuant to
16 which the bonds are issued without regard to any
17 limitation otherwise provided by law.

18 4. The bonds shall be:

19 a. In a form, issued in denominations, executed in
20 a manner, and payable over terms and with rights of
21 redemption, and be subject to such other terms and
22 conditions as prescribed in the trust indenture,
23 resolution, or other instrument authorizing their
24 issuance.

25 b. Negotiable instruments under the laws of the
26 state and may be sold at prices, at public or private
27 sale, and in a manner, as prescribed by the authority.
28 Chapters 73A, 74, 74A, and 75 do not apply to their
29 sale or issuance of the bonds.

30 c. Subject to the terms, conditions, and
31 covenants providing for the payment of the principal,
32 redemption premiums, if any, interest, and other
33 terms, conditions, covenants, and protective
34 provisions safeguarding payment, not inconsistent with
35 this chapter and as determined by the trust indenture,
36 resolution, or other instrument authorizing their
37 issuance.

38 5. The bonds are securities in which public
39 officers and bodies of this state, political
40 subdivisions of this state, insurance companies and
41 associations and other persons carrying on an
42 insurance business, banks, trust companies, savings
43 associations, savings and loan associations, and
44 investment companies, administrators, guardians,
45 executors, trustees, and other fiduciaries, and other
46 persons authorized to invest in bonds or other
47 obligations of the state, may properly and legally
48 invest funds, including capital, in their control or
49 belonging to them.

50 6. Bonds must be authorized by a trust indenture,

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1 resolution, or other instrument of the authority.
2 However, a trust indenture, resolution, or other
3 instrument authorizing the issuance of bonds may
4 delegate to an officer of the issuer the power to
5 negotiate and fix the details of an issue of bonds.

6 7. Neither the resolution or trust agreement, nor
7 any other instrument by which a pledge is created is
8 required to be recorded or filed under the uniform
9 commercial code to be valid, binding, or effective.

10 8. Bonds issued under this section are declared to
11 be issued for an essential public and governmental
12 purpose and all bonds issued under this section shall
13 be exempt from taxation by the state of Iowa and the
14 interest on the bonds shall be exempt from the state
15 income tax and the state inheritance and estate tax.

16 9. The authority shall cooperate with the
17 department of corrections in the implementation of
18 this section.

19 10. Notwithstanding any other provision of law to
20 the contrary, competitive bidding shall not be
21 required for the construction of facilities financed
22 by bonds issued pursuant to this section.

23 **Sec. 21. NEW SECTION. 602.8108A PRISON**
24 **INFRASTRUCTURE FUND.**

25 1. The Iowa prison infrastructure fund is created
26 and established as a separate and distinct fund in the
27 state treasury. Notwithstanding any other provision
28 of this chapter to the contrary, the first four
29 million dollars of moneys remitted to the treasurer of
30 state from fines, fees, costs, and forfeited bail
31 collected by the clerks of the district court in
32 criminal cases, including those collected for both
33 scheduled and nonscheduled violations, collected in
34 each fiscal year commencing with the fiscal year
35 beginning July 1, 1995, shall be deposited in the
36 fund. Interest and other income earned by the fund
37 shall be deposited in the fund. If the treasurer of
38 state determines pursuant to this Act that bonds can
39 be issued pursuant to this section and section 16.177,
40 then the moneys in the fund are appropriated to and
41 for the purpose of paying the principal of, premium,
42 if any, and interest on bonds issued by the Iowa
43 finance authority under section 16.177. Except as
44 otherwise provided in subsection 2, amounts in the
45 funds shall not be subject to appropriation for any
46 purpose by the general assembly, but shall be used
47 only for the purposes set forth in this section. The
48 treasurer of state shall act as custodian of the fund
49 and disburse amounts contained in it as directed by
50 the department of corrections including the automatic

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1 disbursement of funds pursuant to the terms of bond
2 indentures and documents and security provisions to
3 trustees and custodians. The treasurer of state is
4 authorized to invest the funds deposited in the fund
5 subject to any limitations contained in any applicable
6 bond proceedings. Any amounts remaining in the fund
7 at the end of each fiscal year shall be transferred to
8 the general fund.

9 2. If the treasurer of state determines that bonds
10 cannot be issued pursuant to this section and section
11 16.177, the treasurer of state shall deposit the
12 moneys in the prison infrastructure fund into the
13 general fund of the state.

14 Sec. 22. Section 607A.5, Code 1993, is amended to
15 read as follows:

16 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

17 A person shall be excused from jury service if the
18 person submits written documentation verifying, to the
19 court's satisfaction, that the person is solely
20 responsible for the daily care of a permanently
21 disabled person living in the person's household and
22 that the performance of juror service would cause
23 substantial risk of injury to the health of the
24 disabled person, or that the person is the mother of a
25 breastfed child and is responsible for the daily care
26 of the child. However, if the person is regularly
27 employed at a location other than the person's
28 household, the person shall not be excused under this
29 section.

30 Sec. 23. 1993 Iowa Acts, chapter 171, section 11,
31 subsection 4, is amended to read as follows:

32 4. The task force shall submit the plan to the
33 governor and the general assembly on or before June
34 30, 1994 January 15, 1995.

35 Sec. 24. EFFECTIVE DATES.

36 1. Section 1, subsections 3 and 4, of this Act,
37 relating to Iowa competition law or antitrust actions
38 and to civil consumer fraud actions, being deemed of
39 immediate importance, take effect upon enactment.

40 2. Section 14 of this Act, pertaining to the
41 nonreversion, transfer, and distribution of certain
42 moneys recovered by a court-appointed receiver, being
43 deemed of immediate importance, takes effect upon
44 enactment.

45 3. Section 15 of this Act, pertaining to the
46 encumbrance of certain moneys appropriated to the
47 department of corrections in the fiscal year
48 commencing July 1, 1993, being deemed of immediate
49 importance, takes effect upon enactment.

50 4. Section 23 of this Act, relating to the date

Page 29

- 1 for submission of a plan by the intermediate criminal
- 2 sanctions task force, being deemed of immediate
- 3 importance, takes effect upon enactment."

Halvorson of Webster offered the following amendment H-6202, to the Senate amendment H-6169, filed by him from the floor and moved its adoption:

H-6202

- 1 Amend the Senate amendment, H-6169, to House File
- 2 2350, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 and 4 and
- 5 inserting the following:
- 6 "_____. By striking page 1, line 1 through page 11,
- 7 line 13 and inserting the following:"
- 8 2. Page 8, by inserting after line 31 the
- 9 following:
- 10 "_____. By striking page 12, line 17 through page
- 11 28, line 27 and inserting the following:"
- 12 3. By renumbering and correcting internal
- 13 references as necessary.

Amendment H-6202 lost.

Vande Hoef of Osceola offered the following amendment H-6198, to the Senate amendment H-6169, filed by him from the floor and moved its adoption:

H-6198

- 1 Amend the Senate amendment, H-6169, to House File
- 2 2350, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 8, line 31, by inserting after the word
- 5 "facility." the following: "If the construction is
- 6 financed utilizing either of the financing methods
- 7 specified in section 19, subsection 2, paragraph "b"
- 8 or "c", then the maximum cost, not including interest
- 9 expense, shall not exceed \$22,000,000."
- 10 2. Page 25, lines 32 and 33, by striking the
- 11 words "in amounts and".

Amendment H-6198 was adopted.

Black of Jasper offered the following amendment H-6193, to the Senate amendment H-6169, filed by him and Bell of Jasper from the floor and moved its adoption:

H-6193

- 1 Amend the Senate amendment, H-6169, to House File
 2 2350, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 8, by inserting after line 31 the
 5 following:
 6 "_____. The department of corrections shall issue a
 7 request for proposals for the construction of
 8 additional medium security correctional beds for men,
 9 to be located at the Newton correctional facility,
 10 which would only be constructed if the proposal is
 11 accepted. The department of corrections shall include
 12 specifications concerning the number of correctional
 13 beds in the request for proposals and issue the
 14 request for proposals in such a manner that responses
 15 are due and shall be included in a report submitted by
 16 the department to the general assembly on or before
 17 January 9, 1995. The department of corrections shall
 18 not accept a proposal received in accordance with this
 19 subsection without specific authorization through the
 20 enactment of legislation to fund the proposal by the
 21 Seventy-sixth General Assembly or a subsequent general
 22 assembly."
 23 2. By renumbering and correcting internal
 24 references as necessary.

Amendment H-6193 was adopted.

On motion by Vande Hoef of Osceola, the House concurred in the Senate amendment H-6169, as amended.

Vande Hoef of Osceola moved that the bill as amended by the Senate, further amended 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. 2350)

The ayes were, 82:

Arnould	Baker	Beaman	Bell
Black	Blodgett	Boddicker	Brammer
Brand	Branstad	Brauns	Brunkhorst
Carpenter	Cataldo	Churchill	Cohoon
Connors	Corbett	Daggett	Dinkla
Drake	Eddie	Ertl	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Kreiman	Larkin	Larson	Lundby

Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Mundie	Murphy
Nelson	O'Brien	Ollie	Plasier
Rafferty	Rants	Renken	Royer
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 14:

Beatty	Bernau	Doderer	Fallon
Hammond	Holveck	Moreland	Myers
Neuhauser	Osterberg	Renaud	Running
Schrader	Shoultz		

Absent or not voting, 4:

Burke	Dickinson	Koenigs	Peterson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2350** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 126**, a bill for an act relating to the processing exemption for the sales, services, and use taxes, previously deferred and placed on the unfinished business calendar.

Iverson of Wright offered the following amendment H—5332, filed by the committee on ways and means:

H—5332

- 1 Amend Senate File 126, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 422.42, Code 1993, is amended
- 6 by adding the following new subsections and
- 7 renumbering current subsections as necessary:
- 8 NEW SUBSECTION. 1. "Agricultural production"
- 9 includes the production of flowering, ornamental, or
- 10 vegetable plants in commercial greenhouses.
- 11 "Agricultural products" include flowering, ornamental,
- 12 or vegetable plants.
- 13 NEW SUBSECTION. 2A. "Farm machinery and

14 equipment" means machinery and equipment used in
15 agricultural production."

16 2. Page 2, lines 8 and 9, by striking the words
17 "growing plants or flowers" and inserting the
18 following: "the production of flowering, ornamental,
19 or vegetable plants".

20 3. Page 2, by inserting after line 19 the
21 following:

22 "Sec. _____. Section 422.45, subsection 39,
23 paragraphs a and c, Code Supplement 1993, are amended
24 to read as follows:

25 a. The implement, machinery, or equipment is
26 directly and primarily used in livestock or dairy
27 production or in the production of flowering,
28 ornamental, or vegetable plants.

29 c. The replacement part is essential to any repair
30 or reconstruction necessary to the farm machinery's or
31 equipment's exempt use in livestock or dairy
32 production or in the production of flowering,
33 ornamental, or vegetable plants."

34 4. Page 2, lines 28 and 29, by striking the words
35 "growing plants or flowers" and inserting the
36 following: "the production of flowering, ornamental,
37 or vegetable plants".

38 5. Title page, by striking lines 1 and 2 and
39 inserting the following: "An Act relating to the
40 production and processing of ornamental, flowering, or
41 vegetable plants for purposes of the state sales,
42 services, and use taxes."

43 6. By renumbering as necessary.

The committee amendment H-5332 was adopted.

Iverson of Wright offered the following amendment H-5995, filed
by Iverson, et al. and moved its adoption:

H-5995

1 Amend Senate File 126, as passed by the Senate as
2 follows:

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

5 "Sec. _____. This Act takes effect January 1, 1995."

6 2. Title page, line 2, by inserting after the
7 word "taxes" the following: ", and providing an
8 effective date".

9 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 54, nays 22.

Amendment H-5995 was adopted.

Iverson of Wright 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. 126)

The ayes were, 82:

Arnould	Beaman	Bell	Black
Blodgett	Boddicker	Brand	Branstad
Brauns	Brunkhorst	Burke	Churchill
Cohoon	Connors	Corbett	Daggett
Dinkla	Doderer	Drake	Eddie
Ertl	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Plasier	Rafferty
Rants	Penken	Royer	Shultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 14:

Baker	Beatty	Bernau	Brammer
Carpenter	Cataldo	Fallon	Harper
McNeal	Moreland	Osterberg	Renaud
Running	Schrader		

Absent or not voting, 4:

Dickinson	Koenigs	Miller	Peterson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 126** be immediately messaged to the Senate.

The House stood at ease at 9:55 p.m., until the fall of the gavel.

The House resumed session at 10:23 p.m., Speaker Van Maanen in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2316, by committee on ways and means, a bill for an act relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters.

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

CONFERENCE COMMITTEE REPORTS FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following conference committee reports on the following bills have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Senate File 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated.

ON THE PART OF THE HOUSE:

GREGORY A. SPENNER, Chair
STEVEN E. GRUBBS
RICHARD MYERS
MARY NEUHAUSER
JERRY J. WELTER

ON THE PART OF THE SENATE:

ELAINE SZYMONIAK, Chair
RICHARD F. DRAKE
WILLIAM FINK
H. KAY HEDGE
JEAN LLOYD-JONES

Senate File 2216, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions.

ON THE PART OF THE HOUSE:

CHRISTOPHER RANTS, Chair
SANDRA H. GREINER
MARY HENDERSON
RICHARD MYERS
ROBERT L. RAFFERTY

ON THE PART OF THE SENATE:

BILL FINK, Chair
PATRICK J. DELUHERY
H. KAY HEDGE
JAMES B. KERSTEN
ALBERT G. SORENSON

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 12th and 13th, 1994. Had I been present, I would have voted "aye" on House Files 181, 2099, 2146, 2155, 2323, 2383, 2409, 2422 and 2424 and Senate Files 2071, 2126, 2263, 2264, 2268 and 2319; "nay" on House File 2429.

GRUNDBERG of Polk.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 14, 1994, he approved and transmitted to the Secretary of State the following bills:

House File 2116, an act relating to the establishment of city emergency medical services districts, and the levying of a property tax, and providing a retroactive applicability date.

House File 2403, an act relating to direct purchasing from vendors for the purpose of attaining targeted small business procurement goals.

Senate File 413, an act relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue.

Senate File 2313, an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

PRESENTATION OF VISITORS

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

Eleven "Close-Up" students from Iowa City West High School, Iowa City, accompanied by Gary Neuzil and Steve Smith. By Myers, Doderer and Neuhauser of Johnson.

Sixty sixth grade students from Manson N.W. Webster School, Barnum, accompanied by Marilyn Moeding. By Mundie and Halvorson of Webster.

Fifty-five fifth grade students from Jensen Elementary School, Urbandale, accompanied by Meridith Smith. By Metcalf of Polk.

Fifteen F.F.A. students from Cascade High School, Cascade, accompanied by Milt and Kelly Luckstead and Patty Rollinger. By Ertl of Dubuque.

Sixty fifth grade students from Audubon Middle School, Audubon, accompanied by Bob Clark, Loren Edelman and Roger Malmberg. By Drake of Pottawattamie.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1994/172 Leslie Hansen, Guthrie Center High School — For being selected to the 1993-1994 All-State Chorus.
- 1994/173 Kyle Chance, Guthrie Center High School — For being selected to the 1993-1994 All-State Chorus.
- 1994/174 The City of Spencer, Iowa — For celebrating its 10th annual Flagfest June 10th through June 12th, 1994.
- 1994/175 Leo S. Hickie, Dubuque — For 32 years of public service to the State of Iowa.
- 1994/176 Shane Soboroff, Muscatine — For his outstanding success and participation in the State Geography Bee.
- 1994/177 Andrew Topp, Muscatine — For his outstanding success and participation in the State Geography Bee.
- 1994/178 Carl Thunem, Muscatine — For his outstanding success in winning the State Geography Bee.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 746

Ways and Means: Dinkla, Chair; Bernau and Carpenter.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 747 Appropriations

Making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa.

H.S.B. 748 Ways and Means

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

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2318, a bill for an act relating to state budget processes.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-6166, April 13, 1994.

AMENDMENTS FILED

H-6164	H.F.	2415	Millage of Scott
H-6165	S.F.	2033	Jochum of Dubuque
H-6166	S.F.	2318	Committee on Appropriations
H-6168	S.F.	2033	O'Brien of Boone Henderson of Scott
H-6171	S.F.	2033	Jochum of Dubuque
H-6172	H.F.	2415	O'Brien of Boone
H-6173	S.F.	2223	Beatty of Warren
H-6174	H.F.	2415	O'Brien of Boone
H-6175	H.F.	2431	O'Brien of Boone
H-6176	H.F.	2415	Weigel of Chickasaw
H-6177	H.F.	2415	Arnould of Scott
H-6178	H.F.	2415	Metcalf of Polk
H-6179	H.F.	2415	Bernau of Story
H-6180	H.F.	2415	Doderer of Johnson
H-6183	H.F.	2415	Bernau of Story
H-6184	H.F.	2415	Bernau of Story
H-6185	H.F.	2415	Bernau of Story
H-6186	H.F.	2415	Metcalf of Polk
H-6191	H.F.	121	Senate amendment
H-6192	S.F.	2071	Senate amendment
H-6194	H.F.	2415	Hanson of Delaware
H-6195	H.F.	2415	Hanson of Delaware
H-6196	H.F.	2415	Millage of Scott Gill of Woodbury
H-6199	S.F.	2091	Senate amendment
H-6201	S.F.	2220	Larson of Linn
H-6203	H.F.	642	Senate amendment
H-6204	H.F.	2411	Daggett of Union
H-6205	S.F.	2215	Gill of Woodbury
H-6206	H.F.	121	Doderer of Johnson Grubbs of Scott Hurley of Fayette
H-6207	H.F.	2411	Halvorson of Webster
H-6208	S.F.	2223	Hanson of Delaware Beatty of Warren Halvorson of Webster Kistler of Jefferson Martin of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 10:25 p.m., until 8:45 a.m., Friday, April 15, 1994.

JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day — Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 15, 1994

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

Prayer was offered by Reverend David Martin, Evangelical Free Church of America, Boone.

The Journal of Thursday, April 14, 1994 was approved.

SENATE MESSAGE CONSIDERED

Senate File 2215, by committee on ways and means, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates.

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

The House stood at ease at 8:50 a.m., until the fall of the gavel.

The House resumed session at 10:35 a.m., Speaker Van Maanen in the chair.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2216)

Rants of Woodbury called up for consideration the report of the conference committee on Senate File 2216 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2216

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 2216, a bill for an Act allowing recovery of hazardous substances cleanup costs by governmental subdivisions, respectfully make the following report:

1. That the House recedes from its amendment, S—5578.

ON THE PART OF THE HOUSE:

CHRISTOPHER RANTS, Chair
 SANDRA H. GREINER
 MARK HENDERSON
 RICHARD MYERS
 ROBERT L. RAFFERTY

ON THE PART OF THE SENATE:

BILL FINK, Chair
 PATRICK J. DELUHERY
 H. KAY HEDGE
 JAMES B. KERSTEN
 ALBERT G. SORENSON

The motion prevailed and the conference committee report was adopted.

Rants of Woodbury 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. 2216)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Connors Dickinson Schrader

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 2038)**

Spenner of Henry called up for consideration the report of the conference committee on Senate File 2038 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2038**

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 2038, a bill for an Act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, respectfully make the following report:

1. That the Senate recedes from its amendment, H—6062.

2. That the House amendment S—5455, to Senate File 2038, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 43.

2. By striking page 2, line 23 through page 3, line 20, and inserting the following:

“_____ Title page, by striking lines 2 and 3 and inserting the following: “transportation records.””

ON THE PART OF THE HOUSE:

GREGORY A. SPENNER, Chair
STEVEN E. GRUBBS
RICHARD MYERS
MARY NEUHAUSER
JERRY J. WELTER

ON THE PART OF THE SENATE:

ELAINE SZYMONIAK, Chair
RICHARD F. DRAKE
WILLIAM FINK
H. KAY HEDGE
JEAN LLOYD-JONES

A non-record roll call was requested.

The ayes were 52, nays 38.

The motion prevailed and the conference committee report was adopted.

Spenner of Henry 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. 2038)

The ayes were, 79:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Blodgett	Boddicker
Brammer	Brand	Brauns	Brunkhorst

Burke	Carpenter	Cataldo	Churchill
Cohoon	Corbett	Daggett	Dinkla
Doderer	Drake	Ertl	Fogarty
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Myers	Nelson
Neuhauser	Ollie	Peterson	Plasier
Rafferty	Royer	Running	Siegrist
Spenner	Tyrrell	Weigel	Welter
Wise	Witt	Van Maanen, Spkr.	

The nays were, 17:

Black	Branstad	Eddie	Fallon
Garman	Halvorson, R. N.	Klemme	McNeal
Mundie	Murphy	Osterberg	Rants
Renaud	Renken	Shoultz	Vande Hoef
Weidman			

Absent or not voting, 4:

Connors	Dickinson	O'Brien	Schrader
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Files 2038 and 2216** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2395.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **House File 2395**, a bill for an act amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections, previously deferred and placed on the unfinished business calendar.

Millage of Scott offered the following amendment H—5599, filed by him and moved its adoption:

H—5599

- 1 Amend House File 2395 as follows:
- 2 1. By striking page 15, line 17, through page 16,
- 3 line 25, and inserting the following:
- 4 "Sec. _____. NEW SECTION. 554.3118 ACCRUAL OF
- 5 CAUSE OF ACTION.
- 6 1. A cause of action against a maker or an
- 7 acceptor accrues
- 8 a. In the case of a time instrument on the day
- 9 after maturity;
- 10 b. In the case of a demand instrument upon its
- 11 date or, if no date is stated, on the date of issue.
- 12 2. A cause of action against the obligor of a
- 13 demand or time certificate of deposit accrues upon
- 14 demand, but demand on a time certificate may not be
- 15 made until on or after the date of maturity.
- 16 3. A cause of action against a drawer of a draft
- 17 or an endorser of any instrument accrues upon demand
- 18 following dishonor of the instrument. Notice of
- 19 dishonor is a demand.
- 20 4. Unless an instrument provides otherwise,
- 21 interest runs at the rate provided by law for a
- 22 judgment
- 23 a. In the case of a maker, acceptor or other
- 24 primary obligor of a demand instrument, from the date
- 25 of demand;
- 26 b. In all other cases from the date of accrual of
- 27 the cause of action."
- 28 2. Page 33, by striking line 16 and inserting the
- 29 following: "claimant under subsection 2, paragraph
- 30 "d",".
- 31 3. Page 42, line 30, by striking the figure "3"
- 32 and inserting the following: "4".
- 33 4. Page 44, line 8, by striking the word "thirty"
- 34 and inserting the following: "sixty".
- 35 5. Page 45, line 32, by striking the word
- 36 "thirty" and inserting the following: "sixty".
- 37 6. Page 60, line 13, by striking the word
- 38 "certified" and inserting the following:
- 39 "certificated".
- 40 7. Page 60, by striking line 14 and inserting the
- 41 following: "instructions for uncertificated
- 42 securities (section 554.8308) or".
- 43 8. Page 60, line 20, by striking the word
- 44 "Drawer" and inserting the following: "Drawee".
- 45 9. Page 61, line 19, by striking the figure
- 46 "554.4105" and inserting the following: "554.4110".
- 47 10. Page 64, by striking lines 32 through 34 and
- 48 inserting the following:
- 49 "2. If an item states that it is "payable at" a
- 50 bank identified in the item, (i) the item designates

Page 2

1 the bank as a collecting bank and does not by itself
2 authorize the bank to pay the item, and (ii) the item
3 may be presented for payment only by or through the
4 bank.

5 3. If a draft names a nonbank drawee and it is
6 unclear whether a bank named in the draft is a co-
7 drawee or a collecting bank, the bank is a collecting
8 bank."

9 11. By striking page 64, line 35, through page
10 65, line 3.

11 12. Page 67, line 30, by striking the word
12 "UNINDORSED" and inserting the following:
13 "UNENDORSED".

14 13. Page 69, line 15, by striking the word
15 "thirty" and inserting the following: "sixty".

16 14. By striking page 70, line 35, through page
17 71, line 1, and inserting the following:

18 "554.4210 PRESENTMENT BY NOTICE OF ITEM NOT
19 PAYABLE BY, THROUGH, OR AT A BANK — ; LIABILITY OF
20 SECONDARY PARTIES DRAWER OR ENDORSER."

21 15. Page 78, line 4, by striking the word
22 "thirty" and inserting the following: "sixty".

23 16. Page 80, line 17, by striking the figure
24 "554.4208" and inserting the following: "554.4215".

25 17. Page 85, line 25, by striking the word
26 "seven" and inserting the following: "eleven".

27 18. Page 86, line 22, by striking the word
28 "thirty" and inserting the following: "sixty".

29 19. Page 90, by inserting after line 15 the
30 following:

31 "Sec. _____. NEW SECTION. 668.16 APPLICABILITY OF
32 THIS CHAPTER.

33 This chapter does not apply to Article 3 or 4 of
34 chapter 554."

35 20. Page 90, by striking lines 17 through 20 and
36 inserting the following:

37 "The Code editor, in cooperation with the
38 legislative service bureau and in conformity with the
39 policies of the legislative council, is directed to
40 renumber sections in this Act in conformance with the
41 numbering system included in the model Act as
42 recommended by the American law institute and national
43 conference of commissioners on uniform state laws, and
44 to correct internal references as necessary."

45 21. Page 90, by inserting after line 24 the
46 following:

47 "Sec. _____. EFFECTIVE DATE. This Act takes effect
48 July 1, 1995."

49 22. Title page, line 3, by inserting after the
50 word "sections" the following: ", and providing an

Page 3

1. effective date".
2. 23. By renumbering as necessary.

Amendment H—5599 was adopted.

SENATE FILE 2279 SUBSTITUTED FOR HOUSE FILE 2395

Millage of Scott asked and received unanimous consent to substitute Senate File 2279 for House File 2395.

Senate File 2279, a bill for an act amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Millage 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. 2279)

The ayes were, 95:

Arnould	Baker	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 5:

Beaman
Schrader

Connors

Dickinson

Hurley

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2279** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Gipp of Winneshiek called up for consideration, **Senate File 2091**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, amended by the House, further amended by the Senate, and moved that the House concur in the following Senate amendment H-6199, to the House amendment, as follows:

H-6199

- 1 Amend the House amendment, S-5577, to Senate File
- 2 2091, as passed by the Senate as follows:
- 3 1. Page 1, line 4, by striking the figure
- 4 "1,619,700" and inserting the following: "1,560,000".
- 5 2. Page 1, by striking line 6 and inserting the
- 6 following: " "238,200" and inserting the following:
- 7 "178,200".
- 8 _____ Page 2, by inserting after line 24 the
- 9 following:
- 10 "Sec. _____. DEPARTMENT OF HUMAN RIGHTS LOW-INCOME
- 11 WEATHERIZATION FUNDING. The department of human
- 12 rights shall propose a funding mechanism which shall
- 13 be submitted to the general assembly by December 31,
- 14 1994, which shall generate an additional five hundred
- 15 thousand dollars to one million dollars annually to be
- 16 used for energy weatherization for low-income
- 17 persons." "
- 18 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6199, to the House amendment.

Gipp 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. 2091)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 5:

Brand	Connors	Dickinson	Koenigs
O'Brien			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2091** be immediately messaged to the Senate.

The House stood at ease at 11:10 a.m., until the fall of the gavel.

The House resumed session at 11:28 a.m., Speaker Van Maanen in the chair.

On motion by Millage of Scott, the House was recessed at 11:29 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Van Maanen in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

SENATE AMENDMENT CONSIDERED

Daggett of Union called up for consideration **House File 2411**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date, amended by the following Senate amendment H-6029:

H-6029

1 Amend House File 2411, as amended, passed, and
 2 reprinted by the House as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "DEPARTMENT OF EDUCATION
 6 Section 1. There is appropriated from the general
 7 fund of the state to the department of education for
 8 the fiscal year beginning July 1, 1994, and ending
 9 June 30, 1995, the following amounts, or so much
 10 thereof as may be necessary, to be used for the
 11 purposes designated:
 12 1. GENERAL ADMINISTRATION
 13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:
 16 \$ 5,011,404
 17 FTEs 93.95
 18 2. VOCATIONAL EDUCATION ADMINISTRATION
 19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:
 22 \$ 631,884
 23 FTEs 18.32
 24 3. VOCATIONAL REHABILITATION DIVISION
 25 a. For salaries, support, maintenance,
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:
 28 \$ 3,473,754
 29 FTEs 278.00
 30 It is the intent of the general assembly that the
 31 division of vocational rehabilitation services of the
 32 department of education shall seek, in addition to
 33 state appropriations, funds other than federal funds,
 34 which may include but are not limited to local funds,
 35 for purposes of matching federal vocational
 36 rehabilitation funds

37 Notwithstanding the full-time equivalent position
 38 limit established in this subsection for the fiscal
 39 year ending June 30, 1995, if federal funding is
 40 available to pay the costs of additional employees for
 41 the vocational rehabilitation division who would have
 42 duties relating to vocational rehabilitation services
 43 paid for through federal funding, authorization to
 44 hire not more than four full-time equivalent employees
 45 shall be provided, the full-time equivalent position
 46 limit shall be exceeded, and the additional employees
 47 shall be hired by the division.

48 b. For matching funds for programs to enable
 49 severely physically or mentally disabled persons to
 50 function more independently, including salaries and

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1	support, and for not more than the following full-time		
2	equivalent positions:		
3	.....	\$	21,620
4	.....	FTEs	1.50
5	4. BOARD OF EDUCATIONAL EXAMINERS		
6	For salaries, support, maintenance, miscellaneous		
7	purposes, and for not more than the following full-		
8	time equivalent positions:		
9	.....	\$	185,749
10	.....	FTEs	2.00
11	5. SCHOOL FOOD SERVICE		
12	For use as state matching funds for federal		
13	programs that shall be disbursed according to federal		
14	regulations, including salaries, support, maintenance,		
15	miscellaneous purposes, and for not more than the		
16	following full-time equivalent positions:		
17	.....	\$	2,716,859
18	.....	FTEs	14.00
19	6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS		
20	To provide funds for costs of providing textbooks		
21	to each resident pupil who attends a nonpublic school		
22	as authorized by section 301.1. The funding is		
23	limited to \$20 per pupil and shall not exceed the		
24	comparable services offered to resident public school		
25	pupils:		
26	.....	\$	616,000
27	7. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION		
28	To assist a vocational agriculture youth		
29	organization sponsored by the schools to support the		
30	foundation established by that vocational agriculture		
31	youth organization and for other youth activities:		
32	.....	\$	59,400
33	8. STATE LIBRARY		
34	For salaries, support, maintenance, miscellaneous		
35	purposes, and for not more than the following full-		
36	time equivalent positions:		
37	.....	\$	2,377,075
38	.....	FTEs	33.50
39	9. REGIONAL LIBRARY		

40 For state aid:
 41 \$ 1,433,500
 42 From the moneys appropriated in this subsection for
 43 the fiscal year beginning July 1, 1994, and ending
 44 June 30, 1995, \$31,500 shall be expended to supplement
 45 the salaries of regional library employees.
 46 10. CENTER FOR ASSESSMENT
 47 For the purpose of developing academic standards in
 48 the areas of math, history, science, English, language
 49 arts, and geography:
 50 \$ 300,000

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1 11. IMAGES
 2 For allocation to Merged Area XI to be used for
 3 grants to students for the Iowa minority academic
 4 grants for economic success program under sections
 5 261.101 through 261.105:
 6 \$ 60,000
 7 Merged Area XI shall distribute that portion of the
 8 funds to a private institution of higher education
 9 cooperating with Merged Area XI, for purposes of the
 10 Iowa minority academic grants for economic success
 11 program, equal to the number of students who are
 12 enrolled and participating in the program at the
 13 private institution compared to the number of students
 14 who are enrolled and participating in the program at
 15 the two institutions.
 16 12. PUBLIC BROADCASTING DIVISION
 17 For salaries, support, maintenance, capital
 18 expenditures, miscellaneous purposes, and for not more
 19 than the following full-time equivalent positions:
 20 \$ 6,160,833
 21 FTEs 97.00
 22 13. CORRECTIONS EDUCATION PROGRAM
 23 For educational programs at state penal
 24 institutions:
 25 \$ 1,850,600
 26 14. ASSESSMENT
 27 For participation by the department of education in
 28 a state and national project to determine the academic
 29 achievement of Iowa students in math, reading,
 30 science, United States history, or geography:
 31 \$ 50,000
 32 15. FAMILY RESOURCE CENTERS
 33 For support of the family resource center
 34 demonstration program established under chapter 256C:
 35 \$ 120,000
 36 16. COMMUNITY COLLEGES
 37 Notwithstanding chapter 260D, for general state
 38 financial aid, including general financial aid to
 39 merged areas in lieu of personal property tax
 40 replacement payments under section 427A.13, to merged
 41 areas as defined in section 260C.2, for vocational
 42 education programs in accordance with chapters 258 and

43	260C, to purchase instructional equipment for	
44	vocational and technical courses of instruction in	
45	community colleges, and for salary increases:	
46	.....	\$ 99,070,486
47	The funds appropriated in this subsection shall be	
48	allocated as follows:	
49	a. Merged Area I.....	\$ 4,658,759
50	b. Merged Area II.....	\$ 5,606,395

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1	c. Merged Area III.....	\$ 5,306,572
2	d. Merged Area IV.....	\$ 2,499,318
3	e. Merged Area V.....	\$ 5,392,040
4	f. Merged Area VI.....	\$ 5,010,414
5	g. Merged Area VII.....	\$ 6,884,060
6	h. Merged Area IX.....	\$ 8,737,178
7	i. Merged Area X.....	\$ 13,567,270
8	j. Merged Area XI.....	\$ 14,519,895
9	k. Merged Area XII.....	\$ 5,683,808
10	l. Merged Area XIII.....	\$ 5,889,105
11	m. Merged Area XIV.....	\$ 2,605,654
12	n. Merged Area XV.....	\$ 8,144,530
13	o. Merged Area XVI.....	\$ 4,565,488

14 Sec. 2. There is appropriated from the general
 15 fund of the state to the department of education for
 16 the fiscal year beginning July 1, 1995, and ending
 17 June 30, 1996, the following amounts, or so much
 18 thereof as is necessary, to be used for the purposes
 19 designated:

20	1. Notwithstanding chapter 260D for state	
21	financial aid, including general financial aid to	
22	merged areas in lieu of personal property tax	
23	replacement payments under section 427A.13, to merged	
24	areas to be accrued as income and used for	
25	expenditures incurred by the community colleges during	
26	the fiscal year beginning July 1, 1994, and ending	
27	June 30, 1995:	
28	.....	\$ 16,450,231

29 The funds appropriated in this section shall be
 30 allocated as follows:

31	"a. Merged Area I.....	\$ 777,072
32	b. Merged Area II.....	\$ 930,993
33	c. Merged Area III.....	\$ 894,475
34	d. Merged Area IV.....	\$ 423,103
35	e. Merged Area V.....	\$ 897,586
36	f. Merged Area VI.....	\$ 836,461
37	g. Merged Area VII.....	\$ 1,152,178
38	h. Merged Area IX.....	\$ 1,446,020
39	i. Merged Area X.....	\$ 2,232,424
40	j. Merged Area XI.....	\$ 2,414,311
41	k. Merged Area XII.....	\$ 948,649
42	l. Merged Area XIII.....	\$ 974,188
43	m. Merged Area XIV.....	\$ 431,773
44	n. Merged Area XV.....	\$ 1,335,675
45	o. Merged Area XVI.....	\$ 755,323

46 2. Funds appropriated by this section shall be
47 allocated pursuant to this section and paid on or
48 about August 15, 1995.

49 Sec. 3. Notwithstanding the appropriation provided
50 in section 294A.25, subsection 1, there is

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1 appropriated from the general fund of the state to the
2 department of education for the fiscal year beginning
3 July 1, 1994, and ending June 30, 1995, the following
4 amounts, or so much thereof as may be necessary, to be
5 used for the purposes designated:

6 To supplement the appropriation in section 294A.25
7 for phase II:
8 \$ 535,755

9 Sec. 4. There is appropriated from the general
10 fund of the state to the department of education for
11 the fiscal year beginning July 1, 1995, and ending
12 June 30, 1996, the following amount, or so much
13 thereof as may be necessary, to be used for the
14 purpose designated:

15 For expenditures incurred by school districts
16 during the previous fiscal year for vocational
17 education aid to secondary schools:
18 \$3,308,850

19 Funds appropriated in this section shall be used
20 for expenditures made by school districts to meet the
21 standards set in sections 256.11, 258.4, and 260C.23
22 as a result of the enactment of 1989 Iowa Acts,
23 chapter 278. Funds shall be used as reimbursement for
24 vocational education expenditures made by secondary
25 schools in the manner provided by the department of
26 education for implementation of the standards set in
27 1989 Iowa Acts, chapter 278.

28 Sec. 5. 1993 Iowa Acts, chapter 179, section 1,
29 subsection 5, unnumbered paragraph 2, is amended to
30 read as follows:

31 The moneys appropriated by this subsection shall be
32 reduced by \$50,000 if If an increase in the fees
33 charged by the board of educational examiners does not
34 result in an increase of at least \$50,000 in revenues
35 to the board during the fiscal year beginning July 1,
36 1993, the moneys appropriated by this subsection shall
37 be reduced in an amount equal to the difference
38 between the total amount of revenues resulting from
39 the fee increase and \$50,000.

40 Sec. 6. 1993 Iowa Acts, chapter 180, section 62,
41 is amended to read as follows:

42 SEC. 62. IMAGES. There is appropriated from the
43 general fund of the state to the department of
44 education for the fiscal year beginning July 1, 1993,
45 and ending June 30, 1994, the amount of \$60,000 to be
46 allocated to Merged Area XI, to be used for the
47 purposes of grants to students for the Iowa minority
48 academic grants for economic success program under

49 sections 261.101 through 261.105. Merged Area XI
50 shall distribute that portion of the funds to a

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1 private institution of higher education cooperating
2 with Merged Area XI, for purposes of the Iowa minority
3 academic grants for economic success program, equal to
4 the number of students who are enrolled and
5 participating in the program at the private
6 institution compared to the number of students who are
7 enrolled and participating in the program at the two
8 institutions.

9 COLLEGE STUDENT AID COMMISSION

10 Sec. 7. There is appropriated from the general
11 fund of the state to the college student aid
12 commission for the fiscal year beginning July 1, 1994,
13 and ending June 30, 1995, the following amounts, or so
14 much thereof as may be necessary, to be used for the
15 purposes designated:

16 1. GENERAL ADMINISTRATION

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-
19 time equivalent positions:

20	\$	296,470
21	FTEs	7.05

22 The college student aid commission shall conduct a
23 study, in cooperation with Palmer college of
24 chiropractic, of the financial needs of Iowa resident
25 chiropractic students and the demand for chiropractic
26 health care practitioners in Iowa to determine the
27 feasibility of establishing a chiropractic forgivable
28 loan program modeled after the osteopathic forgivable
29 loan program. The commission shall submit its
30 findings to the general assembly by January 3, 1995.

31 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
32 SCIENCES

33 a. For forgivable loans to Iowa students attending
34 the university of osteopathic medicine and health
35 sciences, under the forgivable loan program pursuant
36 to section 261.19A:

37	\$	379,260
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38 b. For the university of osteopathic medicine and
39 health sciences for an initiative in primary health
40 care to direct primary care physicians to shortage
41 areas in the state:

42	\$	395,000
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43 From the moneys appropriated in this lettered
44 paragraph, at least \$272,500 for the fiscal year
45 beginning July 1, 1994, and ending June 30, 1995,
46 shall be dedicated to reducing the student loan debt
47 for resident Iowa students in return for a fixed
48 period of medical service in the state of Iowa. The
49 university of osteopathic medicine and health sciences
50 shall report quarterly to the legislative fiscal

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1 bureau concerning the expenditure of funds
2 appropriated in this lettered paragraph.

3 3. STUDENT AID PROGRAMS

4 For payments to students for student aid programs:

5 \$ 1,469,790

6 From the moneys appropriated in this subsection,
7 \$1,397,790 for the fiscal year beginning July 1, 1994,
8 and ending June 30, 1995, shall be expended for an
9 Iowa grant program, with funds to be allocated to
10 institutions pursuant to section 261.93A. The
11 remainder shall be allocated for the graduate student
12 financial assistance program.

13 4. COMMUNITY SCHOLARSHIP PROGRAM

14 For funding the Iowa community scholarship program:

15 \$ 5,000

16 Moneys appropriated in this subsection shall not be
17 used to pay, supplement, or supplant the salaries of
18 employees of the college student aid commission.

19 Sec. 8. There is appropriated from the loan
20 reserve account to the college student aid commission
21 for the fiscal year beginning July 1, 1994, and ending
22 June 30, 1995, the following amount, or so much
23 thereof as may be necessary, to be used for the
24 purposes designated:

25 For operating costs of the Stafford loan program
26 including salaries, support, maintenance,
27 miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29 \$ 4,748,061

30 FTEs 33.27

31 STATE BOARD OF REGENTS

32 Sec. 9. There is appropriated from the general
33 fund of the state to the state board of regents for
34 the fiscal year beginning July 1, 1994, and ending
35 June 30, 1995, the following amounts, or so much
36 thereof as may be necessary, to be used for the
37 purposes designated:

38 1. OFFICE OF STATE BOARD OF REGENTS

39 a. For salaries, support, maintenance,
40 miscellaneous purposes, and for not more than the
41 following full-time equivalent positions:

42 \$ 1,090,723

43 FTEs 15.63

44 If the moneys provided in this lettered paragraph
45 are augmented by reimbursements from the institutions
46 under the control of the state board of regents for
47 the funding of the office of the state board of
48 regents, the office shall report quarterly such
49 reimbursements to the chairpersons and ranking members
50 of the joint appropriations subcommittee on education.

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1 The state board of regents shall conduct the
2 following studies:

3 (1) A comparison of need-based and academic-based
4 federal and state student financial aid programs to
5 determine the trends and demands for state and federal
6 financial aid programs.

7 (2) A study of the supply and the current and
8 projected demand for state and federal student
9 financial aid programs at the institutions of higher
10 learning under the control of the state board of
11 regents.

12 (3) A study to determine whether there is a need
13 to increase funding of student financial aid programs
14 to accommodate increasing numbers of nontraditional
15 students in institutions of higher learning under the
16 control of the state board of regents.

17 The state board of regents shall submit a report of
18 its findings and recommendations to the general
19 assembly by January 1, 1995. Included in the report
20 shall be the state board of regents' anticipated plans
21 for need-based and academic-based student financial
22 aid programs.

23 b. For allocation by the state board of regents to
24 the state university of Iowa, the Iowa state
25 university of science and technology, and the
26 university of northern Iowa to reimburse the
27 institutions for deficiencies in their operating funds
28 resulting from the pledging of tuitions, student fees
29 and charges, and institutional income to finance the
30 cost of providing academic and administrative
31 buildings and facilities and utility services at the
32 institutions:

33 \$ 25,843,645

34 The state board of regents, the department of
35 management, and the legislative fiscal bureau shall
36 cooperate to determine and agree upon, by November 15,
37 1994, the amount that needs to be appropriated for
38 tuition replacement for the fiscal year beginning July
39 1, 1995.

40 c. For funds to be allocated to the southwest Iowa
41 graduate studies center:

42 \$ 68,165

43 d. For funds to be allocated to the siouxland
44 interstate metropolitan planning council for the
45 tristate graduate center under section 262.9,
46 subsection 21:

47 \$ 67,750

48 e. For funds to be allocated to the quad-cities
49 graduate studies center:

50 \$ 144,104

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1 2. STATE UNIVERSITY OF IOWA

2 a. General university, including lakeside
3 laboratory

4 For salaries, support, maintenance, equipment,
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:

7 \$ 184,110,721
8 FTEs 3,999.37

9 b. For the primary health care initiative in the
10 college of medicine, and for not more than the
11 following full-time equivalent positions:

12 \$ 630,000
13 FTEs 5.60

14 From the moneys appropriated in this lettered
15 paragraph, \$330,000 shall be allocated to the
16 department of family practice at the state university
17 of Iowa college of medicine for family practice
18 faculty and support staff.

19 c. University hospitals

20 For salaries, support, maintenance, equipment, and
21 miscellaneous purposes and for medical and surgical
22 treatment of indigent patients as provided in chapter
23 255, and for not more than the following full-time
24 equivalent positions:

25 \$ 28,182,097
26 FTEs 5,614.36

27 Funds appropriated in this lettered paragraph shall
28 not be used to perform abortions except medically
29 necessary abortions, and shall not be used to operate
30 the early termination of pregnancy clinic except for
31 the performance of medically necessary abortions. For
32 the purpose of this lettered paragraph, an abortion is
33 the purposeful interruption of pregnancy with the
34 intention other than to produce a live-born infant or
35 to remove a dead fetus, and a medically necessary
36 abortion is one performed under one of the following
37 conditions:

38 (1) The attending physician certifies that
39 continuing the pregnancy would endanger the life of
40 the pregnant woman.

41 (2) The attending physician certifies that the
42 fetus is physically deformed, mentally deficient, or
43 afflicted with a congenital illness.

44 (3) The pregnancy is the result of a rape which is
45 reported within 45 days of the incident to a law
46 enforcement agency or public or private health agency
47 which may include a family physician.

48 (4) The pregnancy is the result of incest which is
49 reported within 150 days of the incident to a law
50 enforcement agency or public or private health agency

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1 which may include a family physician.

2 (5) The abortion is a spontaneous abortion,
3 commonly known as a miscarriage, wherein not all of
4 the products of conception are expelled.

5 The total quota allocated to the counties for
6 indigent patients for the fiscal year beginning July
7 1, 1994, shall not be lower than the total quota
8 allocated to the counties for the fiscal year
9 commencing July 1, 1993. The total quota shall be
10 allocated among the counties on the basis of the 1990
11 census pursuant to section 255.16.

12 d. Psychiatric hospital

13 For salaries, support, maintenance, equipment, and
14 miscellaneous purposes and for the care, treatment,
15 and maintenance of committed and voluntary public
16 patients, and for not more than the following full-
17 time equivalent positions:

18	\$	6,821,774
19	FTEs	302.28

20 e. Hospital-school

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-
23 time equivalent positions:

24	\$	5,479,934
25	FTEs	172.00

26 f. Oakdale campus

27 For salaries, support, maintenance, miscellaneous
28 purposes, and for not more than the following full-
29 time equivalent positions:

30	\$	2,767,936
31	FTEs	63.58

32 g. State hygienic laboratory

33 For salaries, support, maintenance, miscellaneous
34 purposes, and for not more than the following full-
35 time equivalent positions:

36	\$	3,021,202
37	FTEs	100.69

38 h. Family practice program

39 For allocation by the dean of the college of
40 medicine, with approval of the advisory board, to
41 qualified participants, to carry out chapter 148D for
42 the family practice program, including salaries and
43 support, and for not more than the following full-time
44 equivalent positions:

45	\$	1,779,326
46	FTEs	153.74

47 i. Child health care services

48 For specialized child health care services,
49 including childhood cancer diagnostic and treatment
50 network programs, rural comprehensive care for

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1 hemophilia patients, and Iowa high-risk infant follow-
 2 up program, including salaries and support, and for
 3 not more than the following full-time equivalent
 4 positions:

5	..... \$	422,671
6	..... FTEs	11.04

7 j. Agricultural health and safety programs
 8 For agricultural health and safety programs, and
 9 for not more than the following full-time equivalent
 10 positions:

11	..... \$	243,811
12	..... FTEs	3.48

13 k. Statewide tumor registry
 14 For the statewide tumor registry, and for not more
 15 than the following full-time equivalent positions:

16	..... \$	205,696
17	..... FTEs	3.07

18 l. Substance abuse consortium
 19 For funds to be allocated to the Iowa consortium
 20 for substance abuse research and evaluation, and for
 21 not more than the following full-time equivalent
 22 positions:

23	..... \$	60,889
24	..... FTEs	1.15

25 m. Center for biocatalysis
 26 For the center for biocatalysis, and for not more
 27 than the following full-time equivalent positions:

28	..... \$	1,280,078
29	..... FTEs	4.00

30 n. National advanced driving simulator
 31 For the national advanced driving simulator, and
 32 for not more than the following full-time equivalent
 33 positions:

34	..... \$	269,342
35	..... FTEs	4.40

36 **3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY**
 37 a. General university
 38 For salaries, support, maintenance, equipment,
 39 miscellaneous purposes, and for not more than the
 40 following full-time equivalent positions:

41	..... \$	146,760,798
42	..... FTEs	3,556.28

43 From the moneys appropriated in this lettered
 44 paragraph, \$25,000 for the fiscal year beginning July
 45 1, 1994, and ending June 30, 1995, shall be expended
 46 by the university to contract for services with the
 47 department of public health, for purposes of granting
 48 funds to a child farm safety program.
 49 b. Agricultural experiment station
 50 For salaries, support, maintenance, miscellaneous

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1	purposes, and for not more than the following full-		
2	time equivalent positions:		
3	.....	\$	30,000,424
4	..... FTEs		515.95
5	From the moneys appropriated in this lettered		
6	paragraph, for the fiscal year beginning July 1, 1994,		
7	and ending June 30, 1995, \$100,000 shall be expended		
8	to support a beginning farmer center as provided in		
9	section 266.39D, as enacted in this Act.		
10	c. Cooperative extension service in agriculture		
11	and home economics		
12	For salaries, support, maintenance, and		
13	miscellaneous purposes, including salaries and support		
14	for the fire service institute, and for not more than		
15	the following full-time equivalent positions:		
16	.....	\$	17,653,873
17	..... FTEs		428.28
18	d. Leopold center		
19	For agricultural research grants at Iowa state		
20	university under section 266.39B, and for not more		
21	than the following full-time equivalent positions:		
22	.....	\$	555,331
23	..... FTEs		12.29
24	e. For deposit in and the use of the livestock		
25	disease research fund under section 267.8, and for not		
26	more than the following full-time equivalent		
27	positions:		
28	.....	\$	276,186
29	..... FTEs		3.37
30	4. UNIVERSITY OF NORTHERN IOWA		
31	a. For salaries, support, maintenance, equipment,		
32	miscellaneous purposes, and for not more than the		
33	following full-time equivalent positions:		
34	.....	\$	65,852,919
35	..... FTEs		1,426.31
36	b. Recycling and reuse center:		
37	.....	\$	239,745
38	5. STATE SCHOOL FOR THE DEAF		
39	For salaries, support, maintenance, miscellaneous		
40	purposes, and for not more than the following full-		
41	time equivalent positions:		
42	.....	\$	6,151,492
43	..... FTEs		124.14
44	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
45	For salaries, support, maintenance, miscellaneous		
46	purposes, and for not more than the following full-		
47	time equivalent positions:		
48	\$	3,400,643
49 FTEs		84.83
50	7. TUITION AND TRANSPORTATION COSTS		

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1 For payment to local school boards for the tuition
 2 and transportation costs of students residing in the
 3 Iowa braille and sight saving school and the state
 4 school for the deaf pursuant to section 262.43 and for
 5 payment of certain clothing and transportation costs
 6 for students at these schools pursuant to section
 7 270.5:
 8 \$ 11,232

9 Sec. 10. Reallocations of sums received under
 10 section 9, subsections 2, 3, 4, 5, and 6, of this Act,
 11 including sums received for salaries, shall be
 12 reported on a quarterly basis to the co-chairpersons
 13 and ranking members of the legislative fiscal
 14 committee and the joint appropriations subcommittee on
 15 education.

16 Sec. 11. For the fiscal year beginning July 1,
 17 1994, and ending June 30, 1995, the state board of
 18 regents may use notes, bonds, or other evidences of
 19 indebtedness issued under section 262.48 to finance
 20 projects that will result in energy cost savings in an
 21 amount that will cause the state board to recover the
 22 cost of the projects within an average of six years.

23 Sec. 12. For the fiscal year beginning July 1,
 24 1994, and ending June 30, 1995, the department of
 25 human services shall continue the supplemental
 26 disproportionate share and a supplemental indirect
 27 medical education adjustment applicable to state-owned
 28 acute care hospitals with more than 500 beds and shall
 29 reimburse qualifying hospitals pursuant to that
 30 adjustment with a supplemental amount for services
 31 provided medical assistance recipients. The
 32 adjustment shall generate supplemental payments
 33 intended to equal the state appropriation made to a
 34 qualifying hospital for treatment of indigent patients
 35 as provided in chapter 255. To the extent of the
 36 supplemental payments, a qualifying hospital shall,
 37 after receipt of the funds, transfer to the department
 38 of human services an amount equal to the actual
 39 supplemental payments that were made in that month.
 40 The aggregate amounts for the fiscal year shall not
 41 exceed the state appropriation made to the qualifying
 42 hospital for treatment of indigent patients as
 43 provided in chapter 255. The department of human
 44 services shall deposit the portion of these funds
 45 equal to the state share in the department's medical
 46 assistance account and the balance shall be credited
 47 to the general fund of the state. To the extent that
 48 state funds appropriated to a qualifying hospital for
 49 the treatment of indigent patients as provided in
 50 chapter 255 have been transferred to the department of

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1 human services as a result of these supplemental
2 payments made to the qualifying hospital, the
3 department shall not, directly or indirectly, recoup
4 the supplemental payments made to a qualifying
5 hospital for any reason, unless an equivalent amount
6 of the funds transferred to the department of human
7 services by a qualifying hospital pursuant to this
8 provision is transferred to the qualifying hospital by
9 the department.

10 If the state supplemental amount allotted to the
11 state of Iowa for the federal fiscal year beginning
12 October 1, 1994, and ending September 30, 1995,
13 pursuant to section 1923 (f)(3) of the federal Social
14 Security Act, as amended, or pursuant to federal
15 payments for indirect medical education is greater
16 than the amount necessary to fund the federal share of
17 the supplemental payments specified in the preceding
18 paragraph, the department of human services shall
19 increase the supplemental disproportionate share or
20 supplemental indirect medical education adjustment by
21 the lesser of the amount necessary to utilize fully
22 the state supplemental amount or the amount of state
23 funds appropriated to the state university of Iowa
24 general education fund and allocated to the university
25 for the college of medicine. The state university of
26 Iowa shall transfer from the allocation for the
27 college of medicine to the department of human
28 services, on a monthly basis, an amount equal to the
29 additional supplemental payments made during the
30 previous month pursuant to this paragraph. A
31 qualifying hospital receiving supplemental payments
32 pursuant to this paragraph that are greater than the
33 state appropriation made to the qualifying hospital
34 for treatment of indigent patients as provided in
35 chapter 255 shall be obligated as a condition of its
36 participation in the medical assistance program to
37 transfer to the state university of Iowa general
38 education fund on a monthly basis an amount equal to
39 the funds transferred by the state university of Iowa
40 to the department of human services. To the extent
41 that state funds appropriated to the state university
42 of Iowa and allocated to the college of medicine have
43 been transferred to the department of human services
44 as a result of these supplemental payments made to the
45 qualifying hospital, the department shall not,
46 directly or indirectly, recoup these supplemental
47 payments made to a qualifying hospital for any reason,
48 unless an equivalent amount of the funds transferred
49 to the department of human services by the state
50 university of Iowa pursuant to this paragraph is

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1 transferred to the qualifying hospital by the
2 department.

3 Continuation of the supplemental disproportionate
4 share and supplemental indirect medical education
5 adjustment shall preserve the funds available to the
6 university hospital for medical and surgical treatment
7 of indigent patients as provided in chapter 255 and to
8 the state university of Iowa for educational purposes
9 at the same level as provided by the state funds
10 initially appropriated for that purpose.

11 The department of human services shall, in any
12 compilation of data or other report distributed to the
13 public concerning payments to providers under the
14 medical assistance program, set forth reimbursements
15 to a qualifying hospital through the supplemental
16 disproportionate share and supplemental indirect
17 medical education adjustment as a separate item and
18 shall not include such payments in the amounts
19 otherwise reported as the reimbursement to a
20 qualifying hospital for services to medical assistance
21 recipients.

22 For purposes of this section, "supplemental
23 payment" means a supplemental payment amount paid for
24 medical assistance to a hospital qualifying for that
25 payment under this section.

26 DEPARTMENT OF CULTURAL AFFAIRS

27 Sec. 13. There is appropriated from the general
28 fund of the state to the department of cultural
29 affairs for the fiscal year beginning July 1, 1994,
30 and ending June 30, 1995, the following amounts, or so
31 much thereof as is necessary, to be used for the
32 purposes designated:

33 1. ARTS DIVISION

34 For salaries, support, maintenance, miscellaneous
35 purposes, including funds to match federal grants, for
36 areawide arts and cultural service organizations that
37 meet the requirements of chapter 303C, and for not
38 more than the following full-time equivalent
39 positions:

40	\$	1,041,120
41	FTEs	10.00

42 2. HISTORICAL DIVISION

43 For salaries, support, maintenance, miscellaneous
44 purposes, and for not more than the following full-
45 time equivalent positions:

46	\$	2,206,506
47	FTEs	56.00

48 3. HISTORIC SITES

49 For salaries, support, maintenance, miscellaneous
50 purposes, and for not more than the following full—

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1	time equivalent positions:		
2	\$	223,674
3	FTEs	3.00
4	4. ADMINISTRATION		
5	For salaries, support, maintenance, miscellaneous		
6	purposes, and for not more than the following full-		
7	time equivalent positions:		
8	.....	\$	257,469
9	.....	FTEs	4.30
10	5. COMMUNITY CULTURAL GRANTS		
11	For planning and programming for the community		
12	cultural grants program established under section		
13	303.3, and for not more than the following full-time		
14	equivalent position:		
15	.....	\$	778,826
16	.....	FTEs	.70

17 From the moneys appropriated in this lettered
18 paragraph, \$76,200 for the fiscal year beginning July
19 1, 1994, and ending June 30, 1995, shall be expended
20 for the salary of the administrator of the historical
21 division of the department of cultural affairs, unless
22 the director of the department of cultural affairs
23 assumes the duties of the administrator of the
24 historical division as a result of a vacancy during
25 the fiscal year beginning July 1, 1994, and not more
26 than five percent of the moneys appropriated for
27 grants under this section for the fiscal year, with
28 the exception of funds in the amount of \$76,200, if
29 used to pay the salary of the administrator of the
30 historical division, shall be used for administrative
31 purposes. If the director of the department of
32 cultural affairs assumes the duties of the
33 administrator of the historical division during the
34 fiscal year beginning July 1, 1994, the moneys
35 allocated under this paragraph that would otherwise be
36 used for the administrator's salary shall be used for
37 purposes of the cultural enrichment grants program and
38 shall not be used to increase the salary of the
39 director.

40 Sec. 14. Notwithstanding section 8.33, funds
41 appropriated in 1993 Iowa Acts, chapter 179, section
42 6, subsection 2, remaining unencumbered or unobligated
43 on June 30, 1994, shall not revert to the general fund
44 of the state but shall be available for expenditure
45 for purposes of the higher education strategic
46 planning council during the fiscal year beginning July
47 1, 1994, and ending June 30, 1995.

48 Sec. 15. Notwithstanding sections 257B.1 and
49 257B.1A, for the fiscal year beginning July 1, 1994,
50 and ending June 30, 1995, the portion of the interest

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1 earned on the permanent school fund that is not
2 transferred to the credit of the first in the nation
3 in education foundation and not transferred to the
4 credit of the national center for gifted and talented
5 education shall be credited as a payment by the
6 historical division of the department of cultural
7 affairs of the principal and interest due on moneys
8 loaned to the historical division under section
9 303.18.

10 Sec. 16. Funds appropriated for state scholarships
11 pursuant to section 261.25, subsection 2, for the
12 fiscal year beginning July 1, 1994, and ending June
13 30, 1995, shall be used in their entirety to fund
14 scholarships to eligible students, and the college
15 student aid commission shall not place an across-the-
16 board ceiling on the amount distributed under the
17 state scholarship program.

18 Sec. 17. Section 256.52, subsection 3, paragraph
19 c, Code Supplement 1993, is amended to read as
20 follows:

21 c. Control all property of the division. The
22 state librarian may dispose of, through sale,
23 conveyance, or exchange, any library materials that
24 may be obsolete or worn out or that may no longer be
25 needed or appropriate to the mission of the state
26 library of Iowa. These materials may be sold by the
27 state library directly or the library may sell the
28 materials by consignment with an outside entity. A
29 state library fund is created in the state treasury.
30 Proceeds from the sale of the library materials shall
31 be remitted to the treasurer of state and credited to
32 the state library fund and shall be used for the
33 purchase of books and other library materials.
34 Notwithstanding section 8.33, any balance in the fund
35 on June 30 of any fiscal year shall not revert to the
36 general fund of the state.

37 Sec. 18. Section 261.25, subsection 1, Code
38 Supplement 1993, is amended to read as follows:

39 1. There is appropriated from the general fund of
40 the state to the commission for each fiscal year the
41 sum of ~~thirty-one~~ thirty-two million ~~five~~ four hundred
42 ~~twenty-three~~ twenty-two thousand ~~nine~~ three hundred
43 ~~thirty~~ sixty-two dollars for tuition grants.

44 Sec. 19. Section 261.25, subsection 3, Code
45 Supplement 1993, is amended to read as follows:

46 3. There is appropriated from the general fund of
47 the state to the commission for each fiscal year the
48 sum of one million ~~three~~ four hundred ~~eighty-five~~
49 twenty-four thousand seven hundred eighty dollars for
50 vocational-technical tuition grants.

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1 Sec. 20. Section 262.9, Code Supplement 1993, is
2 amended by adding the following new subsection:
3 **NEW SUBSECTION. 29.** Authorize the institutions of
4 higher learning under the board to charge an interest
5 rate, not to exceed the prime rate plus six percent,
6 on delinquent bills. However, the board shall
7 prohibit the institutions from charging interest on
8 late tuition payments and room and board payments if
9 financial aid payments to students enrolled in the
10 institutions are delayed by the lending institution.

11 **Sec. 21. NEW SECTION. 266.39D BEGINNING FARMER**
12 **CENTER.**

13 1. A beginning farmer center is established as a
14 part of the Iowa cooperative extension service in
15 agriculture and home economics at Iowa state
16 university of science and technology to assist
17 individuals beginning farming operations. The center
18 shall also assist in facilitating the transition of
19 farming operations from established farmers to
20 beginning farmers, including by matching purchasers
21 and sellers of agricultural land, creating and
22 maintaining an information base inventorying land and
23 facilities available for acquisition, and developing
24 models to increase the number of family farming
25 operations in this state. The objectives of the
26 beginning farmer center shall include, but are not
27 limited to, the following:

28 a. To provide the coordination of education
29 programs and services for beginning farmer efforts
30 statewide.

31 b. To assess needs of beginning farmers and
32 retiring farmers in order to identify program and
33 service opportunities.

34 c. To develop, coordinate, and deliver statewide
35 through the Iowa cooperative extension service in
36 agriculture and home economics, and other entities as
37 appropriate, targeted education to beginning farmers
38 and retiring farm families.

39 2. Programs and services provided by the beginning
40 farmer center shall include, but are not limited to,
41 the development of skills and knowledge in financial
42 management and planning, legal issues, tax laws,
43 technical production and management, leadership,
44 sustainable agriculture, human health, the
45 environment, and leadership.

46 3. The beginning farmer center shall submit to the
47 general assembly, annually on or before January 15, a
48 report that includes but is not limited to
49 recommendations for methods by which more individuals
50 may be encouraged to enter agriculture.

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1 Sec. 22. Section 283A.1, subsection 4, Code 1993,
2 is amended to read as follows:

3 4. "School breakfast or lunch program" means a
4 program under which breakfasts or lunches are served
5 by any public school in the state of Iowa on a
6 nonprofit basis to children in attendance, including
7 any such program under which a school receives
8 assistance out of funds appropriated by the Congress
9 of the United States.

10 Sec. 23. Section 283A.2, Code 1993, is amended to
11 read as follows:

12 283A.2 SCHOOL BOARDS — RULES LUNCH AND BREAKFAST
13 PROGRAMS.

14 1. School boards may operate or provide for the
15 operation of school lunch programs in schools under
16 their jurisdiction, and may use gifts, funds disbursed
17 to them under the provisions of this chapter, gifts,
18 funds received from sale of school breakfasts or
19 lunches under such programs, and any other funds
20 legally available for that the purpose of operating a
21 school breakfast or lunch program.

22 2. All school districts shall operate or provide
23 for the operation of school breakfast and lunch
24 programs at all public schools in each district. The
25 programs shall provide students with nutritionally
26 adequate meals and shall be operated in compliance
27 with the rules of the state board of education and
28 pertinent federal rules law and regulation, for all
29 students in each district who attend public school
30 four or more hours each school day and wish to
31 participate in a school breakfast or lunch program.
32 School districts may provide school lunch programs for
33 other students.

34 3. Effective July 1, 1999, all school districts
35 shall operate or provide for the operation of school
36 breakfast programs at all public schools in each
37 district. The programs shall provide students with
38 nutritionally adequate meals and shall be operated in
39 compliance with the rules of the state board of
40 education and pertinent federal law and regulation,
41 for all students in each district who attend public
42 school and who wish to participate in a school
43 breakfast program. A school or school district unable
44 to meet the requirement to provide a school breakfast
45 program may, not later than June 1, 1999, for the
46 school year beginning July 1, 1999, file a written
47 request to the department of education that the
48 department waive the requirement for that school or
49 school district. The written request shall include
50 the reason for which the waiver is being requested.

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1 The state board shall evaluate the application for
2 waiver, determine the validity of the reason for which
3 the waiver is being requested, and grant or deny the
4 application for waiver. The state board shall
5 establish criteria for determination of the validity
6 of reasons for waiver of the requirement that school
7 breakfast programs be operated at each school.
8 However, the state board shall not waive the school
9 breakfast program requirement for a school if thirty-
10 five percent or more of the students in attendance at
11 the school during the month of March 1999 were
12 eligible for free or reduced price meals under the
13 federal National School Lunch Act and the federal
14 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785.

15 Sec. 24. Section 283A.3, Code 1993, is amended to
16 read as follows:

17 283A.3 EXPENDITURE OF FEDERAL FUNDS.

18 The director of the department of education is
19 hereby authorized to shall accept and direct the
20 disbursement of funds appropriated by any Act of
21 Congress and appropriated to the state of Iowa for use
22 in connection with school breakfast or lunch programs.
23 The director shall deposit all such the funds with the
24 treasurer of the state of Iowa, who shall make
25 disbursements therefrom upon the direction of the
26 director.

27 Sec. 25. Section 283A.4, Code 1993, is amended to
28 read as follows:

29 283A.4 ADMINISTRATION OF PROGRAM.

30 The director of the department of education may
31 enter into such agreements with any agency of the
32 federal government, with any school board, or with any
33 other agency or person, prescribe such regulations
34 adopt rules, employ such personnel, and take such
35 other action as the director may deem necessary to
36 provide for the establishment, maintenance, operation,
37 and expansion of any school breakfast or lunch
38 program, and to direct the disbursement of federal and
39 state funds, in accordance with any applicable
40 provisions of federal or state law. The director may
41 give technical advice and assistance to any school
42 board in connection with the establishment and
43 operation of any school breakfast or lunch program and
44 may assist in training such personnel engaged in the
45 operation of such the program. The director of the
46 department of education and any school board may
47 accept any gift for use in connection with any school
48 breakfast or lunch program.

49 Sec. 26. Section 283A.5, Code 1993, is amended to
50 read as follows:

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1 283A.5 ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS.

2 The director of the department of education shall
3 ~~prescribe regulations~~ adopt rules for the keeping of
4 accounts and records and the making of reports by or
5 under the supervision of school boards. ~~Such~~ The
6 accounts and records shall at all times be available
7 for inspection and audit by authorized officials and
8 shall be preserved for such period of time, not in
9 excess of five years, as the director may lawfully
10 prescribe. The director shall conduct or cause to be
11 conducted such audits and inspections with respect to
12 school breakfast or lunch programs as may be necessary
13 to determine whether its agreement with school boards
14 and ~~regulations~~ made rules adopted pursuant to this
15 chapter are being complied with, and to insure that
16 school breakfast or lunch programs are effectively
17 administered and nutritionally adequate meals are
18 served.

19 Sec. 27. Section 283A.7, Code 1993, is amended to
20 read as follows:

21 283A.7 FEDERAL BENEFITS ACCEPTED.

22 The provisions of the Acts of Congress known as the
23 national school lunch federal National School Lunch
24 Act and the child nutrition federal Child Nutrition
25 Act of 1966, found in 42 U. S. Code U.S.C. § 1751 -
26 1785, and the benefit of all funds appropriated under
27 said the Acts, are hereby accepted by the state of
28 Iowa.

29 Sec. 28. Section 283A.8, Code 1993, is amended to
30 read as follows:

31 283A.8 USE OF SCHOOL LUNCH MEAL FACILITIES BY
32 SENIOR CITIZENS.

33 Boards of directors of school corporations may
34 authorize the use by senior citizen organizations of
35 school lunch meal facilities subject to reasonable
36 rules and regulations of the board. Such use shall
37 not interfere with the use of the facilities for
38 public school purposes. The board may charge for such
39 use an amount not to exceed the cost to the district.

40 Sec. 29. Section 283A.9, Code 1993, is amended to
41 read as follows:

42 283A.9 BUILDING FOR SCHOOL LUNCH MEAL FACILITY.

43 School districts may purchase, erect, or otherwise
44 acquire a building for use as a school lunch meal
45 facility, and equip a building for that use, and pay
46 for the acquisition or equipping from unencumbered
47 funds on hand in the schoolhouse fund, subject to the
48 terms of this section, or may pay for the facility or
49 equipment from the proceeds of the sale of school
50 property sold under section 297.22, or from surplus

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1 remaining in the schoolhouse fund after retirement of
2 a bond issue.

3 Sec. 30. Section 283A.10, Code 1993, is amended to
4 read as follows:

5 283A.10 SCHOOL BREAKFAST OR LUNCH IN NONPUBLIC
6 SCHOOLS.

7 The authorities in charge of nonpublic schools may
8 operate or provide for the operation of school
9 breakfast or lunch programs in schools under their
10 jurisdiction and may use funds appropriated to them by
11 the general assembly, gifts, funds received from sale
12 of school breakfasts or lunches under such programs,
13 and any other funds available to the nonpublic school.
14 However, school breakfast or lunch programs shall not
15 be required in nonpublic schools. The department of
16 education shall direct the disbursement of state funds
17 to nonpublic schools for school breakfast or lunch
18 programs in the same manner as state funds are
19 disbursed to public schools. If a nonpublic school
20 receives state funds for the operation of a school
21 breakfast or lunch program, meals served under the
22 program shall be nutritionally adequate meals, as
23 defined in section 283A.1.

24 Sec. 31. Section 294A.25, subsection 8, Code
25 Supplement 1993, is amended to read as follows:

26 8. For the fiscal year beginning July 1, 1993
27 1994, to the department of education from phase III
28 moneys the amount of seven hundred fifty thousand one
29 million dollars for support for the operations of the
30 new Iowa schools development corporation and for
31 school transformation design and implementation
32 projects administered by the corporation and the
33 amount of seven hundred fifty thousand dollars for
34 purposes specified in the math and science grant
35 program under section 256.36, which may include
36 support for the early mathematics prognostic testing
37 program at Iowa state university of science and
38 technology. However, the funds appropriated for
39 purposes specified in the math and science grant
40 program under section 256.36 are contingent on the
41 receipt of federal funding from the state systemic
42 initiative for improving mathematics and science
43 education grant. If federal funding from the state
44 systems initiative for improving mathematics and
45 science education is not received, the amount of two
46 hundred fifty thousand dollars shall be used, in
47 addition to any other appropriations, for the
48 operations of the new Iowa schools development
49 corporation and for school transformation design and
50 implementation projects administered by the

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1 corporation.

2 Sec. 32. FUNDS TRANSFERRED.

3 1. For the fiscal year beginning July 1, 1994, the
4 amount of fifty thousand dollars from additional funds
5 transferred from phase I to phase III is to be paid to
6 the department of education for support of the Iowa
7 mathematics and science coalition.

8 2. For the fiscal year beginning July 1, 1994, the
9 amount of one hundred fifty thousand dollars is to be
10 paid to the department of education from additional
11 funds transferred from phase I to phase III for
12 support of the school and community planning program.
13 Notwithstanding section 294A.20, if the additional
14 funds transferred from phase I to phase III are
15 insufficient for purposes of the appropriation
16 provided under this subsection, moneys allocated to
17 phase III, which would otherwise revert to the general
18 fund under section 294A.20, shall be transferred to
19 the department in an amount sufficient to fully fund
20 the appropriation made under this subsection. If
21 funds available from the specified sources are
22 insufficient to fully fund the appropriation, the
23 amount appropriated to the department under this
24 subsection shall be reduced to an amount equal to the
25 available funds.

26 Sec. 33. IMPLEMENTATION PLAN. The department of
27 cultural affairs shall develop an implementation plan
28 for the arts and cultural enhancement program, the
29 Iowa arts and cultural endowment account, and the
30 regional conferences and statewide caucus on arts and
31 cultural enhancement, under chapter 303C of the Iowa
32 Code. The department shall submit the implementation
33 plan to the standing committee on education and the
34 joint appropriations subcommittees on education of the
35 senate and the house of representatives by January 1,
36 1995.

37 Sec. 34. The amounts appropriated in sections 2
38 and 4 of this Act shall be reduced by any amount
39 appropriated to the GAAP deficit reduction account
40 established in section 8.57, subsection 2, which shall
41 be spent during the fiscal year beginning July 1,
42 1994, for the purposes for which moneys are
43 appropriated in sections 2 and 4 of this Act.

44 Sec. 35. REPEAL. Effective July 1, 2000, section
45 283A.2, subsection 3, as enacted in this Act, is
46 amended by striking the subsection.

47 Sec. 36. EFFECTIVE DATE. Section 283A.2,
48 subsection 2, as created and amended in this Act,
49 takes effect July 1, 2000.

50 Sec. 37. Sections 5, 6, and 14 of this Act, being

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1 deemed of immediate importance, take effect upon
2 enactment."

Daggett of Union offered the following amendment H—6204, to the Senate amendment H—6029, filed by him:

H—6204

1 Amend the Senate amendment, H—6029, to House File
2 2411, as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 2, line 41, by striking the figure
5 "1,433,500" and inserting the following: "1,457,000".

6 2. Page 2, by striking lines 42 through 45.

7 3. Page 3, line 20, by striking the figure
8 "6,160,833" and inserting the following: "6,137,333".

9 4. Page 3, line 46, by striking the figure
10 "99,070,486" and inserting the following:
11 "99,020,486".

12 5. By striking page 3, line 49 through page 4,
13 line 13, and inserting the-following:

14	"a. Merged Area I	\$ 4,655,995
15	b. Merged Area II	\$ 5,603,450
16	c. Merged Area III	\$ 5,303,361
17	d. Merged Area IV	\$ 2,498,578
18	e. Merged Area V	\$ 5,389,288
19	f. Merged Area VI	\$ 5,008,716
20	g. Merged Area VII	\$ 6,879,876
21	h. Merged Area IX	\$ 8,732,354
22	i. Merged Area X	\$ 13,559,285
23	j. Merged Area XI	\$ 14,514,295
24	k. Merged Area XII	\$ 5,681,099
25	l. Merged Area XIII	\$ 5,885,862
26	m. Merged Area XIV	\$ 2,604,048
27	n. Merged Area XV	\$ 8,139,290
28	o. Merged Area XVI	\$ 4,562,989".

29 6. Page 6, line 20, by striking the figure
30 "296,470" and inserting the following: "301,470".

31 7. Page 6, by inserting after line 21 the
32 following:

33 "From the moneys appropriated in this subsection,
34 \$5,000 for the fiscal year beginning July 1, 1994, and
35 ending June 30, 1995, shall be expended to fund the
36 Iowa community scholarship program, and shall not be
37 used to pay, supplement, or supplant the salaries of
38 the employees of the college student aid commission."

39 8. Page 9, line 7, by striking the figure
40 "184,110,721" and inserting the following:
41 "183,680,721".

42 9. Page 11, line 16, by striking the figure
43 "205,696" and inserting the following: "185,696".

- 44 10. Page 11, line 41, by striking the figure
 45 "146,760,798" and inserting the following:
 46 "146,400,798".
- 47 11. Page 12, line 34, by striking the figure
 48 "65,852,919" and inserting the following:
 49 "65,812,919".
- 50 12. Page 15, line 46, by striking the figure

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- 1 "2,206,506" and inserting the following: "2,282,706".
- 2 13. Page 16, line 15, by striking the figure
 3 "778,826" and inserting the following: "702,626".
- 4 14. Page 16, by striking lines 17 through 39.
- 5 15. Page 17, by inserting after line 17 the
 6 following:
 7 "Sec. _____. Section 256.7, Code Supplement 1993, is
 8 amended by adding the following new subsection:
 9 NEW SUBSECTION. 24. Adopt rules that require the
 10 board of directors of a school district to waive
 11 school fees for indigent families."
- 12 16. Page 23, by inserting after line 46 the
 13 following:
 14 "Sec. _____. REPEAL. Chapter 272D, Code 1993, is
 15 repealed on July 1, 1995."
- 16 17. By renumbering, relettering and redesignating
 17 as necessary.

Halvorson of Webster asked and received unanimous consent to defer action on amendment H-6207, to amendment H-6204, to the Senate amendment H-6209.

Daggett of Union asked and received unanimous consent to defer action on amendment H-6204, to the Senate amendment H-6209.

Shoultz of Black Hawk offered the following amendment H-6214, to the Senate amendment H-6029, filed by him and Harper, from the floor:

H-6214

- 1 Amend the amendment, H-6029, to House File 2411, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 17, by inserting before line 37 the
 5 following:
 6 "Sec. 101. NEW SECTION. 257.29A ASSISTED SCHOOL
 7 DISTRICTS.
 8 An assisted school district is a school district
 9 which has one or more school buildings in which
 10 kindergarten through grade three classes are taught
 11 and in which at least fifty percent of the pupils in
 12 kindergarten through grade three are eligible to
 13 receive free or reduced price lunches.

14 A school district shall determine whether it is an
15 assisted school district under this section for each
16 budget year and submit verification to the department
17 of education when it submits its enrollment count
18 under section 257.6. For each building that qualifies
19 under this section, an assisted school district shall
20 receive additional assistance payments equal to the
21 product of two hundred dollars and the total number of
22 pupils enrolled in that building for the budget year.
23 The total amount due each assisted school district
24 shall be paid to school districts in addition to the
25 state foundation aid payments for that school district
26 in the budget year in which the school district
27 qualified. Moneys received under this section are
28 miscellaneous income for the purposes of this chapter
29 and shall be used to enhance the instruction of this
30 pupils and for special training for teacher's aides in
31 kindergarten through grade three in eligible
32 buildings. Moneys received pursuant to this section
33 shall supplement other funds available for these
34 purposes and shall not be used to replace such funds.

35 The department of management shall deduct the total
36 amount to be paid to assisted school districts for a
37 budget year from the state foundation aid to be paid
38 to districts for the year following the budget year.
39 The amount of state foundation aid deducted from a
40 district under this section shall be based upon the
41 proportion that the district's budget enrollment for
42 that year bears to the budget enrollment of all
43 districts whose aid is reduced under this section.

44 A school district from which state foundation aid
45 has been deducted under this section, may replace the
46 moneys deducted with moneys from its cash reserve."

47 2. Page 23, line 50, by striking the word and
48 figure "and 14" and inserting the following: "14, and
49 101".

50 3. By renumbering as necessary.

Corbett of Linn rose on a point of order that amendment H—6214 was not germane, to the Senate amendment H—6029.

The Speaker ruled the point well taken and amendment H—6214 not germane, to the Senate amendment H—6029.

Shoultz of Black Hawk asked and received unanimous consent to suspend the rules to consider amendment H—6214.

Objection was raised.

Shoultz of Black moved to suspend the rules to consider amendment H—6214, to the Senate amendment H—6029.

Roll call was requested by Shoultz of Black Hawk and Harper of Black Hawk.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-6214, to the Senate amendment H-6029?" (H.F. 2411)

The ayes were, 47:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brammer	Brand
Burke	Cataldo	Cohoon	Connors
Doderer	Fallon	Fogarty	Gill
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Holveck	Jochum
Koenigs	Kreiman	Larkin	May
McCoy	McKinney	Mertz	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Ollie	Osterberg	Peterson
Renaud	Running	Schrader	Shoultz
Weigel	Wise	Witt	

The nays were, 52:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Metcalf
Meyer	Millage	Miller	Neuhauser
Plasier	Rafferty	Rants	Renken
Royer	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Welter	Mr. Speaker
			Van Maanen

Absent or not voting, 1:

Dickinson

The motion to suspend the rules lost.

Siegrist of Pottawattamie asked and received unanimous consent that House File 2411 be temporarily deferred.

(The Senate amendment H-6029 pending)

Unfinished Business Calendar

The House resumed consideration of **Senate File 196**, a bill for an act relating to the sales, services, and use tax in connection with

printing activities and providing effective and applicability dates, previously deferred and placed on the unfinished business calendar.

Iverson of Wright offered the following amendment H—6044 filed by the committee on ways and means and moved its adoption:

H—6044

1 Amend Senate File 196, 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 21, Code
6 Supplement 1993, is amended by striking the subsection
7 and inserting in lieu thereof the following:
8 21. The gross receipts from sales or rentals to a
9 printer or publisher of the following: acetate; anti-
10 halation backing; anti-static spray; base material
11 used as a carrier for light sensitive emulsions; blow-
12 ups; bronze powder; carbon tissue; color separations;
13 contacts; continuous tone separations; creative art;
14 custom dies and die cutting materials; dampening
15 solution; design and styling; diazo coating; dot
16 etching; dot etching solutions; drawings; driers;
17 duplicate films or prints; electronically digitized
18 images; electrotypes; end product of image modulation;
19 engravings; etch solutions; film; finished art or
20 final art; fix; fixative spray; flying pasters; foils;
21 goldenrod paper; gum; halftones; illustrations; ink;
22 ink paste; keylines; lasering images; layouts;
23 lettering; line negatives and positives; linotypes;
24 lithographic offset plates; magnesium and zinc
25 etchings; masking paper; masks; masters; mats; mat
26 service; metal toner; models, modeling; mylar;
27 negatives; nonoffset spray; opaque film process paper;
28 padding compound; paper stock; photographic materials:
29 acids, plastic film, desensitizer emulsion, exposure
30 chemicals, fix, developers, paper; photography, day
31 rate; photopolymer coating; photographs; photostats;
32 photo-display tape; phototypesetter materials; ph-
33 indicator sticks; positives; press pack; printing
34 cylinders; printing plates, all types; process
35 lettering; proof paper; proofs and proof processes,
36 all types; pumice powder; purchased author
37 alterations; purchased composition; purchased
38 phototypesetting; purchased stripping and paste-ups;
39 red litho tape; reducers; screen tints; sketches;
40 stepped plates; stereotypes; strip type; tints; tissue
41 overlays; toners; transparencies; tympan; typesetting;
42 typography; varnishes; veloxes; and any other items
43 used in a like capacity to any of the above enumerated
44 items by the printer or publisher to complete a

45 finished product for sale at retail. Expendable tools
 46 and supplies which are not enumerated in this
 47 subsection are excluded from the exemption."
 48 2. Title page, by striking lines 1 through 3 and
 49 inserting the following: "An Act relating to the
 50 sales, services, and use tax exemption for items used

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1 by printers and publishers."

The committee amendment H-6044 was adopted.

Iverson of Wright 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. 196)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, none.

Absent or not voting, 3:

Dickinson	Holveck	Lundby
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 196** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until he returns, on request by Haverland of Polk.

SENATE AMENDMENT CONSIDERED

Doderer of Johnson called up for consideration **House File 121**, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree, amended by the following Senate amendment H—6191:

H—6191

1 Amend House File 121, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 2 through 5 and
 4 inserting the following: "subparagraph (4), Code
 5 1993, is amended to read as follows:
 6 (4) The person is ~~six five~~ or more years older
 7 than the other participant."
 8 2. Page 1, by inserting before line 6 the
 9 following:
 10 "Sec. _____. Section 728.14, Code 1993, is amended
 11 to read as follows:
 12 728.14 COMMERCIAL FILM AND PHOTOGRAPHIC PRINT
 13 PROCESSOR REPORTS OF DEPICTIONS OF MINORS ENGAGED IN
 14 PROHIBITED SEXUAL ACTS.
 15 1. A commercial film and photographic print
 16 processor who has knowledge of or observes, within the
 17 scope of the processor's professional capacity or
 18 employment, a film, photograph, video tape, negative,
 19 or slide which depicts a minor whom the processor
 20 knows or reasonably should know to be under the age of
 21 eighteen, engaged in a prohibited sexual act or in the
 22 simulation of a prohibited sexual act, shall report
 23 the depiction to the county attorney immediately or as
 24 soon as possible as required in this section. The
 25 processor shall not report to the county attorney
 26 depictions involving mere nudity of the minor, but
 27 shall report depictions involving a prohibited sexual
 28 act. This section shall not be construed to require a

29 processor to review all films, photographs, video
30 tapes, negatives, or slides delivered to the processor
31 within the processor's professional capacity or
32 employment.

33 For purposes of this section, "prohibited sexual
34 act" means any of the following:

35 a. A sex act as defined in section 702.17.

36 b. An act of bestiality involving a minor.

37 c. Fondling or touching the pubes or genitals of a
38 minor for the purpose of arousing or satisfying the
39 sexual desires of a person who may view a depiction of
40 the act.

41 d. Fondling or touching the pubes or genitals of a
42 person by a minor for the purpose of arousing or
43 satisfying the sexual desires of a person who may view
44 a depiction of the act.

45 e. Sadomasochistic abuse of a minor for the
46 purpose of arousing or satisfying the sexual desires
47 of a person who may view a depiction of the abuse.

48 f. Sadomasochistic abuse of a person by a minor
49 for the purpose of arousing or satisfying the sexual
50 desires of a person who may view a depiction of the

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1 abuse.

2 2. A person who violates this section is guilty of
3 a simple misdemeanor."

4 3. Page 1, by striking lines 15 through 26.

5 4. By renumbering, relettering, or redesignating
6 and correcting internal references as necessary.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-6206, to the Senate amendment H-6191, filed by Doderer, et al. on April 14, 1994.

Doderer of Johnson offered the following amendment H-6218, to the Senate amendment H-6191, filed by her and Grubbs, from the floor and moved its adoption:

H-6218

1 Amend the Senate amendment, H-6191, to House File
2 121, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 10 through page 2,
5 line 3, and inserting the following:

6 "Sec. _____. Section 728.14, subsection 1, Code
7 1993, is amended by adding the following new
8 paragraph:

9 **NEW PARAGRAPH.** g. Nudity of a minor for the
10 purpose of arousing or satisfying the sexual desires
11 of a person who may view a depiction of the nude

12 minor." "

13 2. Page 2, by inserting after line 4 the
14 following:

15 "_____. Title page, line 3, by inserting after the
16 word "degree" the following: "and which constitute
17 failure of commercial film and photographic print
18 processors to report depictions of minors engaged in
19 prohibited sexual acts".

20 3. By renumbering as necessary.

Amendment H—6218 was adopted.

On motion by Grubbs of Scott, the House concurred in the Senate amendment H—6191, as amended.

Grubbs 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. 121)

The ayes were, 95:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Harper	Haverland
Henderson	Hester	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 5:

Dickinson	Gill	Hanson, D. R.	Holveck
Miller			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 121** be immediately messaged to the Senate.

Appropriations Calendar

The House resumed consideration of **Senate File 2033**, a bill for an act relating to appropriations from the general fund of the state by reducing specific appropriations previously made for the fiscal year beginning July 1, 1993, and ending June 30, 1994, and providing an effective date provision, previously deferred and placed on the unfinished business calendar.

Miller of Cherokee offered the following amendment H-5878, filed by the committee on appropriations:

H-5878

1 Amend Senate File 2033, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "DIVISION I - APPROPRIATION REDUCTIONS
 6 STATE DEPARTMENT OF TRANSPORTATION
 7 Section 1. 1993 Iowa Acts, chapter 169, section 8,
 8 subsection 1, paragraph a, is amended to read as
 9 follows:
 10 a. For providing assistance for the restoration,
 11 conservation, improvement, and construction of
 12 railroad main lines, branch lines, switching yards,
 13 and sidings as required in section 327H.18; for use by
 14 the railway finance authority as provided in chapter
 15 327I:
 16 \$ 2,110,553
 17 1,410,553
 18 COMMISSION OF VETERANS AFFAIRS
 19 Sec. _____. 1993 Iowa Acts, chapter 170, section 6,
 20 subsection 3, unnumbered paragraph 1, is amended to
 21 read as follows:
 22 For salaries, support, maintenance, and
 23 miscellaneous purposes and for not more than the
 24 following full-time equivalent positions:
 25 \$ 32,046,739
 26 31,657,739
 27 FTEs 689.54"
 28 2. Page 1, line 9, by striking the figure
 29 "334,758,555" and inserting the following:

30 "317,058,555".

31 3. Page 1, by inserting after line 22 the
32 following:

33 "DEPARTMENT OF EDUCATION

34 Sec. _____. 1993 Iowa Acts, chapter 180, section 19,
35 is amended to read as follows:

36 SEC. 19. EDUCATIONAL EXCELLENCE. For the fiscal
37 year beginning July 1, 1993, and ending June 30, 1994,
38 the appropriation made to the department of education
39 pursuant to section 294A.25, subsection 1, shall be
40 reduced by \$750,000 \$850,000.

41 UNANTICIPATED TAX REFUNDS

42 Sec. _____. Unless revenues credited in fiscal year
43 1993-1994 to the general fund of the state according
44 to generally accepted accounting principles exceed
45 \$3.899 billion, unanticipated tax refunds which relate
46 to the following court cases shall not be paid by the
47 state in fiscal year 1993-1994: Kraft General Foods
48 v. Iowa Department of Revenue and Finance, 112 S.Ct.
49 2365 (1992) and Phillips Petroleum v. Iowa Department
50 of Revenue and Finance, No. 440/92-1824 (Supreme Court

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1 of Iowa).

2 DIVISION II - SUPPLEMENTAL APPROPRIATIONS
3 COMMUNITY ECONOMIC BETTERMENT ACCOUNT

4 Sec. _____. There is appropriated from the general
5 fund of the state from revenues generated from tax
6 revenue anticipation notes and other available moneys
7 in the general fund to the department of economic
8 development fund for the fiscal year beginning July 1,
9 1993, and ending June 30, 1994, the following amount,
10 or so much thereof as is necessary, to be used for the
11 purpose designated:

12 For deposit in the community economic betterment
13 account of the strategic investment fund in addition
14 to moneys deposited in the fund pursuant to 1993 Iowa
15 Acts, chapter 167, section 1:

16 \$ 3,500,000

17 DEPARTMENT OF HUMAN SERVICES

18 Sec. _____. There is appropriated from the general
19 fund of the state to the department of human services
20 for the fiscal year beginning July 1, 1993, and ending
21 June 30, 1994, to supplement the appropriations made
22 in 1993 Iowa Acts, chapter 172, the following amounts,
23 or so much thereof as is necessary, to be used for the
24 purposes designated:

25 1. Family investment program, which was formerly
26 named aid to families with dependent children, in
27 section 1:

28 \$ 1,000,000

29	2. Medical contracts, in section 4:	
30	.....	\$ 300,000
31	3. State hospital-schools, in section 15:	
32	.....	\$ 250,000
33	The appropriation made in this subsection shall	
34	supplement the allocation made in section 15,	
35	subsection 1, paragraph "b", to the state hospital-	
36	school at Woodward and shall be used for workers'	
37	compensation claims.	
38	4. MI/MR/DD state cases, in section 19:	
39	.....	\$ 500,000
40	INDIGENT DEFENSE	
41	Sec. _____. There is appropriated from the general	
42	fund of the state to the office of the state public	
43	defender for the fiscal year beginning July 1, 1993,	
44	and ending June 30, 1994, to supplement the	
45	appropriation made in 1993 Iowa Acts, chapter 175,	
46	section 8, subsection 2, the following amount, or so	
47	much thereof as is necessary, to be used for the	
48	purpose designated:	
49	For court-appointed attorney fees for indigent	
50	adults and juveniles, notwithstanding section 232.141	

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1	and chapter 815:	
2	\$ 3,600,000"
3	4. Title page, line 2, by inserting after the	
4	word "appropriations" the following: "and	
5	supplementing appropriations".	

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2033** be deferred and that the bill retain its place on the **appropriations calendar**.

(The committee amendment H—5878 pending)

Unfinished Business Calendar

The House resumed consideration of **Senate File 2203**, a bill for an act relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services, previously deferred and placed on the unfinished business calendar.

Houser 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. 2203)

The ayes were, 98:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 2:

Dickinson Hanson, D. E.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2203** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2307**, a bill for an act relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances, previously deferred and placed on the unfinished business calendar.

Halvorson of Clayton offered the following amendment H—5611, filed by him and Doderer and moved its adoption:

H—5611

- 1 Amend Senate File 2307, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, by inserting after line 25 the
- 4 following:
- 5 "Section 1. NEW SECTION. 633.5 NONESTATE
- 6 PROPERTY — INSURANCE PROCEEDS.
- 7 A decedent's estate shall not include life
- 8 insurance proceeds, unless the proceeds are payable to
- 9 the decedent's estate.
- 10 Sec. _____. Section 633.197, Code 1993, is amended
- 11 by adding the following new unnumbered paragraph:
- 12 NEW UNNUMBERED PARAGRAPH. For purposes of this
- 13 section, the gross assets of the estate shall not
- 14 include life insurance proceeds, unless payable to the
- 15 decedent's estate."

Amendment H—5611 was adopted.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5612, filed by him on March 23, 1994.

McNeal of Hardin 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. 2307)

The ayes were, 98:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien

Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, none.

Absent or not voting, 2:

Dickinson Mertz

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2307** be immediately messaged to the Senate.

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2411**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date, previously deferred and the Senate amendment H—6029, pending.

The House resumed consideration of amendment H—6204, to the Senate amendment H—6029, previously deferred.

Brand of Benton asked and received unanimous consent to defer action on amendment H—6217, to amendment H—6204, to the Senate amendment H—6029.

Doderer of Johnson offered the following amendment H—6219, to amendment H—6204, to the Senate amendment H—6029 filed by Doderer, Bernau, Hammond, Neuhauser, Harper, Witt, Shoultz, Brand, Halvorson of Webster, Peterson, Mertz, and Beatty, from the floor:

H—6219

- 1 Amend the amendment, H—6204, to the Senate
- 2 amendment, H—6029, to House File 2411, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, by striking lines 9 through 49 and
- 5 inserting the following:

6 "_____. By striking page 3, line 46 through page
 7 12, line 16 and inserting the following:
 8\$ 99,070,487

9 The funds appropriated in this subsection shall be
 10 allocated as follows:

11	a. Merged Area I	\$	4,659,582
12	b. Merged Area II	\$	5,606,636
13	c. Merged Area III	\$	5,303,493
14	d. Merged Area IV	\$	2,498,401
15	e. Merged Area V	\$	5,392,060
16	f. Merged Area VI	\$	5,008,688
17	g. Merged Area VII	\$	6,885,567
18	h. Merged Area IX	\$	8,738,032
19	i. Merged Area X	\$	13,569,673
20	j. Merged Area XI	\$	14,516,116
21	k. Merged Area XII	\$	5,683,431
22	l. Merged Area XIII	\$	5,889,647
23	m. Merged Area XIV	\$	2,606,270
24	n. Merged Area XV	\$	8,146,973
25	o. Merged Area XVI	\$	4,565,920

26 Sec. _____. There is appropriated from the general
 27 fund of the state to the department of education for
 28 the fiscal year beginning July 1, 1995, and ending
 29 June 30, 1996, the following amounts, or so much
 30 thereof as is necessary, to be used for the purposes
 31 designated:

32 1. Notwithstanding chapter 260D for state
 33 financial aid, including general financial aid to
 34 merged areas in lieu of personal property tax
 35 replacement payments under section 427A.13, to merged
 36 areas to be accrued as income and used for
 37 expenditures incurred by the community colleges during
 38 the fiscal year beginning July 1, 1994, and ending
 39 June 30, 1995:

40\$ 16,450,231

41 The funds appropriated in this section shall be
 42 allocated as follows:

43	a. Merged Area I	\$	777,072
44	b. Merged Area II	\$	930,993
45	c. Merged Area III	\$	894,475
46	d. Merged Area IV	\$	423,103
47	e. Merged Area V	\$	897,586
48	f. Merged Area VI	\$	836,461
49	g. Merged Area VII	\$	1,152,178
50	h. Merged Area IX	\$	1,446,020

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1	i. Merged Area X	\$	2,232,424
2	j. Merged Area XI	\$	2,414,311
3	k. Merged Area XII	\$	948,649

4	l. Merged Area XIII.....	\$	974,188
5	m. Merged Area XIV.....	\$	431,773
6	n. Merged Area XV.....	\$	1,335,675
7	o. Merged Area XVI.....	\$	755,323

8 2. Funds appropriated by this section shall be
 9 allocated pursuant to this section and paid on or
 10 about August 15, 1995.

11 Sec. _____. Notwithstanding the appropriation
 12 provided in section 294A.25, subsection 1, there is
 13 appropriated from the general fund of the state to the
 14 department of education for the fiscal year beginning
 15 July 1, 1994, and ending June 30, 1995, the following
 16 amounts, or so much thereof as may be necessary, to be
 17 used for the purposes designated:

18 To supplement the appropriation in section 294A.25
 19 for phase II:
 20 \$ 535,755

21 Sec. _____. There is appropriated from the general
 22 fund of the state to the department of education for
 23 the fiscal year beginning July 1, 1995, and ending
 24 June 30, 1996, the following amount, or so much
 25 thereof as may be necessary, to be used for the
 26 purpose designated:

27 For expenditures incurred by school districts
 28 during the previous fiscal year for vocational
 29 education aid to secondary schools:
 30 \$ 3,308,850

31 Funds appropriated in this section shall be used
 32 for expenditures made by school districts to meet the
 33 standards set in sections 256.11, 258.4, and 260C.23
 34 as a result of the enactment of 1989 Iowa Acts,
 35 chapter 278. Funds shall be used as reimbursement for
 36 vocational education expenditures made by secondary
 37 schools in the manner provided by the department of
 38 education for implementation of the standards set in
 39 1989 Iowa Acts, chapter 278.

40 Sec. _____. 1993 Iowa Acts, chapter 179, section 1,
 41 subsection 5, unnumbered paragraph 2, is amended to
 42 read as follows:

43 The moneys appropriated by this subsection shall be
 44 reduced by \$50,000 if If an increase in the fees
 45 charged by the board of educational examiners does not
 46 result in an increase of at least \$50,000 in revenues
 47 to the board during the fiscal year beginning July 1,
 48 1993, the moneys appropriated by this subsection shall
 49 be reduced in an amount equal to the difference
 50 between the total amount of revenues resulting from

1 the fee increase and \$50,000.
 2 Sec. _____. 1993 Iowa Acts, chapter 180, section 62,

3 is amended to read as follows:

4 SEC. 62. IMAGES. There is appropriated from the
 5 general fund of the state to the department of
 6 education for the fiscal year beginning July 1, 1993,
 7 and ending June 30, 1994, the amount of \$60,000 to be
 8 allocated to Merged Area XI, to be used for the
 9 purposes of grants to students for the Iowa minority
 10 academic grants for economic success program under
 11 sections 261.101 through 261.105. Merged Area XI
 12 shall distribute that portion of the funds to a
 13 private institution of higher education cooperating
 14 with Merged Area XI, for purposes of the Iowa minority
 15 academic grants for economic success program, equal to
 16 the number of students who are enrolled and
 17 participating in the program at the private
 18 institution compared to the number of students who are
 19 enrolled and participating in the program at the two
 20 institutions.

21 COLLEGE STUDENT AID COMMISSION

22 Sec. _____. There is appropriated from the general
 23 fund of the state to the college student aid
 24 commission for the fiscal year beginning July 1, 1994,
 25 and ending June 30, 1995, the following amounts, or so
 26 much thereof as may be necessary, to be used for the
 27 purposes designated:

28 1. GENERAL ADMINISTRATION

29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:

32	\$	301,470
33	FTEs	7.05

34 From the moneys appropriated in this subsection,
 35 \$5,000 for the fiscal year beginning July 1, 1994, and
 36 ending June 30, 1995, shall be expended to fund the
 37 Iowa community scholarship program, and shall not be
 38 used to pay, supplement, or supplant the salaries of
 39 the employees of the college student aid commission.

40 The college student aid commission shall conduct a
 41 study, in cooperation with Palmer college of
 42 chiropractic, of the financial needs of Iowa resident
 43 chiropractic students and the demand for chiropractic
 44 health care practitioners in Iowa to determine the
 45 feasibility of establishing a chiropractic forgivable
 46 loan program modeled after the osteopathic forgivable
 47 loan program. The commission shall submit its
 48 findings to the general assembly by January 3, 1995.

49 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
50 SCIENCES

1 a. For forgivable loans to Iowa students attending

2 the university of osteopathic medicine and health
 3 sciences, under the forgivable loan program pursuant
 4 to section 261.19A:

5 \$ 379,260

6 b. For the university of osteopathic medicine and
 7 health sciences for an initiative in primary health
 8 care to direct primary care physicians to shortage
 9 areas in the state:

10 \$ 395,000

11 From the moneys appropriated in this lettered
 12 paragraph, at least \$272,500 for the fiscal year
 13 beginning July 1, 1994, and ending June 30, 1995,
 14 shall be dedicated to reducing the student loan debt
 15 for resident Iowa students in return for a fixed
 16 period of medical service in the state of Iowa. The
 17 university of osteopathic medicine and health sciences
 18 shall report quarterly to the legislative fiscal
 19 bureau concerning the expenditure of funds
 20 appropriated in this lettered paragraph.

21 3. STUDENT AID PROGRAMS

22 For payments to students for student aid programs:

23 \$ 1,469,790

24 From the moneys appropriated in this subsection,
 25 \$1,397,790 for the fiscal year beginning July 1, 1994,
 26 and ending June 30, 1995, shall be expended for an
 27 Iowa grant program, with funds to be allocated to
 28 institutions pursuant to section 261.93A. The
 29 remainder shall be allocated for the graduate student
 30 financial assistance program.

31 4. COMMUNITY SCHOLARSHIP PROGRAM

32 For funding the Iowa community scholarship program:

33 \$ 5,000

34 Moneys appropriated in this subsection shall not be
 35 used to pay, supplement, or supplant the salaries of
 36 employees of the college student aid commission.

37 Sec. _____. There is appropriated from the loan
 38 reserve account to the college student aid commission
 39 for the fiscal year beginning July 1, 1994, and ending
 40 June 30, 1995, the following amount, or so much
 41 thereof as may be necessary, to be used for the
 42 purposes designated:

43 For operating costs of the Stafford loan program
 44 including salaries, support, maintenance,
 45 miscellaneous purposes, and for not more than the
 46 following full-time equivalent positions:

47 \$ 4,748,061

48 FTEs 33.27

49 STATE BOARD OF REGENTS

50 Sec. _____. There is appropriated from the general

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1 fund of the state to the state board of regents for
 2 the fiscal year beginning July 1, 1994, and ending
 3 June 30, 1995, the following amounts, or so much
 4 thereof as may be necessary, to be used for the
 5 purposes designated:

6 1. OFFICE OF STATE BOARD OF REGENTS

7 a. For salaries, support, maintenance,
 8 miscellaneous purposes, and for not more than the
 9 following full-time equivalent positions:

10	\$	1,090,723
11	FTEs	15.63

12 If the moneys provided in this lettered paragraph
 13 are augmented by reimbursements from the institutions
 14 under the control of the state board of regents for
 15 the funding of the office of the state board of
 16 regents, the office shall report quarterly such
 17 reimbursements to the chairpersons and ranking members
 18 of the joint appropriations subcommittee on education.

19 The state board of regents shall conduct the
 20 following studies:

21 (1) A comparison of need-based and academic-based
 22 federal and state student financial aid programs to
 23 determine the trends and demands for state and federal
 24 financial aid programs.

25 (2) A study of the supply and the current and
 26 projected demand for state and federal student
 27 financial aid programs at the institutions of higher
 28 learning under the control of the state board of
 29 regents.

30 (3) A study to determine whether there is a need
 31 to increase funding of student financial aid programs
 32 to accommodate increasing numbers of nontraditional
 33 students in institutions of higher learning under the
 34 control of the state board of regents.

35 The state board of regents shall submit a report of
 36 its findings and recommendations to the general
 37 assembly by January 1, 1995. Included in the report
 38 shall be the state board of regents' anticipated plans
 39 for need-based and academic-based student financial
 40 aid programs.

41 b. For allocation by the state board of regents to
 42 the state university of Iowa, the Iowa state
 43 university of science and technology, and the
 44 university of northern Iowa to reimburse the
 45 institutions for deficiencies in their operating funds
 46 resulting from the pledging of tuitions, student fees
 47 and charges, and institutional income to finance the
 48 cost of providing academic and administrative
 49 buildings and facilities and utility services at the
 50 institutions:

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1 \$ 25,843,645
 2 The state board of regents, the department of
 3 management, and the legislative fiscal bureau shall
 4 cooperate to determine and agree upon, by November 15,
 5 1994, the amount that needs to be appropriated for
 6 tuition replacement for the fiscal year beginning July
 7 1, 1995.

8 c. For funds to be allocated to the southwest Iowa
 9 graduate studies center:
 10 \$ 68,165

11 d. For funds to be allocated to the siouxland
 12 interstate metropolitan planning council for the
 13 tristate graduate center under section 262.9,
 14 subsection 21:

15 \$ 67,750

16 e. For funds to be allocated to the quad-cities
 17 graduate studies center:
 18 \$ 144,104

19 2. STATE UNIVERSITY OF IOWA

20 a. General university, including lakeside
 21 laboratory

22 For salaries, support, maintenance, equipment,
 23 miscellaneous purposes, and for not more than the
 24 following full-time equivalent positions:

25 \$ 184,110,721
 26 FTEs 3,999.37

27 b. For the primary health care initiative in the
 28 college of medicine, and for not more than the
 29 following full-time equivalent positions:

30 \$ 660,000
 31 FTEs 5.60

32 From the moneys appropriated in this lettered
 33 paragraph, \$330,000 shall be allocated to the
 34 department of family practice at the state university
 35 of Iowa college of medicine for family practice
 36 faculty and support staff.

37 c. University hospitals

38 For salaries, support, maintenance, equipment, and
 39 miscellaneous purposes and for medical and surgical
 40 treatment of indigent patients as provided in chapter
 41 255, and for not more than the following full-time
 42 equivalent positions:

43 \$ 28,182,097
 44 FTEs 5,614.36

45 Funds appropriated in this lettered paragraph shall
 46 not be used to perform abortions except medically
 47 necessary abortions, and shall not be used to operate
 48 the early termination of pregnancy clinic except for
 49 the performance of medically necessary abortions. For
 50 the purpose of this lettered paragraph, an abortion is

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1 the purposeful interruption of pregnancy with the
2 intention other than to produce a live-born infant or
3 to remove a dead fetus, and a medically necessary
4 abortion is one performed under one of the following
5 conditions:

6 (1) The attending physician certifies that
7 continuing the pregnancy would endanger the life of
8 the pregnant woman.

9 (2) The attending physician certifies that the
10 fetus is physically deformed, mentally deficient, or
11 afflicted with a congenital illness.

12 (3) The pregnancy is the result of a rape which is
13 reported within 45 days of the incident to a law
14 enforcement agency or public or private health agency
15 which may include a family physician.

16 (4) The pregnancy is the result of incest which is
17 reported within 150 days of the incident to a law
18 enforcement agency or public or private health agency
19 which may include a family physician.

20 (5) The abortion is a spontaneous abortion,
21 commonly known as a miscarriage, wherein not all of
22 the products of conception are expelled.

23 The total quota allocated to the counties for
24 indigent patients for the fiscal year beginning July
25 1, 1994, shall not be lower than the total quota
26 allocated to the counties for the fiscal year
27 commencing July 1, 1993. The total quota shall be
28 allocated among the counties on the basis of the 1990
29 census pursuant to section 255.16.

30 d. Psychiatric hospital

31 For salaries, support, maintenance, equipment, and
32 miscellaneous purposes and for the care, treatment,
33 and maintenance of committed and voluntary public
34 patients, and for not more than the following full-
35 time equivalent positions:

36	\$	6,821,774
37	FTEs	302.28

38 e. Hospital-school

39 For salaries, support, maintenance, miscellaneous
40 purposes, and for not more than the following full-
41 time equivalent positions:

42	\$	5,479,934
43	FTEs	172.00

44 f. Oakdale campus

45 For salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-
47 time equivalent positions:

48	\$	2,767,936
49	FTEs	63.58

50 g. State hygienic laboratory

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1	For salaries, support, maintenance, miscellaneous		
2	purposes, and for not more than the following full-		
3	time equivalent positions:		
4	.....	\$	3,021,202
5	..... FTEs		100.69
6	h. Family practice program		
7	For allocation by the dean of the college of		
8	medicine, with approval of the advisory board, to		
9	qualified participants, to carry out chapter 148D for		
10	the family practice program, including salaries and		
11	support, and for not more than the following full-time		
12	equivalent positions:		
13	.....	\$	1,779,326
14	..... FTEs		153.74
15	i. Child health care services		
16	For specialized child health care services,		
17	including childhood cancer diagnostic and treatment		
18	network programs, rural comprehensive care for		
19	hemophilia patients, and Iowa high-risk infant follow-		
20	up program, including salaries and support, and for		
21	not more than the following full-time equivalent		
22	positions:		
23	.....	\$	422,671
24	..... FTEs		11.04
25	j. Agricultural health and safety programs		
26	For agricultural health and safety programs, and		
27	for not more than the following full-time equivalent		
28	positions:		
29	.....	\$	243,811
30	..... FTEs		3.48
31	k. Statewide tumor registry		
32	For the statewide tumor registry, and for not more		
33	than the following full-time equivalent positions:		
34	.....	\$	185,696
35	..... FTEs		3.07
36	l. Substance abuse consortium		
37	For funds to be allocated to the Iowa consortium		
38	for substance abuse research and evaluation, and for		
39	not more than the following full-time equivalent		
40	positions:		
41	.....	\$	60,889
42	..... FTEs		1.15
43	m. Center for biocatalysis		
44	For the center for biocatalysis, and for not more		
45	than the following full-time equivalent positions:		
46	.....	\$	1,280,078
47	..... FTEs		4.00
48	n. National advanced driving simulator		
49	For the national advanced driving simulator, and		
50	for not more than the following full-time equivalent		

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1 positions:

2 \$ 269,342

3 FTEs 4.40

4 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

5 a. General university

6 For salaries, support, maintenance, equipment,

7 miscellaneous purposes, and for not more than the

8 following full-time equivalent positions:

9 \$ 147,185,798

10 FTEs 3,556.28

11 From the moneys appropriated in this lettered

12 paragraph, \$25,000 for the fiscal year beginning July

13 1, 1994, and ending June 30, 1995, shall be expended

14 by the university to contract for services with the

15 department of public health, for purposes of granting

16 funds to a child farm safety program.

17 b. Agricultural experiment station

18 For salaries, support, maintenance, miscellaneous

19 purposes, and for not more than the following full-

20 time equivalent positions:

21 \$ 30,500,424

22 FTEs 515.95

23 From the moneys appropriated in this lettered

24 paragraph, for the fiscal year beginning July 1, 1994,

25 and ending June 30, 1995, \$100,000 shall be expended

26 to support a beginning farmer center as provided in

27 section 266.39D, as enacted in this Act.

28 c. Cooperative extension service in agriculture

29 and home economics

30 For salaries, support, maintenance, and

31 miscellaneous purposes, including salaries and support

32 for the fire service institute, and for not more than

33 the following full-time equivalent positions:

34 \$ 17,703,873".

35 2. By renumbering as necessary.

Millage of Scott in the chair at 3:55 p.m.

Doderer of Johnson moved the adoption of amendment H—6219, to amendment H—6204, to the Senate amendment H—6029.

Roll call was requested by Hammond of Story and Doderer of Johnson.

On the question "Shall amendment H—6219, to amendment H—6204, to the Senate amendment H—6019 be adopted?" (H.F. 2411)

The ayes were, 48:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brammer	Brand

Burke	Cataldo	Cohoon	Connors
Doderer	Fallon	Fogarty	Gill
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Holveck	Jochum
Koenigs	Kreiman	Larkin	May
McCoy	McKinney	Mertz	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Renaud	Running	Schrader
Shoultz	Weigel	Wise	Witt

The nays were, 51:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Metcalf
Meyer	Miller	Plasier	Rafferty
Rants	Renken	Royer	Siegrist
Spenner	Tyrrell	Vande Hoef	Van Maanen, Spkr.
Weidman	Welter	Millage, Presiding	

Absent or not voting, 1:

Dickinson

Amendment H—6219 lost.

The House resumed consideration of the following amendment H—6207, to amendment H—6204, to the Senate amendment H—6029, previously deferred, filed by Halvorson of Webster.

H—6207

- 1 Amend the amendment, H—6204, to the Senate
- 2 amendment, H—6029, to House File 2411, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, by inserting after line 38 the
- 5 following:
- 6 "_____. Page 7, line 42, by striking the figure
- 7 "1,090,723" and inserting the following: "790,723".
- 8 _____. Page 7, line 43, by striking the figure
- 9 "15.63" and inserting the following: "11.90".
- 10 _____. Page 7, by inserting after line 43 the
- 11 following:
- 12 "It is the intent of the general assembly that the
- 13 institutions under the control of the state board of
- 14 regents shall be prohibited from transferring
- 15 institution funds to the office of the state board or
- 16 otherwise augmenting the moneys provided in this
- 17 lettered paragraph." "

- 18 2. Page 1, line 46, by striking the figure
- 19 "146,400,798" and inserting the following:
- 20 "146,700,798"."
- 21 3. By renumbering as necessary.

Halvorson of Webster moved the adoption of amendment H-6207, to amendment H-6204, to the Senate amendment H-6029.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 50.

Amendment H-6207 lost.

Brand of Benton offered the following amendment H-6217, to amendment H-6204, to the Senate amendment H-6029, previously deferred, filed by him, from the floor and moved its adoption:

H-6217

- 1 Amend the amendment, H-6204, to the Senate
- 2 amendment, H-6029, to House File 2411, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, by inserting after line 41 the
- 5 following:
- 6 "_____. Page 9, by inserting after line 8 the
- 7 following:
- 8 "aa. For fire safety and deferred maintenance
- 9 projects with an emphasis on safety:
- 10 \$ 120,000".
- 11 2. Page 1, by inserting after line 46 the
- 12 following:
- 13 "_____. Page 11, by inserting after line 48 the
- 14 following:
- 15 "bb. For fire safety and deferred maintenance
- 16 projects with an emphasis on safety:
- 17 \$ 58,000".
- 18 3. Page 2, by inserting after line 11 the following:
- 19 "_____. Page 23, by inserting before line 47 the
- 20 following:
- 21 "Sec. _____. CONTINGENT EFFECTIVE DATE. Section 9,
- 22 subsection 2, paragraph "aa" and section 9, subsection 3,
- 23 paragraph "bb" take effective July 1, 1994, unless a bonding
- 24 Act or Resolution providing for \$2,000,000 for fire safety
- 25 and deferred maintenance projects at any of the institutions
- 26 of higher learning under the control of the state board of
- 27 regents is enacted or adopted by the Seventy-fifth General
- 28 Assembly during the 1994 Regular Session." "
- 29 4. By renumbering as necessary.

Roll call was requested by Brand of Benton and Hansen of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment H-6217, to amendment H-6204, to the Senate amendment H-6029 be adopted?" (H.F. 2411)

The ayes were, 47:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brammer	Brand
Burke	Cataldo	Cohoon	Connors
Doderer	Fallon	Fogarty	Gill
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Holveck	Jochum
Koenigs	Kreiman	Larkin	May
McCoy	McKinney	Mertz	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Renaud	Running	Schrader
Weigel	Wise	Witt	

The nays were, 51:

Beaman	Bloodgett	Boddicker	Branstad
Brauns	Brunckhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Metcalf
Meyer	Miller	Plasier	Rafferty
Rants	Renken	Royer	Siegrist
Spenner	Tyrrell	Vande Hoef	Van Maanen, Spkr.
Weidman	Welter	Millage, Presiding	

Absent or not voting, 2:

Dickinson Shultz

Amendment H-6217 lost.

Spenner of Henry in the chair at 4:52 p.m.

Daggett of Union moved the adoption of amendment H-6204, to the Senate amendment H-6029.

Roll call was requested by Hansen of Woodbury and Osterberg of Linn.

On the question "Shall amendment H—6204, to the Senate amendment H—6029 be adopted?" (H.F. 2411)

The ayes were, 51:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Cataldo
Churchill	Corbett	Daggett	Dinkla
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Henderson	Hester	Houser
Hurley	Kistler	Klemme	Larson
Lundby	Martin	McCoy	McNeal
Metcalf	Meyer	Miller	Plasier
Rafferty	Rants	Renken	Royer
Siegrist	Tyrrell	Vande Hoef	Van Maanen, Spkr.
Weidman	Welter	Spenner,	
		Presiding	

The nays were, 47:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brand	Burke
Cohoon	Connors	Doderer	Fallon
Fogarty	Garman	Gill	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Holveck	Iverson	Jochum	Koenigs
Kreiman	Larkin	May	McKinney
Mertz	Millage	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Renaud	Running	Schrader	Shoultz
Weigel	Wise	Witt	

Absent or not voting, 2:

Brammer Dickinson

Amendment H—6204 was adopted.

The House stood at ease at 5:05 p.m., until the fall of the gavel.

The House resumed session at 6:40 p.m., and consideration of **House File 2411**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date, and the Senate amendment H—6029, as amended, Spenner of Henry in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

On motion by Daggett of Union, the House concurred in the Senate amendment H—6029, as amended.

Daggett of Union 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2411)

The ayes were, 77:

Baker	Beaman	Bell	Black
Blodgett	Boddicker	Brammer	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Churchill	Corbett	Daggett	Dinkla
Doderer	Drake	Eddie	Ertl
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Kistler	Klemme	Koenigs
Larkin	Larson	Lundby	Martin
May	McNeal	Mertz	Metcalf
Meyer	Miller	Moreland	Mundie
Myers	Nelson	Neuhauser	O'Brien
Ollie	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Shoultz
Siegrist	Tyrrell	Vande Hoef	Van Maanen, Spkr.
Weidman	Weigel	Welter	Witt
Spenner, Presiding			

The nays were, 19:

Arnould	Beatty	Bernau	Brand
Cohoon	Fallon	Hammond	Harper
Iverson	Jochum	Kreiman	McKinney
Millage	Murphy	Osterberg	Peterson
Running	Schrader	Wise	

Absent or not voting, 4:

Cataldo	Connors	Dickinson	McCoy
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2411** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Greig of Emmet called up for consideration, **Senate File 2071**, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6192, to the House amendment as follows:

H-6192

- 1 Amend the House amendment, S-5635, to Senate File
- 2 2071, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 6, by striking the word "shall"
- 5 and inserting the following: "may".
- 6 2. Page 1, line 7, by inserting after the word
- 7 "commission" the following: "or disposed of".

The motion prevailed and the House concurred in the Senate amendment H-6192, to the House amendment.

Greig of Emmet 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. 2071)

The ayes were, 96:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Royer	Running
Schrader	Shoultz	Siegrist	Tyrrell

Vande Hoef	Van Maanen, Spkr.	Weidman	Weigel
Welter	Wise	Witt	Spenner, Presiding

The nays were, 1:

Renken

Absent or not voting, 3:

Beatty	Connors	Dickinson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2071** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of **Senate File 2322**.

Ways and Means Calendar

Senate File 2322, a bill for an act relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date, was taken up for consideration.

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. 2322)

The ayes were, 88:

Arnould	Baker	Beaman	Bell
Bernau	Black	Blodgett	Brammer
Brand	Branstad	Brauns	Burke
Carpenter	Cataldo	Churchill	Cohoon
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Gill	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Iverson	Jochum	Kistler	Koenigs
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage

Miller	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renaud	Renken	Royer
Running	Schrader	Shoultz	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, 8:

Boddicker	Brunkhorst	Garman	Grubbs
Hurley	Klemme	Kreiman	Siegrist

Absent or not voting, 4:

Beatty	Connors	Dickinson	Neuhauser
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2322** 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 15, 1994, adopted the conference committee report and passed House File 637, a bill for an act relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue, maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections.

Also: That the Senate has on April 15, 1994, 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 2146, a bill for an act relating to access to, and the possession of, alcoholic beverages, and subjecting violators to existing penalties.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 15, 1994, adopted the conference committee report and passed House File 2418, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 15, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2234, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education.

Also: That the Senate has on April 15, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2277, a bill for an act relating to social studies requirements in the schools.

JOHN F. DWYER, Secretary

Appropriations Calendar

Senate File 2223, a bill for an act relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Hansen of Woodbury offered the following amendment H—5718, filed by the committee on state government:

H—5718

1 Amend Senate File 2223, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 29 the follow-
4 ing:

5 "4. "Voter registration agency" means an agency
6 designated to conduct voter registration under section
7 48A.19. Offices of the driver services division of
8 the state department of transportation are not voter
9 registration agencies."

10 2. Page 1, line 30, by striking the figure "4"
11 and inserting the following: "5".

12 3. Page 4, by inserting after line 16 the
13 following:

14 "Sec. _____, NEW SECTION. 48A.5A DETERMINATION OF
15 RESIDENCE.

16 Residence shall be determined in accordance with
17 the following principles:

18 1. The residence of a person is in the precinct
19 where the person's home is located, from which the
20 person has no present intention of moving, and to
21 which the person intends to return when absent.

22 2. A person does not lose residence if the person
23 leaves the person's home to live temporarily in
24 another state or precinct.

25 3. A person does not acquire a residence in any
26 precinct of this state if the person is living there
27 only temporarily, without the intention of
28 establishing the person's home in that precinct.

29 4. If a person goes to another state or precinct
30 with the intent of establishing the person's home in
31 that state or precinct or files an affidavit of
32 residence in that state or precinct for election
33 purposes, the person loses residence in the former

34 state or precinct, unless the person moved to the
35 other state after that state's deadline for
36 registering to vote in a particular election.

37 5. If a person moves to another state with the
38 intention of living in that state for an indefinite
39 period, the person loses residence in this state,
40 notwithstanding the person's intention to return at
41 some indefinite future time.

42 6. The mere intention to acquire a new residence
43 is not sufficient to acquire a new residence unless
44 the person moves to that location. Moving to a new
45 location is not sufficient to acquire a new residence
46 unless the person intends to remain at the new
47 location.

48 7. The residence of a person who is working
49 temporarily in any precinct of this state is in the
50 precinct where the person's permanent home is located.

Page 2

1 8. A student who resides at or near the school the
2 student attends, but who is also able to claim a
3 residence at another location under the provisions of
4 this section, may choose either location as the
5 student's residence for voting purposes.

6 9. If an active member of the United States armed
7 forces, as defined by section 53.37, has previously
8 resided at a location that meets the requirements of
9 this section, that person may claim either the
10 previous or current residence as the person's
11 residence for voting purposes.

12 10. If a person owns real property and claims it
13 as a residence for the purposes of receiving a
14 homestead property tax credit or elderly and disabled
15 property tax credit or rent reimbursement, that
16 location shall be presumed to be that person's voting
17 residence.

18 11. If a person owns real property and does not
19 claim it as a residence for tax purposes, and usually
20 sleeps at another location, it is presumed that the
21 person's residence for voting purposes is that
22 location where that person usually sleeps.

23 12. The residence of a homeless person is in the
24 precinct where the homeless person usually sleeps.
25 Residence requirements shall be construed liberally to
26 provide homeless persons with the opportunity to
27 register to vote and to vote.

28 A person's declaration of residency for voting
29 purposes is presumed to be valid unless a
30 preponderance of evidence indicates that another
31 location should be considered the person's voting
32 residence under the provisions of this chapter.

33 If a person can claim no residence under the
 34 provisions of this chapter, the person's residence,
 35 for voting purposes only, is the place which the
 36 person declares is the person's home with the intent
 37 to remain there permanently or for a definite or
 38 indefinite or undeterminable length of time."

39 4. Page 4, line 34, by striking the word
 40 "drivers'" and inserting the following: "driver's".

41 5. Page 7, line 20, by inserting after the word
 42 "and" the following: "the information".

43 6. Page 9, line 13, by striking the figure
 44 "48A.8" and inserting the following: "48A.16".

45 7. Page 11, line 2, by striking the word
 46 "DRIVERS'" and inserting the following: "DRIVER'S".

47 8. Page 12, line 2, by striking the words "state
 48 funded" and inserting the following: "state-funded".

49 9. Page 12, line 10, by inserting after the word
 50 "rights" the following: "or its successor agency".

Page 3

1 10. Page 12, line 12, by inserting after the word
 2 "rights" the following: "or its successor agency".

3 11. Page 12, by striking lines 13 and 14.

4 12. Page 12, by striking lines 21 through 24 and
 5 inserting the following: "the United States armed
 6 forces recruiting offices."

7 13. Page 12, by inserting after line 24 the
 8 following:

9 "_____. Agencies designated to provide voter
 10 registration services shall provide the following
 11 services:

12 a. Distribution of a voter registration form
 13 either on paper or electronic medium.

14 b. Assistance to registrants in completing voter
 15 registration forms, unless the registrant refuses
 16 assistance.

17 c. Acceptance of completed voter registration
 18 forms for transmittal as required in section 48A.21."

19 14. Page 14, line 2, by striking the word
 20 "application".

21 15. Page 14, line 19, by striking the word
 22 "DRIVERS'" and inserting the following: "DRIVER'S".

23 16. Page 14, line 23, by striking the word
 24 "drivers'" and inserting the following: "driver's".

25 17. Page 14, line 25, by striking the word
 26 "drivers'" and inserting the following: "driver's".

27 18. Page 15, by inserting after line 19 the
 28 following:

29 "Sec. _____. NEW SECTION. 48A.25 COMPENSATION FOR
 30 ASSISTANCE IN COMPLETING REGISTRATION FORMS.

31 A person may pay, offer to pay, or accept

32 compensation for assisting others in completing voter
33 registration forms only if the compensation is based
34 solely on the time spent providing the assistance.
35 Paying, offering to pay, or receiving compensation
36 based on the number of registration forms completed,
37 or the party affiliations shown on completed
38 registration forms, or on any other performance
39 criteria, is a serious misdemeanor.

40 This section shall not apply to state and political
41 subdivision employees who are required to offer
42 assistance to clients as a part of their regular job
43 duties, and who shall not be granted additional
44 compensation for voter registration activities. A
45 person assisting another in completing a voter
46 registration form shall not complete any portion of
47 the form without the knowledge or consent of the
48 registrant."

49 19. Page 16, line 12, by striking the figure
50 "48A.27," and inserting the following: "48A.29,".

Page 4

1 20. Page 17, line 4, by striking the word
2 "drivers'" and inserting the following: "driver's".

3 21. Page 17, line 16, by striking the word
4 "notice" and inserting the following: "form".

5 22. Page 19, line 9, by striking the word "form"
6 and inserting the following: "card".

7 23. Page 19, by striking lines 34 and 35 and
8 inserting the following: "the notice required by
9 paragraph "c" shall include a statement that
10 registration in".

11 24. Page 21, line 9, by striking the word
12 "section" and inserting the following: "subsection".

13 25. Page 21, line 32, by inserting after the word
14 "notice" the following: "and return card".

15 26. Page 22, line 4, by striking the word "form"
16 and inserting the following: "card".

17 27. Page 22, line 15, by striking the words
18 "changed residence" and inserting the following:
19 "moved".

20 28. Page 23, line 12, by striking the word "an"
21 and inserting the following: "the primary or general
22 election and at least eleven days before any other".

23 29. Page 24, line 12, by inserting after the word
24 "court" the following: ", or the United States
25 attorney,".

26 30. Page 24, line 15, by inserting after the word
27 "law." the following: "The clerk of district court
28 shall send notice of a felony conviction to the state
29 registrar of voters. The registrar shall determine in
30 which county the felon is registered to vote, if any,

31 and shall notify the county commissioner of
32 registration for that county of the felony
33 conviction."

34 31. Page 24, line 20, by striking the figure
35 "48A.28" and inserting the following: "48A.29".

36 32. Page 25, by striking lines 23 and 24 and
37 inserting the following: "shall be kept by the voter
38 registration agency for twenty-two months after the
39 next general election after which time the agency may
40 destroy the records."

41 33. Page 26, line 9, by striking the figure
42 "48A.31" and inserting the following: "48A.32".

43 34. Page 26, line 19, by striking the word
44 "either".

45 35. Page 29, by striking lines 28 through 34, and
46 inserting the following:

47 "d. Files a challenge under section 48A.14 which
48 the challenger knows contains false information
49 pertaining to the reasons the registration is being
50 challenged.

Page 5

1 e. Willfully or knowingly intimidates or
2 threatens, or attempts to intimidate or threaten, any
3 person for registering to vote or attempting to
4 register to vote, or intimidates, threatens, or
5 coerces, or attempts to intimidate, threaten, or
6 coerce any person to register to vote or to attempt to
7 register to vote."

8 36. Page 30, by striking lines 4 through 10.

9 37. By striking page 30, line 32 through page 31,
10 line 1.

11 38. Page 35, by striking lines 3 through 9 and
12 inserting the following: "registration. If the
13 challenged voter's registration was canceled in the
14 same county where the person attempted to vote because
15 first class mail other than the registration receipt
16 mailed pursuant to section 48.3 was returned by the
17 postal service during the four years preceding the
18 election in progress, the person's ballot shall be
19 accepted for counting and the elector's registration
20 shall be reinstated."

21 39. By renumbering and correcting internal
22 references as necessary.

Spenner of Henry offered the following amendment H-6013, to the committee amendment H-5718, filed by him and moved its adoption:

H-6013

1 Amend the amendment, H-5718, to Senate File 2223,

2 as passed by the Senate, as follows:

3 1. Page 1, line 8, by inserting after the word
4 "transportation" the following: "and offices of the
5 job service division of the department of employment
6 services".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 50.

Amendment H—6013 lost.

Hanson of Delaware offered the following amendment H—6208, to the committee amendment H—5718, filed by Hanson of Delaware, et al., and moved its adoption:

H—6208

1 Amend the amendment, H—5718, to Senate File 2223,
2 as passed by the Senate, as follows:

3 1. By striking page 1, line 18 through page 2,
4 line 38, and inserting the following:

5 "1. The residence of a person is in the precinct
6 where the person's home or dwelling is located.

7 2. A residence for purposes of this chapter cannot
8 be established in a commercial or industrial building
9 that is not normally used for residential purposes
10 unless the building is used as a primary nighttime
11 residence.

12 3. A person does not lose residence if the person
13 leaves the person's home to reside temporarily in
14 another state or precinct.

15 4. If a person goes to another state or precinct
16 and files an affidavit of residence in that state or
17 precinct for election purposes, the person loses
18 residence in the former state or precinct, unless the
19 person moved to the other state after that state's
20 deadline for registering to vote in a particular
21 election.

22 5. A student who resides at or near the school the
23 student attends, but who is also able to claim a
24 residence at another location under the provisions of
25 this section, may choose either location as the
26 student's residence for voter registration and voting
27 purposes.

28 6. If an active member of the United States armed
29 forces, as defined by section 53.37, has previously
30 resided at a location that meets the requirements of
31 this section, that person may claim either that
32 previous residence or the person's current residence
33 as the person's residence for voter registration and

34 voting purposes.

35 7. Notwithstanding subsections 1 through 6, the
36 residence of a homeless person is in the precinct
37 where the homeless person usually sleeps. Residence
38 requirements shall be construed liberally to provide
39 homeless persons with the opportunity to register to
40 vote and to vote.

41 8. A person's declaration of residency for voter
42 registration and voting purposes is presumed to be
43 valid unless a preponderance of evidence indicates
44 that another location should be considered the
45 person's voting residence under the provisions of this
46 chapter."

Amendment H—6208 was adopted.

Beatty of Warren asked and received unanimous consent to withdraw amendment H—6133, to the committee amendment H—5718, filed by her on April 12, 1994.

Halvorson of Webster offered the following amendment H—6156, to the committee amendment H—5718, filed by him and moved its adoption:

H—6156

- 1 Amend the amendment, H—5718, to Senate File 2223,
- 2 as passed by the Senate as follows:
- 3 1. Page 3, by striking lines 3 through 6.
- 4 2. By renumbering as necessary.

Amendment H—6156 lost.

Hanson of Delaware offered the following amendment H—6000, to the committee amendment H—5718, filed by him and moved its adoption:

H—6000

- 1 Amend the amendment, H—5718, to Senate File 2223,
- 2 as passed by the Senate, as follows:
- 3 1. Page 3, line 7, by striking the words "after
- 4 line 24" and inserting the following: "before line
- 5 25".

Amendment H—6000 was adopted.

Churchill of Polk offered the following amendment H—6234, to the committee amendment H—5718, filed by him from the floor and moved its adoption:

H—6234

- 1 Amend the amendment, H—5718, to Senate File 2223,
- 2 as passed by the Senate, as follows:

- 3 1. Page 3, by inserting after line 39 the
 4 following:
 5 "This section shall not apply to state statutory
 6 political committees, as defined in section 43.111."

A non-record roll call was requested.

The ayes were 49, nays 44.

Amendment H—6234 was adopted.

On motion by Hanson of Delaware, the committee amendment H—5718, as amended, was adopted.

Beatty of Warren asked and received unanimous consent to withdraw amendment H—6173 filed by her on April 14, 1994.

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. 2223)

The ayes were, 70:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Blodgett	Brammer
Brand	Brauns	Burke	Carpenter
Cataldo	Cohon	Doderer	Fallon
Fogarty	Gill	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Hurley
Jochum	Kistler	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Metcalf	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rants	Renaud	Running	Schrader
Shoultz	Siegrist	Weigel	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 28:

Black	Boddicker	Branstad	Brunkhorst
Churchill	Corbett	Daggett	Dinkla
Drake	Eddie	Ertl	Garman
Grubbs	Houser	Iverson	Klemme
Mertz	Meyer	Millage	Miller
Rafferty	Renken	Royer	Spenner
Tyrrell	Vande Hoef	Weidman	Welter

Absent or not voting, 2:

Connors

Dickinson

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

INTRODUCTION OF BILLS

House File 2432, by committee on ways and means, a bill for an act relating to the withholding of state income taxes from certain wages and providing a retroactive applicability date.

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

Garman of Story in the chair at 8:15 p.m.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2223** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Metcalf of Polk called up for consideration **House File 2415**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates, amended by the following Senate amendment H-6069:

H-6069

1 Amend House File 2415, 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. There is appropriated from the general
6 fund of the state and other designated funds to the
7 department of economic development for the fiscal year
8 beginning July 1, 1994, and ending June 30, 1995, on
9 the condition that the department shall not use any
10 moneys appropriated under this Act for further
11 development or expansion of industrial site locator
12 programs until the industrial site locator program at
13 the university of northern Iowa is completed and fully
14 implemented and the department and the university have
15 reported to the general assembly on plans for
16 coordination and cooperation between the department
17 and the university, including access by the department
18 to the database and technology of the university
19 program, the following amounts, or so much thereof as

20 is necessary, to be used for the purposes designated:

21 1. ADMINISTRATIVE SERVICES DIVISION

22 a. General administration

23 For salaries, support, maintenance, miscellaneous
24 purposes, for providing that a business receiving
25 moneys from the department for the purpose of job
26 creation shall make available ten percent of the new
27 jobs created for qualified promise jobs program
28 participants, and for providing a written report to
29 the joint economic development appropriations
30 subcommittee and the legislative fiscal bureau not
31 later than January 15, 1995, regarding the structure
32 of or plans to implement an advertising sales program:

33 \$ 892,000

34 FTEs 22.00

35 The director shall coordinate efforts with the
36 workforce coordinator to implement the intent of the
37 general assembly regarding businesses receiving job
38 creation moneys and shall report to the joint economic
39 development appropriations subcommittee regarding the
40 number of jobs to be created by each business, the
41 number of qualified promise jobs participants applying
42 with the business, and the number of promise jobs
43 participants hired.

44 b. Primary research and computer center

45 For salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-
47 time equivalent positions:

48 \$ 326,000

49 FTEs 5.50

50 c. Film office

Page 2

1 For salaries, support, maintenance, miscellaneous
2 purposes, and for not more than the following full-
3 time equivalent positions:

4 \$ 182,000

5 FTEs 2.00

6 2. BUSINESS DEVELOPMENT DIVISION

7 a. Business development operations

8 For salaries, support, maintenance, miscellaneous
9 purposes, and for not more than the following full-
10 time equivalent positions:

11 \$ 3,000,000

12 FTEs 16.00

13 b. Small business programs

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions for the small business
17 program, the small business advisory council, targeted
18 small business program, business incubators, and for

19 deaf interpreters funded through the economic
 20 development deaf interpreters revolving fund
 21 established in section 15.108, subsection 7, paragraph
 22 "j":

23	\$	310,000
24	FTEs	5.50

25 The department shall report to the joint economic
 26 development appropriations subcommittee and the
 27 legislative fiscal bureau regarding the utilization of
 28 the deaf interpreters by January 15, 1995, and the
 29 department shall coordinate with the division of deaf
 30 services in the provision of deaf interpreter
 31 services.

32 c. Federal procurement office

33 For salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-
 35 time equivalent positions:

36	\$	98,000
37	FTEs	3.00

38 Notwithstanding section 8.33, moneys remaining
 39 unencumbered or unobligated on June 30, 1995, shall
 40 not revert and shall be available for expenditure
 41 during the fiscal year beginning July 1, 1995, for the
 42 same purposes.

43 d. Strategic investment fund

44 For deposit in the strategic investment fund for
 45 salaries, support, and for not more than the following
 46 full-time equivalent positions:

47	\$	4,587,000
48	FTEs	10.00

49 e. Targeted small business incubator

50 For transfer directly to the targeted small

Page 3

1 business incubator in Des Moines, for computer
 2 equipment and other equipment, for the fiscal year
 3 beginning July 1, 1994, and ending June 30, 1995:

4 For funding, with local matching funds, the 5 targeted small business incubator in Des Moines:		
6	\$	10,000

7 f. Insurance economic development

8 There is appropriated from moneys collected by the
 9 division of insurance in excess of the anticipated
 10 gross revenues under section 505.7, subsection 3, to
 11 the department for the fiscal year beginning July 1,
 12 1994, and ending June 30, 1995, the following amount,
 13 or so much thereof as is necessary, for insurance
 14 economic development and international insurance
 15 economic development:

16	\$	200,000
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17 3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

18 a. Community assistance

19 For salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-
21 time equivalent positions for administration of the
22 community economic preparedness program, the Iowa
23 community betterment program, and the city development
24 board:

25	\$	571,000
26	FTEs	7.50

27 b. Main street/rural main street program

28 For salaries and support for not more than the
29 following full-time equivalent positions:

30	\$	400,000
31	FTEs	3.00

32 Notwithstanding section 8.33, moneys committed to
33 grantees under contract from the general fund of the
34 state that remain unexpended on June 30 of the fiscal
35 year shall not revert to any fund but shall be
36 available for expenditure for purposes of the contract
37 during the succeeding fiscal year.

38 c. Rural development program

39 For salaries, support, maintenance, miscellaneous
40 purposes, for not more than the following full-time
41 equivalent positions for rural resource coordination,
42 rural community leadership, and the rural enterprise
43 fund:

44	\$	450,000
45	FTEs	4.50

46 There is also appropriated from the rural community
47 2000 program revolving fund established in section
48 15.287 to the rural development program for the
49 purposes of the program including the rural enterprise
50 fund and collaborative skills development training:

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1	\$	226,000
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2 Notwithstanding section 8.33, moneys committed to
3 grantees under contract from the general fund of the
4 state or through transfers from the Iowa community
5 development loan fund or from the rural community 2000
6 program revolving fund that remain unexpended at the
7 end of the fiscal year shall not revert but shall be
8 available for expenditure for purposes of the contract
9 during the succeeding fiscal year.

10 d. Community development block grant and HOME

11 For administration and related federal housing and
12 urban development grant administration for salaries,
13 support, maintenance, miscellaneous purposes, and for
14 not more than the following full-time equivalent
15 positions:

16	.....	\$	380,000
17	.....	FTEs	18.75
18	e. Councils of governments		
19	There is appropriated from the rural community 2000		
20	program revolving fund established in section 15.287		
21	to provide to Iowa's councils of governments funds for		
22	planning and technical assistance funds to assist		
23	local governments to develop community development		
24	strategies for addressing long-term and short-term		
25	community needs:		
26	.....	\$	178,000
27	4. INTERNATIONAL DIVISION		
28	a. International trade operations		
29	For conducting foreign trade missions on behalf of		
30	Iowa businesses, salaries, support, maintenance,		
31	miscellaneous purposes, for allocating \$100,000, or so		
32	much thereof as is necessary, to fund the United		
33	States midwest Japan conference, and for not more than		
34	the following full-time equivalent positions:		
35	.....	\$	776,000
36	.....	FTEs	7.00
37	b. Foreign trade offices		
38	For salaries, support, maintenance, miscellaneous		
39	purposes, and for not more than the following full-		
40	time equivalent positions:		
41	.....	\$	585,000
42	c. Export trade assistance program		
43	For export trade activities, including a program to		
44	encourage and increase participation in trade shows		
45	and trade missions by providing financial assistance		
46	to businesses for a percentage of their costs of		
47	participating in trade shows and trade missions, by		
48	providing for the lease/sublease of showcase space in		
49	existing world trade centers, by providing temporary		
50	office space for foreign buyers, international		

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1	prospects, and potential reverse investors, and by		
2	providing other promotional and assistance activities,		
3	provided that the department shall consult with the		
4	department of agriculture and land stewardship prior		
5	to allocating export trade assistance program moneys,		
6	including salaries and support for not more than the		
7	following full-time equivalent positions:		
8	.....	\$	317,000
9	.....	FTEs	0.25
10	d. Agricultural product advisory council		
11	For support, maintenance, and miscellaneous		
12	purposes:		
13	.....	\$	1,330
14	e. For transfer to the partner state program which		

15 the department may use to contract with private groups
 16 or organizations which are the most appropriate to
 17 administer this program and the groups and
 18 organizations participating in the program shall, to
 19 the fullest extent possible, provide the funds to
 20 match the appropriation made in this subsection of the
 21 funds transferred, and \$10,000 shall be used only to
 22 establish a partner state program with Vietnam:
 23 \$ 106,000

24 If the United States department of state denies the
 25 establishment of a partner state program with Vietnam,
 26 \$10,000 shall be allocated to the agriculture museum
 27 in Cambridge, Iowa.

28 f. For transfer to the Iowa peace institute for
 29 the purpose of continuing to expand conflict
 30 resolution and negotiation efforts in Iowa's schools
 31 and communities and reporting to the joint
 32 appropriations subcommittee on economic development by
 33 January 15, 1995, on all such activities undertaken:
 34 \$ 96,000

35 g. For transfer to the international development
 36 foundation for the purposes of the foundation and
 37 reporting to the joint appropriations subcommittee on
 38 economic development by January 15, 1995, regarding
 39 actual and planned expenditures for fiscal year 1995:
 40 \$ 265,000

41 Notwithstanding section 8.33, moneys that remain
 42 unexpended on June 30 of the fiscal year shall not
 43 revert to any fund but shall be available for
 44 expenditure for the purposes of the foundation during
 45 the succeeding fiscal year.

46 5. TOURISM DIVISION

47 a. Tourism operations
 48 For salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions, provided that the

Page 6

1 appropriation shall not be used for advertising
 2 placements for in-state and out-of-state tourism
 3 marketing:
 4 \$ 710,000
 5 FTEs 17.77

6 b. Tourism advertising
 7 For contracting exclusively for tourism advertising
 8 for in-state and out-of-state tourism marketing
 9 services, tourism promotion programs, electronic
 10 media, print media, and printed materials:
 11 \$ 2,437,000

12 The department shall not use the moneys
 13 appropriated in this lettered paragraph unless the

14 department develops public-private partnerships with
 15 Iowa businesses in the tourism industry, Iowa tour
 16 groups, Iowa tourism organizations, and political
 17 subdivisions in this state to assist in the
 18 development of advertising efforts. The department
 19 shall, to the fullest extent possible, develop
 20 cooperative efforts for advertising with contributions
 21 from other sources.

22 c. Welcome center program

23 To implement the recommendations of the statewide
 24 long-range plan for developing and operating welcome
 25 centers throughout the state, to allocate \$150,000 to
 26 the Northwood welcome center, and for planning for a
 27 welcome center at living history farms:

28 \$ 400,000

29 Notwithstanding section 8.33, moneys committed to
 30 grantees under contract that remain unexpended on June
 31 30 of the fiscal year shall not revert to any fund but
 32 shall be available for expenditure for purposes of the
 33 contract during the succeeding fiscal year.

34 6. WORKFORCE DEVELOPMENT DIVISION

35 a. Youth work force programs

36 For purposes of the conservation corps, including
 37 salary, support, maintenance, miscellaneous purposes,
 38 and for not more than the following full-time
 39 equivalent positions:

40 \$ 1,000,000
 41 FTEs 2.40

42 The department may combine for administrative and
 43 budget purposes the youth workforce conservation
 44 program and the Iowa corps program.

45 Notwithstanding section 8.33, moneys committed to
 46 grantees under contract that remain unexpended on June
 47 30 of the fiscal year shall not revert to any fund but
 48 shall be available for expenditure for purposes of the
 49 contract during the succeeding fiscal year.

50 b. Job retraining program

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1 To the community college job training fund created
 2 in section 260F.6, including salaries and support for
 3 not more than the following full-time equivalent
 4 positions:

5 \$ 327,000
 6 FTEs 1.30

7 There is appropriated from the rural community 2000
 8 program revolving fund established in section 15.287
 9 to the community college job training fund created in
 10 section 260F.6, subsection 1, \$125,000. It is the
 11 intent of the general assembly that up to \$100,000 of
 12 all funds appropriated to the program and some or all

13 of the full-time equivalent positions may be used for
14 the administration of the Iowa small business new jobs
15 training Act.

16 c. Workforce investment program

17 For purposes of the workforce investment program,
18 for a competitive grant program by the department in
19 consultation with the state job training coordinating
20 council for projects that increase Iowa's pool of
21 available labor via training and support services with
22 priority given to projects which serve displaced
23 homemakers or welfare recipients, including salaries
24 and support for not more than the following full-time
25 equivalent positions:

26	\$	476,000
27	FTEs	0.90

28 The department shall ensure that the workforce
29 investment program is coordinated with services
30 provided under the federal Job Training Partnership
31 Act and that welfare recipients receive priority for
32 services under both programs.

33 Notwithstanding section 8.33, moneys committed to
34 grantees under contract that remain unexpended at the
35 end of the fiscal year, shall not revert to any fund
36 but shall be available for expenditure for purposes of
37 the contract during the succeeding fiscal year.

38 d. Labor management councils

39 For salaries, support, maintenance, miscellaneous
40 purposes, and for not more than the following full-
41 time equivalent positions:

42	\$	114,000
43	FTEs	0.50

44 The department shall not use moneys appropriated in
45 this lettered paragraph for grants to grantees who do
46 not facilitate the active participation of labor as
47 members of labor management councils or who fail to
48 make a good faith effort to either schedule meetings
49 during nonworking hours or obtain voluntary agreements
50 with employers to allow employees time off to attend

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1 labor management council meetings with no loss of pay
2 or other benefits.

3 Notwithstanding section 8.33, moneys committed to
4 grantees under contract that remain unexpended on June
5 30 of the fiscal year shall not revert to any fund but
6 shall be available for expenditure for purposes of the
7 contract during the succeeding fiscal year.

8 Sec. 2. Notwithstanding section 15E.120,
9 subsections 5, 6, and 7, and section 15.287, there is
10 appropriated from the Iowa community development loan
11 fund from the moneys available during the fiscal year

12 beginning July 1, 1994, and ending June 30, 1995, to
 13 the department of economic development for the rural
 14 development program to be used by the department for
 15 the purposes of the program.

16 Sec. 3. Notwithstanding section 15.251, subsection
 17 2, there is appropriated from the job training fund
 18 created in the office of the treasurer of state to the
 19 department of economic development for the fiscal year
 20 beginning July 1, 1994, and ending June 30, 1995, the
 21 following amounts, or so much thereof as is necessary,
 22 to be used for the purposes designated:

23 1. For administration of chapter 260E, including
 24 salaries, support, maintenance, miscellaneous
 25 purposes, and for not more than the following full-
 26 time equivalent positions:

27	\$	150,000
28	FTEs	2.40

29 2. For the target alliance program:
 30 \$ 30,000

31 3. For the job retraining program under section
 32 260F.6:
 33 \$ 273,000

34 Sec. 4. There is appropriated from the general
 35 fund of the state to the Wallace technology transfer
 36 foundation for the fiscal year beginning July 1, 1994,
 37 and ending June 30, 1995, the following amount, or so
 38 much thereof as is necessary, to be used for the
 39 purposes designated:

40 For salaries, support, maintenance, and other
 41 operational purposes, for administering the industrial
 42 technology access program, for approving and
 43 submitting to the governor and general assembly not
 44 later than January 15 an annual report relating to
 45 performance goals of and efforts by the foundation to
 46 improve the modernization of industrial facilities,
 47 for funding the small business innovation research
 48 program, for funding activities as provided in section
 49 15E.158, for continuing, to the extent possible, the
 50 current allocation of apprenticeship funds to the

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1 community colleges for transferring \$50,000 of the
 2 funds appropriated in this section to the Iowa quality
 3 coalition for productivity enhancement projects, and
 4 for allocating \$350,000 to the industrial technology
 5 assistance program and for not more than the following
 6 full-time equivalent positions:

7	\$	2,600,000
8	FTEs	4.00

9 Sec. 5. There is appropriated from the general
 10 fund of the state to the Iowa seed capital corporation

11 fund established in section 15E.89, for not more than
12 the following full-time equivalent positions:

13	\$	853,000
14	FTEs	5.00

15 Sec. 6. There is appropriated from the general
16 fund of the state to the Iowa state university of
17 science and technology for the fiscal year beginning
18 July 1, 1994, and ending June 30, 1995, the following
19 amounts, or so much thereof as is necessary, to be
20 used for the purposes designated:

21 1. For funding and maintaining in their current
22 locations the existing small business development
23 centers, for establishing a new small business
24 development center, and for using \$38,000 or so much
25 thereof as is necessary for salary increases of up to
26 four percent for non-Iowa state university employees:
27

	\$	1,139,000
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28 2. For funding the institute for physical research
29 and technology:
30

	\$	3,900,000
--	----	-----------

31 Sec. 7. There is appropriated from the general
32 fund of the state to the state university of Iowa for
33 the fiscal year beginning July 1, 1994, and ending
34 June 30, 1995, the following amount, or so much
35 thereof as is necessary, to be used for the purpose
36 designated:

37 For funding the advanced drug development program
38 at the Oakdale research park:
39

	\$	491,389
--	----	---------

40 The board of regents shall submit a report on the
41 progress of regents institutions in meeting the
42 strategic plan for technology transfer and economic
43 development to the chairpersons of the joint
44 appropriations subcommittee on economic development,
45 the joint appropriations subcommittee on education,
46 the majority leader, and minority leader of the
47 senate, the majority and minority leaders of the house
48 of representatives, the secretary of the senate, the
49 chief clerk of the house of representatives, and the
50 legislative fiscal bureau by November 1, 1994.

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1 Sec. 8. Not later than July 1, 1995, the
2 department of economic development, with consultation
3 and input from the general assembly, and
4 representatives from business, labor, and education
5 shall study and present recommendations to the general
6 assembly which shall include but not be limited to the
7 privatization and decentralization of Iowa's economic
8 development efforts, the identification of areas
9 appropriate to statewide economic development efforts

10 and areas appropriate for regional economic
 11 development efforts, benchmark budgeting for statewide
 12 and regional efforts, the deregulation of economic
 13 development activities, and collaboration between
 14 public and private entities.

15 Sec. 9. 1993 Iowa Acts, chapter 167, section 3,
 16 subsection 3, is amended to read as follows:

17 3. For the workforce coordinator:
 18 \$ 73,000
 19 FTEs 1.00

20 Any funds allocated for salary and benefits for the
 21 workforce coordinator, and not expended on June 30,
 22 1994, shall not revert, notwithstanding section 8.33,
 23 but shall remain in the fund for expenditure for
 24 purposes of the fund during the succeeding year.

25 Sec. 10. There is appropriated from the general
 26 fund of the state to the Iowa finance authority for
 27 the fiscal year beginning July 1, 1994, and ending
 28 June 30, 1995, the following amount, or so much
 29 thereof as is necessary, to be used for the purpose
 30 designated:

31 For deposit in the housing improvement fund created
 32 in section 16.100 for purposes of the fund:
 33 \$ 500,000

34 Sec. 11. There is appropriated from the deaf
 35 interpreters revolving fund established in section
 36 15.108, subsection 7, paragraph "j", to the strategic
 37 investment fund for the fiscal year beginning July 1,
 38 1994, and ending June 30, 1995, the following amount:
 39 \$ 40,000

40 Sec. 12. RURAL COMMUNITY 2000 TRANSFER. Notwith-
 41 standing the provisions in section 15.287 or 16.100 or
 42 in other provision of law providing that moneys in the
 43 fund shall remain in the rural community 2000
 44 revolving fund of the state, \$40,000 of the moneys in
 45 the revolving fund which remain unencumbered on July
 46 1, 1993, shall be used to fund the Iowa members' cost
 47 share for the 1993 study phase of the Lewis and Clark
 48 rural water system and moneys deposited in the fund
 49 during the fiscal year beginning July 1, 1993, and
 50 ending June 30, 1994, shall be carried forward and be

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1 available for expenditure in the fiscal year beginning
 2 July 1, 1994, and ending June 30, 1995, in the same
 3 amount and for the same purpose as described in 1993
 4 Iowa Acts, chapter 180, section 66.

5 Sec. 13. Section 15.108, subsection 9, Code
 6 Supplement 1993, is amended by adding the following
 7 new paragraph:

8 NEW PARAGRAPH. f. Coordinate the sale of

9 advertising in state publications. Receipts from the
10 sale of advertising shall be retained by the
11 department and distributed to the agency responsible
12 for a publication in which advertising is offered.
13 However, the department of economic development shall
14 first retain sufficient receipts from the sale of
15 advertising to offset the costs of an advertising
16 sales position. Additionally, the department may
17 retain up to eight percent of the gross advertising
18 receipts to offset indirect costs incurred by the
19 department to support the activity. The department
20 shall report to the joint economic development
21 appropriations subcommittee and the legislative fiscal
22 bureau on the moneys received through the sale of
23 advertising and a detailed description of the
24 disposition of all moneys received.

25 Sec. 14. Section 15.318, Code 1993, is amended by
26 adding the following new subsection:

27 **NEW SUBSECTION. 16.** In cases where projects being
28 reviewed at the same time are given equivalent ratings
29 under subsections 1 through 15, preference in funding
30 shall be given to the project which is located in the
31 county which has the highest percentage of low-and-
32 moderate-income individuals. If the projects are
33 located in the same county, preference in funding
34 shall be given to the project which is located in the
35 city which has the highest percentage of low-and-
36 moderate-income individuals.

37 Sec. 15. Section 15E.81, Code 1993, is amended to
38 read as follows:

39 15E.81 TITLE.

40 This division may be cited as the "Iowa Product
41 Development Seed Capital Corporation Act".

42 Sec. 16. Section 15E.82, subsections 1, 2, and 5,
43 Code 1993, are amended to read as follows:

44 1. "Board" means the board of directors of the
45 Iowa product development seed capital corporation.

46 2. "Corporation" means the Iowa product
47 development seed capital corporation.

48 5. "President" means the president of the Iowa
49 product development seed capital corporation.

50 Sec. 17. Section 15E.83, Code 1993, is amended to

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1 read as follows:

2 15E.83 **PRODUCT DEVELOPMENT SEED CAPITAL**
3 **CORPORATION.**

4 1. There is created a corporate body called the
5 "Iowa product development seed capital corporation".
6 The corporation is a quasi-public instrumentality and
7 the exercise of the powers granted to the corporation

8 in this division is an essential governmental
9 function.

10 2. The corporation shall be governed by a board of
11 seven directors who shall serve a term of four years.
12 Each term shall begin and end as provided in section
13 69.19. No more than a simple majority of the members
14 of the board shall belong to the same political party
15 as provided in section 69.16. Each director shall
16 serve at the pleasure of the governor and shall be
17 appointed by the governor, subject to confirmation by
18 the senate pursuant to section 2.32. A director is
19 eligible for reappointment. A vacancy on the board of
20 directors shall be filled in the same manner as an
21 original appointment. For the initial appointments to
22 the board of directors, the governor shall appoint
23 three members whose terms shall commence upon
24 appointment and shall expire April 30, 1985, and four
25 members whose terms shall commence upon appointment
26 and shall expire April 30, 1987.

27 3. The board of directors shall annually elect one
28 member as chairperson and one member as secretary.
29 The board may elect other officers of the corporation
30 as necessary. Members shall be reimbursed for
31 necessary expenses incurred in the performance of
32 duties from funds appropriated to the Iowa department
33 of economic development corporation.

34 4. Each director of the corporation shall take an
35 oath of office and the record of each oath shall be
36 filed in the office of the secretary of state.

37 5. The corporation shall receive information and
38 cooperate with other agencies of the state and the
39 political subdivisions of the state.

40 6. The corporation shall be a part of the Iowa
41 department of economic development which shall provide
42 all staff and administrative assistance. The
43 corporation shall submit to the department for its
44 approval all plans, programs, initiatives and budgets.

45 Sec. 18. Section 15E.86, Code 1993, is amended to
46 read as follows:

47 15E.86 PRESIDENT.

48 The director of the department of economic
49 development board shall appoint employ a president of
50 the corporation who shall serve at the pleasure of the

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1 director board and shall receive the compensation
2 determined by the director board. The president is a
3 state employee. The president shall not be a member
4 of the board of directors. The president is the chief
5 administrative and operational officer of the
6 corporation and shall direct and supervise the

7 administrative affairs and the general management of
 8 the corporation subject to the direction and oversight
 9 of the director board. The president may employ other
 10 employees as designated by the board. The president
 11 shall provide copies of all minutes, documents, and
 12 other records of the corporation and shall provide a
 13 certificate which attests to truthfulness of the
 14 copies, if requested. Persons dealing with the
 15 corporation may rely upon the certificates. The
 16 president shall keep a record of all proceedings,
 17 documents, and papers filed with the corporation.

18 Sec. 19. Section 15E.87, subsection 1, Code 1993,
 19 is amended to read as follows:

20 1. To have perpetual succession as a corporate
 21 body and to adopt bylaws, policies, and procedures for
 22 the regulation of its affairs and conduct of its
 23 business consistent with the purposes of this
 24 division.

25 Sec. 20. Section 15E.87, subsection 4, Code 1993,
 26 is amended by striking the subsection.

27 Sec. 21. Section 15E.87, subsection 7, Code 1993,
 28 is amended to read as follows:

29 7. To employ assistants, agents, and other
 30 employees who shall be state employees and to engage
 31 consultants, attorneys, and appraisers as necessary or
 32 desirable to carry out the purposes of the
 33 corporation.

34 Sec. 22. Section 15E.88, Code 1993, is amended to
 35 read as follows:

36 15E.88 APPLICATIONS FOR FINANCIAL AID.

37 1. Applications for financial aid shall be
 38 forwarded, together with an application fee prescribed
 39 by the corporation, to the president of the
 40 corporation. The president, after preparing the
 41 necessary records for the corporation, shall forward
 42 each application to the staff of the corporation, for
 43 an investigation and report concerning the
 44 advisability of approving the financial aid for the
 45 company and concerning any other factors found
 46 relevant by the corporation. The investigation and
 47 report shall include but are not limited to the
 48 following:

49 a. The history of the applicant, its wage
 50 standards, job opportunities, and stability of

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1 employment.

2 b. The extent of the applicant's dependence on
 3 agriculture.

4 c. The applicant's past, present, and future
 5 financial condition and structure.

6 d. The applicant's pro-forma income statements.
7 e. The present and future market prospects for the
8 product.

9 f. The feasibility of the proposed project or
10 invention to be given financial aid and the integrity
11 of management.

12 g. The state of the project's development.
13 2. After receipt and consideration of the report
14 and any other action the corporation finds necessary,
15 the corporation shall approve or deny the application.
16 The president shall promptly notify an applicant by
17 certified mail of the disposition of its application.
18 The corporation shall give priority to those
19 applicants whose business is agriculture related or
20 whose business is located in an area which the
21 corporation determines has been severely adversely
22 affected by depressed agricultural prices and whose
23 proposed product or invention is to be used to convert
24 all or a portion of the business to nonagriculture-
25 related industrial or commercial activity or to create
26 a new nonagriculture-related industrial or commercial
27 business.

28 1. Applications for financial aid shall be
29 received and considered by the corporation pursuant to
30 rules adopted by the board pursuant to chapter 17A.

31 3 2. Notwithstanding the requirements of chapter
32 21, relating to open meetings, and chapter 22,
33 relating to examination of public records, the
34 corporation shall keep as confidential those items on
35 the application for financial aid that the applicant
36 has specifically requested to be held in confidence.
37 These items shall remain confidential until the
38 applicant says otherwise or the corporation determines
39 the items no longer need to be held confidential.

40 Sec. 23. Section 15E.89, Code Supplement 1993, is
41 amended to read as follows:

42 15E.89 IOWA PRODUCT DEVELOPMENT SEED CAPITAL
43 CORPORATION FUND.

44 1. There is created an "Iowa product development
45 seed capital corporation fund". All funds of the
46 corporation including the proceeds from the issuance
47 of notes or sale of bonds under this division, any
48 funds appropriated to the corporation, and income
49 derived from other sources from the exercise of powers
50 granted to the corporation under this division shall

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1 be paid into the Iowa product development seed capital
2 corporation fund notwithstanding section 12.10. The
3 money in the Iowa product development seed capital
4 corporation fund, except moneys held by a trustee or a

5 depository pursuant to a bond resolution or indenture
6 relating to the issuance of bonds or notes pursuant to
7 section 15E.90 or 15E.91, shall be paid out on the
8 order of the person authorized by the corporation.
9 The money in the Iowa product development seed capital
10 corporation fund shall be used for repayment of notes
11 and bonds issued under this division and the extension
12 of financial aid granted by the corporation under this
13 division, and the amount remaining may be used for the
14 payment of the administrative and overhead costs of
15 the corporation to the extent required. There is also
16 created in the Iowa product development corporation
17 fund an Iowa technology assistance program account,
18 which shall provide seed capital for the
19 commercialization of products, or the development of
20 processes or materials through research at Iowa
21 colleges and universities or by private industry.

22 2. Notwithstanding section 8.33, no part of the
23 Iowa product development corporation this fund shall
24 revert at or after the close of a fiscal year unless
25 otherwise provided by the general assembly, but shall
26 remain in the fund and appropriated for the purposes
27 of this division. The board shall seek to repay the
28 state for appropriations by recommending to the
29 general assembly reversions from income received from
30 successful ventures. The board shall recommend such
31 action at any time when the revenue available to the
32 board is deemed sufficient to continue existing
33 operations.

34 3. Upon dissolution of the corporation, all
35 remaining moneys in the Iowa seed capital corporation
36 fund, as well as the net proceeds realized by the
37 corporation through the liquidation of the assets of
38 the corporation, shall revert to the state.

39 Sec. 24. Section 15E.90, Code 1993, is amended to
40 read as follows:

41 15E.90 PRODUCT DEVELOPMENT SEED CAPITAL
42 CORPORATION FUND NOTES.

43 The corporation may issue Iowa product development
44 seed capital corporation fund notes, the principal and
45 interest of which shall be payable solely from the
46 Iowa product development seed capital corporation fund
47 established by this division. The fund notes of each
48 issue shall be dated, shall mature at such times and
49 may be made redeemable before maturity, at prices and
50 under terms and conditions as determined by the

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1 corporation. The corporation shall determine the form
2 and manner of execution of the fund notes, including
3 any interest coupons to be attached, and shall fix the

4 denominations and the places of payment of principal
5 and interest, which may be any financial institution
6 within or without the state or any agent, including
7 the lender. If an officer whose signature or a
8 facsimile of whose signature appears on fund notes or
9 coupons ceases to be that officer before the delivery
10 of the notes or coupons, the signature or facsimile is
11 valid and sufficient for all purposes the same as if
12 the officer had remained in office until delivery.
13 The fund notes may be issued in coupon or in
14 registered form, or both, as the corporation
15 determines, and provision may be made for the
16 registration of coupon fund notes as to principal
17 alone and also as to both principal and interest, and
18 for the conversion into coupon fund notes of any fund
19 notes registered as to both principal and interest,
20 and for the interchange of registered and coupon fund
21 notes. Fund notes shall bear interest at rates as
22 determined by the corporation and may be sold in a
23 manner, either at public or private sale, and for a
24 price as the corporation determines to be best to
25 effectuate the purposes of the Iowa product
26 development seed capital corporation fund. The
27 proceeds of fund notes shall be used solely for the
28 purposes for which issued and shall be disbursed in a
29 manner and under restrictions as provided in this
30 division and in the resolution of the corporation
31 providing for their issuance. The corporation may
32 provide for the replacement of fund notes which become
33 mutilated or are destroyed or lost.

34 Sec. 25. Section 15E.92, Code Supplement 1993, is
35 amended to read as follows:

36 15E.92 REPORTING AND FUND SOLVENCY.

37 The chairperson of the corporation on or before
38 December 31 of each fiscal year shall make and deliver
39 a report to the governor and the legislative fiscal
40 committee. The report shall include all transactions
41 conducted by the corporation in the preceding fiscal
42 year. The report shall also include a balance sheet
43 outlining the financial solvency of the Iowa product
44 development seed capital corporation fund, a certified
45 copy of any audits of the corporation conducted in the
46 preceding fiscal year, and other information requested
47 by the governor or the legislative fiscal committee.

48 Sec. 26. Section 15E.152, Code Supplement 1993, is
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 7. Establishment of a seed

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1 capital fund which shall be administered by the board
2 to provide seed capital for the commercialization of

3 product, or the development of processes or materials
4 through research at Iowa colleges and universities or
5 by private industry.

6 Sec. 27. Section 15E.158, subsection 1, Code 1993,
7 is amended by adding the following new paragraph:
8 NEW PARAGRAPH. h. For high technology apprentice-
9 ship programs at community colleges.

10 Sec. 28. Section 364.17, subsection 5, Code 1993,
11 is amended to read as follows:

12 5. Cities may establish reasonable fees for
13 inspection and enforcement procedures. Cities may
14 also assess additional fees for inspection and
15 enforcement procedures, if the additional fees are
16 deposited into a housing trust fund as defined in
17 section 384.6A.

18 Sec. 29. NEW SECTION. 384.6A HOUSING TRUST FUND.

19 A city may establish a housing trust fund which may
20 accept funds provided by ordinance appropriation,
21 gift, or other source.

22 For purposes of this section, "housing trust fund"
23 means a revolving fund established by a city through
24 ordinance for the purpose of meeting the housing needs
25 of low or moderate income families. For purposes of
26 this section, "low or moderate income families" means
27 as defined in section 16.1 or as defined by a
28 comprehensive housing affordability strategy conducted
29 by the city to comply with the federal Cranston-
30 Gonzales National Affordable Housing Act of 1990, Pub.
31 L. No. 101-625. Housing trust fund moneys may be used
32 for any of the purposes described in section 16.100 or
33 for other types of programs to meet needs identified
34 by the comprehensive housing affordability strategy.
35 All moneys in the fund, appropriated or dedicated to
36 the fund, and interest or earnings on moneys in the
37 fund shall be used solely for these purposes.

38 Sec. 30. Section 422.5, subsection 1, paragraph j,
39 Code 1993, is amended by adding the following new
40 unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the
42 taxable income of a resident shareholder in a
43 corporation which has in effect for the tax year an
44 election under subchapter S of the Internal Revenue
45 Code and carries on business within and without the
46 state may be computed by reducing the amount
47 determined pursuant to paragraphs "a" through "i" by
48 the amounts of nonrefundable credits under this
49 division and by multiplying this resulting amount by a
50 fraction of which the resident's net income allocated

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1 to Iowa, as determined in section 422.8, subsection 2,
2 paragraph "b", is the numerator and the resident's
3 total net income computed under section 422.7 is the
4 denominator. This provision also applies to
5 individuals who are residents of Iowa for less than
6 the entire tax year.

7 Sec. 31. Section 422.5, subsection 1, paragraph k,
8 unnumbered paragraph 4, Code 1993, is amended to read
9 as follows:

10 In the case of a resident, including a resident
11 estate or trust, the state's apportioned share of the
12 state alternative minimum tax is one hundred percent
13 of the state alternative minimum tax computed in this
14 subsection. In the case of a resident or part year
15 resident shareholder in a corporation which has in
16 effect for the tax year an election under subchapter S
17 of the Internal Revenue Code and carries on business
18 within and without the state, nonresident, including a
19 nonresident estate or trust, or an individual, estate,
20 or trust that is domiciled in the state for less than
21 the entire tax year, the state's apportioned share of
22 the state alternative minimum tax is the amount of tax
23 computed under this subsection, reduced by the
24 applicable credits in sections 422.10 through 422.12
25 and this result multiplied by a fraction with a
26 numerator of the sum of state net income allocated to
27 Iowa as determined in section 422.8, subsection 2,
28 paragraph "a" or "b" as applicable, plus tax
29 preference items, adjustments, and losses under
30 subparagraph (1) attributable to Iowa and with a
31 denominator of the sum of total net income computed
32 under section 422.7 plus all tax preference items,
33 adjustments, and losses under subparagraph (1). In
34 computing this fraction, those items excludable under
35 subparagraph (1) shall not be used in computing the
36 tax preference items. Married taxpayers electing to
37 file separate returns or separately on a combined
38 return must allocate the minimum tax computed in this
39 subsection in the proportion that each spouse's
40 respective preference items, adjustments, and losses
41 under subparagraph (1) bear to the combined preference
42 items, adjustments, and losses under subparagraph (1)
43 of both spouses.

44 Sec. 32. Section 422.7, Code Supplement 1993, is
45 amended by adding the following new subsection:

46 NEW SUBSECTION. 29. Resident shareholders of a
47 corporation which has an election in effect under
48 subchapter S of the Internal Revenue Code shall add
49 their proportionate share of a deemed distribution of
50 current year income to the extent that the salaries,

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1 wages, or other compensation for services performed by
2 all shareholders does not equal ten percent of net
3 income of the corporation computed in accordance with
4 section 422.35 and considering items of income and
5 expense which pass directly to the shareholders under
6 provisions of the Internal Revenue Code before
7 deduction of shareholders' salaries, wages, or other
8 compensation for services performed. In addition
9 there shall be added any cash or the value of any
10 property distributions made to the extent they are
11 made from income upon which Iowa income tax has not
12 been paid as determined under rules of the director.

13 Sec. 33. Section 422.8, subsection 2, Code 1993,
14 is amended to read as follows:

15 2. a. Nonresident's net income allocated to Iowa
16 is the net income, or portion thereof, which is
17 derived from a business, trade, profession, or
18 occupation carried on within this state or income from
19 any property, trust, estate, or other source within
20 Iowa. If a business, trade, profession, or occupation
21 is carried on partly within and partly without the
22 state, only the portion of the net income which is
23 fairly and equitably attributable to that part of the
24 business, trade, profession, or occupation carried on
25 within the state is allocated to Iowa for purposes of
26 section 422.5, subsection 1, paragraph "j" and section
27 422.13 and income from any property, trust, estate, or
28 other source partly within and partly without the
29 state is allocated to Iowa in the same manner, except
30 that annuities, interest on bank deposits and
31 interest-bearing obligations, and dividends are
32 allocated to Iowa only to the extent to which they are
33 derived from a business, trade, profession, or
34 occupation carried on within the state.

35 b. A resident's income allocable to Iowa is the
36 income determined under section 422.7 reduced by the
37 net income or loss of a corporation which is fairly
38 and equitably attributable without the state under
39 section 422.33. For the purposes of this paragraph,
40 "corporation" means a corporation which has in effect
41 for the tax year an election under subchapter S of the
42 Internal Revenue Code and carries on business partly
43 within and partly without the state. This provision
44 also applies to individuals who are residents of Iowa
45 for less than the entire tax year.

46 Sec. 34. Section 422.8, Code 1993, is amended by
47 adding the following new subsection:

48 **NEW SUBSECTION. 6.** If the resident or part year
49 resident is a shareholder of a corporation which has
50 in effect an election under subchapter S of the

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1 Internal Revenue Code, subsections 1 and 3 do not
2 apply to any income taxes paid to another state or
3 foreign country on the income from the corporation
4 which has in effect an election under subchapter S of
5 the Internal Revenue Code.

6 Sec. 35. Section 428A.1, unnumbered paragraph 1,
7 Code 1993, is amended to read as follows:

8 There is imposed on each deed, instrument, or
9 writing by which any lands, tenements, or other realty
10 in this state are granted, assigned, transferred, or
11 otherwise conveyed, a tax consisting of the state tax
12 and any city tax determined in the following manner:
13 When there is no consideration or when the deed
14 instrument or writing is executed and tendered for
15 recording as an instrument corrective of title, and so
16 states, there is no tax. When there is consideration
17 and the actual market value of the real property
18 transferred is in excess of five hundred dollars, the
19 tax is eighty cents plus the applicable city tax, if
20 any, for each five hundred dollars or fractional part
21 of five hundred dollars in excess of five hundred
22 dollars. The term "consideration", as used in this
23 chapter, means the full amount of the actual sale
24 price of the real property involved, paid or to be
25 paid, including the amount of an encumbrance or lien
26 on the property, whether assumed or not by the
27 grantee. It is presumed that the sale price so stated
28 includes the value of all personal property
29 transferred as part of the sale unless the dollar
30 value of personal property is stated on the instrument
31 of conveyance. When the dollar value of the personal
32 property included in the sale is so stated, it shall
33 be deducted from the consideration shown on the
34 instrument for the purpose of determining the tax.

35 Sec. 36. NEW SECTION. 428A.1A CITY TAX.

36 The governing body of a city may impose by
37 ordinance a city real estate transfer tax. Revenues
38 from the tax shall only be deposited in a housing
39 trust fund to be used for purposes of the fund as
40 provided in section 384.6A and the ordinance shall so
41 state. The city real estate transfer tax shall be
42 imposed and collected in the same manner and at the
43 same time as the state real estate transfer tax.
44 Transfers exempt from the state tax are exempt from
45 the city tax. The rate of the tax shall not exceed
46 fifty cents per five hundred dollars of market value.

47 Sec. 37. Section 428A.8, Code 1993, is amended to
48 read as follows:

49 428A.8 REMITTANCE TO STATE OR CITY TREASURER --
50 PORTION RETAINED IN COUNTY.

1 On or before the tenth day of each month the county
 2 recorder shall determine and pay to the treasurer of
 3 state eighty-two and three-fourths percent of the
 4 receipts from the state real estate transfer tax
 5 collected during the preceding month and the treasurer
 6 of state shall deposit ninety-five percent of the
 7 receipts amounts received by the treasurer of state in
 8 the general fund of the state and transfer five
 9 percent of the amounts received to the Iowa finance
 10 authority for deposit in the housing improvement fund
 11 created in section 16.100. At the time of remittance
 12 of the state tax receipts, the county recorder shall
 13 remit to the Iowa finance authority each city's tax
 14 receipts collected during the previous month, if one
 15 is imposed. The Iowa finance authority shall remit
 16 the amounts collected from each city imposing a city
 17 tax by the first day of the second month of the
 18 quarter following the quarter in which the tax was
 19 collected.

20 The county recorder shall deposit the remaining
 21 seventeen and one-fourth percent of the state receipts
 22 in the county general fund.

23 The county recorder shall keep records and make
 24 reports with respect to the real estate transfer tax
 25 as the director of revenue and finance prescribes.

26 Sec. 38. 1992 Iowa Acts, chapter 1244, section 1,
 27 subsection 2, paragraph e, as amended by 1993 Iowa
 28 Acts, chapter 180, section 46, is amended to read as
 29 follows:

30 e. Small business investment company
 31 capitalization

32 For transfer to the treasurer of state for the
 33 purpose of facilitating the organization and private
 34 capitalization of the small business investment
 35 company or other entity under sections 15E.169 through
 36 15E.171. If the small business investment company or
 37 another entity for which the funds are to be used is
 38 not organized within ~~twenty-four~~ thirty-six months of
 39 the effective date of this Act, unused funds shall
 40 revert to the general fund of the state:

41 \$ 200,000

42 The Iowa business investment corporation
 43 established pursuant to section 15E.169 is directed to
 44 develop a proposal, to be presented to the general
 45 assembly no later than January 9, 1995, for a venture
 46 capital company to facilitate the development of Iowa
 47 small businesses. The proposal shall include
 48 recommendations relating to the organization,
 49 capitalization, consolidation, and coordination of
 50 programs or initiatives intended to facilitate

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1 investments in seed and venture capital for Iowa small
 2 businesses.

3 Sec. 39. LEASE-PURCHASE — BUDGET SUBMISSION.

4 This section applies to each state agency receiving an
 5 appropriation in this Act. The departmental estimate
 6 required under section 8.23 for the fiscal period
 7 beginning July 1, 1995, which includes the state
 8 agency, shall provide an itemized list indicating the
 9 nature and amount of each lease-purchase contract
 10 payment included in the estimate for proposed
 11 contracts which have not been reported by the state
 12 agency to the legislative fiscal committee of the
 13 legislative council pursuant to section 8.46 prior to
 14 the submission of the estimate. The governor shall
 15 include in the governor's budget for the fiscal year
 16 beginning July 1, 1995, a listing indicating the
 17 nature and amount of each lease-purchase contract
 18 which was itemized in a departmental estimate in
 19 accordance with this section and is included in the
 20 governor's budget. A state agency receiving an
 21 appropriation in this Act shall not enter into a
 22 lease-purchase contract during the fiscal year
 23 beginning July 1, 1995, unless the contract was
 24 itemized in a departmental estimate and included in
 25 the governor's budget in accordance with this section.

26 Sec. 40. Sections 30 through 34 take effect
 27 January 1, 1996, for tax years beginning on or after
 28 that date."

29 2. Title page, lines 4 and 5, by striking the
 30 words "and providing effective dates" and inserting
 31 the following: "including authorizing a city to
 32 impose a real estate transfer tax, and relating to the
 33 taxation of shareholders and providing an effective
 34 and applicability date provision".

Speaker Van Maanen in the chair at 9:10 p.m.

Metcalf of Polk offered the following amendment H—6236, to the
 Senate amendment H—6069, filed by her from the floor:

H—6236

1 Amend the Senate amendment, H—6069, to House File
 2 2415, as amended, passed, and reprinted by the House
 3 as follows:

4 1. By striking everything after the amending
 5 clause and inserting the following:

6 "_____. By striking everything after the enacting
 7 clause and inserting the following:

8 "Section 1. There is appropriated from the general
 9 fund of the state and other designated funds to the

10 department of economic development for the fiscal year
 11 beginning July 1, 1994, and ending June 30, 1995, the
 12 following amounts, or so much thereof as is necessary,
 13 to be used for the purposes designated:

14 1. ADMINISTRATIVE SERVICES DIVISION

15 a. General administration

16 For salaries, support, maintenance, miscellaneous
 17 purposes, for providing a written report to the joint
 18 economic development appropriations subcommittee and
 19 the legislative fiscal bureau not later than January
 20 15, 1995, regarding the structure of or plans to
 21 implement an advertising sales program:

22	\$	892,883
23	FTEs	22.00

24 b. Primary research and computer center

25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:

28	\$	326,295
29	FTEs	5.50

30 c. Film office

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-
 33 time equivalent positions:

34	\$	182,664
35	FTEs	2.00

36 2. BUSINESS DEVELOPMENT DIVISION

37 a. Business development operations

38 For salaries, support, maintenance, miscellaneous
 39 purposes, and for not more than the following full-
 40 time equivalent positions:

41	\$	3,007,840
42	FTEs	16.00

43 b. Small business programs

44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions for the small business
 47 program, the small business advisory council, targeted
 48 small business program, business incubators, for
 49 providing one FTE for the targeted small business
 50 compliance officer who shall continue to work jointly

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1 with the department of management, and for deaf
 2 interpreters funded through the economic development
 3 deaf interpreters revolving fund established in
 4 section 15.108, subsection 7, paragraph "j":

5	\$	380,338
6	FTEs	6.50

7 The department shall report to the joint economic

8 development appropriations subcommittee and the
 9 legislative fiscal bureau regarding the utilization of
 10 the deaf interpreters by January 15, 1995, and the
 11 department shall coordinate with the division of deaf
 12 services in the provision of deaf interpreter
 13 services.

14 c. Federal procurement office

15 For salaries, support, maintenance, miscellaneous
 16 purposes, and for not more than the following full-
 17 time equivalent positions:

18	\$	98,689
19	FTEs	3.00

20 Notwithstanding section 8.33, moneys remaining
 21 unencumbered or unobligated on June 30, 1995, shall
 22 not revert and shall be available for expenditure
 23 during the fiscal year beginning July 1, 1995, for the
 24 same purposes.

25 d. Strategic investment fund

26 For deposit in the strategic investment fund for
 27 salaries, support, and for not more than the following
 28 full-time equivalent positions:

29	\$	6,756,086
30	FTEs	10.00

31 e. Insurance economic development

32 There is appropriated from moneys collected by the
 33 division of insurance in excess of the anticipated
 34 gross revenues under section 505.7, subsection 3, to
 35 the department for the fiscal year beginning July 1,
 36 1994, and ending June 30, 1995, the following amount,
 37 or so much thereof as is necessary, for insurance
 38 economic development and international insurance
 39 economic development:

40	\$	200,000
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41 3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

42 a. Community assistance

43 For salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-
 45 time equivalent positions for administration of the
 46 community economic preparedness program, the Iowa
 47 community betterment program, and the city development
 48 board:

49	\$	571,025
50	FTEs	7.50

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1 b. Main street/rural main street program

2 For salaries and support for not more than the
 3 following full-time equivalent positions:

4	\$	350,484
5	FTEs	3.00

6 Notwithstanding section 8.33, moneys committed to
 7 grantees under contract from the general fund of the
 8 state that remain unexpended on June 30 of the fiscal
 9 year shall not revert to any fund but shall be
 10 available for expenditure for purposes of the contract
 11 during the succeeding fiscal year.

12 c. Rural development program

13 For salaries, support, maintenance, miscellaneous
 14 purposes, for not more than the following full-time
 15 equivalent positions for rural resource coordination,
 16 rural community leadership, and the rural enterprise
 17 fund:

18	\$	422,883
19	FTEs	4.50

20 There is also appropriated from the rural community
 21 2000 program revolving fund established in section
 22 15.287 to the rural development program for the
 23 purposes of the program including the rural enterprise
 24 fund and collaborative skills development training:

25	\$	226,338
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26 Notwithstanding section 8.33, moneys committed to
 27 grantees under contract from the general fund of the
 28 state or through transfers from the Iowa community
 29 development loan fund or from the rural community 2000
 30 program revolving fund that remain unexpended at the
 31 end of the fiscal year shall not revert but shall be
 32 available for expenditure for purposes of the contract
 33 during the succeeding fiscal year.

34 d. Community development block grant and HOME

35 For administration and related federal housing and
 36 urban development grant administration for salaries,
 37 support, maintenance, miscellaneous purposes, and for
 38 not more than the following full-time equivalent
 39 positions:

40	\$	380,045
41	FTEs	18.75

42 e. Councils of governments

43 There is appropriated from the rural community 2000
 44 program revolving fund established in section 15.287
 45 to provide to Iowa's councils of governments funds for
 46 planning and technical assistance funds to assist
 47 local governments to develop community development
 48 strategies for addressing long-term and short-term
 49 community needs:

50	\$	178,250
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- 1 4. INTERNATIONAL DIVISION
- 2 a. International trade operations
- 3 For conducting foreign trade missions on behalf of

4 Iowa businesses, salaries, support, maintenance,
5 miscellaneous purposes, for allocating \$100,000, or so
6 much thereof as is necessary, to fund the United
7 States midwest Japan conference, and for not more than
8 the following full-time equivalent positions:

9	\$	686,114
10	FTEs	7.00

11 b. Foreign trade offices
12 For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-
14 time equivalent positions:

15	\$	585,299
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16 c. Export trade assistance program
17 For export trade activities, including a program to
18 encourage and increase participation in trade shows
19 and trade missions by providing financial assistance
20 to businesses for a percentage of their costs of
21 participating in trade shows and trade missions, by
22 providing for the lease/sublease of showcase space in
23 existing world trade centers, by providing temporary
24 office space for foreign buyers, international
25 prospects, and potential reverse investors, and by
26 providing other promotional and assistance activities,
27 provided that the department shall consult with the
28 department of agriculture and land stewardship prior
29 to allocating export trade assistance program moneys,
30 including salaries and support for not more than the
31 following full-time equivalent positions:

32	\$	317,000
33	FTEs	0.25

34 d. Agricultural product advisory council
35 For support, maintenance, and miscellaneous
36 purposes:

37	\$	1,330
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38 e. For transferring from the department of
39 agriculture and land stewardship and colocating the
40 agriculture international marketing function and its
41 current staff in the international marketing division
42 of the department, for salaries and support for not
43 more than the following full-time equivalent
44 positions:

45	\$	206,000
46	FTEs	4.00

47 f. For transfer to the partner state program which
48 the department may use to contract with private groups
49 or organizations which are the most appropriate to
50 administer this program and the groups and

2 the fullest extent possible, provide the funds to
 3 match the appropriation made in this subsection:
 4 \$ 96,000

5 5. TOURISM DIVISION

6 a. Tourism operations

7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions, provided that the
 10 appropriation shall not be used for advertising
 11 placements for in-state and out-of-state tourism
 12 marketing:

13 \$ 710,176
 14 FTEs 17.77

15 b. Tourism advertising

16 For contracting exclusively for tourism advertising
 17 for in-state and out-of-state tourism marketing
 18 services, tourism promotion programs, electronic
 19 media, print media, and printed materials:
 20 \$ 2,537,000

21 The department shall not use the moneys
 22 appropriated in this lettered paragraph unless the
 23 department develops public-private partnerships with
 24 Iowa businesses in the tourism industry, Iowa tour
 25 groups, Iowa tourism organizations, and political
 26 subdivisions in this state to assist in the
 27 development of advertising efforts. The department
 28 shall, to the fullest extent possible, develop
 29 cooperative efforts for advertising with contributions
 30 from other sources.

31 c. Welcome center program

32 To implement the recommendations of the statewide
 33 long-range plan for developing and operating welcome
 34 centers throughout the state, to allocate \$100,000 to
 35 the Northwood welcome center, and for planning to
 36 construct the next welcome center to be funded at
 37 living history farms:
 38 \$ 350,000

39 It is the intent of the general assembly that the
 40 Northwood welcome center receive an additional \$50,000
 41 in fiscal year 1996.

42 Notwithstanding section 8.33, moneys committed to
 43 grantees under contract that remain unexpended on June
 44 30 of the fiscal year shall not revert to any fund but
 45 shall be available for expenditure for purposes of the
 46 contract during the succeeding fiscal year.

47 6. WORKFORCE DEVELOPMENT DIVISION

48 a. Youth workforce programs

49 For purposes of the conservation corps, including
 50 salary, support, maintenance, miscellaneous purposes,

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1 and for not more than the following full-time
 2 equivalent positions:
 3 \$ 951,574
 4 FTEs 2.40

5 The department may combine for administrative and
 6 budget purposes the youth workforce conservation
 7 program and the Iowa corps program. The department in
 8 providing services under the youth workforce programs
 9 shall give preference to those youths who are more
 10 disadvantaged than others.

11 Notwithstanding section 8.33, moneys committed to
 12 grantees under contract that remain unexpended on June
 13 30 of the fiscal year shall not revert to any fund but
 14 shall be available for expenditure for purposes of the
 15 contract during the succeeding fiscal year.

16 b. Job retraining program

17 To the community college job training fund created
 18 in section 260F.6, including salaries and support for
 19 not more than the following full-time equivalent
 20 positions:

21 \$ 161,000
 22 FTEs 1.30

23 There is appropriated from the rural community 2000
 24 program revolving fund established in section 15.287
 25 to the community college job training fund created in
 26 section 260F.6, subsection 1, \$325,000. It is the
 27 intent of the general assembly that up to \$100,000 of
 28 all funds appropriated to the program and some or all
 29 of the FTEs may be used for the administration of the
 30 Iowa small business new jobs training Act.

31 c. Workforce investment program

32 For purposes of the workforce investment program,
 33 for a competitive grant program by the department in
 34 consultation with the state job training coordinating
 35 council for projects that increase Iowa's pool of
 36 available labor via training and support services with
 37 priority given to projects which serve displaced
 38 homemakers or welfare recipients, including salaries
 39 and support for not more than the following full-time
 40 equivalent positions:

41 \$ 476,691
 42 FTEs 0.90

43 The department shall ensure that the workforce
 44 investment program is coordinated with services
 45 provided under the federal Job Training Partnership
 46 Act and that welfare recipients receive priority for
 47 services under both programs.

48 Notwithstanding section 8.33, moneys committed to
 49 grantees under contract that remain unexpended at the
 50 end of the fiscal year, shall not revert to any fund

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1 but shall be available for expenditure for purposes of
2 the contract during the succeeding fiscal year.

3 d. Labor management councils

4 For salaries, support, maintenance, miscellaneous
5 purposes, which shall include efforts towards reaching
6 financial self-sufficiency, and for not more than the
7 following full-time equivalent positions:

8	\$	50,467
9	FTEs	0.50

10 The department shall not use moneys appropriated in
11 this lettered paragraph for grants to grantees who do
12 not facilitate the active participation of labor as
13 members of labor management councils or who fail to
14 make a good faith effort to either schedule meetings
15 during nonworking hours or obtain voluntary agreements
16 with employers to allow employees time off to attend
17 labor management council meetings with no loss of pay
18 or other benefits.

19 Notwithstanding section 8.33, moneys committed to
20 grantees under contract that remain unexpended on June
21 30 of the fiscal year shall not revert to any fund but
22 shall be available for expenditure for purposes of the
23 contract during the succeeding fiscal year.

24 Sec. 2. TARGETED SMALL BUSINESS INCUBATOR. Moneys
25 appropriated for fiscal year 1994 and not expended by
26 June 30, 1994, shall not revert but shall be held by
27 the department for funding, with local matching funds,
28 the targeted small business incubator in Des Moines
29 for the fiscal year beginning July 1, 1994, and ending
30 June 30, 1995:

31 There is appropriated from the general fund of the
32 state and other designated funds to the department of
33 economic development for the fiscal year beginning
34 July 1, 1995, and ending June 30, 1996, the following
35 amount, or so much thereof as is necessary to be used
36 for funding, with local matching funds, the targeted
37 small business incubator in Des Moines:

38	\$	50,000
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39 Sec. 3. Notwithstanding section 15E.120,
40 subsections 5, 6, and 7, and section 15.287, there is
41 appropriated from the Iowa community development loan
42 fund from the moneys available during the fiscal year
43 beginning July 1, 1994, and ending June 30, 1995, to
44 the department of economic development for the rural
45 development program to be used by the department for
46 the purposes of the program.

47 Sec. 4. Notwithstanding section 15.251, subsection
48 2, there is appropriated from the job training fund
49 created in the office of the treasurer of state to the
50 department of economic development for the fiscal year

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1 beginning July 1, 1994, and ending June 30, 1995, the
2 following amounts, or so much thereof as is necessary,
3 to be used for the purposes designated:

4 1. For administration of chapter 260E, including
5 salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-
7 time equivalent positions:

8 \$ 150,000
9 FTEs 2.40

10 2. For the target alliance program:
11 \$ 30,000

12 3. All moneys in the job training fund not
13 appropriated in subsections 1 and 2 shall be used for
14 job training and retraining programs under section
15 260F.6.

16 Sec. 5. There is appropriated from the general
17 fund of the state to the Wallace technology transfer
18 foundation for the fiscal year beginning July 1, 1994,
19 and ending June 30, 1995, the following amount, or so
20 much thereof as is necessary, to be used for the
21 purposes designated:

22 For salaries, support, maintenance, and other
23 operational purposes, for administering the industrial
24 technology access program, for approving and
25 submitting to the governor and general assembly not
26 later than January 15 an annual report relating to
27 performance goals of and efforts by the foundation to
28 improve the modernization of industrial facilities,
29 for funding the small business innovation research
30 program, for funding activities as provided in section
31 15E.158, for transferring \$50,000 of the funds
32 appropriated in this section to the Iowa quality
33 coalition for productivity enhancement projects, and
34 for not more than the following full-time equivalent
35 positions:

36 \$ 2,000,000
37 FTEs 4.00

38 Sec. 6. There is appropriated from the general
39 fund of the state to the Iowa seed capital corporation
40 fund established in section 15E.89, for not more than
41 the following full-time equivalent positions:

42 \$ 853,085
43 FTEs 5.00

44 Sec. 7. There is appropriated from the general
45 fund of the state to the Iowa state university of
46 science and technology for the fiscal year beginning
47 July 1, 1994, and ending June 30, 1995, the following
48 amounts, or so much thereof as is necessary, to be
49 used for the purposes designated:

50 1. For funding and maintaining in their current

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- 1 locations the existing small business development
- 2 centers:
- 3\$1,079,389
- 4 2. For funding the institute for physical research
- 5 and technology:
- 6\$3,899,863

7 It is the intent of the general assembly that the
 8 incentive program focus on Iowa industrial sectors and
 9 seek contributions and in-kind donations from
 10 businesses, industrial foundations, and trade
 11 associations and that moneys for the institute for
 12 physical research and technology industrial incentive
 13 program shall only be allocated for projects which are
 14 matched by private sector moneys for directed contract
 15 research or for nondirected research. The match
 16 required of small businesses as defined in section
 17 15.102, subsection 4, for directed contract research
 18 or for nondirected research shall be \$1 for each \$3 of
 19 state funds. The match required for other businesses
 20 for directed contract research or for nondirected
 21 research shall be \$1 for each \$1 of state funds. The
 22 match required of industrial foundations or trade
 23 associations shall be \$1 for each \$1 of state funds.

24 Iowa state university shall report annually to the
 25 joint economic development subcommittee of the senate
 26 and house appropriations committees the total amounts
 27 of private contributions, the proportion of
 28 contributions from small businesses and other
 29 businesses, and the proportion for directed contract
 30 research and nondirected research of benefit to Iowa
 31 businesses and industrial sectors.

32 Notwithstanding section 8.33, moneys appropriated
 33 for any fiscal year which remain unobligated and
 34 unexpended at the end of the fiscal year shall not
 35 revert but shall be available for expenditure the
 36 following fiscal year and the appropriation for the
 37 incentive program for the following year shall be
 38 reduced by an equal amount.

39 Sec. 8. There is appropriated from the general
 40 fund of the state to the state university of Iowa for
 41 the fiscal year beginning July 1, 1994, and ending
 42 June 30, 1995, the following amount, or so much
 43 thereof as is necessary, to be used for the purpose
 44 designated:

- 45 For funding the advanced drug development program
- 46 at the Oakdale research park:
- 47\$ 491,389

48 The board of regents shall submit a report on the
 49 progress of regents institutions in meeting the
 50 strategic plan for technology transfer and economic

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1 development to the chairpersons of the joint
 2 appropriations subcommittee on economic development,
 3 the joint appropriations subcommittee on education,
 4 the majority leader, and minority leaders of the
 5 senate, the majority and minority leaders of the house
 6 of representatives, the secretary of the senate, the
 7 chief clerk of the house of representatives, and the
 8 legislative fiscal bureau by November 1, 1994.

9 Sec. 9. Not later than July 1, 1995, the
 10 department of economic development, with consultation
 11 and input from the general assembly, and
 12 representatives from business, labor, and education
 13 shall study and present recommendations to the general
 14 assembly which shall include but not be limited to the
 15 privatization and decentralization of Iowa's economic
 16 development efforts, the identification of areas
 17 appropriate to statewide economic development efforts
 18 and areas appropriate for regional economic
 19 development efforts, benchmark budgeting for statewide
 20 and regional efforts, the deregulation of economic
 21 development activities, and collaboration between
 22 public and private entities.

23 Sec. 10. 1993 Iowa Acts, chapter 167, section 3,
 24 subsection 3, is amended to read as follows:

25 3. For the workforce coordinator:
 26 \$ 73,000
 27 FTEs 1.00

28 Any funds allocated for salary and benefits for the
 29 workforce coordinator, and not expended on June 30,
 30 1994, shall not revert, notwithstanding section 8.33,
 31 but shall be carried forward and be available for use
 32 for the workforce coordinator during the succeeding
 33 year.

34 Sec. 11. There is appropriated from the state's
 35 share of the receipts collected pursuant to section
 36 428A.1, prior to deposit in the general fund of the
 37 state under section 428A.8, to the Iowa finance
 38 authority for the fiscal year beginning July 1, 1994,
 39 and ending June 30, 1995, the following amount, or so
 40 much thereof as is necessary, to be used for the
 41 purpose designated:

42 For deposit in the housing improvement fund created
 43 in section 16.100 for purposes of the fund:
 44 \$ 300,000

45 Sec. 12. There is appropriated from the deaf
 46 interpreters revolving fund established in section
 47 15.108, subsection 7, paragraph "j", to the strategic
 48 investment fund for the fiscal year beginning July 1,
 49 1994, and ending June 30, 1995, the following amount:
 50 \$ 40,000

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1 Sec. 13. Section 12.43, Code 1993, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 5. A preference shall be given to
4 those persons who are less able than other persons to
5 secure funds for a targeted small business without
6 participation in the targeted small business linked
7 investment program.

8 Sec. 14. Section 15E.81, Code 1993, is amended to
9 read as follows:

10 15E.81 TITLE.

11 This division may be cited as the "Iowa Product
12 Development Seed Capital Corporation Act".

13 Sec. 15. Section 15E.82, subsections 1, 2, and 5,
14 Code 1993, are amended to read as follows:

15 1. "Board" means the board of directors of the
16 Iowa product development seed capital corporation.

17 2. "Corporation" means the Iowa product
18 development seed capital corporation.

19 5. "President" means the president of the Iowa
20 product development seed capital corporation.

21 Sec. 16. Section 15E.83, Code 1993, is amended to
22 read as follows:

23 15E.83 PRODUCT DEVELOPMENT SEED CAPITAL
24 CORPORATION.

25 1. There is created a corporate body called the
26 "Iowa product development corporation". The
27 corporation is a quasi-public instrumentality and the
28 exercise of the powers granted to the corporation in
29 this division is an essential governmental function.
30 The Iowa seed capital corporation shall be
31 incorporated under chapter 504A. The purpose of the
32 corporation shall be to provide seed capital to start-
33 up and emerging growth companies in Iowa that are
34 bringing new products and processes to the
35 marketplace, and it shall be the goal of the
36 corporation to financially support the establishment
37 and growth of start-up and emerging growth companies
38 that can contribute to the economic diversity of the
39 state and provide general and specific economic
40 benefits to the state. The corporation shall not be
41 regarded as a state agency, except for purposes of
42 chapters 17A and 69, and a member of the board is not
43 considered a state employee, except for purposes of
44 chapter 669. An individual employed by the
45 corporation is a state employee for purposes of the
46 Iowa public employees' retirement system, state health
47 and dental plans, and other state employee benefit
48 plans and chapter 669. Chapters 8, 18, 19A, and 20
49 and other provisions of law that relate to
50 requirements or restrictions dealing with state

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1 personnel or state funds do not apply to the
2 corporation and any employees of the board or
3 corporation except to the extent provided in this
4 division. Chapters 21 and 22 shall apply to
5 activities of the corporation and to employees of the
6 board or corporation except to the extent provided in
7 this division.

8 2. The corporation shall be governed by a board of
9 seven directors who shall serve a term of four years.
10 Each term shall begin and end as provided in section
11 69.19. No more than a simple majority of the members
12 of the board shall belong to the same political party
13 as provided in section 69.16. Each director shall
14 serve at the pleasure of the governor and shall be
15 appointed by the governor, subject to confirmation by
16 the senate pursuant to section 2.32. A director is
17 eligible for reappointment. A vacancy on the board of
18 directors shall be filled in the same manner as an
19 original appointment. For the initial appointments to
20 the board of directors, the governor shall appoint
21 three members whose terms shall commence upon
22 appointment and shall expire April 30, 1985, and four
23 members whose terms shall commence upon appointment
24 and shall expire April 30, 1987.

25 3. The board of directors shall annually elect one
26 member as chairperson and one member as secretary.
27 The board may elect other officers of the corporation
28 as necessary. Members shall be reimbursed for
29 necessary expenses incurred in the performance of
30 duties from funds appropriated to the Iowa department
31 of economic development corporation.

32 4. Each director of the corporation shall take an
33 oath of office and the record of each oath shall be
34 filed in the office of the secretary of state.

35 5. The corporation shall receive information and
36 cooperate with other agencies of the state and the
37 political subdivisions of the state.

38 6. The corporation shall be a part of the Iowa
39 department of economic development which shall provide
40 all staff and administrative assistance. The
41 corporation shall submit to the department for its
42 approval all plans, programs, initiatives and budgets.

43 Sec. 17. Section 15E.86, Code 1993, is amended to
44 read as follows:

45 15E.86 PRESIDENT.

46 The director of the department of economic
47 development board shall appoint employ a president of
48 the corporation who shall serve at the pleasure of the
49 director board and shall receive the compensation
50 determined by the director board. The president is a

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1 state employee. The president shall not be a member
2 of the board of directors. The president is the chief
3 administrative and operational officer of the
4 corporation and shall direct and supervise the
5 administrative affairs and the general management of
6 the corporation subject to the direction and oversight
7 of the director board. The president may employ other
8 employees as designated by the board. The president
9 shall provide copies of all minutes, documents, and
10 other records of the corporation and shall provide a
11 certificate which attests to truthfulness of the
12 copies, if requested. Persons dealing with the
13 corporation may rely upon the certificates. The
14 president shall keep a record of all proceedings,
15 documents, and papers filed with the corporation.

16 Sec. 18. Section 15E.87, subsection 1, Code 1993,
17 is amended to read as follows:

18 1. To have perpetual succession as a corporate
19 body and to adopt bylaws, policies, and procedures for
20 the regulation of its affairs and conduct of its
21 business consistent with the purposes of this
22 division.

23 Sec. 19. Section 15E.87, subsection 4, Code 1993,
24 is amended by striking the subsection.

25 Sec. 20. Section 15E.87, subsection 7, Code 1993,
26 is amended to read as follows:

27 7. To employ assistants, agents, and other
28 employees who shall be state employees and to engage
29 consultants, attorneys, and appraisers as necessary or
30 desirable to carry out the purposes of the
31 corporation.

32 Sec. 21. Section 15E.88, Code 1993, is amended to
33 read as follows:

34 15E.88 APPLICATIONS FOR FINANCIAL AID.

35 1. Applications for financial aid shall be
36 forwarded, together with an application fee prescribed
37 by the corporation, to the president of the
38 corporation. The president, after preparing the
39 necessary records for the corporation, shall forward
40 each application to the staff of the corporation, for
41 an investigation and report concerning the
42 advisability of approving the financial aid for the
43 company and concerning any other factors found
44 relevant by the corporation. The investigation and
45 report shall include but are not limited to the
46 following:

47 a. The history of the applicant, its wage
48 standards, job opportunities, and stability of
49 employment.

50 b. The extent of the applicant's dependence on

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1 agriculture.

2 e. The applicant's past, present, and future
3 financial condition and structure.

4 d. The applicant's pro-forma income statements.

5 e. The present and future market prospects for the
6 product.

7 f. The feasibility of the proposed project or
8 invention to be given financial aid and the integrity
9 of management.

10 g. The state of the project's development.

11 2. After receipt and consideration of the report
12 and any other action the corporation finds necessary,
13 the corporation shall approve or deny the application.

14 The president shall promptly notify an applicant by
15 certified mail of the disposition of its application.

16 The corporation shall give priority to those
17 applicants whose business is agriculture related or
18 whose business is located in an area which the
19 corporation determines has been severely adversely
20 affected by depressed agricultural prices and whose
21 proposed product or invention is to be used to convert
22 all or a portion of the business to nonagriculture-
23 related industrial or commercial activity or to create
24 a new nonagriculture-related industrial or commercial
25 business.

26 1. Applications for financial aid shall be
27 received and considered by the corporation pursuant to
28 rules adopted by the board pursuant to chapter 17A.

29 § 2. Notwithstanding the requirements of chapter
30 21, relating to open meetings, and chapter 22,
31 relating to examination of public records, the
32 corporation shall keep as confidential those items on
33 the application for financial aid that the applicant
34 has specifically requested to be held in confidence.
35 These items shall remain confidential until the
36 applicant says otherwise or the corporation determines
37 the items no longer need to be held confidential.

38 Sec. 22. Section 15E.89, Code Supplement 1993, is
39 amended to read as follows:

40 15E.89 IOWA PRODUCT DEVELOPMENT SEED CAPITAL
41 CORPORATION FUND.

42 1. There is created an "Iowa product development
43 seed capital corporation fund". All funds of the
44 corporation including the proceeds from the issuance
45 of notes or sale of bonds under this division, any
46 funds appropriated to the corporation, and income
47 derived from other sources from the exercise of powers
48 granted to the corporation under this division shall
49 be paid into the Iowa product development seed capital
50 corporation fund notwithstanding section 12.10. The

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1 money in the Iowa product development seed capital
2 corporation fund, except moneys held by a trustee or a
3 depository pursuant to a bond resolution or indenture
4 relating to the issuance of bonds or notes pursuant to
5 section 15E.90 or 15E.91, shall be paid out on the
6 order of the person authorized by the corporation.
7 The money in the Iowa product development seed capital
8 corporation fund shall be used for repayment of notes
9 and bonds issued under this division and the extension
10 of financial aid granted by the corporation under this
11 division, and the amount remaining may be used for the
12 payment of the administrative and overhead costs of
13 the corporation to the extent required. There is also
14 created in the Iowa product development corporation
15 fund an Iowa technology assistance program account,
16 which shall provide seed capital for the
17 commercialization of products, or the development of
18 processes or materials through research at Iowa
19 colleges and universities or by private industry.

20 2. Notwithstanding section 8.33, no part of the
21 Iowa product development corporation this fund shall
22 revert at or after the close of a fiscal year unless
23 otherwise provided by the general assembly, but shall
24 remain in the fund and appropriated for the purposes
25 of this division. The board shall seek to repay the
26 state for appropriations by recommending to the
27 general assembly reversions from income received from
28 successful ventures. The board shall recommend such
29 action at any time when the revenue available to the
30 board is deemed sufficient to continue existing
31 operations.

32 3. Upon dissolution of the corporation, all
33 remaining moneys in the Iowa seed capital corporation
34 fund, as well as the net proceeds realized by the
35 corporation through the liquidation of the assets of
36 the corporation, shall revert to the state.

37 Sec. 23. Section 15E.90, Code 1993, is amended to
38 read as follows:

39 15E.90 PRODUCT DEVELOPMENT SEED CAPITAL
40 CORPORATION FUND NOTES.

41 The corporation may issue Iowa product development
42 seed capital corporation fund notes, the principal and
43 interest of which shall be payable solely from the
44 Iowa product development seed capital corporation fund
45 established by this division. The fund notes of each
46 issue shall be dated, shall mature at such times and
47 may be made redeemable before maturity, at prices and
48 under terms and conditions as determined by the
49 corporation. The corporation shall determine the form
50 and manner of execution of the fund notes, including

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1 any interest coupons to be attached, and shall fix the
2 denominations and the places of payment of principal
3 and interest, which may be any financial institution
4 within or without the state or any agent, including
5 the lender. If an officer whose signature or a
6 facsimile of whose signature appears on fund notes or
7 coupons ceases to be that officer before the delivery
8 of the notes or coupons, the signature or facsimile is
9 valid and sufficient for all purposes the same as if
10 the officer had remained in office until delivery.
11 The fund notes may be issued in coupon or in
12 registered form, or both, as the corporation
13 determines, and provision may be made for the
14 registration of coupon fund notes as to principal
15 alone and also as to both principal and interest, and
16 for the conversion into coupon fund notes of any fund
17 notes registered as to both principal and interest,
18 and for the interchange of registered and coupon fund
19 notes. Fund notes shall bear interest at rates as
20 determined by the corporation and may be sold in a
21 manner, either at public or private sale, and for a
22 price as the corporation determines to be best to
23 effectuate the purposes of the Iowa product
24 development seed capital corporation fund. The
25 proceeds of fund notes shall be used solely for the
26 purposes for which issued and shall be disbursed in a
27 manner and under restrictions as provided in this
28 division and in the resolution of the corporation
29 providing for their issuance. The corporation may
30 provide for the replacement of fund notes which become
31 mutilated or are destroyed or lost.

32 Sec. 24. Section 15E.92, Code Supplement 1993, is
33 amended to read as follows:

34 15E.92 REPORTING AND FUND SOLVENCY.

35 The chairperson of the corporation on or before
36 December 31 of each fiscal year shall make and deliver
37 a report to the governor and the legislative fiscal
38 committee. The report shall include all transactions
39 conducted by the corporation in the preceding fiscal
40 year. The report shall also include a balance sheet
41 outlining the financial solvency of the Iowa product
42 development seed capital corporation fund, a certified
43 copy of any audits of the corporation conducted in the
44 preceding fiscal year, and other information requested
45 by the governor or the legislative fiscal committee.

46 Sec. 25. Section 15E.152, Code Supplement 1993, is
47 amended by adding the following new subsection:

48 NEW SUBSECTION. 7. Establishment of a seed
49 capital fund which shall be administered by the board
50 to provide seed capital for the commercialization of

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1 product, or the development of processes or materials
2 through research at Iowa colleges and universities or
3 by private industry.

4 Sec. 26. NEW SECTION. 422.11D MACHINERY AND
5 EQUIPMENT TAX CREDIT.

6 The taxes imposed under this division less the
7 credits allowed under sections 422.11A, 422.11B,
8 422.12, and 422.12B shall be reduced by a refundable
9 tax credit for property taxes paid pursuant to section
10 427B.19.

11 Sec. 27. NEW SECTION. 427B.19 TEMPORARY
12 REFUNDABLE TAX CREDIT — NEW MACHINERY AND EQUIPMENT.

13 1. Beginning July 1, 1994, through June 30, 1996,
14 a taxpayer who acquires or initially leases property
15 described in section 427B.17 and places the property
16 into service on or after July 1, 1994, and who is the
17 first owner of the property, shall be entitled to a
18 refundable income tax credit under section 422.11D for
19 the property taxes paid on the property for the period
20 of time to be determined under this section.

21 2. Property under subsection 1 shall be assessed
22 at twenty percent of its net acquisition cost. The
23 duration of the period during which the taxpayer is
24 eligible for the refundable credit for the taxes paid
25 on any one item of property shall not exceed the
26 amount of time that item of property is scheduled to
27 fully depreciate, according to the applicable
28 depreciation schedule contained in the industrial
29 machinery and equipment guide published by the
30 department of revenue and finance or twenty years
31 whichever is less. The department is instructed to
32 revise the industrial machinery and equipment guide to
33 provide a depreciation schedule for machinery and
34 equipment with a life of at least twenty years.

35 3. On or before July 1 of each year, the assessor
36 shall, at the request of the taxpayer, provide a
37 statement listing for each item of property for which
38 the taxpayer is entitled to a refundable credit under
39 this section, and the amount of property taxes paid on
40 each item of property. The taxpayer shall attach the
41 statement to the taxpayer's income tax form when
42 requesting the refundable credit.

43 Sec. 28. Section 428A.8, unnumbered paragraph 1,
44 Code 1993, is amended to read as follows:

45 On or before the tenth day of each month the county
46 recorder shall determine and pay to the treasurer of
47 state eighty-two and three-fourths percent of the
48 receipts from the real estate transfer tax collected
49 during the preceding month and the treasurer of state
50 shall deposit ninety-five percent of the receipts in

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1 the general fund of the state and transfer five
 2 percent of the receipts to the Iowa finance authority
 3 for deposit in the housing improvement fund created in
 4 section 16.100.

5 Sec. 29. LEGISLATIVE STUDY. The legislative
 6 council is requested to establish a legislative study
 7 committee to examine taxes and fees imposed on
 8 businesses in Iowa as compared with taxes and fees
 9 imposed on businesses in other states to determine
 10 whether Iowa is placed at a competitive disadvantage
 11 in attracting and retaining businesses.

12 Sec. 30. BUDGET UNIT DESIGNATIONS. The department
 13 of management shall, prior to January 15, 1995,
 14 conform all budget unit designations to the
 15 designations used in the Code.

16 Sec. 31. EFFECTIVE DATE. Section 28 of this Act
 17 takes effect July 1, 1995."

18 "_____. Title page, line 4, by inserting after the
 19 word "development" the following: "including
 20 providing a tax break for certain property"."

Siegrist of Pottawattamie asked and received unanimous consent that House File 2415 be temporarily deferred.

(Amendment H-6236, to the Senate amendment H-6069 pending)

Iverson of Wright called up for consideration **House File 642**, a bill for an act relating to revisions of mandates and goals to political subdivisions of the state, amended by the following Senate amendment H-6203:

H-6203

1 Amend House File 642, 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 1.15, Code 1993, is amended to
 6 read as follows:

7 1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

8 In all civil causes of action where the state of
 9 Iowa or any of its subdivisions or departments is a
 10 party, and a member of the Sac and Fox Indian
 11 settlement is a party, the district court of Iowa
 12 shall appoint competent legal counsel at all stages of
 13 hearing, appeal, and final determination for any
 14 Indian not otherwise represented by legal counsel, in

15 any domestic relations matter, including, but not
16 limited to, matters pertaining to dependency, neglect,
17 delinquency, care, or custody of minors. The court
18 shall fix and allow reasonable compensation for the
19 services of the attorney, costs of transcripts and
20 depositions, and investigative expense, which shall be
21 paid as a claim by the office of county auditor of the
22 county where the action is commenced; and the county
23 shall be paid for all sums so paid out of any funds in
24 the state treasury not otherwise appropriated, upon
25 filing the claim with the director of revenue and
26 finance.

27 Sec. 2. Section 25B.2, Code 1993, is amended by
28 adding the following new subsection:

29 **NEW SUBSECTION. 3.** If, on or after the effective
30 date of this Act, a state mandate is enacted by the
31 general assembly, or otherwise imposed, on a political
32 subdivision and the state mandate requires a political
33 subdivision to engage in any new activity, to provide
34 any new service, or to provide any service beyond that
35 required by any law enacted prior to the effective
36 date of this Act, and the state does not appropriate
37 moneys to fully fund the cost of the state mandate,
38 the political subdivision is not required to perform
39 the activity or provide the service and the political
40 subdivision shall not be subject to the imposition of
41 any fines or penalties for the failure to comply with
42 the state mandate unless the legislation specifies the
43 amount or proportion of the cost of the state mandate
44 which the state shall pay annually. However, this
45 subsection does not apply to any requirement imposed
46 on a political subdivision relating to public employee
47 retirement systems under chapters 97B, 410, and 411.

48 For the purposes of this subsection, any
49 requirement originating from the federal government
50 and administered, implemented, or enacted by the

Page 2

1 state, or any allocation of federal moneys conditioned
2 upon enactment of a state law or rule, is not a state
3 mandate.

4 For the purposes of this subsection, "political
5 subdivision" includes community colleges and area
6 education agencies.

7 Sec. 3. Section 72.5, subsection 1, unnumbered
8 paragraph 1, and subsection 3, Code 1993, are amended
9 to read as follows:

10 A contract for a public improvement or construction
11 of a public building, including new construction or

12 renovation of an existing public building, by the
13 state, or an agency or political subdivision of the
14 state, shall not be let without satisfying the
15 following requirements:

16 3. The department of management shall develop a
17 proposal for submission to the general assembly on or
18 before January 10, 1991, to create a division within
19 the department of management to evaluate life cycle
20 costs on design proposals submitted on public
21 improvement and construction contracts for agencies
22 and political subdivisions of the state, to assure
23 uniform comparisons and professional evaluations of
24 design proposals by an independent agency. The report
25 shall also address potential redundancy and conflicts
26 within existing state law regarding life cycle cost
27 analysis and recommend the resolution of any problems
28 which are identified.

29 Sec. 4. Section 99A.4, Code 1993, is amended to
30 read as follows:

31 99A.4 DUTIES OF PEACE OFFICERS.

32 Every sheriff, deputy sheriff, constable, marshal,
33 policeman, police officer, and peace officer shall
34 observe and inspect licensed premises and ascertain
35 whether gambling devices are present thereon and
36 immediately report the finding thereof of gambling
37 devices at licensed premises to the authority or
38 authorities issuing the license or licenses applicable
39 to the premises in question.

40 Sec. 5. Section 99A.7, Code 1993, is amended to
41 read as follows:

42 99A.7 COUNTY ATTORNEY GENERAL — DUTY.

43 The county attorney for the county in which the
44 hearing is held shall, and the attorney general may,
45 shall attend the hearing, interrogate the witnesses,
46 and advise the issuing authority. The county attorney
47 shall, and the attorney general may, shall also appear
48 for the issuing authority in any certiorari proceeding
49 taken pursuant to the provisions of section 99A.6.

50 Sec. 6. Section 147.92, Code 1993, is amended to

Page 3

1 read as follows:

2 147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

3 Upon request of the department the attorney general
4 shall institute in the name of the state the proper
5 proceedings against any person charged by the
6 department with violating any provision of this or the
7 following chapters of this subtitle, excluding
8 chapters 152B and 152C, and the county attorney, at
9 the request of the attorney general, shall appear and

10 prosecute such action when brought in the county
11 attorney's county.

12 Sec. 7. Section 216D.2, subsection 2, Code 1993,
13 is amended to read as follows:

14 2. "Food service" includes restaurant, cafeteria,
15 snack bar, vending machines for food and beverages,
16 and goods and services customarily offered in
17 connection with any of these. It does not include
18 goods and services offered by a veteran's newsstand
19 under section 331.361, subsection 4.

20 Sec. 8. Section 229.19, unnumbered paragraph 3,
21 Code Supplement 1993, is amended to read as follows:

22 The court or, if the advocate is appointed by the
23 county board of supervisors, the board shall prescribe
24 reasonable compensation for the services of the
25 advocate. The compensation shall be based upon the
26 reports filed by the advocate with the court. The
27 advocate's compensation shall be paid by the county in
28 which the court is located, either on order of the
29 court or, if the advocate is appointed by the county
30 board of supervisors, on the direction of the board.
31 If the advocate is appointed by the court, the
32 advocate is an employee of the state for purposes of
33 chapter 669. If the advocate is appointed by the
34 county board of supervisors, the advocate is an
35 employee of the county for purposes of chapter 670.
36 If the patient or the person who is legally liable for
37 the patient's support is not indigent, the board shall
38 recover the costs of compensating the advocate from
39 that person. If that person has an income level as
40 determined pursuant to section 815.9 greater than one
41 hundred percent but not more than one hundred fifty
42 percent of the poverty guidelines, at least one
43 hundred dollars of the advocate's compensation shall
44 be recovered in accordance with rules adopted by the
45 state public defender. If that person has an income
46 level as determined pursuant to section 815.9 greater
47 than one hundred fifty percent of the poverty
48 guidelines, at least two hundred dollars of the
49 advocate's compensation shall be recovered in
50 accordance with rules adopted by the state public

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1 defender.

2 Sec. 9. Section 257B.39, Code 1993, is amended to
3 read as follows:

4 257B.39 REPORT AS TO SALES - INTEREST.

5 County auditors shall report, on or before January
6 1 of each year, to the director of revenue and finance
7 the amount of the sales and resales made during the
8 previous year, of the sixteenth section, five-hundred-

9 thousand-acre grant, and escheat estates, and lands
10 taken under foreclosure of permanent school fund
11 mortgages, and the director of revenue and finance
12 shall charge them to the counties with interest from
13 the date of such the sale or resale to January 1, at
14 the rate of three percent per annum.

15 Sec. 10. Section 257B.42, Code 1993, is amended to
16 read as follows:

17 257B.42 REPORT AS TO RENTS.

18 By January 1 of each year, county auditors shall
19 report to the director of revenue and finance the
20 amount of rents collected during the preceding year on
21 unsold school lands and lands taken under foreclosure
22 of permanent school fund mortgages then in the hands
23 of the county treasurer, and the director shall
24 include the amount reported in the semiannual
25 apportionment of interest.

26 Sec. 11. Section 309.82, Code 1993, is amended to
27 read as follows:

28 309.82 RECORD OF FINAL COST.

29 On completion of a bridge or culvert, a detailed
30 statement of cost, and of additions or alterations to
31 the plans shall be filed by the engineer, all of which
32 shall be retained in the county engineer's office as
33 permanent records, and when the work is completed and
34 approved, a statement of the costs shall be filed with
35 the department by the county engineer.

36 Sec. 12. Section 317.3, unnumbered paragraph 1,
37 Code 1993, is amended to read as follows:

38 The board of supervisors of each county shall may
39 annually appoint a county weed commissioner who may be
40 a person otherwise employed by the county and who
41 passes minimum standards established by the department
42 of agriculture and land stewardship for noxious weed
43 identification and the recognized methods for noxious
44 weed control and elimination. The county weed
45 commissioner's appointment shall be effective as of
46 March 1 and shall continue for a term at the
47 discretion of the board of supervisors unless the
48 commissioner is removed from office as provided for by
49 law. The county weed commissioner may, with the
50 approval of the board of supervisors, require that

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1 commercial applicators and their appropriate employees
2 pass the same standards for noxious weed
3 identification as established by the department of
4 agriculture and land stewardship. The name and
5 address of the person appointed as county weed
6 commissioner shall be certified to the county auditor
7 and to the secretary of agriculture within ten days of

8 the appointment. The board of supervisors shall fix
9 the compensation of the county weed commissioner and
10 deputies. In addition to compensation, the
11 commissioner and deputies shall be paid their
12 necessary travel expenses. At the discretion of the
13 board of supervisors, the weed commissioner shall
14 attend a seminar or school conducted or approved by
15 the state department of agriculture and land
16 stewardship relating to the identification, control,
17 and elimination of noxious weeds.

18 Sec. 13. Section 321.285, subsection 5, Code
19 Supplement 1993, is amended to read as follows:

20 5. Reasonable and proper, but not greater than
21 fifty-five miles per hour at any time between sunrise
22 and sunset, and not greater than fifty miles per hour
23 at any time between sunset and sunrise, on secondary
24 roads unless such roads are surfaced with concrete or
25 asphalt or a combination of both, in which case the
26 speed limits shall be the same as provided in
27 subsection 4 of this section. ~~Whenever~~ When the board
28 of supervisors of any county shall determine upon the
29 basis of an engineering and traffic investigation
30 ~~conducted by the department when so requested by said~~
31 ~~board~~ that the speed limit on any secondary road is
32 greater than is reasonable and proper under the
33 conditions found to exist at any intersection or other
34 place or upon any part of a secondary road, ~~said the~~
35 board shall determine and declare a reasonable and
36 proper speed limit thereat at the intersection or
37 other part of the secondary road. ~~Such~~ The speed
38 limits as determined by the board of supervisors shall
39 be effective when appropriate signs giving notice
40 thereof of the speed limits are erected by the board
41 of supervisors at such the intersection or other place
42 or part of the highway.

43 Sec. 14. Section 331.321, subsection 1, paragraph
44 v, Code Supplement 1993, is amended by striking the
45 paragraph.

46 Sec. 15. Section 331.324, subsection 1, paragraph
47 b, Code 1993, is amended to read as follows:

48 b. Grant claims for mileage and expenses of
49 officers and employees in accordance with sections
50 70A.9 to 70A.13 and section 331.215, subsection 2, and

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1 grant employees leaves of absence to participate in
2 olympic competition in accordance with section 70A.24.

3 Sec. 16. Section 331.341, subsection 1, Code 1993,
4 is amended to read as follows:

5 1. When the estimated cost of a public
6 improvement, other than improvements which may be paid

7 for from the secondary road fund, exceeds twenty-five
8 thousand dollars the amount specified in section
9 309.40, the board shall follow the contract letting
10 procedures provided for cities in sections 384.95 to
11 384.103. However, in following those sections the
12 board shall substitute the word "county" for the word
13 "city", section 331.305 for section 362.3, shall
14 consider "governing body" to mean the board, and shall
15 exclude references to a city utility, utility board of
16 trustees, or public utilities. As used in this
17 section, "public improvement" means the same as
18 defined in section 384.95 as modified by this
19 subsection.

20 Sec. 17. Section 331.361, subsection 4, Code 1993,
21 is amended by striking the subsection.

22 Sec. 18. Section 331.381, subsection 14, Code
23 Supplement 1993, is amended to read as follows:

24 14. Provide for the licensure, seizure,
25 impoundment, and disposition of dogs in accordance
26 with chapter 351.

27 Sec. 19. Section 331.502, subsection 3, Code
28 Supplement 1993, is amended by striking the
29 subsection.

30 Sec. 20. Section 331.502, subsection 14, Code
31 Supplement 1993, is amended by striking the
32 subsection.

33 Sec. 21. Section 331.507, subsection 3, paragraphs
34 b and c, Code 1993, are amended by striking the
35 paragraphs.

36 Sec. 22. Section 331.508, subsection 7, Code 1993,
37 is amended by striking the subsection.

38 Sec. 23. Section 331.512, subsection 5, Code 1993,
39 is amended to read as follows:

40 5. Carry out duties relating to the preparation of
41 the tax list as provided in sections 427A.3, 427A.6,
42 428.4, 441.17, 441.21, 443.2 to 443.9 and 443.21.

43 Sec. 24. Section 331.552, Code 1993, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 32. File with the county auditor
46 the name of a designated employee, if other than the
47 first deputy treasurer, authorized to perform the
48 duties of the treasurer during the absence or
49 disability of the treasurer and the name of any
50 employee authorized to sign, on behalf of the

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1 treasurer, any form, notice, or document requiring the
2 signature of the treasurer.

3 Sec. 25. Section 331.653, subsection 21, Code
4 1993, is amended by striking the subsection.

5 Sec. 26. Section 331.756, subsection 5, unnumbered

6 paragraph 1, Code Supplement 1993, is amended to read
7 as follows:

8 Enforce all forfeited bonds and recognizances and
9 prosecute all proceedings necessary for the recovery
10 of debts, revenues, moneys, fines, penalties,
11 restitution of court-appointed attorney fees or
12 expense of a public defender, and forfeitures accruing
13 to the state, or the county or to a school district or
14 a road district in the county, and all suits in the
15 county against public service corporations which are
16 brought in the name of the state. To assist in this
17 duty, the county attorney may procure professional
18 collection services provided by persons or
19 organizations, including private attorneys, which are
20 generally considered to have knowledge and special
21 abilities which are not generally available to state
22 or local government or may designate another county
23 official or agency to assist with collection efforts.

24 Sec. 27. Section 331.756, subsections 13, 23, 30,
25 75, and 76, Code Supplement 1993, are amended by
26 striking the subsections.

27 Sec. 28. Section 331.903, subsection 4, Code 1993,
28 is amended to read as follows:

29 4. Each deputy officer, assistant and clerk shall
30 perform the duties assigned by the principal officer
31 making the appointment. During the absence or
32 disability of the principal officer, the first deputy,
33 or designee in those instances where there is no first
34 deputy or in the absence or disability of the first
35 deputy, shall perform the duties of the principal
36 officer.

37 Sec. 29. Section 351.25, Code 1993, is amended to
38 read as follows:

39 351.25 DOG AS PROPERTY.

40 All dogs under six months of age, and all dogs over
41 said age and wearing a collar with a valid license
42 rabies vaccination tag attached thereto to the collar,
43 shall be deemed property. Dogs not so provided with
44 license a rabies vaccination tag shall not be deemed
45 property.

46 Sec. 30. Section 351.26, Code 1993, is amended to
47 read as follows:

48 351.26 RIGHT AND DUTY TO KILL UNLICENSED UNTAGGED
49 DOG.

50 It shall be lawful for any person, and the duty of

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1 all peace officers within their respective
2 jurisdictions unless such jurisdiction shall have
3 otherwise provided for the seizure and impoundment of
4 dogs, to kill any dog for which a license rabies

5 vaccination tag is required, when sueh the dog is not
 6 wearing a collar with license rabies vaccination tag
 7 attached as herein provided.

8 Sec. 31. Section 351.27, Code 1993, is amended to
 9 read as follows:

10 351.27 RIGHT TO KILL LICENSED TAGGED DOG.

11 It shall be lawful for any person to kill a dog,
 12 license and wearing a collar with license a rabies
 13 vaccination tag attached, when sueh the dog is caught
 14 in the act of worrying, chasing, maiming, or killing
 15 any domestic animal or fowl, or when such dog is
 16 attacking or attempting to bite a person.

17 Sec. 32. Section 427.3, subsections 1 and 2, Code
 18 1993, are amended by striking the subsections.

19 Sec. 33. Section 455E.11, subsection 2, paragraph
 20 a, subparagraph (15), Code Supplement 1993, is amended
 21 to read as follows:

22 (15) Notwithstanding the limitations of use of the
 23 fees imposed under section 455B.310 and retained by a
 24 city, county, public agency, or private agency under
 25 this section, moneys retained by the city, county,
 26 public agency, or private agency may be used to defray
 27 the cost of installation of a scale at a sanitary
 28 landfill or to defray the costs of closure of the
 29 sanitary landfill, the costs related to the
 30 establishment of a transfer station, or the costs of a
 31 hydrogeological plan for other environmental
 32 protection and environmental compliance activities.

33 Sec. 34. Section 568.3, Code 1993, is amended to
 34 read as follows:

35 568.3 APPLICATION BY PROSPECTIVE PURCHASER.

36 If the county auditor fails or neglects to make
 37 such application, then any A person desiring to
 38 purchase sueh land described in section 568.1 may file
 39 a written application with the secretary of state,
 40 asking that the said land be surveyed, appraised, and
 41 sold.

42 Sec. 35. Section 568.4, Code 1993, is amended to
 43 read as follows:

44 568.4 FORM OF APPLICATION.

45 The said application whether made by the county
 46 auditor or by a person desiring to purchase the land,
 47 shall contain an accurate description thereof of the
 48 land, stating whether the land is abandoned river
 49 channel, or land within sueh the abandoned river
 50 channel, or an island or a sand bar in a navigable

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1 stream, and giving the number of township and range in
 2 which it is located, and the section numbers if
 3 possible, and also the estimated acreage.

4 Sec. 36. Section 602.8102, subsection 34, Code
5 Supplement 1993, is amended by striking the
6 subsection.

7 Sec. 37. Section 641.1, Code 1993, is amended to
8 read as follows:

9 641.1 INDEBTEDNESS DUE THE STATE.

10 In all cases in which any person is indebted to the
11 state, or to any officer or agent thereof for the use
12 or benefit of the state, the ~~proper county attorney or~~
13 attorney general shall demand payment or security
14 therefor, when, in the opinion of said county attorney
15 or the attorney general, the debt is not sufficiently
16 secured.

17 Sec. 38. Section 641.2, Code 1993, is amended to
18 read as follows:

19 641.2 ATTACHMENT AUTHORIZED.

20 In all actions for money due to the state, or to
21 any agent or officer for the use of the state, it
22 shall be lawful for an attachment to issue against the
23 property or debts of the defendant not exempt from
24 execution, upon the filing of an affidavit by the
25 county attorney of the ~~proper county,~~ or of the
26 attorney general, that the county attorney or attorney
27 general verily believes that a specific amount therein
28 stated is justly due, and the defendant therein has
29 refused to pay or secure the same, and unless an
30 attachment is issued against the property of the
31 defendant there is danger that the amount due will be
32 lost to the state.

33 Sec. 39. REPEALS.

34 1. Chapters 169B and 361, Code 1993, are repealed.

35 2. Sections 70A.24, 351.1 through 351.14, 351.17,
36 351.20, 351.22 through 351.24, 351.34, 427A.2 through
37 427A.6, 427A.9 through 427A.11, 428.10, and 568.2,
38 Code 1993, are repealed."

39 2. Title page, line 2, by inserting after the
40 word "state" the following: "by striking certain
41 duties of cities, counties, and county auditors for
42 civil actions, abandoned islands, and public
43 contracts, by providing for the funding of state
44 mandates, the department of public health for health
45 professional licensing, and other matters related to
46 the state, by removing a reporting requirement by
47 county auditors for foreclosures of permanent school
48 fund mortgages, by providing for the recovery of
49 compensation for an advocate for an involuntarily
50 committed mental patient, by making the appointment of

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1 a county weed commissioner optional, by increasing the
2 dollar limit before county contract letting procedures

3 are required, by striking leave requirements for
4 public employees for Olympic competition, by striking
5 a requirement for lobby space in courthouses for
6 certain veterans, by reducing bridge and culvert cost
7 records kept by the state, by providing for the
8 designation of certain county officers to act on
9 behalf of the principal officers, by striking property
10 tax exemptions for certain veterans, by amending
11 procedures for setting speed limits on secondary
12 roads, by striking provisions relating to personal
13 property taxes, by striking requirements for county
14 attorneys to represent school districts, by striking
15 the requirements for county dog licensing, by striking
16 assessment provisions for ice and coal dealers, and by
17 making provisions for other properly related matters”.

Iverson of Wright offered the following amendment H—6220, to the Senate amendment H—6203, filed by him from the floor and moved its adoption:

H—6220

1 Amend the Senate amendment, H—6203, to House File
2 642, as amended, passed, and reprinted by the House as
3 follows:

4 1. Page 2, by inserting after line 6 the
5 following:

6 “Sec. _____. Section 25B.3, subsection 2, Code 1993,
7 is amended to read as follows:

8 2. “State mandate” means a statutory requirement
9 or appropriation which requires a political
10 subdivision of the state to establish, expand, or
11 modify its activities in a manner which necessitates
12 additional combined annual expenditures of local
13 revenue by all affected political subdivisions of at
14 least one hundred thousand dollars, or additional
15 combined expenditures of local revenue by all affected
16 political subdivisions within five years of enactment
17 of five hundred thousand dollars or more, excluding an
18 order issued by a court of this state.

19 Sec. _____. Section 25B.6, unnumbered paragraph 1,
20 Code 1993, is amended to read as follows:

21 A state agency or department shall not propose or
22 adopt an administrative rule which exceeds its
23 statutory authority by mandating expenditures by
24 political subdivisions, or agencies and entities which
25 contract with political subdivisions to provide
26 services. A state administrative rule, proposed
27 pursuant to chapter 17A, which necessitates additional
28 combined annual expenditures exceeding one hundred
29 thousand dollars by all affected political
30 subdivisions or agencies and entities which contract
31 with a the affected political subdivision subdivisions

32 to provide services shall be accompanied by a fiscal
 33 note impact statement outlining the costs. The An
 34 affected political subdivision, or an entity
 35 representing the an affected political subdivision,
 36 shall cooperate in the preparation of the fiscal note
 37 impact statement. The fiscal note impact statement
 38 shall be submitted to the administrative rules
 39 coordinator for publication in the Iowa administrative
 40 bulletin along with the notice of intended action."

Amendment H—6220 was adopted.

McNeal of Hardin offered the following amendment H—6233, to the Senate amendment H—6203, filed by him from the floor and moved its adoption:

H—6233

1 Amend the amendment, H—6203, to House File 642, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 7, by inserting after line 4 the
 5 following:
 6 "Sec. _____. Section 331.752, Code 1993, is amended
 7 by adding the following new subsection:
 8 **NEW SUBSECTION. 3A.** A resolution changing the
 9 full-time or part-time status of a county attorney may
 10 take effect at any time before the sixty days expire
 11 upon agreement of the board of supervisors and the
 12 affected county attorney or county attorney-elect." "
 13 2. Page 10, line 13, by inserting after the word
 14 "taxes," the following: "by authorizing an early
 15 change in full-time or part-time status of a county
 16 attorney by agreement,".

Amendment H—6233 was adopted.

On motion by Iverson of Wright, the House concurred in the Senate amendment H—6203, as amended.

Iverson of Wright 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. 642)

The ayes were, 96:

Baker	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dinkla	Doderer	Drake

Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Holveck	Houser
Hurley	Iverson	Jochum	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, none.

Absent or not voting, 4:

Arnould	Dickinson	Hester	Kistler
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 642** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2318.

Appropriations Calendar

Senate File 2318, a bill for an act relating to state budget processes, with report of committee recommending amendment and passage, was taken up for consideration.

Corbett of Linn offered the following amendment H—6166, filed by the committee on appropriations:

H—6166

- 1 Amend Senate File 2318, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 5, by striking the words "the

4 state" and inserting the following: "state".

5 2. Page 4, by striking lines 6 through 15 and
6 inserting the following: "from that estimated
7 revenue. The estimates".

8 3. By striking page 4, line 30 through page 5,
9 line 4 and inserting the following:

10 "DIVISION _____
11 GAAP ITEMS

12 Sec. _____. Section 8.53, unnumbered paragraph 1,
13 Code 1993, is amended to read as follows:

14 For the fiscal year beginning July 1, 1992, and the
15 ~~two~~ three succeeding fiscal years, the governor shall
16 recommend in the governor's budget and the general
17 assembly shall provide funds to eliminate the state
18 generally accepted accounting principles (GAAP)
19 deficit, as reported in the state's comprehensive
20 annual financial report issued during the prior fiscal
21 year, and taking into account the revised GAAP
22 standards that are projected to be in place by the
23 fiscal year ending in 1995, either through the
24 appropriation of specific funds to provide an
25 adjustment in the GAAP deficit or by setting funds
26 aside in a special account in an amount equal to the
27 GAAP deficit.

28 Sec. _____. Section 8.57, Code 1993, is amended by
29 adding the following new subsections:

30 NEW SUBSECTION. 5. This subsection applies to the
31 schedule developed and moneys provided for the purpose
32 of eliminating Iowa's GAAP deficit which, in
33 accordance with subsection 2, is required to be
34 submitted at the time of the governor's budget.
35 Commencing with the budget for the fiscal year
36 beginning July 1, 1996, and in subsequent fiscal
37 years, the department of management shall include in
38 the schedule obligations listed in the state
39 comprehensive annual financial report prepared in
40 accordance with generally accepted accounting
41 principles. If the schedule includes an obligation
42 for which a statute authorizes payment, the department
43 shall include a proposal to amend the statute to
44 require payment in the fiscal year to which the
45 obligation is charged. Items included in the schedule
46 pursuant to this subsection shall be paid by the
47 department as provided in subsection 2.

48 NEW SUBSECTION. 6. A rebuild Iowa infrastructure
49 account is created under the authority of the
50 department of management. Moneys in the account shall

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1 be used as directed by the general assembly for public
2 infrastructure-related expenditures. The general

3 assembly may provide that all or part of the moneys
4 deposited in the GAAP deficit reduction account
5 created in this section shall be transferred to the
6 infrastructure account in lieu of appropriation of the
7 moneys to the Iowa economic emergency fund.

8 Sec. 100. Section 257.16, unnumbered paragraph 2,
9 Code 1993, is amended to read as follows:

10 All state aids paid under this chapter, unless
11 otherwise stated, shall be paid in monthly
12 installments beginning on September 15 of a budget
13 year and ending on or about June 15 of the budget year
14 as determined by the department of management, taking
15 into consideration the relative budget and cash
16 position of the state resources. However, an amount
17 of state school foundation aid equal to the general
18 allocation of the school district as determined under
19 section 405A.2 and the amount of the tax credit for
20 livestock pursuant to section 442.2, subsection 2, as
21 it appeared in the 1987 Code, shall be paid to the
22 school district on July 15 of the subsequent fiscal
23 year, and the appropriation for this amount shall be
24 made for the fiscal year during which the payment is
25 made. However, the state aid paid to school districts
26 under section 257.13 shall be paid in monthly
27 installments beginning on December 15 and ending on
28 June 15 of a budget year.

29 Sec. 200. Section 260D.12, Code 1993, is amended
30 to read as follows:

31 260D.12 PAYMENT OF APPROPRIATION.

32 Payment of appropriations for distribution under
33 this chapter or of appropriations made in lieu of such
34 appropriations, shall be made by the department of
35 revenue and finance in four installments due on or
36 about August 15, November 15, February 15, and May 15
37 of a budget year and on or about August 15 of the next
38 following budget year, and installments shall be as
39 nearly equal as possible, as determined by the
40 department of revenue and finance, taking into
41 consideration the relative budget and cash position of
42 the state resources.

43 The payment made on or about August 15 of the next
44 following budget year is an account receivable for the
45 budget year.

46 Sec. 300. Section 285.2, unnumbered paragraph 5,
47 Code 1993, is amended to read as follows:

48 Claims shall be accompanied by an affidavit of an
49 officer of the public school district affirming the
50 accuracy of the claim. By February 1 and by July June

2 department of revenue and finance the amounts of
3 approved claims to be paid, and the department of
4 revenue and finance shall draw warrants payable to
5 school districts which have established claims.
6 Claims shall be allowed where practical, and at the
7 option of the public school district of the pupil's
8 residence, subject to approval by the area education
9 agency of the pupil's residence, under section 285.9,
10 subsection 3, the public school district of the
11 pupil's residence may transport a pupil to a school
12 located in a contiguous public school district outside
13 the boundary lines of the public school district of
14 the pupil's residence. The public school district of
15 the pupil's residence may contract with the contiguous
16 public school district or with a private contractor
17 under section 285.5 to transport the pupils to the
18 school of attendance within the boundary lines of the
19 contiguous public school district. The public school
20 district in which the pupil resides may contract with
21 the contiguous public school district or with a
22 private contractor under section 285.5 to transport
23 the pupil from the pupil's residence or from
24 designated school bus collection locations to the
25 school located within the boundary lines of the
26 contiguous public school district, subject to the
27 approval of the area education agency of the pupil's
28 residence. The public school district of the pupil's
29 residence may utilize the reimbursement provisions of
30 section 285.1, subsection 3.

31 Sec. 400. Section 303.18, unnumbered paragraph 2,
32 Code Supplement 1993, is amended to read as follows:

33 The historical division shall repay a portion of
34 the amount of the loan together with annual interest
35 payments due on the balance of the loan over a ten-
36 year period commencing with the fiscal year beginning
37 July 1, 1987. Payments shall be made from gross
38 receipts and other moneys available to the historical
39 division. The historical division shall solicit
40 voluntary contributions on behalf of the historical
41 division, at the entrance and other locations
42 throughout the state historical building for purposes
43 of raising funds for making payments under this
44 section. Payments of both principal and interest made
45 by the state historical division under this section
46 shall be paid quarterly and shall be considered
47 interest earned on the permanent school fund to the
48 extent necessary for payment of interest to the first
49 in the nation in education foundation under section
50 257B.1A.

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1 Sec. _____. Section 421.31, subsection 5, Code 1993,
2 is amended to read as follows:

3 5. ACCOUNTS. To keep the central budget and
4 proprietary control accounts of the state government
5 in accordance with generally accepted accounting
6 principles. Budget accounts are those accounts
7 maintained to control the receipt and disposition of
8 all funds, appropriations, and allotments.
9 Proprietary accounts are those accounts relating to
10 assets, liabilities, income, and expense. For each
11 fiscal year, the financial position and results of
12 operations of the state shall be reported in a
13 comprehensive annual financial report prepared in
14 accordance with generally accepted accounting
15 principles, as established by the governmental
16 accounting standards board.

17 Sec. _____. GAAP DEFICIT REDUCTION ACCOUNT.

18 1. The department of management shall utilize the
19 moneys deposited during the fiscal year beginning July
20 1, 1994, and succeeding fiscal years, in the GAAP
21 deficit reduction account created in section 8.57 for
22 payment of the following list of items. Any items
23 included in a schedule developed by the department
24 pursuant to section 8.57, subsection 5, as enacted by
25 this Act, shall be in addition to the list provided in
26 this section. Notwithstanding the Code section
27 specified in the list or any provision to the
28 contrary, payment of an item included in the list
29 shall be in the same fiscal year the item is due or
30 the expense of the item is incurred. Payment for the
31 items shall be made in the following descending
32 priority order:

- 33 a. Education of children placed in foster care.
- 34 b. Women, infants, and children program.
- 35 c. Education of children placed by the district
36 court.
- 37 d. Human services decategorization projects.
- 38 e. Permanent school fund loan.
- 39 f. Franchise tax.
- 40 g. Expenditures incurred by school districts for
41 vocational education aid to secondary schools.
- 42 h. Nonpublic school transportation paid under
43 section 285.2.
- 44 i. Notwithstanding chapter 260D for state
45 financial aid, including general financial aid to
46 merged areas in lieu of personal property tax
47 replacement payments under section 427A.13, to merged
48 areas to be used for expenditures incurred by the
49 community colleges.
- 50 j. School aid property credits paid under section

Page 5

1 257.16.

2 k. Accrued salaries.

3 2. If a specific appropriation made by the
4 Seventy-fifth General Assembly, 1994 Session, for the
5 fiscal year beginning July 1, 1995, and ending June
6 30, 1996, is paid in whole or part under this section,
7 the specific appropriation shall be reduced by the
8 amount paid under this section.

9 Sec. _____. CONTINGENT EFFECTIVE DATE. Sections
10 100, 200, 300, and 400 of this division shall take
11 effect upon the publication date of the state
12 comprehensive annual financial report prepared in
13 accordance with generally accepted accounting
14 principles which indicates that the payment of the
15 obligation described in the section is made in
16 accordance with generally accepted accounting
17 principles. A report shall be made by the department
18 of management to the Code editor on or before the
19 publication date of the report."

20 4. Title page, line 1, by inserting after the
21 word "processes" the following: "and providing
22 effective dates."

Corbett of Linn offered the following amendment H—6237, to the committee amendment H—6166, filed by him from the floor and moved its adoption:

H—6237

1 Amend the amendment, H—6166, to Senate File 2318,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 15, by striking the words "two
5 three" and inserting the following: "two".

6 2. Page 1, by striking lines 21 through 23 and
7 inserting the following: "year, and taking into
8 account the revised GAAP standards that are projected
9 to be in place by for the fiscal year ending in 1995,
10 either through the".

11 3. Page 1, by inserting after line 27 the
12 following:

13 "Sec. _____. Section 8.55, subsection 1, Code 1993,
14 is amended to read as follows:

15 1. The Iowa economic emergency fund is created.
16 The fund shall be separate from the general fund of
17 the state and the balance in the fund shall not be
18 considered part of the balance of the general fund of
19 the state. The moneys in the fund shall not revert to
20 the general fund, notwithstanding section 8.33, unless
21 and to the extent the fund exceeds the maximum
22 balance. However, the fund shall be considered a
23 special account for the purposes of section 8.53.

24 Sec. _____. Section 8.56, subsection 1, Code 1993,
25 is amended to read as follows:

26 1. A cash reserve fund is created in the state
27 treasury. The cash reserve fund shall be separate
28 from the general fund of the state and shall not be
29 considered part of the general fund of the state
30 except in determining the cash position of the state
31 as provided in subsection 3. The moneys in the cash
32 reserve fund are not subject to section 8.33 and shall
33 not be transferred, used, obligated, appropriated, or
34 otherwise encumbered except as provided in this
35 section. Notwithstanding section 12C.7, subsection 2,
36 interest or earnings on moneys deposited in the cash
37 reserve fund shall be credited to the Iowa economic
38 emergency fund. Moneys in the cash reserve fund may
39 be used for cash flow purposes provided that any
40 moneys so allocated are returned to the cash reserve
41 fund by the end of each fiscal year. However, the
42 fund shall be considered a special account for the
43 purposes of section 8.53.

44 Sec. _____. Section 8.57, subsections 2 and 3, Code
45 1993, are amended to read as follows:

46 2. Moneys appropriated under subsection 1 shall be
47 first credited to the cash reserve fund. To the
48 extent that moneys appropriated under subsection 1
49 would make the moneys in the cash reserve fund exceed
50 the cash reserve goal percentage of the adjusted

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1 revenue estimate for the fiscal year, the moneys are
2 appropriated to the department of management to be
3 spent for the purpose of eliminating Iowa's GAAP
4 deficit, including the payment of items budgeted in a
5 subsequent fiscal year which under generally accepted
6 accounting principles should be budgeted in the
7 current fiscal year. These moneys shall be deposited
8 into a GAAP deficit reduction account established
9 within the department of management. Unspent moneys
10 in this account shall be available for expenditure for
11 subsequent fiscal years. The department of management
12 shall annually file with both houses of the general
13 assembly at the time of the submission of the
14 governor's budget, a schedule of the items for which
15 moneys appropriated under this subsection for the
16 purpose of eliminating Iowa's GAAP deficit, including
17 the payment of items budgeted in a subsequent fiscal
18 year which under generally accepted accounting
19 principles should be budgeted in the current fiscal
20 year, shall be spent in the fiscal year commencing
21 July 1 following the date of the filing of the report.
22 The schedule shall indicate the fiscal year in which

23 the spending for an item is to take place and shall
24 incorporate the items detailed in 1994 Iowa Acts,
25 Senate File 2318, section 600. The schedule shall
26 list each item of expenditure and the maximum
27 estimated dollar amount of moneys to be spent on that
28 item for the fiscal year. The department of
29 management may submit during a regular legislative
30 session an amended schedule for legislative
31 consideration. If moneys appropriated under this
32 subsection are not enough to pay for all listed
33 expenditures, the department of management shall
34 allocate distribute the payments among the listed
35 expenditure items. Moneys appropriated to the
36 department of management under this subsection shall
37 not be spent on items other than those included in the
38 filed schedule. After elimination of the GAAP
39 deficit, including elimination of the making of any
40 appropriation in an incorrect fiscal year, any moneys
41 in the GAAP deficit reduction account shall be
42 appropriated to the Iowa economic emergency fund.
43 3. To the extent that moneys appropriated under
44 subsection 1 exceed the amounts necessary for the cash
45 reserve fund to reach its maximum balance and the
46 amounts necessary to eliminate Iowa's GAAP deficit,
47 including elimination of the making of any
48 appropriation in an incorrect fiscal year, the moneys
49 shall be appropriated to the Iowa economic emergency
50 fund."

Page 3

- 1 4. Page 1, line 29, by striking the word
2 "subsections" and inserting the following:
3 "subsection".
4 5. Page 1, by striking lines 30 through 47.
5 6. Page 1, line 48, by striking the figure "6"
6 and inserting the following: "5".
7 7. Page 2, by striking lines 14 through 16 and
8 inserting the following: "as determined by the
9 department of management, taking into consideration
10 the relative budget and cash position of the state
11 resources. However, an amount".
12 8. Page 2, by striking lines 36 and inserting the
13 following: "about November 15, February 15, and May
14 15, and August 15".
15 9. Page 2, by striking lines 40 through 42 and
16 inserting the following: "department of revenue and
17 finance, taking into consideration the relative budget
18 and cash position of the state resources."
19 10. Page 2, line 50, by striking the words "by
20 July" and inserting the following: "by July on or
21 about".

22 11. Page 4, by striking lines 4 through 6 and
 23 inserting the following: "proprietary control
 24 accounts of the general fund of the state and special
 25 funds, as defined in section 8.2, of the state
 26 government. Upon elimination of the state deficit
 27 under generally accepted accounting principles,
 28 including the payment of items budgeted in a
 29 subsequent fiscal year which under generally accepted
 30 accounting principles should be budgeted in the
 31 current fiscal year, the recognition of revenues
 32 received and expenditures paid and transfers received
 33 and paid within the time period required pursuant to
 34 section 8.33, shall be in accordance with generally
 35 accepted accounting principles. Budget accounts are
 36 those accounts".

37 12. Page 4, line 17, by striking the word
 38 "Sec. _____" and inserting the following: "Sec.
 39 600."

40 13. Page 4, line 18, by striking the figure "1."

41 14. Page 4, by striking lines 22 through 26 and
 42 inserting the following: "payment of the following
 43 list of items. Notwithstanding the Code section".

44 15. Page 4, line 32, by inserting after the word
 45 "order" the following: ", where feasible".

46 16. Page 4, line 33, by striking the word "a."
 47 and inserting the following: "1."

48 17. Page 4, line 34, by striking the word "b."
 49 and inserting the following: "2."

50 18. Page 4, line 35, by striking the word "c." and

Page 4

1 inserting the following: "3."

2 19. Page 4, line 37, by striking the word "d."
 3 and inserting the following: "4."

4 20. Page 4, line 38, by striking the word "e."
 5 and inserting the following: "5."

6 21. Page 4, line 39, by striking the word "f."
 7 and inserting the following: "6."

8 22. Page 4, line 40, by striking the word "g."
 9 and inserting the following: "7."

10 23. Page 4, line 42, by striking the word "h."
 11 and inserting the following: "8."

12 24. Page 4, line 44, by striking the word "i."
 13 and inserting the following: "9."

14 25. Page 4, line 50, by striking the word "j."
 15 and inserting the following: "10."

16 26. Page 5, line 2, by striking the word "k." and
 17 inserting the following: "11."

18 27. Page 5, by striking lines 3 through 8 and
 19 inserting the following:

20 "12. Other items included in the schedule filed by
 21 the department of management in accordance with
 22 section 8.57."

23 28. By renumbering as necessary.

Amendment H—6237 was adopted.

On motion by Corbett of Linn, the committee amendment H—6166, as amended, was adopted.

Corbett 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. 2318)

The ayes were, 99:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Dickinson

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 15, 1994, 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 121, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree.

Also: That the Senate has on April 15, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2366, a bill for an act relating to reapportionment, redistricting, and precincting by certain jurisdictions.

Also: That the Senate has on April 15, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2428, a bill for an act relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 15, 1994, adopted the conference committee report and passed Senate File 2016, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 15, 1994, adopted the conference committee report and passed Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date.

JOHN F. DWYER, Secretary

The House stood at ease at 10:55 p.m., until the fall of the gavel.

The House resumed session at 11:55 p.m., Royer of Page in the chair.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2318** 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 15, 1994, receded from the Senate amendment and passed House File 2049, a bill for an act relating to the use of moneys from the physical plant and equipment levy to purchase exterior lighting, equipment and technology systems.

Also: That the Senate has on April 15, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2149, a bill for an act relating to HIV-related testing of convicted sexual assault offenders.

Also: That the Senate has on April 15, 1994, 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 2411, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

Also: That the Senate has on April 15, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2307, a bill for an act relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances.

Also: That the Senate has on April 15, 1994, passed the following bill in which the concurrence of the House is asked:

Senate File 2324, a bill for an act relating to the receipt of certain state and federal housing funds for municipal housing projects and the allocation of affordable housing.

Also: That the Senate has on April 15, 1994, passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2324, by committee on appropriations, a bill for an act relating to the receipt of certain state and federal housing funds for municipal housing projects and the allocation of affordable housing.

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

Senate File 2329, by committee on appropriations, a bill for an act making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994.

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

Siegrist of Pottawattamie moved that the House adjourn at 12:20 a.m., until 1:00 p.m., Monday, April 18, 1994.

Roll call was requested by Arnould of Scott and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall the House adjourn?"

The ayes were, 50:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake

Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Metcalf
Meyer	Millage	Miller	Plasier
Rafferty	Rants	Renken	Royer
Siegrist	Tyrrell	Vande Hoef	Weidman
Welter	Mr. Speaker		
	Van Maanen		

The nays were, 46:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brand	Burke
Cataldo	Cohon	Doderer	Fallon
Fogarty	Gill	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Henderson
Holveck	Jochum	Koenigs	Kreiman
Larkin	May	McCoy	McKinney
Mertz	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Renaud
Running	Schrader	Shoultz	Weigel
Wise	Witt		

Absent or not voting, 4:

Brammer	Connors	Dickinson	Spenner
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The motion prevailed.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 15, 1994. Had I been present, I would have voted "aye" on House File 2411.

CATALDO of Polk

I was necessarily absent from the House chamber on April 15, 1994. Had I been present, I would have voted "aye" on House File 2411.

McCOY of Polk

I was temporarily absent from the House chamber on April 15, 1994. Had I been present, I would have voted "aye" on Senate File 2307.

MERTZ of Kossuth

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 15th day of April, 1994: House Files 403, 545, 582, 2070, 2133, 2241, 2309, 2325, 2358, 2375, 2392 and 2407.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Twenty-seven eighth grade students from St. Patrick's School, Cedar Falls, accompanied by Mike Griffith. By Hanson and Witt of Black Hawk.

Three F.F.A. students from Keota High School, Keota, accompanied by Dan Striegel. By Greiner of Washington.

Thirty-two fifth grade students from Colo Elementary School, Colo, accompanied by Liz Robinson. By Garman of Story.

Twenty-four third grade students from Twin Rivers Elementary School, Livermore. By Mertz of Kossuth.

Nine F.F.A. students from Wapsie Valley High School, Fairbank, accompanied by Ellen Daisey. By Brunkhorst and Hurley of Bremer.

Seven F.F.A. students from Riceville Community High School, Riceville, accompanied by Jim Green. By Koenigs of Mitchell and Weigel of Chickasaw.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF EMPLOYMENT SERVICES

The 1994 Annual Status Report on the Unemployment Compensation Trust Fund, pursuant to Chapter 96.35, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2315

Ways and Means: Blodgett, Chair; Greig and Neuhauser.

Senate File 2326

Appropriations: Gipp, Chair; Beaman, Corbett, McKinney and Murphy.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 747

Appropriations: Corbett, Chair; Brammer, Gipp, Miller and Murphy.

House Study Bill 748

Ways and Means: Larson, Chair; Blodgett and Fogarty.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 749 Appropriations**

Making an appropriation for the state communications network fund for the fiscal year beginning July 1, 1994.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

House Concurrent Resolution 121, a concurrent resolution requesting the establishment of a legislative interim committee to study the regulation of long-term care in health care facilities in the state.

Fiscal Note is not required.

Recommended **Do Pass and Laid Over Under Rule 25**, April 14, 1994.

COMMITTEE ON WAYS AND MEANS

Senate File 2215, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-6231**, April 15, 1994.

Committee Bill (Formerly House Study Bill 746), relating to the withholding of state income taxes from certain wages and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass**, April 15, 1994.

RESOLUTION FILED

HR 111, by Daggett, a resolution relating to the establishment of an interim study committee to review community college financing.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-6209	S.F.	2326	Millage of Scott
H-6210	S.F.	2326	Millage of Scott
H-6211	S.F.	2326	Grubbs of Scott Millage of Scott
H-6212	S.F.	2326	Grubbs of Scott Millage of Scott
H-6213	S.F.	2326	Grubbs of Scott Millage of Scott
H-6215	H.F.	2204	Hanson of Delaware Neuhauser of Johnson Carpenter of Polk
H-6216	H.F.	2415	Brunkhorst of Bremer
H-6221	H.F.	2415	Holveck of Polk
H-6222	H.F.	2415	Holveck of Polk
H-6223	H.F.	2415	Henderson of Scott
H-6224	H.F.	2415	Henderson of Scott
H-6225	H.F.	2415	Holveck of Polk
H-6226	H.F.	2415	Holveck of Polk
H-6227	H.F.	2204	Running of Linn
H-6228	S.F.	2326	Grundberg of Polk
H-6229	H.F.	2415	Wise of Lee
H-6230	S.F.	2057	Millage of Scott
H-6231	S.F.	2215	Committee on Ways and Means
H-6232	H.F.	2415	Weigel of Chickasaw
H-6235	S.F.	2311	Grundberg of Polk Houser of Pottawattamie
H-6238	H.F.	2204	Weigel of Chickasaw
H-6239	S.F.	100	Hanson of Delaware
H-6240	H.F.	2204	Running of Linn
H-6241	S.F.	2215	Burke of Marshall
H-6242	H.F.	2366	Senate amendment
H-6243	H.F.	2415	O'Brien of Boone
H-6244	H.F.	2415	Wise of Lee
H-6245	H.F.	2415	Wise of Lee
H-6246	H.F.	2415	Moreland of Wapello
H-6247	H.F.	2415	Brand of Benton
H-6248	H.F.	2415	Cataldo of Polk
H-6249	H.F.	2415	Wise of Lee
H-6250	H.F.	2415	Wise of Lee

H-6251	H.F. 2415	Wise of Lee
H-6252	H.F. 2415	Vande Hoef of Osceola
H-6253	H.F. 2415	Shoultz of Black Hawk
H-6254	H.F. 2415	Weigel of Chickasaw
H-6255	H.F. 2415	Shoultz of Black Hawk
H-6256	H.F. 2204	Hanson of Delaware
H-6257	H.F. 2415	Weigel of Chickasaw
H-6258	H.F. 2415	Halvorson of Webster
H-6259	H.F. 2415	Weigel of Chickasaw
H-6260	H.F. 2415	Wise of Lee
H-6261	H.F. 2415	Jochum of Dubuque
H-6262	H.F. 2149	Senate amendment
H-6263	H.F. 2415	O'Brien of Boone
H-6264	H.F. 2415	Weigel of Chickasaw
H-6265	H.F. 2415	O'Brien of Boone
H-6266	H.F. 2415	Wise of Lee
H-6267	H.F. 2415	Hammond of Story
H-6268	H.F. 2415	Gill of Woodbury
H-6269	H.F. 2415	Wise of Lee

By virtue of the motion to adjourn previously adopted, the House adjourned at 12:20 a.m., until 1:00 p.m., Monday, April 18, 1994.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day — Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 18, 1994

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

Prayer was offered by Father Phillip E. Schmitt, St. Mark Roman Catholic Church, Iowa Falls.

The Journal of Friday, April 15, 1994 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 18, 1994, 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 642, a bill for an act relating to revisions of mandates and goals to political subdivisions of the state.

Also: That the Senate has on April 18, 1994, passed the following bill in which the concurrence of the House is asked:

Senate File 2327, a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2016)

Branstad of Winnebago called up for consideration the report of the conference committee on Senate File 2016 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2016

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 2016, a bill for an Act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date, respectfully make the following report:

1. That the House amendment, S—5270, to Senate File 2016, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 5 through 13.
2. Page 3, by striking lines 20 through 31.
3. By renumbering as necessary.

ON THE PART OF THE HOUSE:

CLIFFORD O. BRANSTAD, Chair
DENNIS MAY
RICHARD VANDE HOEF

ON THE PART OF THE SENATE:

BERL E. PRIEBE, Chair
BRAD BANKS
MERLIN E. BARTZ
ROBERT E. DVORSKY
EMIL J. HUSAK

The motion prevailed and the conference committee report was adopted.

Branstad of Winnebago 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. 2016)

The ayes were, 92:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Doderer	Drake
Eddie	Ertl	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Kreiman	Larkin	Larson	Lundby
Martin	May	McKinney	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, 5:

Dinkla
Weigel

Fallon

Koenigs

McCoy

Absent or not voting, 3:

Connors

Grubbs

Running

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2016** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House File 2204.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2204, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental taxes allowed to be levied by a county in an urban renewal area, and providing an effective date, was taken up for consideration.

Hanson of Delaware offered the following amendment H-6215 filed by Hanson of Delaware, et al., and moved its adoption:

H-6215

- 1 Amend House File 2204 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 260E.3, unnumbered paragraph
- 5 1, and subsection 1, Code 1993, are amended to read as
- 6 follows:
- 7 1. A community college may enter into an agreement
- 8 to establish a project. If an agreement is entered
- 9 into, the community college and the employer shall
- 10 notify the department of revenue and finance as soon
- 11 as possible. An agreement may shall provide, but is
- 12 not limited to:
- 13 1. Program for program costs, including deferred
- 14 costs, which may be paid from one or a combination of
- 15 the following sources:
- 16 a. Incremental property taxes to be received or
- 17 derived from an employer's business property where new
- 18 jobs are created as a result of the project.

19 b. New jobs credit from withholding to be received
20 or derived from new employment resulting from the
21 project.

22 c. Tuition, student fees, or special charges fixed
23 by the board of directors to defray program costs in
24 whole or in part.

25 d. Guarantee of payments to be received under
26 paragraph "a," "b," or "c".

27 Sec. 2. Section 260E.3, subsection 4, Code 1993,
28 is amended to read as follows:

29 4. A An agreement shall include a provision which
30 fixes the minimum amount of incremental property
31 taxes, new jobs credit from withholding, or tuition
32 and fee payments which shall be paid for program
33 costs.

34 Sec. 3. Section 260F.3, unnumbered paragraph 1,
35 and subsection 1, Code 1993, are amended to read as
36 follows:

37 1. A community college may enter into an agreement
38 to establish a project. If an agreement is entered
39 into, the community college and the business shall
40 notify the department of revenue and finance as soon
41 as possible. An agreement may shall provide, but is
42 not limited to:

43 1. Program for program costs, including deferred
44 costs, for a project creating new jobs by providing
45 education and training of workers for a new or
46 expanding small business which may be paid from one or
47 a combination of the following sources:

48 a. Incremental property taxes to be received or
49 derived from the business' property where new jobs are
50 created as a result of the project.

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1 b. New jobs credit from withholding to be received
2 or derived from new employment resulting from the
3 project.

4 c. Tuition, student fees, or special charges fixed
5 by the board of directors to defray program costs in
6 whole or in part.

7 d. Guarantee of payments to be received under
8 paragraph "a," "b", or "c".

9 Sec. 4. Section 260F.3, subsections 5 and 7, Code
10 1993, are amended to read as follows:

11 5. A provision, where If applicable, an agreement
12 shall include a provision which fixes the minimum
13 amount of incremental property taxes, new jobs credit
14 from withholding, or tuition and fee payments which
15 shall be paid for program costs.

16 7. Provisions An agreement shall contain
17 provisions relating to the type of financial

18 assistance being provided which may be in the form of
19 grants, loans, forgivable loans, or a combination of
20 grants and loans according to guidelines adopted by
21 the department of economic development. However, the
22 amount of financial assistance provided for a project
23 under this chapter shall not exceed fifty thousand
24 dollars. Financial assistance for a new jobs project
25 shall be limited to loans. Financial assistance for a
26 retraining project shall not include a grant or
27 forgivable loan unless the result of the retooling
28 creates, at the business production site subject to
29 the retooling, a net increase in the number of
30 employment positions, a net increase in the quality of
31 the employment positions held by participating
32 workers, or a net increase in wages paid to
33 participating workers. The financial assistance
34 provided to a participating business must be based on
35 the actual cost of training or retraining
36 participating workers under the project.

37 Sec. 5. Section 331.441, subsection 2, paragraph
38 b, Code Supplement 1993, is amended by adding the
39 following new subparagraph:

40 NEW SUBPARAGRAPH. (14) The aiding of the
41 planning, undertaking, and carrying out of urban
42 renewal projects under the authority of chapter 403
43 and for the purposes set out in section 403.12.
44 However, bonds issued for this purpose are subject to
45 the right of petition for an election as provided in
46 section 331.442, subsection 5, without limitation on
47 the amount of the bond issue or the population of the
48 county, and the board shall include notice of the
49 right of petition in the notice of proposed action
50 required under section 331.443, subsection 2.

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1 Sec. 6. Section 403.5, subsections 2, 3, 4, 5, and
2 7, Code 1993, are amended to read as follows:
3 2. The municipality may itself prepare or cause to
4 be prepared an urban renewal plan; or any person or
5 agency, public or private, may submit such a plan to a
6 municipality. Prior to its approval of an urban
7 renewal project plan, the local governing body shall
8 submit such plan to the planning commission of the
9 municipality, if any, for review and recommendations
10 as to its conformity with the general plan for the
11 development of the municipality as a whole. The
12 planning commission shall submit its written
13 recommendations with respect to the proposed urban
14 renewal plan to the local governing body within thirty
15 days after receipt of the plan for review. Upon
16 receipt of the recommendations of the planning

17 commission or, if no recommendations are received
18 within said the thirty days, then, without such
19 recommendations, the local governing body may proceed
20 with the hearing on the proposed urban renewal project
21 prescribed by subsection 3 hereof.

22 Prior to its approval of an urban renewal plan, the
23 municipality shall mail the proposed plan by regular
24 mail to the affected taxing entities. The
25 municipality shall include with the proposed plan
26 notification of a consultation to be held between the
27 municipality and affected taxing entities prior to the
28 public hearing on the urban renewal plan. Each
29 affected taxing entity may appoint a representative to
30 attend the consultation. The consultation may include
31 a discussion of the estimated growth in valuation of
32 taxable property included in the proposed urban
33 renewal area, the fiscal impact of the division of
34 revenue on the affected taxing entities, the estimated
35 impact on the provision of services by each of the
36 affected taxing entities in the proposed urban renewal
37 area, and the duration of any bond issuance included
38 in the plan. The designated representative of the
39 affected taxing entity may make written
40 recommendations for modification to the proposed
41 division of revenue no later than seven days following
42 the date of the consultation. The representative of
43 the municipality shall, no later than seven days prior
44 to the public hearing on the urban renewal plan,
45 submit a written response to the affected taxing
46 entity addressing the recommendations for modification
47 to the proposed division of revenue.

48 3. The local governing body shall hold a public
49 hearing on an urban renewal project after public
50 notice thereof by publication in a newspaper having a

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1 general circulation in the area of operation of the
2 municipality. The notice shall describe the time,
3 date, place and purpose of the hearing, shall
4 generally identify the urban renewal area covered by
5 the plan, and shall outline the general scope of the
6 urban renewal project under consideration. A copy of
7 the notice shall be sent by ordinary mail to each
8 affected taxing entity.

9 4. Following such hearing, the local governing
10 body may approve an urban renewal project plan if it
11 finds that:

12 a. A feasible method exists for the location of
13 families who will be displaced from the urban renewal
14 area into decent, safe and sanitary dwelling
15 accommodations within their means and without undue

16 hardship to such families;

17 b. The urban renewal plan conforms to the general
18 plan of the municipality as a whole; provided, that if
19 the urban renewal area consists of an area of open
20 land to be acquired by the municipality, such area
21 shall not be so acquired except:

22 (1) If it is to be developed for residential uses,
23 the local governing body shall determine that a
24 shortage of housing of sound standards and design with
25 decency, safety and sanitation exists in the
26 municipality; that the need for housing accommodations
27 has been or will be increased as a result of the
28 clearance of slums in other areas, including other
29 portions of the urban renewal area; that the
30 conditions of blight in the area and the shortage of
31 decent, safe and sanitary housing cause or contribute
32 to an increase in and spread of disease and crime, and
33 constitute a menace to the public health, safety,
34 morals, or welfare; and that the acquisition of the
35 area for residential uses is an integral part of and
36 essential to the program of the municipality.

37 (2) If it is to be developed for nonresidential
38 uses, the local governing body shall determine that
39 such nonresidential uses are necessary and appropriate
40 to facilitate the proper growth and development of the
41 community in accordance with sound planning standards
42 and local community objectives. The acquisition may
43 require the exercise of governmental action, as
44 provided in this chapter, because of defective or
45 unusual conditions of title, diversity of ownership,
46 tax delinquency, improper subdivisions, outmoded
47 street patterns, deterioration of site, economic
48 disuse, unsuitable topography or faulty lot layouts,
49 or because of the need for the correlation of the area
50 with other areas of a municipality by streets and

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1 modern traffic requirements, or any combination of
2 such factors or other conditions which retard
3 development of the area.

4 5. An urban renewal plan may be modified at any
5 time: Provided, that if modified after the lease or
6 sale by the municipality of real property in the urban
7 renewal project area, such modification may be
8 conditioned upon such approval of the owner, lessee or
9 successor in interest as the municipality may deem
10 advisable, and in any event such modification shall be
11 subject to such rights at law or in equity as a lessee
12 or purchaser, or a lessee's or purchaser's successor
13 or successors in interest, may be entitled to assert.
14 The municipality shall comply with the notification

15 and consultation process provided in this section
 16 prior to the approval of any amendment or modification
 17 to an adopted urban renewal plan if such amendment or
 18 modification provides for refunding bonds or
 19 refinancing resulting in an increase in indebtedness
 20 or provides for the issuance of bonds or other
 21 indebtedness to be funded primarily in the manner
 22 provided in section 403.19.

23 7. Notwithstanding any other provisions of this
 24 chapter, where the local governing body certifies that
 25 an area is in need of redevelopment or rehabilitation
 26 as a result of a flood, fire, hurricane, earthquake,
 27 storm, or other catastrophe respecting which the
 28 governor of the state has certified the need for
 29 disaster assistance under Public Law 875, Eighty-first
 30 Congress, 64 Stat. L. 1109; 42 U.S.C. §§ 1855-1855g or
 31 other federal law, the local governing body may
 32 approve an urban renewal plan and an urban renewal
 33 project with respect to such area without regard to
 34 the provisions of subsection 4 of this section and
 35 without regard to provisions of this section requiring
 36 notification and consultation, a general plan for the
 37 municipality, and a public hearing on the urban
 38 renewal plan or project.

39 Sec. 7. Section 403.12, subsection 5, Code 1993,
 40 is amended to read as follows:

41 5. For the purposes of this section, or for the
 42 purpose of aiding in the planning, undertaking, or
 43 carrying out of an urban renewal project of a
 44 municipality, ~~the~~ a municipality may, in addition to
 45 any authority to issue bonds pursuant to section
 46 403.9, issue and sell its general obligation bonds.
 47 Any bonds issued by a municipality pursuant to this
 48 section must be issued, in the case of a city, by
 49 resolution of the council in the manner and within the
 50 limitations prescribed by chapter 384, division III,

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1 or in the case of a county, by resolution of the board
 2 of supervisors in the manner and within the
 3 limitations prescribed by chapter 331, division IV,
 4 part 3. Bonds issued pursuant to the provisions of
 5 this subsection must be sold in the manner prescribed
 6 by chapter 75. The additional power granted in this
 7 subsection for the financing of public improvements
 8 undertakings and activities by municipalities within
 9 an urban renewal project area shall not be construed
 10 as a limitation of the existing powers of cities
 11 municipalities.

12 Sec. 8. Section 403.17, subsections 2, 3, 8, 12,
 13 20, and 22, Code 1993, are amended to read as follows:

14 2. "Area of operation" of a city means the area
15 within the corporate limits of the municipality city
16 and, with the consent of the county, the area within
17 two miles of such limits, except that it does not
18 include any area which lies within the territorial
19 boundaries of another incorporated city, unless a
20 resolution has been adopted by the governing body of
21 the city declaring a need to be included in the area.
22 The "area of operation" of a county means an area
23 outside the corporate limits of a city. However, in
24 that area outside a city's boundary but within two
25 miles of the city's boundary, a joint agreement
26 between the city and the county is required allowing
27 the county to proceed with the activities authorized
28 under this chapter. In addition, a county may proceed
29 with activities authorized under this chapter in an
30 area inside the boundaries of a city, provided a joint
31 agreement is entered into with respect to such
32 activities between a city and a county.

33 3. "Blighted area" means an area of a municipality
34 within which the local governing body of the
35 municipality determines that the presence of a
36 substantial number of slum, deteriorated, or
37 deteriorating structures; defective or inadequate
38 street layout; faulty lot layout in relation to size,
39 adequacy, accessibility, or usefulness; insanitary or
40 unsafe conditions; deterioration of site or other
41 improvements; diversity of ownership, tax or special
42 assessment delinquency exceeding the fair value of the
43 land; defective or unusual conditions of title; or the
44 existence of conditions which endanger life or
45 property by fire and other causes; or any combination
46 of these factors; substantially impairs or arrests the
47 sound growth of a municipality, retards the provision
48 of housing accommodations, or constitutes an economic
49 or social liability and is a menace to the public
50 health, safety, or welfare in its present condition

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1 and use. A disaster area referred to in section
2 403.5, subsection 7, constitutes a "blighted area".
3 "Blighted area" does not include real property
4 assessed as agricultural property for purposes of
5 property taxation.

6 8. "Economic development area" means an area of a
7 municipality designated by the local governing body as
8 appropriate for commercial and industrial enterprises
9 or housing and residential development for low and
10 moderate income families, including single or
11 multifamily housing. If an urban renewal plan for an
12 urban renewal area is based upon a finding that the

13 area is an economic development area and that no part
 14 contains slum or blighted conditions, then the
 15 division of revenue provided in section 403.19 and
 16 stated in the plan shall be limited to twenty years
 17 from the calendar year following the calendar year in
 18 which the city first certifies to the county auditor
 19 the amount of any loans, advances, indebtedness, or
 20 bonds which qualify for payment from the division of
 21 revenue provided in section 403.19. Such designated
 22 area designated before July 1, 1994, shall not include
 23 land which is part of a century farm.

24 12. "Low or moderate income families" means low or
 25 moderate income families as defined in section 16.1
 26 those families, including single person households,
 27 earning no more than eighty percent of the higher of
 28 the median family income of the county or the
 29 statewide nonmetropolitan area as determined by the
 30 latest United States department of housing and urban
 31 development, section 8 income guidelines.

32 20. "Slum area" shall mean an area in which there
 33 is a predominance of buildings or improvements,
 34 whether residential or nonresidential, which: By
 35 reason of dilapidation, deterioration, age or
 36 obsolescence; by reason of inadequate provision for
 37 ventilation, light, air, sanitation, or open spaces;
 38 by reason of high density of population and
 39 overcrowding; by reason of the existence of conditions
 40 which endanger life or property by fire and other
 41 causes; or which by any combination of such factors,
 42 is conducive to ill health, transmission of disease,
 43 infant mortality, juvenile delinquency or crime, and
 44 which is detrimental to the public health, safety,
 45 morals or welfare. "Slum area" does not include real
 46 property assessed as agricultural property for
 47 purposes of property taxation.

48 22. "Urban renewal plan" means a plan for the
 49 development, redevelopment, improvement, or
 50 rehabilitation of a designated urban renewal area, as

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1 it exists from time to time, for an urban renewal
 2 project. The plan shall meet the following
 3 requirements:

4 a. Conform to the general plan for the
 5 municipality as a whole except as provided in section
 6 403.5, subsection 7;

7 b. Be sufficiently complete to indicate the land
 8 acquisition, demolition and removal of structures,
 9 real property located in the urban renewal area to be
 10 acquired for the proposed development, redevelopment,
 11 development, improvements, and improvement, or

12 rehabilitation proposed to be carried out in the urban
13 renewal area, and to indicate any zoning and planning
14 district changes, if any, existing and future land
15 uses, maximum densities, building requirements, and
16 the plan's relationship to definite local objectives
17 respecting appropriate development, redevelopment,
18 improvement, or rehabilitation related to the future
19 land uses plan, and need for improved traffic, public
20 transportation, public utilities, recreational and
21 community facilities, and other public improvements
22 within the urban renewal area.

23 c. If the plan includes a provision for the
24 division of taxes as provided in section 403.19, the
25 plan shall also include a list of the current general
26 obligation debt of the municipality, the current
27 constitutional debt limit of the municipality, and the
28 proposed amount of indebtedness to be incurred,
29 including loans, advances, indebtedness, or bonds
30 which qualify for payment from the special fund
31 referred to in section 403.19, subsection 2.

32 Sec. 9. Section 403.17, Code 1993, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 1A. "Affected taxing entity"
35 means a city, community college, county, or school
36 district which levied or certified for levy a property
37 tax on any portion of the taxable property located
38 within the urban renewal area in the fiscal year
39 beginning prior to the calendar year in which a
40 proposed urban renewal plan is submitted to the local
41 governing body for approval.

42 Sec. 10. Section 403.19, unnumbered paragraph 1,
43 subsections 1, 2, and 3, Code 1993, are amended to
44 read as follows:

45 A municipality may provide by ordinance that taxes
46 levied on taxable property in an urban renewal project
47 area each year by or for the benefit of the state,
48 city, county, school district, or other taxing
49 district after the effective date of such ordinance,
50 shall be divided as follows:

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1 1. a. That Unless otherwise provided in this
2 section, that portion of the taxes which would be
3 produced by the rate at which the tax is levied each
4 year by or for each of the taxing districts upon the
5 total sum of the assessed value of the taxable
6 property in the urban renewal project area, as shown
7 on the assessment roll as of January 1 of the calendar
8 year preceding the effective date of the ordinance
9 first calendar year in which the municipality
10 certifies to the county auditor the amount of loans,

11 advances, indebtedness, or bonds payable from the
12 division of property tax revenue, or on the assessment
13 roll last equalized prior to the date of initial
14 adoption of the urban renewal plan in the case of
15 projects commenced if the plan was adopted prior to
16 July 1, 1972, shall be allocated to and when collected
17 be paid into the fund for the respective taxing
18 district as taxes by or for said the taxing district
19 into which all other property taxes are paid.
20 However, the municipality may choose to divide that
21 portion of the taxes which would be produced by
22 levying the municipality's portion of the total tax
23 rate levied by or for the municipality upon the total
24 sum of the assessed value of the taxable property in
25 the urban renewal area, as shown on the assessment
26 roll as of January 1 of the calendar year preceding
27 the effective date of the ordinance and if the
28 municipality so chooses, an affected taxing entity may
29 allow a municipality to divide that portion of the
30 taxes which would be produced by levying the affected
31 taxing district's portion of the total tax rate levied
32 by or for the affected taxing entity upon the total
33 sum of the assessed value of the taxable property in
34 the urban renewal area, as shown on the assessment
35 roll as of January 1 of the calendar year preceding
36 the effective date of the ordinance.

37 b. For the purpose of allocating taxes levied by
38 or for any taxing district which did not include the
39 territory in an urban renewal project area on the
40 effective date of the ordinance or initial adoption of
41 the plan, but to which the territory has been annexed
42 or otherwise included after the effective date, the
43 assessment roll applicable to property in the annexed
44 territory as of January 1 of the calendar year
45 preceding the effective date of the ordinance, or
46 initial adoption of the plan which amends the plan to
47 include the annexed area, shall be used in determining
48 the assessed valuation of the taxable property in the
49 project on the effective date annexed area.

50 c. For the purposes of dividing taxes under

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1 sections 260E.4 and 260F.4, the community college
2 shall notify the appropriate assessor of the approval
3 of the first written agreement providing for a
4 division of tax revenue. The assessor may, within
5 fourteen days of being notified, physically inspect
6 the applicable taxable business property. If upon
7 such inspection the assessor determines that there has
8 been a change in the value of the property from the
9 value as shown on the assessment roll as of January 1

10 of the calendar year preceding the approval of the
11 first written agreement and such change in value is
12 due to new construction, additions or improvements to
13 existing structures, or remodeling of existing
14 structures for which a building permit was required,
15 the assessor shall promptly determine the value of the
16 property as of the date of the approval of the first
17 written agreement in the manner provided in chapter
18 441 and that portion of the tax revenue which would be
19 produced by levying against that assessed value shall
20 not be included in the division of revenue for
21 purposes of the jobs training project. The assessor,
22 within thirty days of being notified of the approval
23 of the first written agreement, shall notify the
24 community college and the employer or business of that
25 valuation which shall be excluded from the assessed
26 valuation for purposes of this subsection and section
27 260E.4 or 260F.4. The value determined by the
28 assessor shall reflect the change in value due solely
29 to new construction, additions or improvements to
30 existing structures, or remodeling of existing
31 structures for which a building permit was required.

32 2. That portion of the taxes each year in excess
33 of such amount shall be allocated to and when
34 collected be paid into a special fund of the
35 municipality to pay the principal of and interest on
36 loans, moneys advanced to, or indebtedness, whether
37 funded, refunded, assumed, or otherwise, including
38 bonds issued under the authority of section 403.9,
39 subsection 1, incurred by the municipality to finance
40 or refinance, in whole or in part, the redevelopment
41 an urban renewal project within the area, except that
42 taxes for the payment of bonds and interest of each
43 taxing district must be collected against all taxable
44 property within the taxing district without limitation
45 by the provisions of this subsection. Unless and
46 until the total assessed valuation of the taxable
47 property in an urban renewal project area exceeds the
48 total assessed value of the taxable property in such
49 project area as shown by the last equalized assessment
50 roll referred to in subsection 1 of this section, all

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1 of the taxes levied and collected upon the taxable
2 property in the urban renewal project area shall be
3 paid into the funds for the respective taxing
4 districts as taxes by or for said the taxing districts
5 in the same manner as all other property taxes. When
6 such loans, advances, indebtedness, and bonds, if any,
7 and interest thereon, have been paid, all moneys
8 thereafter received from taxes upon the taxable

9 property in such urban renewal project area shall be
10 paid into the funds for the respective taxing
11 districts in the same manner as taxes on all other
12 property.

13 3. The portion of taxes mentioned in subsection 2
14 of this section and the special fund into which they
15 shall be paid, may be irrevocably pledged by a
16 municipality for the payment of the principal and
17 interest on loans, advances, bonds issued under the
18 authority of section 403.9, subsection 1, or
19 indebtedness incurred by a municipality to finance or
20 refinance, in whole or in part, the urban renewal
21 project within the area.

22 Sec. 11. Section 403.19, subsection 5, Code 1993,
23 is amended to read as follows:

24 5. A city municipality shall certify to the county
25 auditor on or before December 31 the amount of loans,
26 advances, indebtedness, or bonds which qualify for
27 payment from the special fund referred to in
28 subsection 2, and the filing of the certificate shall
29 make it a duty of the auditor to provide for the
30 division of taxes in each subsequent year until the
31 amount of the loans, advances, indebtedness, or bond
32 bonds is paid to the special fund. In any year, the
33 county auditor shall, upon receipt of a certified
34 request from a city municipality filed prior to
35 January 1, increase the amount to be allocated under
36 subsection 1 in order to reduce the amount to be
37 allocated in the following fiscal year to the special
38 fund, to the extent that the city municipality does
39 not request allocation to the special fund of the full
40 portion of taxes which could be collected. Upon
41 receipt of a certificate by a municipality, the
42 auditor shall mail a copy of the certificate to each
43 affected taxing district.

44 Sec. 12. Section 403.19, subsection 7, Code 1993,
45 is amended to read as follows:

46 7. For the purposes of this section, a county
47 shall include taxes levied on industrial property
48 within an urban renewal area only. However, a county
49 shall include taxes levied on all taxable property
50 within an urban renewal area if all or part of the

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1 area is inside the boundaries of a city or within two
2 miles of a city's boundary and a joint agreement is
3 entered into pursuant to section 403.17, subsection 2.

4 Sec. 13. Section 403.19, Code 1993, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 8. Beginning August 31, 1994,
7 through January 1, 1997, no new jobs training

8 agreements under section 260E.3 or 260F.3 shall be
9 entered into for livestock production projects.

10 Sec. 14. NEW SECTION. 403.21 COMMUNICATION AND
11 COOPERATION.

12 1. In order to promote communication and
13 cooperation among cities, counties, and community
14 colleges with respect to the allocation and division
15 of taxes, no jobs training projects as defined in
16 chapter 260E or 260F shall be undertaken within the
17 area of operation of a municipality after July 1,
18 1995, unless the municipality and the community
19 college have entered into an agreement or have jointly
20 adopted a plan relating to a community college's new
21 jobs training program which shall provide for a
22 procedure for advance notification to each affected
23 municipality, for exchange of information, for mutual
24 consultation, and for procedural guidelines for all
25 such new jobs training projects, including related
26 project financing to be undertaken within the area of
27 operation of the municipality. The joint agreement or
28 the plan shall state its precise duration and shall be
29 binding on the community college and the municipality
30 with respect to all new jobs training projects,
31 including related project financing undertaken during
32 its existence. The joint agreement or plan shall be
33 effective upon adoption and shall be placed on file in
34 the office of the secretary of the board of directors
35 of the community college and such other location as
36 may be stated in the joint agreement or plan. The
37 joint agreement or plan shall also be sent to each
38 school district which levied or certified for levy a
39 property tax on any portion of the taxable property
40 located in the area of operation of the municipality
41 in the fiscal year beginning prior to the calendar
42 year in which the plan is adopted or the agreement is
43 reached. If no such agreement is reached or plan
44 adopted, the community college shall not use
45 incremental property tax revenues to fund jobs
46 training projects within the area of operation of the
47 municipality. Agreements entered into between a
48 community college and a city or county pursuant to
49 chapter 28E shall not apply.

50 2. The community college shall send a copy of the

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1 final agreement prepared pursuant to section 260E.3 to
2 the department of economic development. For each year
3 in which incremental property taxes are used to pay
4 job training certificates issued for a project
5 creating new jobs, the community college shall provide
6 to the department of economic development a report of

7 the incremental property taxes and new jobs credits
 8 from withholding generated for that year, a specific
 9 description of the training conducted, the number of
 10 employees provided program services under the project,
 11 the median wage of employees in the new jobs in the
 12 project, and the administrative costs directly
 13 attributable to the project.

14 3. The community college shall send a copy of the
 15 final agreement prepared pursuant to section 260F.3 to
 16 the department of economic development. For each year
 17 in which incremental property taxes are used to retire
 18 debt service on a jobs training advance issued for a
 19 project creating new jobs, the community college shall
 20 provide to the department of economic development a
 21 report of the incremental property taxes and new jobs
 22 credits from withholding generated for that year, a
 23 specific description of the training conducted, the
 24 number of employees provided program services under
 25 the project, and the median wage of employees in the
 26 new jobs in the project, and the administrative costs
 27 directly attributable to the project.

28 Sec. 15. EFFECTIVE DATE. Sections 5, 7, and 12 of
 29 this Act, amending Code sections 331.441, 403.12, and
 30 403.19, subsection 7, being deemed of immediate
 31 importance, take effect upon enactment.

32 Sec. 16. APPLICABILITY DATES. Sections 5, 7, and
 33 12 of this Act are applicable to projects established
 34 on or after the effective date of those sections.
 35 Section 6 of this Act, amending Code section 403.5,
 36 applies to urban renewal plans approved on or after
 37 August 31, 1994. Section 14 of this Act, enacting new
 38 section 403.21, applies to new jobs training project
 39 agreements entered into on or after July 1, 1995. The
 40 remaining sections of this Act apply to urban renewal
 41 plans approved, or new jobs training project
 42 agreements entered into, on or after January 1, 1995."

Hanson of Delaware offered the following amendment H—6271,
 to amendment H—6215, filed by him from the floor and moved its
 adoption:

H—6271

1 Amend the amendment, H—6215, to House File 2204 as
 2 follows:

3 1. Page 3, line 22, by striking the word "plan,"
 4 and inserting the following: "plan which provides for
 5 a division of revenue pursuant to section 403.19,".

6 2. Page 5, line 19, by striking the word
 7 "indebtedness" and inserting the following: "debt
 8 service".

9 3. Page 5, line 21, by striking the word

10 "indebtedness" and inserting the following:

11 "indebtedness,".

12 4. Page 9, line 36, by inserting after the word
13 "ordinance." the following: "This choice to divide a
14 portion of the taxes shall not be construed to change
15 the effective date of the division of property tax
16 revenue with respect to an urban renewal plan in
17 existence on July 1, 1994."

18 5. Page 11, line 41, by striking the word "by"
19 and inserting the following: "from".

Amendment H-6271 was adopted.

Hanson of Delaware offered the following amendment H-6240,
to amendment H-6215, filed by Running of Linn and moved its
adoption:

H-6240

1 Amend the amendment, H-6215, to House File 2204, as
2 follows:

3 1. By striking page 9, line 50 through page 10,
4 line 31 and inserting the following:

5 c. For the purposes of dividing taxes under
6 sections 260E.4 and 260F.4, the applicable assessment
7 roll for purposes of paragraph "a" shall be the
8 assessment roll as of January 1 of the calendar year
9 preceding the first written agreement providing that
10 all or a portion of program costs are to be paid for
11 by incremental property taxes. The community college
12 shall file a copy of the agreement with the
13 appropriate assessor. The assessor may, within
14 fourteen days of such filing, physically inspect the
15 applicable taxable business property. If upon such
16 inspection the assessor determines that there has been
17 a change in the value of the property from the value
18 as shown on the assessment roll as of January 1 of the
19 calendar year preceding the filing of the agreement
20 and such change in value is due to new construction,
21 additions, or improvements to existing structures, or
22 remodeling of existing structures for which a building
23 permit was required, the assessor shall promptly
24 determine the value of the property as of the
25 inspection in the manner provided in chapter 441 and
26 that value shall be included for purposes of the jobs
27 training project in the assessed value of the
28 employer's taxable business property as shown on the
29 assessment roll as of January 1 of the calendar year
30 preceding the filing of the agreement. The assessor,
31 within thirty days of such filing, shall notify the
32 community college and the employer or business of that
33 valuation which shall be included in the assessed

34 valuation for purposes of this subsection and section
 35 260E.4 or 260F.4. The value determined by the
 36 assessor shall reflect the change in value due solely
 37 to new construction, additions, or improvements to
 38 existing structures, or remodeling of existing
 39 structures for which a building permit was required."

Amendment H—6240 was adopted.

Weigel of Chickasaw offered the following amendment H—6227, to amendment H—6215, filed by Running of Linn and moved its adoption:

H—6227

- 1 Amend the amendment, H—6215, to House File 2204, as
- 2 follows:
- 3 1. Page 12, by striking lines 4 through 9.
- 4 2. By renumbering as necessary.

Amendment H—6227 was adopted, placing out of order amendment H—6238, to amendment H—6215, filed by Weigel of Chickasaw on April 15, 1994.

Hanson of Delaware offered the following amendment H—6256, to amendment H—6215, filed by him and moved its adoption:

H—6256

- 1 Amend the amendment, H—6215, to House File 2204 as
- 2 follows:
- 3 1. Page 13, line 42, by inserting after the
- 4 figure "1995" the following: ", except that the
- 5 provision relating to century farms in section 403.17,
- 6 subsection 8, as amended in this Act, applies to urban
- 7 renewal plans for an economic development area
- 8 approved on or after July 1, 1994".

Amendment H—6256 was adopted.

On motion by Hanson of Delaware, amendment H—6215, as amended, was adopted.

Neuhauser 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?" (H.F. 2204)

The ayes were, 91:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Boddicker
Brammer	Brand	Branstad	Brauns

Brunkhorst	Burke	Carpenter	Cohoon
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rafferty
Rants	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 8:

Blodgett	Cataldo	Churchill	Gill
May	McCoy	Renaud	Weigel

Absent or not voting, 1:

Connors

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2204** be immediately messaged to the Senate.

COMMUNICATION FROM HOUSE PAGES

Speaker Van Maanen received and read the following letter from the 1994 House Pages:

To all the staff and Representatives of the 75th General Assembly from the 1994 Pages, this letter comes to you as the sincerest of thank-you's.

For many of us coming to Des Moines to work as Pages was the first experience any of us had away from the comforts of home. We came away from the guidance of parents, from the closeness of friends, and entered a whole new world.

This new world included more brothers and sisters and surrogate mothers and fathers than any of us could have ever imagined, and above all we have made friends that we will cherish for the rest of our lives. Simple smiles and hellos go a long way

when you are far from home. Despite the burdensome workload you as an assembly carry on your shoulders, you have not forgotten how to be loving and compassionate, and your actions deserve a world of thanks.

We will walk away from the Iowa House of Representatives as a part of a new generation, and in a large part because of you. We will walk away with a new sense of pride in our government, the system, and what it means to live in a democratic country.

To watch two individuals debate an issue, strongly disagree, yet minutes later be able to shake hands and appreciate each other is a tremendous lesson for us, the pages, in what it means to have integrity. From all of you we have learned to respect the opinions of others. It doesn't matter if you are a "D" or an "R", you are all fighting for the same cause, you just are taking different roads to get to that point.

This experience has taught us many lessons. Some we can't even begin to describe in words. We all now know how to run the copy machine, make an awesome cup of coffee, deliver notes to the Democratic caucus (they go to Carolyn, not Rep. Arnould), FAX letters, and properly empty a wastebasket. Although this isn't the most glamorous job — we can't all be Reps, you know — because of the way you have treated us, we can take pride in our work.

All jokes aside, this has been a great experience for all of us. We have learned more about government in these few months than most people will learn in their lifetime. Our lives have been changed by all of the people here. The Representatives, Clerks, and all of the other wonderful staff have made a difference in our lives. We can't think of a gift large enough to express our deepest appreciation for all of the support, knowledge, and guidance you all have given us. We'll never forget any of you. To all of those retiring, we wish you the best of luck with your lives, to all of those continuing, we wish you the best of luck with your legislative careers. Some people say one person can't make a difference, but all of you have made more than a world of difference in our lives.

May God continue to bless and guide you.

Love,

The 1994 House Pages

P.S. There are cookies for everyone in the back!

The House stood at ease at 2:19 p.m., until the fall of the gavel.

The House resumed session at 3:40 p.m., Speaker Van Maanen in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2327, by committee on ways and means, a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

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

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2415**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates, previously deferred, and amendment H—6236, found on pages 1772 through 1790 of the House Journal, to the Senate amendment H—6069, found on pages 1750 through 1772, of the House Journal, pending.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—6236, to the Senate amendment H—6069, placing the following amendments, to amendment H—6236, to the Senate amendment H—6069, out of order:

H—6243, to amendment H—6236, filed by O'Brien of Boone on April 15, 1994.

H—6244, to amendment H—6236, filed by Wise of Lee on April 15, 1994.

H—6245, to amendment H—6236, filed by Wise of Lee on April 15, 1994.

H—6246, to amendment H—6236, filed by Moreland of Wapello on April 15, 1994.

H—6247, to amendment H—6236, filed by Brand of Benton on April 15, 1994.

H—6248, to amendment H—6236, filed by Cataldo of Polk on April 15, 1994.

H—6249, to amendment H—6236, filed by Wise of Lee on April 15, 1994.

H—6250, to amendment H—6236, filed by Wise of Lee on April 15, 1994.

H—6251, to amendment H—6236, filed by Wise of Lee on April 15, 1994.

H—6252, to amendment H—6236, filed by Vande Hoef of Osceola on April 15, 1994.

H—6253, to amendment H—6236, filed by Shoultz of Black Hawk on April 15, 1994.

H—6254, to amendment H—6236, filed by Weigel of Chickasaw on April 15, 1994.

H—6255, to amendment H—6236, filed by Shoultz of Black Hawk on April 15, 1994.

H—6257, to amendment H—6236, filed by Weigel of Chickasaw on April 15, 1994.

H—6258, to amendment H—6236, filed by Halvorson of Webster on April 15, 1994.

H—6259, to amendment H—6236, filed by Weigel of Chickasaw on April 15, 1994.

H—6260, to amendment H—6236, filed by Wise of Lee on April 15, 1994.

H—6261, to amendment H—6236, filed by Jochum of Dubuque on April 15, 1994.

H—6263, to amendment H—6236, filed by O'Brien of Boone on April 15, 1994.

H—6264, to amendment H—6236, filed by Weigel of Chickasaw on April 15, 1994.

H—6265, to amendment H—6236, filed by O'Brien of Boone on April 15, 1994.

H—6266, to amendment H—6236, filed by Wise of Lee on April 15, 1994.

H—6267, to amendment H—6236, filed by Hammond of Story on April 15, 1994.

H—6268, to amendment H—6236, filed by Gill of Woodbury on April 15, 1994.

H—6269, to amendment H—6236, filed by Wise of Lee on April 15, 1994.

The following amendments, to the Senate amendment H—6069, were withdrawn by unanimous consent:

H—6216, filed by Brunkhorst of Bremer on on April 15, 1994.

H—6232, filed by Weigel of Chickasaw on April 15, 1994.

H—6178, filed by Metcalf of Polk on April 14, 1994.

H—6222, filed by Holveck of Polk on April 15, 1994.

H—6225, filed by Holveck of Polk on April 15, 1994.

H—6229, filed by Wise of Lee on April 15, 1994.

H—6226, filed by Holveck of Polk on April 15, 1994.

H—6186, filed by Metcalf of Polk on April 14, 1994.

H—6221, filed by Holveck of Polk on April 15, 1994.

H—6174, filed by O'Brien of Boone on April 14, 1994.

H—6176, filed by Weigel of Chickasaw on April 14, 1994.

H—6177, filed by Arnould of Scott on April 14, 1994.

H—6179, filed by Bernau of Story on April 14, 1994.

H—6180, filed by Doderer of Johnson on April 14, 1994.

H—6183, filed by Bernau of Story on April 14, 1994.

H—6184, filed by Bernau of Story on April 14, 1994.

H—6185, filed by Bernau of Story on April 14, 1994.

H—6196, filed by Millage of Scott and Gill on April 14, 1994.

H—6223, to amendment H—6196, filed by Henderson of Scott on April 15, 1994.

H—6131, filed by Gill of Woodbury on April 12, 1994.

H-6194, filed by Hanson of Delaware on April 14, 1994.

H-6172, filed by O'Brien of Boone on April 14, 1994.

H-6164, filed by Millage of Scott on April 14, 1994.

H-6224, to amendment H-6164, filed by Henderson of Scott on April 15, 1994.

H-6195, filed by Hanson of Delaware on April 14, 1994.

On motion by Metcalf of Polk, the House refused to concur in the Senate amendment H-6069.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2415** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2089)

Corbett of Linn called up for consideration the report of the conference committee on Senate File 2089 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2089

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 2089, a bill for an Act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5931.

2. That the House amendment, S-5144, to Senate File 2089, as passed by the Senate, is amended as follows:

1. By striking page 1, line 5, through page 13, line 47, and inserting the following:

“Section 1. Section 2.32, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 9. If an appointment subject to senate confirmation is required by statute to be made by an appointing authority other than the governor, the duties assigned under this section to the governor shall be performed by the appointing authority.

Sec. 2. Section 18.3, subsection 5, Code 1993, is amended by striking the subsection.

Sec. 3. Section 18.133, subsections 1, 2, 3, and 4, Code Supplement 1993, are amended to read as follows:

1. “Commission” means the Iowa telecommunications and technology commission established in section 18.133A.

1 1A. "Director" means the executive director of the department of general services or the director's designee appointed pursuant to section 18.133B.

2. "Private agency" means an accredited nonpublic schools and school, a nonprofit institutions institution of higher education eligible for tuition grants, or a hospital licensed pursuant to chapter 135B or a physician clinic to the extent provided in section 18.136, subsection 13B.

3. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial department as provided in section 18.136, subsection 13C, a school corporation, a city library, a regional library as provided in chapter 256, and a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 18.136, subsection 13A, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

4. "State communications" refers to the transmission of voice, data, video, the written word or other visual signals by electronic means to serve the needs of state agencies but does not include communications activities of the state board of regents, radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the division of public broadcasting division of the department of education, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

Sec. 4. Section 18.133, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 1B. "Network" means the Iowa or state communications network.

Sec. 5. NEW SECTION. 18.133A IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION – MEMBERS – DUTIES.

1. COMMISSION ESTABLISHED. A telecommunications and technology commission is established with the sole authority to supervise the management, development, and operation of the network and ensure that all components of the network are technically compatible. The commission shall ensure that the network operates in an efficient and responsible manner consistent with the provisions of this chapter for the purpose of providing the best economic service attainable to the network users consistent with the state's financial capacity. The commission shall ensure that educational users and the use, design, and implementation for educational applications be given the highest priority concerning use of the network. The commission shall provide for the centralized, coordinated use and control of the network.

2. MEMBERS. The commission is composed of three members appointed by the governor and subject to confirmation by the senate. Members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network. The governor shall appoint a member as the chairperson of the commission from the three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term. The salary of the members of the commission shall be twenty thousand dollars per year,

except that the salary of the chairperson shall be twenty-five thousand dollars per year. Members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. Meetings of the commission shall be held at the call of the chairperson of the commission. In addition to the members appointed by the governor, the auditor of state or the auditor's designee shall serve as a nonvoting, ex officio member of the commission.

The benefits and salary paid to the members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

3. DUTIES. The commission shall do all of the following:

a. Enter into agreements pursuant to chapter 28E as necessary and appropriate for the purposes of the commission. However, the commission shall not enter into an agreement with an unauthorized user or any other person pursuant to chapter 28E for the purpose of providing such user or person access to the network.

b. Adopt rules pursuant to chapter 17A as deemed appropriate and necessary, and directly related to the implementation and administration of the duties of the commission. The commission, in consultation with the department of general services, shall also adopt and provide for standard communications procedures and policies relating to the use of the network which recognize, at a minimum, the need for reliable communications services.

c. Establish an appeal process for review by the commission of a scheduling conflict decision, including a scheduling conflict involving an educational user, or the establishment of a fee associated with the network upon the request of a person affected by such decision or fee. A determination made by the commission pursuant to this paragraph shall be final.

d. Review and approve for adoption, rules as proposed and submitted by an authorized user group necessary for the authorized user group's access and use of the network. The commission may refuse to approve and adopt a proposed rule, and upon such refusal, shall return the proposed rule to the respective authorized user group proposing the rule with a statement indicating the commission's reason for refusing to approve and adopt the rule.

e. (1) Develop and issue for response all requests for proposals for any construction, installation, repair, maintenance, or equipment and parts necessary for the network. In preparing the request for proposals, the commission shall do all of the following:

(a) Review existing requests for proposals related to the network.

(b) Consider and evaluate all competing technologies which could be used in any construction, installation, repair, or maintenance project.

(c) Allow flexibility for proposals to be submitted in response to a request for proposals issued by the commission such that any qualified provider may submit a bid on a site-by-site basis, or on a merged area or defined geographic area basis, or both, and by permitting proposals to be submitted for use of competing or alternative technologies in each defined area.

(d) Ensure that rural communities have access to comparable services to the services provided in urban areas resulting from any plans to construct, install, repair, or maintain any part of the network.

(2) In determining which proposal to recommend to the general assembly to accept, consider what is in the long-term best interests of the citizens of the state and the

network, and utilize, if possible, the provision of services with existing service providers consistent with those best interests. In determining what is in the long-term best interests of the citizens of the state and the network, the commission, at a minimum, shall consider the cost to taxpayers of the state.

(3) Deliver a written report and all proposals submitted in response to the request for proposals for Part III to the general assembly no later than January 1, 1995. The commission shall not enter into any agreement related to such proposals without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

f. Annually prepare a written five-year financial plan for the network which shall be provided to the general assembly and the governor no later than January 15 of each year. The plan shall include estimates for income and expenses for the network for the five-year period and the actual income and expenses for the preceding fiscal year. The plan shall include the amount of general fund appropriations to be requested for the payment of operating expenses and debt service. The plan shall also include any recommendations of the commission related to changes in the system and other items as deemed appropriate by the commission. The recommendations of the commission contained in the plan shall include a detailed plan for the connection of all public schools to the network, including a discussion and evaluation of all potential financing options, an estimate of all costs incurred in providing such connections, and a schedule for completing such connections, including the anticipated final completion date for such connections.

g. Review existing maintenance contracts and past contracts to determine vendor capability to perform the obligations under such contracts. The commission shall report to the general assembly prior to January 1 of each year as to the performance of all vendors under each contract and shall make recommendations concerning continued funding for the contracts.

h. Pursue available opportunities to cooperate and coordinate with the federal government for the use and potential expansion of the network and for the financing of any such expansion.

i. Evaluate existing and projected rates for use of the system and ensure that rates are sufficient to pay for the operation of the system except to the extent such use is subsidized by general fund appropriations as authorized by the general assembly. The commission shall establish all hourly rates to be charged to all authorized users for the use of the network. A fee established by the commission to be charged to a hospital licensed pursuant to chapter 135B, a physician clinic, or the federal government shall be at an appropriate rate so that, at a minimum, there is no state subsidy related to the costs of the connection or use of the network related to such user.

j. Make recommendations to the general assembly, as deemed appropriate by the commission, concerning the operation of the network.

Sec. 6. NEW SECTION. 18.133B EXECUTIVE DIRECTOR APPOINTED.

The commission shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly.

The salary and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

Sec. 7. NEW SECTION. 18.133C EDUCATION TELECOMMUNICATIONS COUNCIL ESTABLISHED – REGIONAL COUNCILS ESTABLISHED.

1. An education telecommunications council is established. The council consists of eighteen members and shall include the following: two persons appointed by the state board of regents; two persons appointed by the Iowa association of community college trustees; two persons appointed by the area education agency boards; two persons appointed by the Iowa association of school boards; two persons appointed by the school administrators of Iowa; two persons appointed by the Iowa association of independent colleges and universities; two persons appointed by the Iowa state education association; three persons appointed by the director of the department of education including one person representing libraries and one person representing the Iowa association of nonpublic school administrators; and one person appointed by the administrator of the public broadcasting division of the department of education. The council shall establish scheduling and site usage policies for educational users of the network, coordinate the activities of the regional telecommunications councils, and develop proposed rules and changes to rules for recommendation to the commission. The council shall also recommend long-range plans for enhancements needed for educational applications. Administrative support and staffing for the council shall be provided by the department of education.

2. A regional telecommunications council is established in each of the merged areas established pursuant to chapter 260C consisting of nine members, including one member each to be appointed by each of the appointing authorities under subsection 1. Additional ex officio, nonvoting members may also be appointed to the regional telecommunications councils. The regional telecommunications councils shall advise the education telecommunications council on the assessment of local educational needs, and the coordination of program activities including scheduling. The community college located in the merged area of a regional telecommunications council shall staff and facilitate the activities of the council. The community college and the council may enter into a chapter 28E agreement for such arrangement.

3. The community college in each of the merged areas shall be responsible for switching of Parts II and III of the network and for facilitating the organization and meetings of the regional telecommunications council.

Sec. 8. NEW SECTION. 18.133D ADVISORY GROUPS ESTABLISHED.

1. The commission shall establish an advisory group to examine the use of the network for telemedicine applications. The advisory group shall consist of representatives of hospitals and other health care facilities as determined by the commission.

2. The commission may establish other advisory committees as necessary representing authorized users of the network.

Sec. 9. NEW SECTION. 18.133E TELECOMMUNICATIONS ADVISORY COMMITTEE.

A telecommunications advisory committee is established to advise the commission on telecommunications matters. The commission shall appoint five members to the advisory committee who shall represent specific telecommunications industries or persons with technical expertise related to the network.

Sec. 10. NEW SECTION. 18.133F SCHEDULING FOR AUTHORIZED USERS.

Except as provided in section 18.133C, an authorized user is responsible for all scheduling of the use of the authorized user's facility. A person who disputes a scheduling decision of such user may petition the commission for a review of such decision pursuant to section 18.133A, subsection 3, paragraph "c".

Sec. 11. NEW SECTION. 18.133G CERTIFICATION OF USE — NETWORK USE BY CERTAIN AUTHORIZED USERS.

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, regional library, county library, judicial department, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of the effective date of this Act, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on the effective date of this Act, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

2. a. A private or public agency which certifies to the commission pursuant to subsection 1 that the agency is a part of or intends to become a part of the network shall use the network for all video, data, and voice requirements of the agency unless the private or public agency petitions the commission for a waiver and one of the following applies:

(1) The cost to the authorized user for services provided on the network are not competitive with the same services provided by another provider.

(2) The authorized user is under contract with another provider for such services, provided the contract was entered into prior to April 1, 1994. The agency shall use the network for video, data, and voice requirements which are not provided pursuant to such contract.

(3) The authorized user has entered into an agreement with the commission to become part of the network prior to June 1, 1994, which does not provide for use of the network for all video, data, and voice requirements of the agency. The commission may enter into an agreement described in this subparagraph upon a determination that the use of the network for all video, data, and voice requirements of the agency would not be in the best interests of the agency.

b. A private or public agency shall petition the commission for a waiver of the requirement to use the network as provided in paragraph "a", if the agency determines that paragraph "a", subparagraph (1) or (2) applies. The commission shall establish by rule a review process for determining, upon application of an authorized user, whether paragraph "a", subparagraph (1) or (2), applies. An authorized user found by the commission to be under contract for such services as provided in paragraph "a", subparagraph (2), shall not enter into another contract upon the expiration of such contract, but shall utilize the network for such services as provided in this section unless paragraph "a", subparagraph (1), applies.

Sec. 12. NEW SECTION. 18.133H REPORT OF SAVINGS BY STATE AGENCIES.

A state agency which is a part of the network shall annually provide a written report to the general assembly certifying the identified savings associated with the state agency's use of the network. The report shall be delivered on or before January 15 for the previous fiscal year of the state agency.

Sec. 13. Section 18.134, subsection 1, Code Supplement 1993, is amended to read as follows:

1. The department of general services commission may purchase, lease-purchase, lease, and improve property, equipment, and services for telecommunications for public and private agencies, including the broadcast and narrowcast systems, and may dispose of property and equipment when not necessary for its purposes. However, the department of general services commission shall not enter into a contract for the purchase, lease-purchase, lease, or improvement of property, equipment, or services for telecommunications pursuant to this subsection in an amount greater than five hundred thousand dollars without prior authorization by a constitutional majority of each house of the general assembly, or approval by the legislative council if the general assembly is not in session. The commission shall not issue any bonding or other long-term financing arrangements as defined in section 12.30, subsection 1, paragraph "b". The commission also shall not provide or resell communications services to entities other than public and private agencies. The public or private agency shall not provide communication services of the network to another entity at a cost greater than that charged to the agency pursuant to section 18.136, subsections 11 and 12 unless otherwise authorized pursuant to this chapter. The department commission may arrange for joint use of available services and facilities, and may enter into leases and agreements with private and public agencies with respect to a state the Iowa communications system network, and public agencies are authorized to enter into leases and agreements with respect to the system network for their use and operation. Rentals and other amounts due under the agreements or leases entered into pursuant to this section by a state agency are payable from funds annually appropriated by the general assembly or from other funds legally available. Other public agencies may pay the rental costs and other amounts due under an agreement or lease from their annual budgeted funds or other funds legally available or to become available. This section comprises a complete and independent authorization and procedure for a public agency, with the approval of the department commission, to enter into a lease or agreement and related security enhancement arrangements and this section is not a qualification of any other powers which a public agency may possess and the authorizations and powers granted under this section are not subject to the terms, requirements, or limitations of any other provisions of law. All moneys received by the department commission from agreements and leases entered into pursuant to this section with private and public agencies shall be deposited in the state Iowa communications network fund.

It is the intent of the general assembly that rental and other costs due under agreements and leases entered into pursuant to this section by state agencies be replaced by supplemental appropriations to the state agencies.

Sec. 14. NEW SECTION. 18.134A DISPOSITION OF NETWORK – APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

Notwithstanding any provision to the contrary, the commission or the department of general services shall not sell, lease, or otherwise dispose of the network without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

Sec. 15. Section 18.136, subsections 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, and 14, Code Supplement 1993, are amended to read as follows:

1. Moneys in the state Iowa communications network fund are appropriated to the Iowa public broadcasting board Iowa telecommunications and technology commission for purposes of providing financing for the procurement, operation, and maintenance of a state the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the educational telecommunications system consisting of Part I, Part II, and Part III, and other public and private agencies. The state communications network consists of Part I, Part II, and Part III of the system.

2. For purposes of this section, unless the context otherwise requires:

a. "Part I of the system" means the communications connections between central switching and institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the regional switching centers for the remainder of the network.

b. "Part II of the system" means the communications connections between the regional switching centers and the secondary switching centers.

c. "Part III of the system" means the communications connection between the secondary switching centers and the agencies defined in section 18.133, subsections 3 2 and 4 3, excluding state agencies, institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the judicial department, judicial district departments of correctional services, hospitals and physician clinics, agencies of the federal government, and post offices.

3. The financing for the procurement costs for the entirety of Part I of the system except for the communications connections between central switching and institutions under the control of the board of regents, and nonprofit institutions of higher education eligible for tuition grants, and for the video, data, and voice capacity for state agencies and for Part II and Part III of the system, shall be provided by the state. The financing for the procurement costs for Part II of the system shall be provided from the state. The financing for the procurement and maintenance costs for Part III of the system shall be provided eighty percent from by the state and twenty percent from the local school boards of the areas which receive transmissions from the system. A local school board, governing authority of a nonpublic school, or an area education agency board may elect to provide one hundred percent of the financing for the procurement and maintenance costs for Part III to become part of the system network. The local school boards may meet all or part of the match requirements of Part III of the system through a cooperative arrangement with community colleges. The basis for the amount of state match financing is eighty one hundred percent of a single interactive audio and one-way interactive video connection for Part III of the system, and such data and voice capacity as is necessary. The local school boards and community colleges may meet the match requirements for Part III of the system from funds they have already spent for their systems, from funds available in the school budget, or from funds received from other nonstate sources. In the case of existing systems, in order to upgrade facilities to the specifications of the state communications network, the local school boards and community colleges, in lieu of a cash match, may meet the match requirements from funds they have already spent for their systems provided that the state match does not exceed the lesser of eighty percent of the total cost of the upgraded system or eighty percent of the replacement cost of

the system. The communications equipment funds used as a match by a community college shall be calculated based on verified expenditures for capital, equipment, hardware, and software for long-distance learning technologies, including both audio and visual transmission. The communications equipment used as a match shall not subsequently be used as a match by another educational entity or for another part of the system. A local school board may request the school budget review committee to adjust the allowable growth for the school district so that the resulting increase in budget could be used for the match. If a school board, governing authority of a nonpublic school, or area education agency board elects to provide one hundred percent of the financing for the leasing costs for Part III, the school district or area education agency may become part of the network as soon as the network can reasonably connect the district or agency. A local school board, governing authority of a nonpublic school, or an area education agency board may also elect not to become part of the system network. Such election shall be made on an annual basis. State matching funds shall not be provided for Part III of the system until Part I and Part II of the system have been completed. Construction of Part III of the system, related to a school board, governing authority of a nonpublic school, or area education agency board which provides one hundred percent of the financing for the leasing costs for Part III, may proceed before Part I and Part II of the system have been completed as determined by the commission and consistent with the purpose of this chapter.

4. The department of general services commission shall develop the requests for proposals that are needed for a state the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the for educational telecommunications applications required by the Iowa public broadcasting board. The department commission shall develop a request for proposals for each of the systems that will make up the network. The department commission may develop a request for proposals for each definitive component of Part I, Part II, and Part III of the system the network or the department commission may provide in the request for proposals for each such system that separate contracts may be entered into for each definitive component covered by the request for proposals. The requests for proposals may be for the purchase, lease-purchase, or lease of the component parts of the system network consistent with the provisions of this chapter, may require maintenance costs to be identified, and the resulting contract may provide for maintenance for parts of the system network. The master contract may provide for electronic classrooms, satellite equipment, receiving equipment, studio and production equipment, and other associated equipment as required.

6. Prior to the awarding of a contract under this section, the department shall notify the legislative council and the department of management of the department's intent to award a contract and of the cost to the state. The department of management and the legislative council shall determine if the anticipated financial resources of the state are adequate to fund the expenditure during the fiscal years covered by the contract, and if so, the department of management shall certify the determination to the department. Upon certification, the department may enter into the contract.

7. The department of general services commission shall be responsible for the network system design and shall be responsible for the implementation of each component of the network as it is incorporated into the network system. The final design selected shall optimize the routing for all users in order to assure maximum utilization by all agencies of the state. Efficiencies achieved in the implementation of the network shall be used to fund further implementation and enhancement of the network, and shall be considered part of the operational cost of the network. The depart-

ment commission shall be responsible for all management, operations, control switching, diagnostics, and maintenance functions of Part I and Part II of the system network operations; except as designated in subsection 8 as provided in this chapter. The performance of these duties is intended to provide optimal utilization of the facilities, and the assurance that future growth requirements will be provided for, and that sufficient network capacity will be available to meet the needs of all users. The telecommunications information management council, created by executive order of the governor, shall provide general oversight for these functions.

8. The Iowa public broadcasting board retains sole authority over the educational telecommunications applications of Part I of the system, and its authority shall include management and operational control, programming, budget, personnel, scheduling, and program switching of educational material carried by Part I of the system. The Iowa public broadcasting board, through its narrowcast system advisory committee, retains coordination authority over the educational telecommunications applications of Part II and Part III of the system. Community colleges are responsible for scheduling and switching of educational materials carried by Part II and Part III of the system within their respective areas. Such responsibility may be accomplished by a chapter 28E agreement with the department of general services.

The narrowcast system advisory committee education telecommunications council shall review all requests for grants for educational telecommunications applications, if they are a part of the state Iowa communications network, to ensure that the educational telecommunications application is consistent with the telecommunications plan. If the narrowcast system advisory committee finds that a grant request is inconsistent with the telecommunications plan, the grant request shall not be allowed. All other grant requests shall be reviewed as determined by the commission. If the education telecommunications council finds that a grant request is inconsistent with the telecommunications plan, the grant request shall not be allowed.

9. The procurement and maintenance of electronic equipment including, but not limited to, master receiver antenna systems, studio and production equipment, and broadcast system components shall be provided for under department of general services' the commission's contracts. The Iowa public broadcasting board and other educational entities within the state have the option to use their existing or replacement resources and agreements in the operation and maintenance of these systems.

10. In addition to the other evaluation criteria specified in the request for proposals issued pursuant to this section, the department of general services commission, in evaluating proposals, shall base up to two percent of the total possible points on the public benefit that can be derived from a given proposal due to the increased private telecommunications capacity available to Iowa citizens located in rural Iowa. For purposes of this subsection, an area of the state is considered rural if it is not part of a federally designated standard metropolitan statistical area.

12. The Iowa public broadcasting board, in consultation with its narrowcast system advisory committee, shall determine the fee to be charged per course or credit hour by the originating institution, and the fees shall be substantially the same for comparable courses. The commission, on its own or as recommended by an advisory committee of the commission and approved by the commission, shall permit a fee to be charged by a receiving site to the originating site. The fee charged shall be for the purpose of recovering the operating costs of a receiving site. The fee charged shall

be reduced by an amount received by the receiving site pursuant to a state appropriation for such costs, or federal assistance received for such costs. Fees established under this subsection shall be paid by the originating site directly to the receiving site. For purposes of this section, "operating costs" include the costs associated with the management or coordination, operations, utilities, classroom, equipment, maintenance, and other costs directly related to providing the receiving site.

14. Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the department of general services commission for the state Iowa communications network or to any authorized user of the Iowa communications network for such authorized user's connection to the network.

Sec. 16. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The state shall lease all fiber optic cable facilities or facilities with DS-3 capacity for Part III connections for which state funding is provided. The state shall lease all fiber optic cable facilities or facilities with DS-3 or DS-1 capacity for the judicial department, judicial district department of correctional services, and state agency connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

The lease provisions of this subsection do not apply to a school district which elects to provide one hundred percent of the financing for the district's connection.

Sec. 17. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. The auditor of state shall, no less than annually, examine the financial condition and transactions of the commission as provided in chapter 11. A copy of the auditor's report concerning such examination shall be provided to the general assembly.

Sec. 18. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. Access to the network shall be offered to the judicial district departments of correctional services established in section 905.2, provided that such departments contribute an amount consistent with their share of use for the part of the system in which the departments participate, as determined by the commission.

Sec. 19. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13B. Access shall be offered to hospitals licensed pursuant to chapter 135B and physician clinics for diagnostic, clinical, consultative, data, and educational services for the purpose of developing a comprehensive, statewide telemedicine network, to an agency of the federal government, and to a post office defined as a public agency pursuant to section 18.133, subsection 3. A hospital, physician clinic, an agency of the federal government, or a post office defined as a public agency pursuant to section 18.133, subsection 3, shall be responsible for all costs associated with becoming a part of the network.

Sec. 20. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13C. Access shall be offered to the judicial department provided that the department contributes an amount consistent with the department's share of use for the part of the network in which the department participates, as determined by the commission.

Sec. 21. Section 18.137, Code 1993, is amended to read as follows:

18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

There is created in the office of the treasurer of state a temporary fund to be known as the state Iowa communications network fund under the control of the Iowa telecommunications and technology commission. There is appropriated to the state communications network fund for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the sum of two million one hundred forty-two thousand six hundred twenty-one dollars from the general fund of the state. There is appropriated from the general fund of the state to the state Iowa 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 Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136, matching funds received from the community colleges 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.

The Iowa public broadcasting board shall use the net increase in the federal match awarded to the Iowa public broadcasting board as a result of this appropriation in order to meet the needs of the educational telecommunications system. These funds shall be deposited in a separate account within the state communications network fund, and shall be administered by the Iowa public broadcasting board for purposes of the fund.

Sec. 22. Section 256.82, subsection 3, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

3. The board shall appoint an advisory committee on journalistic and editorial integrity which has no more than a simple majority of members of the same gender. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

Duties of the advisory committee, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Members of advisory committees shall receive actual expenses incurred in performing their official duties.

Sec. 23. ORGANIZATION OF COMMISSION. Notwithstanding any other provision to the contrary, the Iowa telecommunications and technology commission shall develop a written proposal to be submitted to the governor for the governor's approval relating to the structure and organization of the commission. The commission shall identify existing positions which exist in state departments or agencies directly related to the duties and mission of the commission and shall request in the proposal that those positions be transferred to, and be under the control of, the commission. The request shall be submitted to the governor no later than January 1, 1995, with a copy to be submitted to the house of representatives and the senate at the same time.

Upon approval by the governor, the department of management shall provide for the transfer of funds appropriated for those positions to the commission from the department or agency in which the position was located prior to the transfer. If persons are transferred from employment with a department or agency to employment with the commission, the persons shall not be required to forfeit any accrued seniority or other benefits.

Sec. 24. COMPATIBLE SCHOOL DISTRICT SYSTEMS. Notwithstanding any contrary provisions of this Act, a K-12 school district, on or before July 1, 1994, may certify to the commission in writing that the K-12 school district has a full motion interactive video system which is fully compatible with the network. Upon receipt of such certification and a determination by the commission that the district's system is fully compatible with the network, access to the network shall be permitted as soon as practical. A K-12 school district which provides the certification to the commission as provided in this section may petition the commission for reimbursement of the costs associated with providing the connection incurred by the district.

Sec. 25. COMMISSION EVALUATION. The commission shall evaluate and complete a cost-benefit analysis concerning the use of video conferencing by the area education agencies. The commission shall provide a written report and any recommendations concerning this evaluation to the general assembly by no later than March 15, 1995.

Sec. 26. IOWA UTILITIES BOARD STUDY. The Iowa utilities board shall conduct a study to determine the overall impact of the Iowa communications network on the private telecommunications industry in Iowa. The board shall provide a written report to the general assembly by no later than January 15, 1996, detailing the results of the study.

Sec. 27. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE OFFICER. All duties and responsibilities of the Iowa telecommunications and technology commission shall be performed by the ICN chief executive officer appointed by the governor pursuant to executive order number 46 signed on January 5, 1993, until such time as the initial appointments to the commission have been made and the commission has organized itself.

Sec. 28. INITIAL IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION APPOINTMENTS. The initial members of the Iowa telecommunications and technology commission shall be appointed on or before July 1, 1994, to the following terms:

1. One member shall be appointed for a term of six years.

2. One member shall be appointed for a term of four years.

3. One member shall be appointed for a term of two years.

Sec. 29. CODE EDITOR TRANSFERS. The Code editor shall transfer sections 18.132 through 18.137 to be a new chapter 8D. The Code editor shall correct all internal citations and references consistent with the transfer of Code sections as provided in this section.

Sec. 30. CONTINUATION OF APPLICABILITY OF EXISTING RULES. Rules applicable to the Iowa communications network in effect on the effective date of this Act shall remain effective until the Iowa telecommunications and technology commission modifies or repeals such rules.

Sec. 31. REPEAL. Section 18.135, Code 1993, is repealed.

Sec. 32. EFFECTIVE DATE. This Act, being deemed of immediate importance, is effective upon enactment." "

ON THE PART OF THE HOUSE:

RON CORBETT, Chair
BILL BRAND
CHUCK GIPP

ON THE PART OF THE SENATE:

JOE WELSH, Chair
PATRICK J. DELUHERY
EMIL HUSAK
DERRYL McLAREN
DONALD REDFERN

Hansen of Woodbury rose on a point of order and invoked Rule 39.A, concerning the Conference Committee Report on Senate File 2089.

The Speaker ruled the point not well taken and Rule 39.A not in order.

On motion by Corbett of Linn, the conference committee report was adopted.

Corbett 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. 2089)

The ayes were, 90:

Arnould	Beaman	Beatty	Bell
Bernau	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Cohoon	Corbett	Daggett	Dinkla
Doderer	Drake	Eddie	Ertl
Fogarty	Garman	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.

Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Larkin
Larson	Lundby	Martin	May
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Moreland	Mundie
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 9:

Baker	Churchill	Dickinson	Fallon
Harper	Kreiman	McCoy	McKinney
Murphy			

Absent or not voting, 1:

Connors

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2089** 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 18, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2426, a bill for an act relating to the abatement or refund of property taxes for nonprofit institutions in certain counties and providing an effective date.

Also: That the Senate has on April 18, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2223, a bill for an act relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date.

Also: That the Senate has on April 18, 1994, 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 2318, a bill for an act relating to state budget processes.

Also: That the Senate has on April 18, 1994, passed the following bill in which the concurrence of the House is asked:

Senate File 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

JOHN F. DWYER, Secretary

Ways and Means Calendar

Senate File 2215, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates, was taken up for consideration.

Hanson of Delaware offered the following amendment H-6231, filed by the committee on ways and means:

H-6231

1 Amend Senate File 2215, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 8 through 24.

4 2. Page 2, by inserting after line 23 the
5 following:

6 "Sec. 602. Section 422.12, subsection 1, paragraph
7 c, Code 1993, is amended to read as follows:

8 c. For each dependent, an additional fifteen
9 dollars. However, for tax years beginning on or after
10 January 1, 1996, for each dependent, forty dollars.

11 As used in this section, the term "dependent" has the
12 same meaning as provided by the Internal Revenue
13 Code."

14 3. Page 3, by inserting after line 6 the
15 following:

16 "Sec. _____. Section 422.73, Code 1993, is amended
17 by adding the following new subsection:

18 **NEW SUBSECTION. 8.** Notwithstanding subsection 2,
19 a claim for credit or refund of individual income tax
20 paid for any tax year beginning on or after January 1,
21 1985, and before January 1, 1989, is considered timely
22 if filed with the department beginning on July 1,
23 1994, and ending on September 1, 1994, if the
24 taxpayer's claim is the result of the unconstitutional
25 taxation of federal pension benefits based upon the
26 decision in *Davis v. Michigan Department of Treasury*,
27 489 U.S. 803, 109 S. Ct. 1500 (1989).

28 Sec. 801. Section 425.23, subsection 1, paragraph
29 a, Code Supplement 1993, is amended to read as
30 follows:

31 a. The tentative credit or reimbursement for a
32 claimant described in section 425.17, subsection 2,

33 paragraph "a" and paragraph "b" if no appropriation is
 34 made to the fund created in section 425.40 shall be
 35 determined in accordance with the following schedule:

	<u>Percent of</u>	<u>Percent of</u>
	<u>property taxes</u>	<u>property taxes</u>
	<u>due or rent</u>	<u>due or rent</u>
	<u>constituting</u>	<u>constituting</u>
	<u>property taxes</u>	<u>property taxes</u>
	<u>paid allowed</u>	<u>paid allowed</u>
	<u>as a credit or</u>	<u>as a credit or</u>
	<u>reimbursement</u>	<u>reimbursement</u>
	<u>for a claimant</u>	<u>for a claimant</u>
	<u>described in</u>	<u>described in</u>
	<u>section 425.17,</u>	<u>section 425.17,</u>
	<u>subsection 2,</u>	<u>subsection 2,</u>
47 If the household	<u>paragraph "b":</u>	<u>paragraph "a":</u>
48 income is:		
49 \$ 0 - 5,999.99	100%	100%
50 6,000 - 6,999.99	85	90

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1 7,000 - 7,999.99	70	80
2 8,000 - 9,999.99	50	70
3 10,000 - 11,999.99	35	60
4 12,000 - 13,999.99	25	50
5 <u>14,000 - 14,999.99</u>	<u>0</u>	<u>40</u>

6 Sec. _____ REFUNDS. Notwithstanding any provision
 7 to the contrary, claims for refund of tax paid, which
 8 arise as a result of the unconstitutional taxation of
 9 federal pension benefits based upon the decision in
 10 Davis v. Michigan Department of Treasury, 489 U.S.
 11 803, 109 S. Ct. 1500 (1989), shall not be entitled to
 12 interest and shall be limited to seventeen million
 13 dollars in the fiscal year beginning July 1, 1994. If
 14 that amount is not sufficient to pay all claims filed
 15 in the aggregate, the department of revenue and
 16 finance shall prorate the seventeen million dollars
 17 among all the claims and the unpaid balance of each
 18 claim shall be carried forward to the fiscal year
 19 beginning July 1, 1995. The balance of claims for
 20 refund of tax paid which arise as a result of the
 21 unconstitutional taxation of federal pension benefits
 22 based upon the decision in Davis v. Michigan
 23 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 24 (1989), shall not be entitled to interest and shall be
 25 limited to seventeen million dollars in the fiscal
 26 years beginning July 1, 1995. If that amount is not
 27 sufficient to pay the balance carried forward of all
 28 claims filed in the aggregate, the department of
 29 revenue and finance shall prorate the seventeen
 30 million dollars among all the claims."

31 4. Page 3, line 10, by striking the figure "2,".

- 32 5. Page 3, by inserting after line 12 the
 33 following:
 34 "Sec. _____. Section 801 of this Act applies to
 35 property tax credit claims for taxes payable on or
 36 after July 1, 1994, and to rent reimbursement claims
 37 filed on or after January 1, 1995."
 38 6. Title page, lines 2 and 3, by striking the
 39 words "except those references to the taxation of
 40 social security benefits."
 41 7. Title page, line 5, by inserting after the
 42 word "expenses," the following: "relating to the
 43 timely filing of claims for credit or refund of state
 44 individual income taxes paid by federal employees,
 45 increasing the percentage of property tax credit and
 46 rent reimbursement claims for certain elderly and
 47 disabled,".
 48 8. By renumbering as necessary.

Plasier of Sioux offered the following amendment H-6270, to the committee amendment H-6231, filed by him and Osterberg from the floor and moved its adoption:

H-6270

- 1 Amend the amendment, H-6231, to Senate File 2215,
 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, by inserting before line 1 the
 7 following:
 8 "Section 1. Section 8.59, Code Supplement 1993, is
 9 amended to read as follows:
 10 8.59 APPROPRIATIONS FREEZE.
 11 Notwithstanding contrary provisions of the Code,
 12 the amounts appropriated under the applicable sections
 13 of the Code for fiscal years commencing on or after
 14 July 1, 1993, are limited to those amounts expended
 15 under those sections for the fiscal year commencing
 16 July 1, 1992. If an applicable section appropriates
 17 moneys to be distributed to different recipients and
 18 the operation of this section reduces the total amount
 19 to be distributed under the applicable section, the
 20 moneys shall be prorated among the recipients. As
 21 used in this section, "applicable sections" means the
 22 following sections: 53.50, 229.35, 230.8, 230.11,
 23 405A.8, 411.20, 425.1, ~~425.39~~, 426A.1, 663.44, and
 24 822.5." "
 25 2. Page 1, line 10, by striking the figure
 26 "1996," and inserting the following: "1995,".
 27 3. Page 2, line 7, by striking the word "paid,"
 28 and inserting the following: "filed pursuant to

- 29 section 422.73, subsection 8,"
 30 4. Page 2, by striking lines 12 through 30 and
 31 inserting the following: "interest."
 32 5. By renumbering as necessary.

Amendment H—6270 was adopted.

Burke of Marshall offered the following amendment H—6241, to the committee amendment H—6231, filed by him and moved its adoption:

H—6241

- 1 Amend the amendment, H—6231, to Senate File 2215,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking line 3.
 5 2. Page 2, by striking line 31.
 6 3. Page 2, by striking lines 38 through 40.

Roll call was requested by Gill of Woodbury and Burke of Marshall.

On the question "Shall amendment H—6241, to the committee amendment H—6231, be adopted?"
 (S.F. 2215)

The ayes were, 87:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Harper
Haverland	Henderson	Holveck	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	Ollie	Peterson	Rafferty
Rants	Renaud	Renken	Running
Schrader	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 11:

Carpenter	Fogarty	Gill	Grundberg
Hanson, D. R.	Hester	Houser	O'Brien
Osterberg	Plasier	Royer	

Absent or not voting, 2:

Connors	Shoultz
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Amendment H—6241 was adopted.

Hanson of Delaware asked and received unanimous consent to withdraw the committee amendment H—6231.

Gill of Woodbury offered the following amendment H—6205, filed by him and moved its adoption:

H—6205

- 1 Amend Senate File 2215, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 11 through 24 and
- 4 inserting the following:
- 5 "13. Subtract, to the extent included, social
- 6 security benefits received."
- 7 2. Title page, by striking lines 2 and 3, and
- 8 inserting the following: "Revenue Code, exempting
- 9 social security benefits from state individual income
- 10 tax, striking a provision for a moving".

Roll call was requested by Gill of Woodbury and Dickinson of Jackson.

On the question "Shall amendment H—6205 be adopted?"
(S.F. 2215)

The ayes were, 26:

Arnould	Beatty	Bell	Bernau
Brammer	Brand	Burke	Cataldo
Dickinson	Gill	Halvorson, R. N.	Hansen, S. D.
Henderson	Holveck	Hurley	Jochum
McKinney	Moreland	Murphy	Ollie
Peterson	Renaud	Running	Schrader
Weigel	Witt		

The nays were, 73:

Baker	Beaman	Black	Blodgett
Boddicker	Branstad	Brauns	Brunkhorst
Carpenter	Churchill	Cohoon	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gipp	Greig	Greiner

Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Hammond	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Hester	Houser
Iverson	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McNeal
Mertz	Metcalf	Meyer	Millage
Miller	Mundie	Myers	Nelson
Neuhauser	O'Brien	Osterberg	Plasier
Rafferty	Rants	Renken	Royer
Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Welter	Wise
Mr. Speaker			
Van Maanen			

Absent or not voting, 1:

Connors

Amendment H—6205 lost.

Hanson of Delaware offered the following amendment H—6273, filed by him from the floor and moved its adoption:

H—6273

1 Amend Senate File 2215, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 35 the
4 following:

5 "Sec. _____. Section 422.9, subsection 3, paragraph
6 c, Code 1993, is amended to read as follows:

7 c. If the election under section ~~172(b)(3)~~(C)
8 172(b)(3) of the Internal Revenue Code is made, the
9 Iowa net operating loss shall be carried forward
10 fifteen taxable years."

11 2. Page 3, by inserting after line 4 the
12 following:

13 "Sec. _____. Section 422.35, subsection 11,
14 paragraphs c and e, Code 1993, are amended to read as
15 follows:

16 c. If the election under section ~~172(b)(3)~~(C)
17 172(b)(3) of the Internal Revenue Code is made, the
18 Iowa net operating loss shall be carried forward
19 fifteen taxable years.

20 e. The limitations on net operating loss carryback
21 and carryforward under sections ~~172(b)(1)(M)~~
22 172(b)(1)(E) and ~~172(m)~~ 172(h) of the Internal Revenue
23 Code shall apply."

Amendment H—6273 was adopted.

O'Brien of Boone offered the following amendment H—6274, filed by him from the floor:

H-6274

1 Amend Senate File 2215, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. _____. Section 422.73, Code 1993, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. Notwithstanding subsection 2,
8 a claim for credit or refund of individual income tax
9 paid for any tax year beginning on or after January 1,
10 1985, and before January 1, 1989, is considered timely
11 if filed with the department on or before April 30,
12 1995, if the taxpayer's claim is the result of the
13 unconstitutional taxation of federal pension benefits
14 based upon the decision in *Davis v. Michigan*
15 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
16 (1989).

17 A taxpayer entitled to a credit or refund of tax
18 paid under this subsection shall receive the credit or
19 refund within the time-frame used for other retired
20 federal employees claiming a credit or refund of tax
21 unlawfully imposed on their federal pensions during
22 the same tax years."

23 2. Title page, line 5, by inserting after the
24 word "expenses," the following: "relating to the
25 filing of claims for credit or refund by retired
26 federal employees as a result of the unconstitutional
27 taxation of federal pensions under the state
28 individual income tax,".

29 3. By renumbering and correcting internal
30 references as necessary.

O'Brien of Boone rose on a point of order that amendment
H-6274 was not germane.

The Speaker ruled the point well taken and amendment H-6274
not germane.

O'Brien of Boone moved to suspend the rules to consider H-6274.

Roll call was requested by O'Brien of Boone and Weigel of
Chickasaw.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amend-
ment H-6274?" (S.F. 2215)

The ayes were, 48:

Arnould
Bernau

Baker
Black

Beatty
Brammer

Bell
Brand

Burke	Cataldo	Cohoon	Dickinson
Doderer	Fallon	Fogarty	Gill
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Holveck	Jochum
Koenigs	Kreiman	Larkin	May
McCoy	McKinney	Mertz	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Renaud	Running	Schrader
Shoultz	Weigel	Wise	Witt

The nays were, 51:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Metcalf
Meyer	Millage	Miller	Plasier
Rafferty	Rants	Renken	Royer
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Welter	Mr. Speaker	
		Van Maanen	

Absent or not voting, 1:

Connors

The motion to suspend the rules lost.

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. 2215)

The ayes were, 94:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greiner
Gries	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley

Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Peterson
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 5:

Dickinson	Greig	Grundberg	Osterberg
Plasier			

Absent or not voting, 1:

Connors

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2215** be immediately messaged to the Senate.

SENATE MESSAGES CONSIDERED

Senate File 2330, by committee on appropriations, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

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 April 18, 1994, 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 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

JOHN F. DWYER, Secretary

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2226.

Unfinished Business Calendar

Senate File 2226, a bill for an act relating to the collection of a document management fee by the county recorder on each recorded transaction, was taken up for consideration.

Greiner of Washington 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. 2226)

The ayes were, 90:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Ertl	Fallon
Fogarty	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Renaud	Royer	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 9:

Garman	Hansen, S. D.	Henderson	Larson
Moreland	Rants	Renken	Running
Vande Hoef			

Absent or not voting, 1:

Connors

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2226** be immediately messaged to the Senate.

Gipp of Winneshiek in the chair at 6:21 p.m.

On motion by Siegrist of Pottawattamie, the House was recessed at 6:37 p.m., until 8:00 p.m.

EVENING SESSION

The House reconvened, Speaker Van Maanen in the chair.

QUORUM CALL

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

SENATE AMENDMENTS CONSIDERED

Larson of Linn called up for consideration **House File 2149**, a bill for an act relating to HIV-related testing of convicted sexual assault offenders, amended by the Senate and moved that the House concur in following Senate amendment H—6262:

H—6262

1 Amend House File 2149, 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 80.9, subsection 2, paragraph
 6 d, Code 1993, is amended to read as follows:
 7 d. To collect and classify, and keep at all times
 8 available, complete information useful for the
 9 detection of crime, and the identification and
 10 apprehension of criminals. Such information shall be
 11 available for all peace officers within the state,
 12 under such regulations as the commissioner may
 13 prescribe. The provisions of chapter 141 do not
 14 apply to the entry of human immunodeficiency virus-
 15 related information by criminal justice agencies, as
 16 defined in section 692.1, into the Iowa criminal
 17 justice information system or the national crime
 18 information center system. The provisions of chapter
 19 141 also do not apply to the transmission of the same
 20 information from either or both information systems to
 21 criminal justice agencies. The provisions of chapter
 22 141 also do not apply to the transmission of the same

23 information from either or both information systems to
24 employees of state correctional institutions subject
25 to the jurisdiction of the department of corrections,
26 employees of secure facilities for juveniles subject
27 to the jurisdiction of the department of human
28 services, and employees of city and county jails, if
29 those employees have direct physical supervision over
30 inmates of those facilities or institutions. Human
31 immunodeficiency virus-related information shall not
32 be transmitted over the police radio broadcasting
33 system under chapter 693 or any other radio-based
34 communications system. An employee of an agency
35 receiving human immunodeficiency virus-related
36 information under this section who communicates the
37 information to another employee who does not have
38 direct physical supervision over inmates, other than
39 to a supervisor of an employee who has direct physical
40 supervision over inmates for the purpose of conveying
41 the information to such an employee, or who
42 communicates the information to any person not
43 employed by the agency or uses the information outside
44 the agency is guilty of a class "D" felony. The
45 commissioner shall adopt rules regarding the
46 transmission of human immunodeficiency virus-related
47 information including provisions for maintaining
48 confidentiality of the information. The rules shall
49 include a requirement that persons receiving
50 information from the Iowa criminal justice information.

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1 system or the national crime information center system
2 receive training regarding confidentiality standards
3 applicable to the information received from the
4 system. The commissioner shall develop and establish,
5 in cooperation with the department of corrections and
6 the Iowa department of public health, training
7 programs and program criteria for persons receiving
8 human immunodeficiency virus-related information
9 through the Iowa criminal justice information system
10 or the national crime information center system.

11 Sec. 2. Section 141.6, Code 1993, is amended by
12 adding the following new subsection:

13 **NEW SUBSECTION. 7.** In addition to the provisions
14 for partner notification provided under this section
15 and notwithstanding any provision to the contrary, a
16 county medical examiner or deputy medical examiner
17 performing official duties pursuant to sections
18 331.801 through 331.805 or the state medical examiner
19 or deputy medical examiner performing official duties
20 pursuant to chapter 691, who determines through an
21 investigation that a deceased person was infected with

22 the human immunodeficiency virus, may notify the
23 immediate family and any identified partners of the
24 deceased of the finding.

25 Sec. 3. Section 141.23, subsection 1, Code
26 Supplement 1993, is amended by adding the following
27 new paragraph:

28 NEW PARAGRAPH. j. Employees of state correctional
29 institutions subject to the jurisdiction of the
30 department of corrections, employees of secure
31 facilities for juveniles subject to the department of
32 human services, and employees of city and county
33 jails, if the employees have direct supervision over
34 inmates of those facilities or institutions, in the
35 exercise of the duties prescribed pursuant to section
36 80.9, subsection 2, paragraph "d".

37 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6262.

Larson 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. 2149)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Van Maanen			

The nays were, 2:

Hammond Moreland

Absent or not voting, 1:

Shultz

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2149** be immediately messaged to the Senate.

Hanson of Delaware called up for consideration **House File 2366**, a bill for an act relating to reapportionment, redistricting, and precincting by certain jurisdictions, amended by the Senate, and moved that the House concur in the following Senate amendment H-6242:

H-6242

1 Amend House File 2366, as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking page 2, line 28, through page 3,
4 line 11.

5 2. Page 3, by striking lines 12 and 13 and
6 inserting the following:

7 "Sec. 4. Section 42.4, subsection 8, Code 1993, is
8 amended to read as follows:

9 8. Each bill embodying a plan drawn under this
10 section shall include provisions for election of
11 senators to the general assemblies which take office
12 in the years ending in three and five, which shall be
13 in conformity with article III, section 6 of the
14 Constitution of the State of Iowa. With respect to
15 any plan drawn for consideration in the year 1991
16 2001, those provisions shall be substantially as
17 follows:

18 a. Each ~~even-numbered~~ odd-numbered senatorial
19 district shall elect a senator in 1992 2002 for a
20 four-year term commencing in January ~~1993~~ 2003. If an
21 incumbent senator who was elected to a four-year term
22 which commenced in January 1991 2001, or was
23 subsequently elected to fill a vacancy in such a term,
24 is residing in an ~~even-numbered~~ odd-numbered
25 senatorial district on ~~March 13, 1992~~ February 1,
26 2002, that senator's term of office shall be
27 terminated on January 1, ~~1993~~ 2003.

28 b. Each ~~odd-numbered~~ even-numbered senatorial
29 district shall elect a senator in ~~1994~~ 2004 for a

30 four-year term commencing in January ~~1995~~ 2005."

31 3. Page 4, by inserting after line 1 the

32 following:

33 "(2) Each ~~odd-numbered~~ even-numbered senatorial
 34 district to which subparagraph (1) of this paragraph
 35 is not applicable shall elect a senator in ~~1992~~ 2002
 36 for a two-year term commencing in January ~~1993~~ 2003."
 37 However, if more than one incumbent state senator is
 38 residing in an even-numbered senatorial district on
 39 February 1, 2002, and, on or before February 15, 2002,
 40 all but one of the incumbent senators resigns from
 41 office effective no later than January 1, 2003, the
 42 remaining incumbent senator shall represent the
 43 district in the senate for the Eightieth General
 44 Assembly. A copy of the resignation must be filed in
 45 the office of the secretary of state no later than
 46 five p.m. on February 15, 2002."

47 4. By renumbering, relettering, or redesignating

48 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6242.

Hanson of Delaware 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. 2366)

The ayes were, 99:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg

Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Van Maanen	

The nays were, none.

Absent or not voting, 1:

Shoultz

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2366** be immediately messaged to the Senate.

Corbett of Linn called up for consideration **Senate File 2318**, a bill for an act relating to state budget processes, amended by the House, further amended by the Senate, and moved that the House concur in the Senate amendment H-6275, to the House amendment as follows:

H-6275

1 Amend the House amendment, S-5695, to Senate File
2 2318, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "_____. By striking page 2, line 11 through page 3,
7 line 32."

8 2. Page 1, by striking line 11 and inserting the
9 following:

10 "MANAGEMENT OF FUNDS

11 Sec. _____. Section 8.39, subsection 2, Code 1993,
12 is amended to read as follows:

13 2. If the appropriation of a department,
14 institution, or agency is insufficient to properly
15 meet the legitimate expenses of the department,
16 institution, or agency, the director, with the
17 approval of the governor, may make an
18 interdepartmental transfer from any other department,
19 institution, or agency of the state having an
20 appropriation in excess of its needs, of sufficient
21 funds to meet that deficiency. An interdepartmental
22 transfer to an appropriation which is not an
23 entitlement appropriation is not authorized when the
24 general assembly is in regular session and, in

25 addition, the sum of interdepartmental transfers in a
 26 fiscal year to an appropriation which is not an
 27 entitlement appropriation shall not exceed fifty
 28 percent of the amount of the appropriation as enacted
 29 by the general assembly. For the purposes of this
 30 subsection, an entitlement appropriation is a line
 31 item appropriation to the department of human services
 32 for foster care, state supplementary assistance, or
 33 medical assistance, or for the family investment
 34 program."

The motion prevailed and the House concurred in the Senate amendment H-6275, to the House amendment.

Corbett of Linn 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. 2318)

The ayes were, 100:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2318** be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Hahn of Muscatine called up for consideration **Senate File 2314**, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, amended by the House, further amended by the following Senate amendment H-6278 to the House amendment:

H-6278

1 Amend the House amendment, S-5654, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 3 through page 10,
5 line 35, and inserting the following:

6 "_____. Page 2, line 11, by striking the figure
7 "3,700,175" and inserting the following: "3,715,675".

8 _____. Page 2, line 12, by striking the figure
9 "121.00" and inserting the following: "122.50".

10 _____. Page 2, by inserting after line 12 the
11 following:

12 "Of the moneys appropriated and the FTEs allocated
13 pursuant to this lettered paragraph, an additional
14 \$15,500 and 1.5 additional FTEs shall be allocated for
15 purposes of supporting meat and poultry inspections as
16 provided in chapter 189A."

17 _____. Page 2, by inserting after line 30 the
18 following:

19 "Of the amount appropriated under this paragraph
20 "a", \$160,000 shall be allocated from the
21 appropriation to Iowa state university for purposes of
22 training commercial pesticide applicators."

23 _____. Page 4, by striking lines 18 through 22.

24 _____. Page 4, by striking lines 29 through 33.

25 _____. Page 5, line 18, by striking the figure
26 "1995" and inserting the following: "1996".

27 _____. Page 5, line 33, by striking the figure
28 "198,750" and inserting the following: "188,750".

29 _____. By striking page 7, line 34 through page 8,
30 line 5.

31 _____. Page 13, by inserting after line 7 the
32 following:

33 "Sec. _____. TRANSFER - AIR QUALITY. For the
34 fiscal year beginning July 1, 1994, and ending June

35 30, 1995, the department of natural resources may
36 transfer up to \$281,000 from the hazardous substance
37 remedial fund to support purposes related to carrying
38 out the duties of the commission under section
39 455B.133, or the director under section 455B.134, or
40 for carrying out the provisions of chapter 455B,
41 division II."

42 _____. Page 13, by inserting after line 8 the
43 following:

44 "Sec. _____. DEPARTMENTAL STUDY — COMMERCIAL
45 WEIGHING AND MEASURING DEVICES. The department of
46 agriculture and land stewardship shall study its
47 licensing structure for the inspection of commercial
48 weighing and measuring devices, including fees
49 required to be paid by licensees pursuant to section
50 214.3. The department shall examine the relationship

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1 between fees and the costs incurred in administration,
2 regulation, and enforcement of provisions relating to
3 the licensing of the devices. The department shall
4 submit a report, including findings and
5 recommendations, to the governor and the general
6 assembly by January 9, 1995."

7 _____. Page 13, by inserting after line 20 the
8 following:

9 "Sec. _____. WIND EROSION CONTROL FUND. The
10 department of agriculture and land stewardship shall
11 use all unencumbered or unobligated moneys
12 appropriated to the wind erosion control fund, and any
13 moneys which have been credited to the division of
14 soil conservation of the department of agriculture and
15 land stewardship for purposes of planting and
16 maintaining wind erosion control barriers, as
17 originally provided in 1978 Iowa Acts, chapter 1108,
18 section 7, and subsequently amended, in order to carry
19 out the original purposes. The department shall
20 submit a report to the secretary of the senate and
21 chief clerk of the house not later than January 2,
22 1995. The report shall explain actual and planned
23 expenditures of the moneys."

24 _____. Page 13, by striking lines 22 through 35 and
25 inserting the following: "revenue and finance in
26 cooperation with each appropriate agency shall track
27 receipts to the general fund which under law were
28 previously collected to be used for specific purposes,
29 or to be credited to, or be deposited to a particular
30 account or fund, as provided in section 8.60.

31 The department of revenue and finance and each
32 appropriate agency shall prepare".

33 _____. Page 14, by inserting after line 4 the fol-

34 lowing:

35 "Sec. _____. STUDY REQUESTED. The legislative
36 council is requested to establish a study committee to
37 examine animal agriculture in this state, and its
38 impact upon the environment and nonagricultural uses
39 of land."

40 _____. Page 16, by inserting after lin. 16 the
41 following:

42 "Sec. _____. LEASE-PURCHASE – BUDGET SUBMISSION.

43 This section applies to each state agency receiving an
44 appropriation in this Act. The departmental estimate
45 required under section 8.23 for the fiscal period
46 beginning July 1, 1995, which includes the state
47 agency, shall provide an itemized list indicating the
48 nature and amount of each lease-purchase contract
49 payment included in the estimate for proposed
50 contracts which have not been reported by the state

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1 agency to the legislative fiscal committee of the
2 legislative council pursuant to section 8.46 prior to
3 the submission of the estimate. The governor shall
4 include in the governor's budget for the fiscal year
5 beginning July 1, 1995, a listing indicating the
6 nature and amount of each lease-purchase contract
7 which was itemized in a departmental estimate in ac-
8 cordance with this section and is included in the
9 governor's budget. A state agency receiving an
10 appropriation in this Act shall not enter into a
11 lease-purchase contract during the fiscal year
12 beginning July 1, 1995, unless the contract was
13 itemized in a departmental estimate and included in
14 the governor's budget in accordance with this
15 section."

16 _____. By striking page 16, line 17 through page
17 17, line 13, and inserting the following:

18 "Sec. 100. SOIL CONSERVATION ASSISTANCE. There is
19 appropriated from the unobligated and unencumbered
20 moneys deposited or required to be deposited in the
21 water protection practices account of the water
22 protection fund established in section 161C.4 to the
23 division of soil conservation within the department of
24 agriculture and land stewardship for the fiscal period
25 beginning July 1, 1993, and ending June 30, 1995, the
26 following amount, or so much thereof as is necessary,
27 to be used for the purpose designated:

28 For the purpose of providing interest-free loans to
29 persons who receive assistance from the United States
30 department of agriculture under the emergency
31 conservation program:

32 \$ 500,000

33 The loans shall be made in order to provide any
34 matching moneys required to be contributed by a person
35 receiving assistance under the federal program. The
36 division shall seek to cooperate with the soil
37 conservation service in implementing this section.
38 The moneys must be repaid to the water protection
39 practices account within five years from the date that
40 the moneys are loaned. Moneys which are unobligated
41 or unencumbered on June 30, 1995, shall be credited
42 back to the account. In administering these moneys,
43 the department may contract, sue, and be sued, and
44 adopt rules necessary to carry out the provisions of
45 this section. However, the division shall not in any
46 manner directly or indirectly pledge the credit of
47 this state."

48 _____. Page 18, by striking lines 13 through 33.

49 _____. Page 20, by inserting after line 21 the
50 following:

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1 "_____. The division shall maintain records
2 regarding each award of financial incentives under
3 this section, including the name of the person; the
4 amount of the award; the location of the livestock
5 manure management system established with financial
6 incentive moneys; and whether the person is a family
7 farm corporation, family farm limited partnership,
8 family trust, or a family farm limited liability
9 company."

10 _____. Page 21, by striking line 9 and inserting
11 the following:

12 "A person, including a corporation, limited
13 liability company, or partnership established on or
14 after the effective date of this Act, other than
15 either a".

16 _____. Page 21, line 10, by striking the figure
17 "496C," and inserting the following: "496C".

18 _____. Page 21, line 14, by inserting after the
19 word "chapter." the following: "However, this section
20 shall not prohibit a person from owning an interest in
21 real property or a building where a clinic is located,
22 if veterinary medical services or a practice is
23 conducted by the clinic by a professional corporation
24 or a veterinarian licensed under this chapter."

25 _____. Page 22, by inserting after line 27 the
26 following:

27 "Sec. _____. Section 200.22, subsection 1, paragraph
28 a, as enacted by 1994 Iowa Acts, Senate File 94,
29 section 1, is amended to read as follows:

30 a. "Local governmental entity" means any political
31 subdivision, or any state authority which is not the

32 general assembly or under the direction of a principal
33 central department as enumerated in section 7E.5,
34 including a city as defined in section 362.2, a county
35 as provided in chapter ~~359~~ 331, or any special purpose
36 district.

37 Sec. _____. Section 206.34, subsection 1, paragraph
38 a, as enacted by 1994 Iowa Acts, Senate File 94,
39 section 2, is amended to read as follows:

40 a. "Local governmental entity" means any political
41 subdivision, or any state authority which is not the
42 general assembly or under the direction of a principal
43 central department as enumerated in section 7E.5,
44 including a city as defined in section 362.2, a county
45 as provided in chapter ~~359~~ 331, or any special purpose
46 district.

47 Sec. _____. NEW SECTION. 214.4 TAGGING OF
48 EQUIPMENT.

49 1. If the department does not receive payment of
50 the license fee required pursuant to section 214.3

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1 within one month from the due date, the department
2 shall send a notice to the owner or operator of the
3 device. The notice shall be delivered by certified
4 mail. The notice shall state all of the following:

5 a. The owner or operator is delinquent in the
6 payment of the required fee.

7 b. The owner or operator has fifteen days after
8 receipt of the notice to pay the license fee required
9 pursuant to section 214.3.

10 c. If the department does not receive payment of
11 the license fee as required, the department may
12 summarily tag and remove from service the commercial
13 weighing and measuring device.

14 2. If the license fee is not received by the
15 department within fifteen days after receipt of the
16 notice by the owner or operator of the commercial
17 weighing and measuring device, the department may tag
18 and remove from service the device for which the
19 license fee has not been paid."

20 _____. Page 23, by inserting after line 7 the
21 following:

22 "Sec. _____. Section 321.453, Code 1993, as amended
23 by 1994 Iowa Acts, Senate File 2080, section 3, is
24 amended by striking the section and inserting in lieu
25 thereof the following:

26 321.453 EXCEPTIONS.

27 The provisions of this chapter governing size,
28 weight, and load, and the permit requirements of
29 chapter 321E do not apply to fire apparatus, to road
30 maintenance equipment owned by or under lease to any

31 state or local authority, to implements of husbandry
 32 temporarily moved upon a highway, to implements moved
 33 from farm site to farm site or between the retail
 34 seller and a farm purchaser within a one hundred mile
 35 radius from the retail seller's place of business, to
 36 indivisible implements of husbandry temporarily moved
 37 between the place of manufacture and a retail seller
 38 or a farm purchaser, to implements received and moved
 39 by a retail seller of implements of husbandry in
 40 exchange for an implement purchased, or to implements
 41 of husbandry moved for repairs, except on any part of
 42 the interstate highway system. A vehicle, carrying an
 43 implement of husbandry, which is exempted from the
 44 permit requirements under this section shall be
 45 equipped with an amber flashing light under section
 46 321.423, shall be equipped with warning flags on that
 47 portion of the vehicle which protrudes into oncoming
 48 traffic, and shall only operate from thirty minutes
 49 prior to sunrise to thirty minutes following sunset."
 50 _____. Page 23, by inserting after line 7 the

Page 6

1 following:
 2 "Sec. _____. Section 455A.18, Code Supplement 1993,
 3 is amended by adding the following new subsection:
 4 NEW SUBSECTION. 4. Notwithstanding section 12C.7,
 5 interest or earnings on investments or time deposits
 6 of the moneys in the Iowa resources enhancement and
 7 protection fund or any of its accounts shall be
 8 credited to the Iowa resources enhancement and
 9 protection fund."
 10 _____. Page 23, by striking lines 8 through 16.
 11 _____. Page 24, line 11, by inserting after the
 12 word "account." the following: "Fees paid pursuant to
 13 this section shall not be subject to the sales or
 14 services tax."
 15 _____. Page 26, by striking line 31 and inserting
 16 the following: "required to carry out the provisions
 17 of this division relating to the administration,
 18 regulation, and enforcement of the federal Safe
 19 Drinking Water Act and the program to assist supply
 20 systems, to the extent the".
 21 _____. Page 27, line 2, by striking the figure "23"
 22 and inserting the following: "22, 100".
 23 _____. Title page, line 3, by inserting after the
 24 word "fees" the following: "and effective dates"."

The House stood at ease at 8:35 p.m., until the fall of the gavel.

The House resumed session at 9:11 p.m., Arnould of Scott in the chair.

Hahn of Muscatine moved the House concur in the Senate amendment H—6278, to the House amendment.

Roll call was requested by Hansen of Woodbury and Shoultz of Black Hawk.

On the question "Shall the House concur in the Senate amendment H—6278, to the House amendment?" (S.F. 2314)

The ayes were, 39:

Blodgett	Branstad	Brauns	Brunkhorst
Carpenter	Corbett	Daggett	Dinkla
Drake	Eddie	Ertl	Fogarty
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Kistler
Klemme	Mertz	Metcalf	Meyer
Miller	Mundie	Murphy	Plasier
Renken	Royer	Siegrist	Tyrrell
Vande Hoef	Van Maanen, Spkr.	Weidman	

The nays were, 61:

Baker	Beaman	Beatty	Bell
Bernau	Black	Boddicker	Brammer
Brand	Burke	Cataldo	Churchill
Cohoon	Connors	Dickinson	Doderer
Fallon	Garman	Gill	Grubbs
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Holveck	Hurley
Iverson	Jochum	Koenigs	Kreiman
Larkin	Larson	Lundby	Martin
May	McCoy	McKinney	McNeal
Millage	Moreland	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Rafferty	Rants	Renaud
Running	Schrader	Shoultz	Spenner
Weigel	Welter	Wise	Witt
Arnould, Presiding			

Absent or not voting, none.

The House refused to concur in the Senate amendment H—6278, to the House amendment.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2314** 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 18, 1994, insisted on its amendment to House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Bisignano, Chair; the Senator from Dallas, Senator Riordan; the Senator from Tama, Senator Husak; the Senator from Chickasaw, Senator Borlaug; the Senator from Webster, Senator Kersten.

Also: That the Senate has on April 18, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2215, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 18, 1994, adopted the conference committee report and passed Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the following conference committee to consider the differences between the House and Senate concerning House File 2415: Metcalf of Polk, Chair; Corbett of Linn, Rants of Woodbury, Gill of Woodbury and Moreland of Wapello.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2319)

McNeal of Hardin called up for consideration the report of the conference committee on Senate File 2319 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2319

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 2319, a bill for an Act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, respectfully make the following report:

1. That House recedes from its amendment, S-5609.

2. That Senate File 2319, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Section 1. Section 80B.11, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Within the existing curriculum, expand training regarding racial and cultural awareness and dealing with gang-affected youth.

Sec. 2. Section 123.47, Code 1993, is amended to read as follows:

123.47 PERSONS UNDER THE AGE OF EIGHTEEN.

A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under the age of eighteen, and a person or persons under the age of eighteen shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under the age of eighteen within a private home and with the knowledge, presence, and consent of the parent or guardian, or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under the age of eighteen may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter. A person, other than a licensee or permittee, who violates this section regarding the purchase or attempt to purchase of alcoholic liquor, wine, or beer shall pay a twenty-five dollar penalty.

Sec. 3. Section 123.47A, Code 1993, is amended to read as follows:

123.47A PERSONS AGE EIGHTEEN, NINETEEN, AND TWENTY — PENALTY.

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age eighteen, nineteen, or twenty. A person age eighteen, nineteen, or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age eighteen, nineteen, or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge, presence, and consent of the person's parent or guardian, or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, and a person age eighteen, nineteen, or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee. A person, other than a licensee or permittee, who commits a first offense under this section commits a scheduled violation of section 805.8, subsection 10. A person, other than a licensee or permittee, who commits a second or subsequent violation of this section, commits a simple misdemeanor. A licensee or permittee who violates this section with respect to a person who is age nineteen or twenty is guilty of a simple misdemeanor punishable by a fine of not more than fifty dollars. The penalty provided under this section against a licensee or permittee who violates this section with respect to a person who is age nineteen or twenty is the only penalty which shall

be imposed against a licensee or permittee who violates this section. A licensee or permittee who violates this section with respect to a person who is age eighteen commits a simple misdemeanor, and is subject to the criminal and civil penalties provided pursuant to sections 123.49 and 123.50 with respect to selling, giving, or otherwise supplying alcoholic beverages, liquor, wine, or beer to persons under legal age.

2. For the purpose of determining if a violation charged is a second or subsequent offense, a conviction or plea of guilty to a violation of this section shall be counted as a previous offense.

Sec. 4. Section 123.49, subsection 2, paragraph h, Code 1993, is amended to read as follows:

h. Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or having reasonable cause to believe the person to be failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or having reasonable cause to believe the person to be failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine, or beer.

Sec. 5. Section 123.50, subsection 1, Code Supplement 1993, is amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except subsection 2, paragraph "h", shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph "h", commits a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 10, paragraph "b".

Sec. 6. Section 124.401A, Code 1993, is amended to read as follows:

124.401A ENHANCED PENALTY FOR DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older who unlawfully distributes or possesses with intent to distribute a substance or counterfeit substance listed in schedule I, or II which is a narcotic or cocaine, or III, or a simulated controlled substance represented to be a narcotic or cocaine controlled substance classified in schedule I, or II, or III, to another person who is eighteen years of age or older in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, may, at the judge's discretion, be sentenced up to an additional term of confinement of five years.

Sec. 7. NEW SECTION. 124.401B POSSESSION OF CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY - ADDITIONAL PENALTY.

In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced to one hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service.

Sec. 8. Section 124.406, subsection 1, paragraphs a and b, Code 1993, are amended to read as follows:

a. Unlawfully distributes or possesses with intent to distribute a substance listed in schedule I or II, ~~which is a narcotic or cocaine~~, to a person under eighteen years of age commits a class "B" felony and shall serve a minimum term of confinement of five years. However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.

b. Unlawfully distributes or possesses with the intent to distribute a controlled substance ~~other than a narcotic or cocaine~~ listed in schedule I, II, or III to a person under eighteen years of age who is at least three years younger than the violator commits a class "C" felony.

Sec. 9. Section 124.406, subsection 2, paragraphs a and b, Code 1993, are amended to read as follows:

a. Unlawfully distributes or possesses with the intent to distribute a counterfeit substance listed in schedule I or II ~~which is a narcotic or cocaine~~, or a simulated controlled substance represented to be a ~~narcotic or cocaine~~ substance classified in schedule I or II, to a person under eighteen years of age commits a class "B" felony. However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.

b. Unlawfully distributes or possesses with intent to distribute a counterfeit substance ~~other than a narcotic or cocaine~~ listed in schedule I, II, or III, or a simulated controlled substance represented to be any substance listed in schedule I, II, or III, to a person under eighteen years of age who is at least three years younger than the violator commits a class "C" felony.

Sec. 10. NEW SECTION. 124.406A USE OF PERSONS UNDER AGE EIGHTEEN IN THE DRUG TRADE.

It is unlawful for a person who is eighteen years of age or older to conspire with or recruit a person under the age of eighteen for the purpose of delivering or manufacturing a controlled substance classified in schedule I through IV. A person violating this section commits a class "C" felony.

Sec. 11. Section 124.415, Code 1993, is amended to read as follows:

124.415 PARENTAL AND SCHOOL NOTIFICATION – PERSONS UNDER EIGHTEEN YEARS OF AGE.

A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a controlled substance, counterfeit substance, or simulated controlled substance in violation of this chapter, and if the person is not referred to juvenile court the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of such possession, whether or not the person is arrested,

unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that person. If the person is taken into custody, the peace officer shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. A juvenile court officer may also notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first class mail.

Sec. 12. Section 232.2, subsection 22, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a guardian ad litem with respect to a child shall include the following:

a. Conducting in-person interviews with the child and each parent, guardian, or other person having custody of the child.

b. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child.

c. Interviewing any person providing medical, social, educational, or other services to the child.

d. Obtaining first-hand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the person is appointed guardian ad litem.

e. Attending any hearings in the matter in which the person is appointed as the guardian ad litem.

Sec. 13. Section 232.19, subsection 2, Code 1993, is amended to read as follows:

2. When a child is taken into custody as provided in subsection 1 the person taking the child into custody shall notify the child's parent, guardian or custodian as soon as possible and shall not place bodily restraints, such as handcuffs, on the child unless the child physically resists or threatens physical violence when being taken into custody. However, if the child is thirteen years of age or older, the child may be restrained by metal handcuffs only, for the purpose of transportation in a vehicle which is not equipped with a rear seat cage for prisoner transport and if the child is being taken into custody for an alleged delinquent act of violence against a person. The child may also be restrained by handcuffs or other restraints at any time after the child is taken into custody if the child has a known history of physical violence to others. Unless the child is placed in shelter care or detention in accordance with the provisions of section 232.21 or 232.22, the child shall be released to the child's parent, guardian, custodian, responsible adult relative, or other adult approved by the court upon the promise of such person to produce the child in court at such time as the court may direct.

Sec. 14. Section 232.29, subsection 2, Code 1993, is amended to read as follows:

2. An informal adjustment agreement may prohibit a child from driving a motor vehicle for a specified period of time or under specific circumstances, require the child to perform a work assignment of value to the state or to the public, or require the child to make restitution consisting of a monetary payment to the victim or a work

assignment directly of value to the victim. The juvenile court officer shall notify the state department of transportation of the informal adjustment prohibiting the child from driving.

Sec. 15. Section 232.42, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Proceedings may be continued for up to one year upon the request of the county attorney and the child to permit the making of probation arrangements prior to the adjudicatory hearing. If either the child or the county attorney requests that the adjudicatory hearing be held at any time during the period of the continuance, the court shall set the matter for hearing.

Sec. 16. Section 232.44, subsection 1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the child is placed in a detention facility in a county other than the county in which the child resides or in which the delinquent act allegedly occurred but which is within the same judicial district, the hearing may take place in the county in which the detention facility is located. The child shall appear in person at the hearing required by this subsection.

Sec. 17. Section 232.44, subsection 7, Code 1993, is amended to read as follows:

7. If a child held in shelter care or detention by court order has not been released after a detention hearing or has not appeared at an adjudicatory hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court day following the expiration of the order. The child, the child's counsel, the child's guardian ad litem, and the child's parent, guardian or custodian shall be notified of this hearing not less than twenty-four hours before the hearing is scheduled to take place. The hearing required by this section may be held by telephone conference call.

Sec. 18. Section 232.45A, subsections 2 and 3, Code 1993, are amended to read as follows:

2. Once a child sixteen years of age or older has been waived to and convicted of a ~~foreible felony or a felony violation of section 124.401 or chapter 707~~ by the district court, all criminal proceedings against the child for any ~~foreible felony or a felony violation of section 124.401 or chapter 707~~ occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for a ~~foreible felony or a felony violation of section 124.401 or chapter 707~~ who has previously been waived to and convicted of such an offense by the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45.

Sec. 19. Section 232.46, subsection 1, Code 1993, is amended to read as follows:

1. At any time after the filing of a petition and prior to entry of an order of adjudication pursuant to section 232.47, the court may suspend the proceedings on motion of the county attorney or the child's counsel, enter a consent decree, and continue the case under terms and conditions established by the court. These terms and conditions

may include prohibiting a child from driving a motor vehicle for a specified period of time or under specific circumstances, or the supervision of the child by a juvenile court officer or other agency or person designated by the court, and may include the requirement that the child perform a work assignment of value to the state or to the public or make restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim. The court shall notify the state department of transportation of an order prohibiting the child from driving.

Sec. 20. Section 232.47, Code 1993, is amended by adding the following subsection:

NEW SUBSECTION. 12. A juvenile court officer shall notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school which the child attends of the child's adjudication for a delinquent act which would be an indictable offense if committed by an adult.

Sec. 21. Section 232.52, subsection 2, paragraph a, Code 1993, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The suspension of the motor vehicle license or operating privilege of the child for the commission of one or more delinquent acts which are a violation of section 123.46, section 123.47 regarding the purchase or attempt to purchase of alcoholic beverages, or chapter 124, or two or more delinquent acts which are a violation of section 123.47 regarding the possession of alcoholic beverages for a period of one year. The child may be issued a temporary restricted license or school license if the child is otherwise eligible.

Sec. 22. Section 232.52, subsection 2, paragraph c, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A parent or guardian may be required by the juvenile court to participate in educational or treatment programs as part of a probation plan if the court determines it to be in the best interest of the child. A parent or guardian who does not participate in the probation plan when required to do so by the court may be held in contempt.

Sec. 23. Section 232.78, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The juvenile court may enter an ex parte order directing a peace officer or a juvenile court officer to take custody of a child before or after the filing of a petition under this chapter provided all of the following apply:

Sec. 24. Section 232.79, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A peace officer or juvenile court officer may take a child into custody, or a physician treating a child may keep the child in custody, or a juvenile court officer may authorize a peace officer, physician, or medical security personnel to take a child into custody, without a court order as required under section 232.78 and without the consent of a parent, guardian, or custodian provided that both of the following apply:

Sec. 25. Section 232.148, Code 1993, is amended to read as follows:

232.148 FINGERPRINTS — PHOTOGRAPHS.

1. Except as provided in this section, a child shall not be fingerprinted or photographed by a criminal justice agency after the child is taken into custody.

2. Fingerprints and photographs of a child who has been taken into custody and who is fourteen years of age or older may be taken and filed by a criminal justice agency investigating the commission of a public offense constituting a felony other than a simple or serious misdemeanor. However, fingerprint and photograph files of a child who enters into an informal adjustment or consent decree shall be retained only if the child is notified at the time of entering into the informal adjustment or consent decree that the files will be permanently retained by the criminal justice agency. The criminal justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system. However, unless otherwise authorized pursuant to section 232.45A or 690.4, or as otherwise authorized by law, a criminal history record shall not be created for inclusion in an automated system due to the retention of fingerprints pursuant to this section.

3. If a peace officer has reasonable grounds to believe that latent fingerprints found during the investigation of the commission of a public offense are those of a particular child, fingerprints of the child may be taken for immediate comparison with the latent fingerprints regardless of the nature of the offense. If the comparison is negative the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive and the child is referred to the court, the fingerprint card and other copies of the fingerprints taken shall be delivered to the court for disposition division of criminal investigation of the department of public safety in the manner and on the forms prescribed by the commissioner of public safety within two working days after the fingerprints are taken. If the child is not referred to the court After notification by the child or the child's representative that the child has not had a delinquency petition filed against the child or has not entered into an informal adjustment agreement, the fingerprint card and copies of the fingerprints shall be immediately destroyed.

4. Fingerprint and photograph files of children shall be kept separate from those of adults. Copies of fingerprints and photographs of a child shall not be placed in any data storage system established and maintained by the department of public safety pursuant to chapter 692, or in any federal depository for fingerprints.

5. Fingerprint and photograph files of children may be inspected by peace officers when necessary for the discharge of their official duties. The juvenile court may authorize other inspections of such files in individual cases upon a showing that inspection is necessary in the public interest.

6. Fingerprint and photographs of a child shall be removed from the file and destroyed if upon notification by the child's guardian ad litem or legal counsel to the department of public safety that any of the following situations apply:

a. A petition alleging the child to be delinquent is not filed and the child has not entered into an informal adjustment, admitting involvement in a delinquent act alleged in the complaint.

b. After a petition is filed, the petition is dismissed or the proceedings are suspended and the child has not entered into a consent decree and has not been adjudicated delinquent on the basis of a delinquent act other than one alleged in the petition in question.

c. Upon petition by the child when the child reaches twenty-one years of age and the child has not been adjudicated a delinquent nor convicted of committing an aggravated misdemeanor or a felony after reaching sixteen years of age.

Sec. 26. Section 232.149, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Information regarding a child taken into custody for a violation of chapter 124 involving the possession of a controlled substance, counterfeit substance, or simulated controlled substance shall be disclosed in accordance with section 124.415.

Sec. 27. NEW SECTION. 232.190 COMMUNITY GRANT FUND.

1. A community grant fund is established in the state treasury under the control of the division of criminal and juvenile justice planning of the department of human rights for the purposes of awarding grants under this section. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall assist the division in administering grants awarded under this section. The department of human services shall advise the division on programs which meet the criteria established for grant recipients. Not more than one percent of the moneys appropriated to the fund shall be used for administrative purposes.

2. A city, county, or entity organized under chapter 28E may apply to the department for a grant on a matching basis to fund juvenile crime prevention programs. The match may come from funds provided to the city, county, or entity organized under chapter 28E from private sources, other state programs, or federal programs. A city, county, or entity organized under chapter 28E applying for a grant under this section is encouraged to seek matching funds from, but not limited to, the Iowa finance authority, the governor's alliance on substance abuse, and under the state and federal community reinvestment Acts. Applications shall state specific outcomes sought to be obtained under a program funded by a grant under this section.

3. Programs awarded moneys from the community grant fund shall involve a collaborative effort by all children and family support service providers to provide services and shall reflect a community-wide consensus in how to remediate community problems and may include programs dealing with truancy which involve school district and community partnerships, and programs involving judicial district community-based corrections programs. Services provided under the programs shall be comprehensive and utilize flexible delivery systems. The department of human services shall establish a point system for determining eligibility for grants from the fund based upon the nature and breadth of the community juvenile crime prevention programs and the extent to which a community has sought to obtain additional public and private funding sources for all or parts of the community's program.

4. This section is repealed effective June 30, 1998. The division of criminal and juvenile justice planning and the department of human services shall submit a report to the general assembly by January 15, 1998, regarding the effectiveness of the programs funded under this section in meeting the objectives contained in subsection 3.

Sec. 28. NEW SECTION. 232.191 EARLY INTERVENTION AND FOLLOW-UP PROGRAMS.

Contingent on a specific appropriation for these purposes, the department shall do the following:

1. Develop or expand programs providing specific life skills and interpersonal skills training for adjudicated delinquent youth who pose a low or moderate risk to the community.

2. Develop or expand a school-based program addressing truancy and school behavioral problems for youth ages twelve through seventeen.

3. Develop or expand an intensive tracking and supervision program for adjudicated delinquent youth at risk for placement who have been released from resident facilities, which shall include telephonic or electronic tracking and monitoring and intervention by juvenile authorities.

4. Develop or expand supervised community treatment for adjudicated delinquent youth who experience significant problems and who constitute a moderate community risk.

Sec. 29. NEW SECTION. 280.9B VIOLENCE PREVENTION CURRICULUM.

The department of education shall develop a statewide violence prevention program based on law-related education. The department shall contract with a law-related education agency that serves the state and provides a comprehensive plan to develop violence prevention curricula for grades K through twelve, provide training to teachers and school administrators on violence prevention, and develop school-community partnerships for violence prevention.

Sec. 30. Section 280.19A, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a district has not adopted a plan as required in this section and implemented the plan by January 15, 1996, the area education agency serving the district shall assist the district with developing a plan and an alternative options education program for the pupil. When a plan is developed, the district shall be responsible for the operation of the program and shall reimburse the area education agency for the actual costs incurred by the area education agency under this section.

Sec. 31. Section 294A.14, unnumbered paragraphs 9 and 10, Code Supplement 1993, are amended to read as follows:

For school districts, additional instructional work assignments may include but are not limited to general curriculum planning and development, vertical articulation of curriculum, horizontal curriculum coordination, development of educational measurement practices for the school district, participation in assessment activities leading to certification by the national board for professional teaching standards, attendance at workshops and other programs for service as cooperating teachers for student teachers, development of plans for assisting beginning teachers during their first year of teaching, attendance at summer staff development programs, development of staff development programs for other teachers to be presented during the school year, participation in family support programs, development of programs which provide instruction in conflict resolution and mediation techniques for staff and students, development of anger management instructional programs for students, and other plans locally determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriate to meet the educational needs of the school district.

For area education agencies, additional instructional work assignments may include but are not limited to providing assistance and support to school districts in general curriculum planning and development, providing assistance to school districts in vertical articulation of curriculum and horizontal curriculum coordination, development

of educational measurement practices for school districts in the area education agency, development of plans for assisting beginning teachers during their first year of teaching, attendance or instruction at summer staff development programs, development of staff development programs for school district teachers to be presented during the school year, participation in family support programs, development of staff development programs which provide instruction in conflict resolution and mediation techniques, assisting school district teachers in the development of anger management instructional programs for students, and other plans determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriately meet the educational needs of the area education agency.

Sec. 32. NEW SECTION. 299.1B FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE.

A person who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, adult education classes, or who is not employed at least twenty hours per week shall not receive a motor vehicle operator's license until age eighteen. A person under age eighteen who has been issued a motor vehicle operator's license who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or adult education classes, shall surrender the license and be issued a temporary restricted license under section 321.215.

Sec. 33. Section 299.5A, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The mediator may refer a truant to the juvenile court if mediation breaks down without an agreement being reached.

Sec. 34. NEW SECTION. 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of an order at the conclusion of a dispositional hearing under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alcoholic beverages, or chapter 124, or a second or subsequent violation of section 123.47 regarding the possession of alcoholic beverages, the clerk of the juvenile court in the dispositional hearing shall forward a copy of the adjudication and dispositional order to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license as provided in section 321.215.

Sec. 35. NEW SECTION. 321.213B REVOCATION FOR FAILURE TO ATTEND.

The department shall establish procedures by rule for revoking the license of a juvenile who is in violation of section 299.1B or issuing the juvenile a temporary restricted license under section 321.215 if the juvenile is employed at least twenty hours per week.

Sec. 36. Section 321A.17, subsection 5, Code Supplement 1993, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under section 321.209, subsection 8, section 321.210, subsection 1, paragraph "d", or section 321.210A, 321.213B, 321.216B, or 321.513, or following a period of suspension under section 321.194, is not required to maintain proof of financial responsibility under this section.

Sec. 37. Section 453A.2, Code 1993, is amended to read as follows:

453A.2 PERSONS UNDER LEGAL AGE.

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen years of age and a.

2. A person under eighteen years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, or cigarettes.

3. The Iowa department of public health, a county health department, a city health department, or a city may directly enforce this section in district court and initiate proceedings pursuant to section 453A.22 before a permit-issuing authority against a permit holder violating this section.

4. Payment and distribution of court costs, fees, and fines in a prosecution initiated by a city or county shall be made as provided in chapter 602 for violation of a city or county ordinance.

Sec. 38. Section 453A.3, Code 1993, is amended to read as follows:

453A.3 PENALTY.

A person who violates section 453A.2, subsection 1 or 453A.39 is guilty of a simple misdemeanor.

A person who violates section 453A.2, subsection 2, shall pay a civil penalty pursuant to section 805.8, subsection 11. Failure to pay the civil penalty imposed for a violation of section 453A.2, subsection 2, is a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 11.

Sec. 39. Section 602.7103, subsection 3, Code 1993, is amended to read as follows:

3. The parties to a termination of parental rights proceeding heard by an associate juvenile judge are entitled to appeal the order, finding, or decision of an associate juvenile judge, in the manner of an appeal from orders, findings, or decisions of district court judges. The parties to any other proceeding heard by an associate juvenile judge are entitled to appeal the order, finding, or decision of an associate juvenile judge, to the district court. An appeal does not automatically stay the order, finding, or decision of an associate juvenile judge.

Sec. 40. Section 613.16, subsection 2, Code 1993, is amended to read as follows:

2. The legal obligation of the parent or parents of an unemancipated minor child under the age of eighteen years to pay damages shall be limited as follows:

a. Not more than ~~one~~ two thousand dollars for any one act.

b. Not more than ~~two~~ five thousand dollars, payable to the same claimant, for two or more acts.

Sec. 41. Section 702.18, Code 1993 is amended to read as follows:

702.18 SERIOUS INJURY.

"Serious injury" means disabling mental illness, or bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, and includes but is not limited to skull fractures, rib fractures, and metaphyseal fractures of the long bones of children under the age of four years.

Sec. 42. Section 707.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The person kills a child while committing child endangerment under section 726.6, subsection 1, paragraph "b", or while committing assault under section 708.1 upon the child, and the death occurs under circumstances manifesting an extreme indifference to human life.

Sec. 43. NEW SECTION. 709C.1 SEXUALLY VIOLENT PREDATOR ACT.

This chapter shall be known as the "Sexually Violent Predator Act".

Sec. 44. NEW SECTION. 709C.2 DEFINITIONS.

As used in this chapter, unless the context clearly requires otherwise:

1. "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

2. "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

3. "Sexually violent offense" means an act which is at least one of the following:

a. A public offense under section 709.2, 709.3, 709.4, 709.8, 709.11, 709.12, or 709.14.

b. Murder in the first degree or second degree under section 707.2 or 707.3, assault under section 708.1, domestic abuse assault under section 708.2A, kidnapping in the first degree or in the second degree under section 710.2 or 710.3, burglary or attempted burglary in the first degree under section 713.3 or 713.4, which is determined beyond a reasonable doubt at the time of sentencing or during civil commitment proceedings subsequent to the offense to have been sexually motivated.

c. A felony offense under federal law or the law of another state which is equivalent to one of the offenses listed in paragraph "a" or "b".

d. A violation of chapter 705 or 706 regarding an offense listed in paragraph "a", "b", or "c".

4. "Sexually violent predator" means a person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

Sec. 45. NEW SECTION. 709C.3 SEXUALLY VIOLENT PREDATOR PETITION.

1. The county attorney or the attorney general at the request of the county attorney, may file a petition alleging that a person is a sexually violent predator. The petition shall state sufficient facts to support the allegation.

2. A petition may be filed in the following circumstances:

a. The person has been convicted of, pled guilty to, or been adjudicated delinquent for committing a sexually violent offense.

b. The person has been found not guilty of a sexually violent offense by reason of insanity, or has been found incompetent to stand trial for allegedly committing a sexually violent offense.

c. The person is within ninety days of release from a facility to which the person was committed pursuant to the determination made in either paragraph "a" or "b".

Sec. 46. NEW SECTION. 709C.4 JUDICIAL DETERMINATION – TRANSFER FOR EVALUATION.

Upon the filing of a petition under section 709C.3, if the court determines that probable cause exists to believe that the person named in the petition is a sexually violent predator the court shall transfer a person to an appropriate facility for evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct the examination pursuant to rules adopted by the department of corrections in consultation with the department of human services and the criminal and juvenile justice planning division of the department of human rights.

Sec. 47. NEW SECTION. 709C.5 TRIAL – RIGHTS OF PARTIES.

Not later than forty-five days after the filing of a petition pursuant to section 709C.3, the court shall conduct a trial to determine whether the person is a sexually violent predator. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist the person. If a person is subjected to an examination under this chapter, the person may retain experts or professional persons to perform an examination on the person's behalf. The person may be examined by a qualified expert or professional person of the person's choosing, and the expert or professional shall have reasonable access to the person for the purpose of the examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. The person, the county attorney or the attorney general, or the judge shall have the right to demand that the trial be before a jury, if the person is an adult or a juvenile who has been waived to the district court. If no demand is made, or if the person is a juvenile who has not been waived to the district court, the trial shall be to the court or the juvenile court as applicable.

Sec. 48. NEW SECTION. 709C.6 TRIAL – DETERMINATION – COMMITMENT PROCEDURES.

1. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated, the state shall prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of human services in a secure facility for control, care, and treatment until such time as the person's mental abnormality of personality disorder has so changed that the person is safe to be at large. This control, care, and treatment shall be provided at a facility operated by the department of human services, however, adults and

juveniles shall not be sent to the same facility. If the court or jury does not find beyond a reasonable doubt that the person is a sexually violent predator, the court shall order the person to be released in accordance with the terms of the person's sentence.

2. If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released and the person's commitment is sought pursuant to subsection 1, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal due to incompetence that the person committed the act or acts charged. The hearing on this issue shall comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on the person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on the issue, the court finds beyond a reasonable doubt that the person did commit the act charged, the court shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

Sec. 49. NEW SECTION. 709C.7 ANNUAL EXAMINATIONS.

Each person committed under this chapter shall have a current examination of the person's mental condition made at least once every year. The person may retain, or if the person is indigent and so requests, the court may appoint, a qualified expert or a professional person to examine the person, and the expert or professional person shall have access to all records concerning the person. The periodic report shall be provided to the court that committed the person under this chapter.

Sec. 50. NEW SECTION. 709C.8 PETITION FOR RELEASE — PROCEDURES.

1. If the director of the department of human services determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to engage in predatory acts of sexual violence if released, the director shall authorize the person to petition the court for release. The petition shall be served upon the court and the county attorney. The court, upon receipt of the petition for release, shall order a hearing on the petition to be held not later than forty-five days after the date of service of the petition. The county attorney or the attorney general, if requested by the county attorney, shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the county attorney's or attorney general's choice. The hearing shall be before a jury if demanded by either the petitioner or the state's counsel. The burden of proof shall be upon the county attorney or attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if discharged is likely to engage in predatory acts of sexual violence.

2. Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for discharge without the approval of the director of the department of human services. The director shall provide the committed person with an annual

written notice of the person's right to petition the court for release over the director's objection. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that the person is safe to be at large. The committed person shall have a right to have an attorney represent the person at the show cause hearing but the person is not entitled to be present at the show cause hearing. If the court at the show cause hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and is not likely to engage in predatory acts of sexual violence if discharged, the court shall set a hearing on the issue. At the hearing the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The county attorney or attorney general shall represent the state and shall have a right to request a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate the person on the person's behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be at large and if released is likely to engage in predatory acts of sexual violence.

Sec. 51. NEW SECTION. 709C.9 SUBSEQUENT PETITIONS.

Nothing in this chapter shall prohibit a person from filing a petition for discharge pursuant to this chapter. However, if a person has previously filed a petition for discharge without the approval of the director of the department of human services and the court has determined, either upon review of the petition or following a hearing, that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that the petitioner was safe to be at large, the court shall deny the subsequent petition unless the petition contains facts upon which a court could find that the condition of the petitioner has so changed that a hearing is warranted. Upon receipt of a first or subsequent petition from a committed person without the director's approval, the court shall review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

Sec. 52. NEW SECTION. 709C.10 RELEASE OF INFORMATION AUTHORIZED.

Notwithstanding any other provision to the contrary, the director of the department of human services is authorized to release relevant information that is necessary to protect the public, concerning a specific sexually violent predator committed under this chapter.

Sec. 53. NEW SECTION. 724.4A WEAPONS FREE ZONES — ENHANCED PENALTIES.

1. As used in this section, "weapons free zone" means the area in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park. A weapons free zone shall not include that portion of a public park designated as a hunting area under section 461A.42.

2. Notwithstanding sections 902.9 and 903.1, a person who commits a public offense involving a firearm or offensive weapon, within a weapons free zone, in violation of this or any other chapter shall be subject to a fine of twice the maximum amount which may otherwise be imposed for the public offense.

Sec. 54. Section 724.16, subsection 1, Code 1993, is amended to read as follows:

1. Except as otherwise provided in section 724.15, subsection 2, a person who acquires ownership of a pistol or revolver without a valid annual permit to acquire pistols or revolvers or a person who transfers ownership of a pistol or revolver to a person who does not have in the person's possession a valid annual permit to acquire pistols or revolvers is guilty of a simple an aggravated misdemeanor.

Sec. 55. NEW SECTION. 724.16A TRAFFICKING IN STOLEN WEAPONS.

A person who knowingly transfers or acquires possession, or who facilitates the transfer, of a stolen firearm commits a class "D" felony for a first offense and a class "C" felony for second and subsequent offenses or if the weapon is used in the commission of a public offense. However, this section shall not apply to a person purchasing stolen firearms through a buy-back program sponsored by a law enforcement agency if the firearms are returned to their rightful owners or destroyed.

Sec. 56. Section 724.22, subsections 1 and 2, Code 1993, are amended to read as follows:

1. Except as provided in subsection 3, a person who sells, loans, gives, or makes available a rifle or shotgun or ammunition for a rifle or shotgun to a minor commits a simple serious misdemeanor for a first offense and a class "D" felony for second and subsequent offenses.

2. Except as provided in subsections 4 and 5, a person who sells, loans, gives, or makes available a pistol or revolver or ammunition for a pistol or revolver to a person below the age of twenty-one commits a simple serious misdemeanor for a first offense and a class "D" felony for second and subsequent offenses.

Sec. 57. Section 724.27, Code 1993, is amended to read as follows:

724.27 EXCEPTION TO SECTIONS 724.8, SUBSECTION 2, 724.15, SUBSECTION 1, AND 724.26 OFFENDERS' RIGHTS RESTORED.

The provisions of sections 724.8, subsection 2, 724.15, subsection 1, paragraphs "b" and "e", and 724.26 shall not apply to a person who is eligible to have the person's civil rights regarding firearms restored under section 914.7 and who is pardoned or has had the person's civil rights restored by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.

Sec. 58. NEW SECTION. 724.30 RECKLESS USE OF A FIREARM.

A person who intentionally discharges a firearm in a reckless manner commits the following:

1. A class "C" felony if a serious injury occurs.
2. A class "D" felony if a bodily injury which is not a serious injury occurs.

3. An aggravated misdemeanor if property damage occurs without a serious injury or bodily injury occurring.

4. A simple misdemeanor if no injury to a person or damage to property occurs.

Sec. 59. NEW SECTION. 726.6B MULTIPLE ACTS OF CHILD ENDANGERMENT — PENALTY.

A person who engages in a course of conduct including three or more acts of child endangerment as defined in section 726.6 within a period of twelve months involving the same child or a mentally or physically handicapped minor, where one or more of the acts results in serious injury to the child or minor or results in a skeletal injury to a child under the age of four years, is guilty of a class "B" felony. Notwithstanding section 902.9, subsection 1, a person convicted of a violation of this section shall be confined for no more than fifty years.

Sec. 60. Section 805.8, subsection 10, Code Supplement 1993, is amended to read as follows:

10. ALCOHOLIC BEVERAGE VIOLATIONS.

a. For violations of section 123.47A, which constitute first offenses as provided in that section, the scheduled fine is fifteen dollars.

b. For violations of section 123.49, subsection 2, paragraph "h", the scheduled fine is one hundred dollars.

Sec. 61. Section 805.8, subsection 11, Code Supplement 1993, is amended to read as follows:

11. SMOKING VIOLATIONS. For violations of section 142B.6 or 453A.2, subsection 2, the scheduled fine is twenty-five dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil fine penalty assessed for a violation of section 142B.6 is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

For failing to pay the civil penalty under section 453A.2, the scheduled fine is twenty-five dollars. Failure to pay the scheduled fine shall not result in the person being detained in a secure facility. The complainant shall not be charged a filing fee.

Sec. 62. Section 808A.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If a search pursuant to subsection 1 of a school locker, desk, or other facility or space issued or assigned to, or chosen by a student, reveals a violation of the law or the rules of the school regarding a dangerous weapon or controlled substance, the violation shall constitute reasonable grounds for future searches without advance notice to the student of the student's school locker, desk, or other facility or space issued or assigned to, or chosen by the student.

Sec. 63. Section 808B.9, Code 1993, is amended to read as follows:

808B.9 REPEAL.

This chapter is repealed effective July 1, 1994 1999.

Sec. 64. Section 914.7, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of this chapter, a person seventeen years of age or younger who commits a public offense involving a firearm which is an aggravated misdemeanor against a person or a felony shall not have the person's rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms.

Sec. 65. JUVENILE DETENTION HOMES – ADDITIONAL APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, in addition to other appropriations made to the department for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For additional reimbursement of counties for juvenile detention homes in accordance with the provisions of this section, and in order to effectuate the purposes of this Act pertaining to the detention of children who habitually and substantially violate the conditions of probation:

.....\$362,500

If the funds designated in this section, in addition to any other appropriation to the department of human services for reimbursement of counties for juvenile detention homes in the fiscal year beginning July 1, 1994, are insufficient to pay ten percent of the total cost of the homes, notwithstanding section 232.142, subsection 3, the state payment shall be less than ten percent and the department shall prorate the state payment as necessary to keep expenditures within the funds designated in this section and in any other provision appropriating moneys to the department for reimbursement of counties for juvenile detention homes in the same fiscal year.

Sec. 66. APPROPRIATION – TRANSFER. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, \$362,500 shall be appropriated from the general fund to the governor's alliance on substance abuse to provide one-time grants to community-based correctional programs for replication of the youthful offender program established in Polk county. The governor's alliance on substance abuse may provide a one-time grant of up to \$100,000 to each eligible community-based correctional program, which applies for a grant for a proposal for replication of the youthful offender program to the governor's alliance on substance abuse by September 1, 1994. The governor's alliance on substance abuse shall submit a report to the general assembly regarding the distribution of these funds by January 15, 1995.

Sec. 67. APPROPRIATION – TRUANCY AND SCHOOL BEHAVIORAL PROBLEMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For school-based programs addressing truancy and school behavioral problems pursuant to section 232.192, subsection 2, as enacted in this Act:

.....\$200,000

Sec. 68. APPROPRIATION – VIOLENCE PREVENTION CURRICULUM. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the following purpose:

For implementation of a statewide violence prevention program pursuant to section 280.9B, as enacted in this Act:

.....\$75,000

Sec. 69. APPROPRIATION — HIGHLY STRUCTURED JUVENILE PROGRAMS. The department of human services and the division of criminal and juvenile justice planning of the department of human rights shall develop two 25-bed highly structured treatment-oriented programs for youths who are adjudicated delinquent, one of which shall be at an existing facility. The programs shall include a resident phase and follow-up services. Each program shall include goals for the functioning of youths following completion of the resident portion of the program, follow-up tracking, and evaluation activities during the resident and follow-up phases. At least one program shall include in its resident phase a regimen stressing discipline and physical activities. The department shall develop criteria for the resident phase and for admission to the program and for providing follow-up services to a child who successfully completes the resident phase. Follow-up services shall be community-based and designed to assist the child to live without supervision after the provision of follow-up services ends.

Funding for the program to be started at a new facility shall be provided from the appropriation to the department of human services for child and family services by the Seventy-fifth General Assembly, 1994 Session. This funding shall be contingent on the receipt of medical assistance funding for program participants.

Sec. 70. APPROPRIATION. There is appropriated from the general fund of the state in the community grant fund for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount or so much thereof as is necessary, to be used for the purposes of the community grant fund established in this Act:

.....\$ 1,800,000

Sec. 71. APPROPRIATION. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, and maintenance, for the following additional juvenile court officers, and for not more than the following full-time equivalent positions:

.....\$ 190,000
.....FTEs 6.00

The judicial department shall determine the location at which the additional juvenile court officers are to be placed.

Sec. 72. TRUANCY JUVENILE COURT OFFICERS. Contingent on a specific appropriation being made for this purpose, the judicial department shall add one additional juvenile court officer per judicial district for the purpose of handling truancy cases referred to the juvenile court under section 299.5A, as amended in this Act.

Sec. 73. STUDY. The division of criminal and juvenile justice planning of the department of human rights shall study and compare rates of recidivism and rehabilitation for similar offenses in juveniles adjudicated delinquent versus juveniles waived to and convicted of an offense in the district court and the frequency and severity of sanctions imposed upon juveniles by the juvenile court versus those imposed by the district court for juveniles waived to the district court for similar offenses. The division shall report the results of its study to the general assembly by January 15, 1995.

Sec. 74. EFFECTIVE DATES. Sections 43 through 52 take effect July 1, 1995.

Section 63 of this Act takes effect June 30, 1994."

2. Title page, by striking page 1, line 1, through Title page 2, line 19 and inserting the following: "An Act relating to juvenile justice by establishing or enhancing penalties for delinquent acts, which may be committed by juveniles, establishing or enhancing penalties for public offenses relating to juvenile justice, authorizing searches of student lockers in a school without advance notice under certain circumstances, delaying the repeal of the interception of communications law, providing for the commitment of persons determined to be sexually violent predators, and making related appropriations and providing effective dates."

ON THE PART OF THE HOUSE:

CLARK McNEAL, Chair
PHIL BRAMMER
MONA MARTIN
WAYNE McKINNEY
BOB RAFFERTY

ON THE PART OF THE SENATE:

RALPH ROSENBERG, Chair
ROBERT DVORSKY
MICHAEL GRONSTAL
O. GENE MADDOX
MAGGIE TINSMAN

The motion prevailed and the conference committee report was adopted.

McNeal of Hardin 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, 100:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running

Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

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.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2319** 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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2329, a bill for an act making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—6282**, April 18, 1994.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of **Senate File 2329**.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 2329, a bill for an act making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994, with report of committee recommending amendment and passage, was taken up for consideration.

Corbett of Linn offered the following amendment H—6282, filed by the committee on appropriations from the floor and moved its adoption:

H-6282

- 1 Amend Senate File 2329, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 13, by striking the word "bonds"
- 4 and inserting the following: "certificates of
- 5 participation".

The committee amendment H-6282 was adopted.

Corbett of Linn offered the following amendment H-6284, filed by him from the floor and moved its adoption:

H-6284

- 1 Amend Senate File 2329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the words and
- 4 figure "June of 1995" and inserting the following:
- 5 "July 1, 1995".

Amendment H-6284 was adopted.

Corbett of Linn asked and received unanimous consent to withdraw amendment H-6279, filed by him from the floor.

Iverson of Wright offered the following amendment H-6283, filed by him from the floor:

H-6283

- 1 Amend Senate File 2329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 18 the
- 4 following:
- 5 "Sec. _____. REQUEST FOR PROPOSALS. Notwithstanding
- 6 any provision to the contrary, the ICN chief executive
- 7 officer appointed by the governor pursuant to
- 8 executive order number 46 signed on January 5, 1993,
- 9 or the Iowa telecommunications and technology
- 10 commission, established in Senate File 2089, if
- 11 enacted, or other successor governing body given
- 12 authority over the Iowa communications network, shall
- 13 develop and issue the request or requests for
- 14 proposals which are necessary for the sale of the
- 15 network. The person which develops and issues such
- 16 requests shall provide a written report no later than
- 17 January 1, 1995, concerning the proposals which are
- 18 submitted in response to the request or requests for
- 19 proposals. The request or requests for proposals
- 20 shall provide at a minimum, for both of the following:
- 21 1. For the lease by the state at no cost to the
- 22 state or to the authorized users of the necessary
- 23 facilities for the connections related to all

24 authorized users at the time of any sale of the
 25 network whether such users are connected to or
 26 utilizing the network at the time of any sale of the
 27 network. The access leased under this subsection
 28 shall assure such capacity for video, data, and voice
 29 requirements as provided in the request for proposals
 30 developed by the department of general services for
 31 the installation and maintenance of Part III
 32 connections of the Iowa communications network, and
 33 dated November 3, 1993.

34 2. Guaranteed access and use for operations
 35 related to an agency of the federal government whose
 36 activities are directly related to the activities at
 37 facilities under the control of the armory board
 38 appointed pursuant to section 29A.57, or for the
 39 establishment and operations of community learning
 40 centers the use of which is to be offered to the
 41 public as provided by the armory board."

42 2. By renumbering as necessary.

Spenner of Henry rose on a point of order that amendment H-6283 was not germane.

The Speaker ruled the point well taken and amendment H-6283 not germane.

Iverson of Wright asked for unanimous consent to suspend the rules to consider amendment H-6283.

Objection was raised.

Iverson of Wright moved to suspend the rules to consider amendment H-6283.

Roll call was requested by Iverson of Wright and Garman of Story.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-6283?" (S.F. 2329)

The ayes were, 48:

Baker	Bell	Black	Blodgett
Boddicker	Brauns	Brunkhorst	Carpenter
Cataldo	Connors	Daggett	Drake
Eddie	Ertl	Fallon	Garman
Gill	Greiner	Gries	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Houser	Hurley	Iverson
Kistler	Klemme	Kreiman	Lundby
McCoy	McNeal	Meyer	Millage

Miller	Mundie	Murphy	O'Brien
Plasier	Rafferty	Rants	Renken
Royer	Tyrrell	Weidman	Welter

The nays were, 52:

Beaman	Beatty	Bernau	Brammer
Brand	Branstad	Burke	Churchill
Cohoon	Corbett	Dickinson	Dinkla
Doderer	Fogarty	Gipp	Greig
Grubbs	Hammond	Hanson, D. E.	Harper
Haverland	Henderson	Hester	Holveck
Jochum	Koenigs	Larkin	Larson
Martin	May	McKinney	Mertz
Metcalf	Moreland	Myers	Nelson
Neuhauser	Ollie	Osterberg	Peterson
Renaud	Running	Schrader	Shoultz
Siegrist	Spenner	Vande Hoef	Van Maanen, Spkr.
Weigel	Wise	Witt	Arnould, Presiding

Absent or not voting, none.

The motion to suspend the rules lost.

Speaker Van Maanen in the chair at 10:35 p.m.

Corbett 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. 2329)

The ayes were, 59:

Baker	Beaman	Blodgett	Boddicker
Brammer	Branstad	Brauns	Burke
Carpenter	Cataldo	Churchill	Corbett
Daggett	Dinkla	Doderer	Drake
Ertl	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Haverland
Hester	Houser	Hurley	Kistler
Klemme	Larson	Lundby	Martin
May	McNeal	Metcalf	Meyer
Miller	Myers	Nelson	Neuhauser
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Shoultz
Siegrist	Spenner	Vande Hoef	Weidman
Weigel	Welter	Mr. Speaker	
		Van Maanen	

The nays were, 41:

Arnould	Beatty	Bell	Bernau
Black	Brand	Brunkhorst	Cohoon
Connors	Dickinson	Eddie	Fallon
Fogarty	Garman	Gill	Halvorson, R. N.

Hammond	Hansen, S. D.	Harper	Henderson
Holveck	Iverson	Jochum	Koenigs
Kreiman	Larkin	McCoy	McKinney
Mertz	Millage	Moreland	Mundie
Murphy	O'Brien	Ollie	Osterberg
Running	Schrader	Tyrrell	Wise
Witt			

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2329** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 2433, by committee on appropriations, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa.

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

House File 2434, by committee on appropriations, a bill for an act relating to and appropriating moneys for the special waste authorization program and relating to leachate control requirements for sanitary landfills and providing effective dates.

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

BILL 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 bill 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 18th day of April, 1994: House File 2230.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 18, 1994, he approved and transmitted to the Secretary of State the following bills:

House File 582, an act relating to the establishment of a screening assessment pilot program to determine the appropriateness of community-based services for elders considering placement or residing in a nursing facility.

House File 2070, an act relating to administrative activities by the department of public safety concerning the state fire marshal.

House File 2241, an act to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center and providing for periodic review of the commitment to determine whether the persons have regained mental capacity.

House File 2358, an act relating to funding for the governor's traffic safety bureau and providing for a repeal.

House File 2392, an act to establish a study regarding appropriate training for peace officers relating to persons who are mentally ill.

PRESENTATION OF VISITORS

Metcalf of Polk presented to the House, Karlos Kirby, from Clive, who was a member of the United States 1994 Olympic Bobsled Team.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- | | |
|----------|---|
| 1994/179 | Julie Benton, Guthrie Center — For being selected to participate at the All-State Speech Competition. |
| 1994/180 | Thomas Nicolai Dunn, Fort Madison High School — For receiving a 1993-1994 All-State Speaker Award. |
| 1994/181 | Benjamin Warren Spencer, Fort Madison High School — For receiving a 1993-1994 All-State Speaker Award. |
| 1994/182 | Tammy Ranee Yordy, Fort Madison High School — For receiving a 1993-1994 All-State Speaker Award. |
| 1994/183 | Paula Kay Lake, Fort Madison High School — For receiving a 1993-1994 All-State Speaker Award. |
| 1994/184 | Alisha Ann Wiggins, Fort Madison High School — For receiving a 1993-1994 All-State Speaker Award. |
| 1994/185 | Libby Jane McConnell, Fort Madison High School — For receiving a 1993-1994 All-State Speaker Award. |
| 1994/186 | Stephen Michael Anderson, Fort Madison High School — For receiving a 1993-1994 All-State Speaker Award. |
| 1994/187 | Kelly Ann Cannaday, Fort Madison High School — For receiving a 1993-1994 All-State Speaker Award. |

- 1994/188 Matt Miller, Panorama High School — For being selected a State of Iowa Scholar.
- 1994/189 Melissa Ehm, Guthrie Center High School — For being selected a State of Iowa Scholar.
- 1994/190 Jennifer Raby-Lloyd, Guthrie Center High School — For being selected a State of Iowa Scholar.
- 1994/191 Melissa Lewis, Guthrie Center High School — For being selected a State of Iowa Scholar.
- 1994/192 Chris Eddy, Coon Rapids-Bayard High School — For being selected a State of Iowa Scholar.
- 1994/193 Mandy Burmeister, Coon Rapids-Bayard High School — For being selected a State of Iowa Scholar.
- 1994/194 Laura Schmitt, Stuart-Menlo High School — For being selected a State of Iowa Scholar.
- 1994/195 Mr. and Mrs. LeRoy Damman, Melbourne — For the occasion of their 50th Wedding Anniversary.
- 1994/196 Mr. and Mrs. Gome Williams, Colfax — For the occasion of their 60th Wedding Anniversary.
- 1994/197 Roge and Avis Ruggless, Colfax — For the occasion of their 50th Wedding Anniversary.
- 1994/198 David James Reeve, Creston — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 749

Appropriations: Corbett, Chair; Brand, Branstad, Gipp and McKinney.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 750 Ways and Means

Relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property and providing an effective date.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2326, a bill for an act relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass**, April 18, 1994.

Committee Bill (Formerly House File 2359), relating to and appropriating moneys for the special waste authorization program.

Fiscal Note is not required.

Recommended **Amend and Do Pass**, April 18, 1994.

Committee Bill (Formerly House Study Bill 747), making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa.

Fiscal Note is not required.

Recommended **Do Pass**, April 18, 1994.

AMENDMENTS FILED

H-6272	S.F.	2326	Grundberg of Polk
H-6276	S.F.	2330	Mundie of Webster
H-6277	S.F.	2330	Baker of Polk
H-6280	S.F.	2326	Hanson of Delaware
H-6281	S.F.	2330	Hansen of Woodbury
H-6285	S.F.	2330	Halvorson of Clayton
			Iverson of Wright
			Gill of Woodbury
			McCoy of Polk
H-6286	S.F.	2330	Halvorson of Webster
H-6287	S.F.	2330	Halvorson of Webster
H-6288	S.F.	2330	Fallon of Polk
H-6289	S.F.	2330	Iverson of Wright

On motion by Siegrist of Pottawattamie, the House adjourned at 10:50 p.m., until 9:00 a.m., Tuesday, April 19, 1994.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day — Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 19, 1994

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

Prayer was offered by the Honorable Mark Haverland, state representative from Polk County.

The Journal of Monday, April 18, 1994 was approved.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Van Maanen 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-fifth General Assembly were presented to the following Pages by Speaker Van Maanen and Minority Leader Arnould of Scott:

Christopher Anderson
Christy Aumer
Steven Baumgarten, Jr.
Tanya Besler
Kimberly Birkenholtz
Wendy Cochran
Heather Cookinham
Kara Dittmer
Jeffrey Glossip
Ann Greiner
Michelle Griffith
Sara Huber

Megan Kellogg
Jennifer Malek
Ann Marie McEntaffer
Shelly McKee
Brent Mietzner
Richelle Mikes
Jacob Parsons
Aimee Roberts
Dawn Rummel
Tammy Sargent
Edith Wishman

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2311**, a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury, previously deferred and placed on the unfinished business calendar.

Houser of Pottawattamie offered the following amendment H-5721 filed by the committee on human resources:

H-5721

1 Amend Senate File 2311, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 2 the
4 following:

5 "Sec. _____. Section 222.67, Code 1993, is amended
6 to read as follows:

7 222.67 CHARGE ON FINDING OF SETTLEMENT.

8 Where If a person has been is received into a
9 hospital-school, or a special unit, or a community-
10 based program as a patient whose and the person's
11 legal settlement is supposedly outside the state or is
12 unknown and the administrator finds that the legal
13 settlement of the patient was at the time of admission
14 or commitment in a county of this state, the
15 administrator shall charge all legal costs and
16 expenses pertaining to the admission or commitment and
17 support of the patient to the county of such legal
18 settlement. The costs and expenses shall be collected
19 as provided by law in other cases.

20 Sec. _____. Section 222.68, Code 1993, is amended to
21 read as follows:

22 222.68 COSTS PAID IN FIRST INSTANCE.

23 All necessary and legal expenses for the cost of
24 admission or commitment of a person to a hospital-
25 school, or a special unit, or a community-based
26 program when the person's legal settlement is found to
27 be in another county of this state shall in the first
28 instance be paid by the county from which the person
29 was admitted or committed. The county of legal
30 settlement shall reimburse the county so paying for
31 all such expenses. Where any If a county fails to
32 make such reimbursement within sixty days following
33 submission of a properly itemized bill to the county
34 of legal settlement, a penalty of not greater than one
35 percent per month on and after sixty days from
36 submission of the bill may be added to the amount due.

37 Sec. _____. Section 222.69, Code 1993, is amended to
38 read as follows:

39 222.69 PAYMENT BY STATE.

40 All necessary and legal expenses for the cost of
41 admission or commitment of a person to a hospital-
42 school, or a special unit, or a community-based
43 program when the person's legal settlement is outside
44 this state or is unknown shall be paid out of any
45 money in the state treasury not otherwise
46 appropriated. Such payments shall be made on itemized
47 vouchers executed by the auditor of the county from
48 which the expenses have been paid and approved by the
49 administrator."

50 2. Page 1, by striking line 8 and inserting the

Page 2

1 following: "person committed to a hospital-school, or
2 a special unit, or a community-based program, the".

3 3. Page 2, lines 22 and 23, by striking the words
4 "hospital-school or the special unit" and inserting
5 the following: "hospital-school, or the special unit,
6 or a community-based program".

7 4. Page 2, by inserting after line 26 the
8 following:

9 "Sec. _____. Section 230.1, unnumbered paragraph 1,
10 Code 1993, is amended to read as follows:

11 The necessary and legal costs and expenses
12 attending the taking into custody, care,
13 investigation, admission, commitment, and support of a
14 mentally ill person with mental illness admitted or
15 committed to a state hospital or a community-based
16 program shall be paid:

17 Sec. _____. Section 230.10, Code 1993, is amended to
18 read as follows:

19 230.10 PAYMENT OF COSTS.

20 All legal costs and expenses attending the taking
21 into custody, care, investigation, and admission or
22 commitment of a person to a state hospital for the
23 mentally ill or a community-based program for persons
24 with mental illness under a finding that such person
25 has a legal settlement in another county of this
26 state, shall be charged against the county of legal
27 settlement.

28 Sec. _____. Section 230.11, Code 1993, is amended to
29 read as follows:

30 230.11 RECOVERY OF COSTS FROM STATE.

31 Costs and expenses attending the taking into
32 custody, care, and investigation of a person who has
33 been admitted or committed to a state hospital,
34 veterans administration hospital or other agency of
35 the United States government, or a community-based
36 program, for the mentally ill and who has no legal
37 settlement in this state or whose legal settlement is
38 unknown, including cost of commitment, if any, shall
39 be paid out of any money in the state treasury not
40 otherwise appropriated, on itemized vouchers executed
41 by the auditor of the county which has paid them, and
42 approved by the administrator."

43 5. Page 2, line 33, by inserting after the word
44 "ill" the following: "or a community-based program
45 for persons with mental illness".

46 6. Page 4, line 23, by inserting after the word
47 "ill" the following: "or a community-based program
48 for persons with mental illness".

49 7. Page 30, line 19, by striking the words "Iowa
50 department of health" and inserting the following:

Page 3

- 1 "department of health inspections and appeals".
- 2 8. Page 37, line 29, by striking the word
- 3 "effectiveness" and inserting the following: "cost-
- 4 effectiveness".
- 5 9. Page 37, line 33, by striking the word
- 6 "effectiveness" and inserting the following: "cost-
- 7 effectiveness".
- 8 10. Page 37, line 35, by inserting after the word
- 9 "projects" the following: "serving persons with
- 10 mental retardation".
- 11 11. Page 38, line 6, by inserting after the word
- 12 "funding" the following: "on the part of the state or
- 13 counties".

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-6070, to the committee amendment H-5721, filed by him and Grundberg on April 8, 1994.

Grundberg of Polk offered the following amendment H-6235, to the committee amendment H-5721, filed by her and Houser and moved its adoption:

H-6235

- 1 Amend the amendment, H-5721, to Senate File 2311,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 49.
- 5 2. Page 2, line 1, by inserting after the word
- 6 "person" the following: "admitted or".
- 7 3. Page 2, line 2, by striking the word "program"
- 8 and inserting the following: "service".
- 9 4. Page 2, by inserting after line 2 the
- 10 following:
- 11 "_____. Page 1, line 23, by inserting after the
- 12 word "settlement" the following: "or a payment for a
- 13 community-based service","
- 14 5. Page 2, line 6, by striking the word "program"
- 15 and inserting the following: "service".
- 16 6. Page 2, by striking lines 7 through 48.

Amendment H-6235 was adopted.

On motion by Houser of Pottawattamie, the committee amendment H-5721, as amended, was adopted.

Houser of Pottawattamie offered the following amendment H-6112, filed by him and moved its adoption:

H-6112

- 1 Amend Senate File 2311, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 38, by inserting after line 6 the
 4 following:
 5 "Sec. _____. BRAIN INJURY SERVICES WAIVER. The
 6 department of human services shall not propose or
 7 implement a medical assistance home and community-
 8 based waiver for services to persons with brain injury
 9 which would require provision of county funding
 10 relating to the services or matching of the federal
 11 funding."
 12 2. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 48.

Amendment H-6112 was adopted.

Houser 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. 2311)

The ayes were, 79:

Arnould	Baker	Beaman	Bell
Black	Blodgett	Boddicker	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burke	Carpenter	Cataldo	Churchill
Connors	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Larson	Lundby
Martin	May	McCoy	McKinney
McNeal	Mertz	Metcalf	Meyer
Millage	Miller	Murphy	Myers
Nelson	Neuhauser	O'Brien	Peterson
Plasier	Rafferty	Rants	Renken
Royer	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Witt	Mr. Speaker	
		Van Maanen	

The nays were, 20:

Beatty	Bernau	Cphoon	Dickinson
Fallon	Fogarty	Gill	Halvorson, R. N.
Hammond	Holveck	Kreiman	Larkin
Moreland	Mundie	Ollie	Osterberg
Renaud	Running	Schrader	Wise

Absent or not voting, 1:

Corbett

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 15, 1994, 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 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 1994, appointed the Senator from Fayette, Senator Murphy to replace the Senator from Tama, Senator Husak as a member of the conference committee considering House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates.

Also: That the Senate has on April 15, 1994, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 118, a concurrent resolution to designate Le Mars, Iowa, the Ice Cream Capital of the World.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 19, 1994, insisted on its amendment to Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, and the members of the Conference Committee on the part of the Senate are: The Senator from Tama, Senator Husak, Chair; the Senator from Warren, Senator Fink; the Senator from Kossuth, Senator Priebe; the Senator from Plymouth, Senator Banks; the Senator from Fremont, Senator McLaren.

JOHN F. DWYER, Secretary

The House stood at ease at 9:47 a.m., until the fall of the gavel.

The House resumed session at 11:26 a.m., Speaker Van Maanen in the chair.

On motion by Siegrist of Pottawattamie, the House recessed at 11:27 a.m., until 12:00 noon.

AFTERNOON SESSION

The House reconvened, Speaker Van Maanen in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

CONFERENCE COMMITTEE APPOINTED

(Senate File 2314)

The Speaker announced the appointment of the following conference committee to consider the differences between the House and Senate concerning Senate File 2314: Hahn of Muscatine, Chair; Greiner of Washington, Rafferty of Scott, Schrader of Marion and Shoultz of Black Hawk.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-6301 April 18, 1994.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2330.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Corbett of Linn offered amendment H—6301 filed by the committee on appropriations from the floor. Division was requested as follows:

H—6301

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate as follows:

H—6301A

- 3 1. Page 5, by inserting after line 35 the
- 4 following:
- 5 "_____. To the state fair board for completion of
- 6 the Iowa state fair service center:
- 7\$ 200,000

8 The Iowa state fair service center is an essential
 9 element in meeting the requirements of the federal
 10 Americans with Disabilities Act by providing basic,
 11 required assistance to the handicapped and elderly.
 12 The service center also shall provide information and
 13 services to families and individuals. These services
 14 are not only to be provided at state fair time but at
 15 other state fair located events, and within the
 16 surrounding area."

H—6301B

- 17 2. Page 6, line 10, by striking the words
- 18 "treasurer of state" and inserting the following:
- 19 "department of economic development".

H—6301A

- 20 3. Page 7, by striking lines 7 through 12.
- 21 4. Page 8, by striking lines 12 through 21.

H—6301C

- 22 5. Page 8, by striking lines 22 through 24.

H—6301E

- 23 6. Page 9, by inserting after line 2 the
- 24 following:
- 25 "_____. To the department of natural resources to
- 26 initiate a comprehensive watershed and resource
- 27 evaluation for the potential preservation and
- 28 restoration of an artificial lake in excess of 150
- 29 acres:
- 30\$ 50,000

31 The department shall use the moneys available in
 32 this subsection to contribute on a one-dollar for one-
 33 dollar match dollars dedicated by the county
 34 conservation board in a county with a population of
 35 250,000 or more."

H—6301D

- 36 7. Page 9, by striking lines 10 through 17.

H-6301A

37 8. Page 10, line 18, by striking the figure
 38 "700,000" and inserting the following: "250,000".
 39 9. Page 13, by striking lines 16 through 18 and
 40 inserting the following: "entrepreneurs with
 41 disabilities. The department of economic development
 42 shall cooperate with the division of vocational
 43 rehabilitation, the department of inspections and
 44 appeals, and the Iowa governor's planning council for
 45 developmental disabilities in adopting administrative
 46 rules to implement the initiative. The scope of the
 47 rules shall include but is not limited to establishing
 48 an administrative structure that uses moneys for the
 49 initiative to provide for sufficient staff support to
 50 certify applicants, coordinate technical assistance,

Page 2

1 and assess demand for the initiative. Based on an
 2 assessment of demand for the initiative and other
 3 findings, the department, with the listed entities,
 4 shall submit recommendations on or before December 15,
 5 1994, to the governor and the general assembly for
 6 consideration in the 1995 legislative session. The
 7 purpose of the initiative is to develop a program to
 8 provide technical and".

9 10. Page 13, line 32, by inserting after the word
 10 "reimbursement." the following: "Notwithstanding
 11 section 8.33, moneys transferred pursuant to this
 12 paragraph which are unexpended or unobligated at the
 13 close of the fiscal year shall not revert to the
 14 general fund of the state but shall remain available
 15 for expenditure in the succeeding fiscal year."

16 11. Page 14, by inserting after line 20 the
 17 following:

18 "Sec. _____. There is appropriated from the general
 19 fund of the state to the department of justice for the
 20 fiscal year beginning July 1, 1993, and ending June
 21 30, 1994, to supplement the appropriations made in
 22 1993 Iowa Acts, chapter 171, the following amounts or
 23 so much thereof as is necessary to be used for the
 24 purpose designated:

25 For the prosecuting attorney training program, in
 26 section 1:

27 \$ 40,000".

28 12. By striking page 16, line 18 through page 17,
 29 line 13.

30 13. Page 18, by striking lines 24 through 33.

31 14. Page 19, by striking lines 9 through 17.

32 15. Page 19, line 26, by inserting after the word
 33 "to" the following: "increasing the personal needs
 34 allowance for residential care facility residents
 35 and".

36 16. Page 20, by inserting after line 11 the

H-6301A

37 following:

38 "Sec. _____. Section 8.39, subsection 2, Code 1993,
39 as amended by 1994 Iowa Acts, Senate File 2318, is
40 amended to read as follows:

41 2. If the appropriation of a department,
42 institution, or agency is insufficient to properly
43 meet the legitimate expenses of the department,
44 institution, or agency, the director, with the
45 approval of the governor, may make an
46 interdepartmental transfer from any other department,
47 institution, or agency of the state having an
48 appropriation in excess of its needs, of sufficient
49 funds to meet that deficiency. An interdepartmental
50 transfer to an appropriation which is not an

Page 3

1 entitlement appropriation is not authorized when the
2 general assembly is in regular session and, in
3 addition, the sum of interdepartmental transfers in a
4 fiscal year to an appropriation which is not an
5 entitlement appropriation shall not exceed fifty
6 percent of the amount of the appropriation as enacted
7 by the general assembly. For the purposes of this
8 subsection, an entitlement appropriation is a line
9 item appropriation to the state public defender for
10 indigent defense or to the department of human
11 services for foster care, state supplementary
12 assistance, or medical assistance, or for the family
13 investment program."

14 17. By striking page 25, line 34 through page 26,
15 line 20.

16 18. By striking page 26, line 21 through page 27,
17 line 2.

18 19. Page 27, by inserting after line 23 the
19 following:

20 "Sec. 111. There is appropriated from the general
21 fund of the state to the department of education for
22 the fiscal year beginning July 1, 1994, and ending
23 June 30, 1995, the following amount, or so much
24 thereof as is necessary, to be used for the purpose
25 designated:

26 For the purposes of establishing a character
27 education pilot program to evaluate methods for
28 incorporating positive character qualities into all
29 levels of the existing educational program:

30\$ 50,000

31 The department of education shall report to the

H-6301A

32 state board of education and to the general assembly
33 regarding the success of any pilot programs by January
34 1, 1996."

35 20. Page 27, line 31, by inserting after the
36 figure "61" the following: "and 111".

37 21. Page 27, line 31, by striking the figure
38 "58,".

39 22. Page 27, line 34, by striking the figure
40 "58,".

41 23. Page 27, line 35, by inserting after the
42 figure "61" the following: "and 111".

H-6301F

43 24. Page 31, by inserting after line 23 the
44 following:

45 "Sec. _____. Section 321.457, Code Supplement 1993,
46 as amended by 1994 Iowa Acts, Senate File 2080,
47 sections 6 and 7, is amended to read as follows:

48 321.457 MAXIMUM LENGTH.

49 1. A combination of four vehicles is not allowed
50 on the highways of this state, except for power units

Page 4

1 saddle mounted on other power units which shall be
2 restricted to a maximum overall length of sixty-five
3 feet unless subject to the maximum length provisions
4 of subsection 3 seventy-five feet.

5 2. The maximum length of any motor vehicle or
6 combination of vehicles operated on the highways of
7 this state, unless subject to the maximum length
8 provisions of subsection 3, are as follows:

9 a. A single truck, unladen or with load, shall not
10 have an overall length, inclusive of front and rear
11 bumpers, in excess of forty feet.

12 b. A single bus shall not have an overall length,
13 inclusive of front and rear bumpers, in excess of
14 forty-five feet, except that buses constructed so as
15 to contain a flexible part allowing articulation shall
16 not exceed sixty-one feet.

17 c. Except for combinations of vehicles, provisions
18 for which are otherwise made in this chapter, no
19 combination of a truck tractor and a semitrailer
20 coupled together or a motor truck and a trailer or
21 semitrailer coupled together unladen or with load,
22 shall have an overall length, inclusive of front and
23 rear bumpers, in excess of sixty feet.

24 d. However, a mobile home not in excess of forty-

H-6301F

25 eight feet in length may be drawn by any motor
26 vehicle, except a motor truck, provided that the
27 mobile home and its towing unit are not in excess of
28 an overall length of sixty feet. For the purposes of
29 this subsection, a light delivery truck, panel
30 delivery truck or "pickup" is not a motor truck. A
31 portable livestock loading chute not in excess of a
32 length of thirteen feet including its hitch or tongue
33 may be drawn by any vehicle or combination of
34 vehicles, provided that the vehicle or combination of
35 vehicles drawing the loading chute is not in excess of
36 the legal length provided for such vehicles or
37 combinations.

38 e d. Combinations of vehicles coupled together
39 which are used exclusively for the transportation of
40 passenger vehicles, light delivery trucks, panel
41 delivery trucks, pickup trucks, recreational vehicle
42 chassis, and boats shall not exceed sixty-five feet in
43 overall length. However, the load carried on a truck-
44 semitrailer combination may extend up to three feet
45 beyond the front bumper and up to four feet beyond the
46 rear bumper.

47 f e. A combination of three vehicles coupled
48 together one of which is a motor vehicle, unladen or
49 with load, other than a truck tractor, shall not have
50 an overall length, inclusive of front and rear

Page 5

1 bumpers, in excess of sixty feet.

2 g f. A motor vehicle or combination of vehicles
3 may be operated upon the highways of this state,
4 irrespective of the length and weight limitations
5 imposed by the laws of this state, if the motor
6 vehicle or combination of vehicles is operated within
7 the corporate limits of a city abutting a border of
8 this state and such operations have been approved by
9 ordinance of the city council and if the length and
10 weight of the motor vehicle or combination of vehicles
11 is in conformity with the laws relating to length and
12 weight of the abutting state on July 1, 1974. If a
13 city council has authorized such operation upon
14 highways within the corporate limits, then the limit
15 of travel for such motor vehicles or combination of
16 vehicles within the state is extended to the
17 commercial zones as described by federal regulations
18 concerning interstate commerce, 49 code of federal
19 regulations, paragraphs 1048.10, 1048.38, and 1048.101
20 as they exist on July 1, 1974.

21 3. The maximum length of any motor vehicle or
22 combination of vehicles operated on the highways of

H-6301F

23 this state shall be as follows:

- 24 a g. A trailer or semitrailer, laden or unladen,
25 shall not have an overall length in excess of fifty-
26 three feet when operating in a truck tractor-
27 semitrailer combination.
- 28 b h. A trailer or semitrailer, laden or unladen,
29 shall not have an overall length in excess of twenty-
30 eight feet six inches when operating in a truck
31 tractor-semitrailer-trailer combination or truck
32 tractor-semitrailer-semitrailer combination. When the
33 semitrailers in a truck tractor-semitrailer-
34 semitrailer combination are connected by a rigid frame
35 extension including a fifth-wheel connection point
36 attached to the rear frame of the first semitrailer,
37 the length of the frame extension shall not be
38 included when determining the overall length of the
39 first semitrailer.
- 40 e i. Power units designed to carry cargo, when
41 used in combination with a trailer or semitrailer
42 shall not exceed sixty-five feet in overall length for
43 the combination.
- 44 d j. A stinger-steered automobile transporter
45 shall not have an overall length exceeding seventy-
46 five feet, except that the load may extend up to three
47 feet beyond the front bumper and up to four feet
48 beyond the rear bumper.
- 49 e. Power units saddle mounted or full mounted on
50 other power units shall not exceed seventy-five feet

Page 6

- 1 in overall length.
- 2 4 3. Fire fighting apparatus and vehicles operated
3 during daylight hours when transporting poles, pipe,
4 machinery, or other objects of a structural nature
5 which cannot be readily disassembled when required for
6 emergency repair of public service facilities or
7 properties are not subject to the limitations on
8 overall length of vehicles and combinations of
9 vehicles imposed under this section. However, for
10 operation during nighttime hours, these vehicles and
11 the load being transported shall be equipped with a
12 sufficient number of clearance lamps on both sides and
13 marker lamps at the extreme ends of the projecting
14 load to clearly mark the dimensions of the load. A
15 member of the state highway safety patrol shall also
16 be notified prior to the operation of the vehicle.
- 17 Sec. _____. Section 321.463, Code 1993, is amended
18 by adding the following new unnumbered paragraph:
19 NEW UNNUMBERED PARAGRAPH. A vehicle designed to
20 tow wrecked or disabled vehicles shall be exempt from

H-6301F

21 the weight limitations in this section while the
22 vehicle is towing a wrecked or disabled vehicle.

23 Sec. _____. Section 322.4, subsection 7, Code 1993,
24 is amended to read as follows:

25 7. Before the issuance of a motor vehicle dealer's
26 license to a dealer engaged in the sale of vehicles
27 for which a certificate of title is required under
28 chapter 321, the applicant shall furnish a surety bond
29 executed by the applicant as principal and executed by
30 a corporate surety company, licensed and qualified to
31 do business within this state, which bond shall run to
32 the state of Iowa, be in the amount of ~~thirty-five~~
33 fifty thousand dollars and be conditioned upon the
34 faithful compliance by the applicant as a dealer with
35 all of the statutes of this state regulating or
36 applicable to the business of a dealer in motor
37 vehicles, and indemnifying any person who buys a motor
38 vehicle from the dealer from any loss or damage
39 occasioned by the failure of the dealer to comply with
40 any of the provisions of chapter 321 and this chapter,
41 including, but not limited to, the furnishing of a
42 proper and valid certificate of title to the motor
43 vehicle involved in a transaction. The bond shall
44 also indemnify any motor vehicle purchaser from any
45 loss or damage caused by the failure of the dealer to
46 comply with the odometer requirements in section
47 321.71, regardless of whether the motor vehicle was
48 purchased directly from the dealer. The bond shall be
49 filed with the department prior to the issuance of a
50 license. The aggregate liability of the surety,

Page 7

1 however, shall not exceed the amount of the bond."

H-6301A

2 25. Page 33, by inserting after line 29 the
3 following:

4 "1. The moneys appropriated in this section shall
5 be used to provide child day care assistance to
6 families with earned income who are participating in
7 the family investment program or who are exiting the
8 family investment program. If drawing federal
9 matching funding does not jeopardize federal cost
10 neutrality under the federal waiver for the family
11 investment program, the department may utilize the
12 moneys appropriated in this section to draw available
13 federal funding. If a federal waiver is granted to
14 revise the transitional child care program pursuant to
15 the request submitted in accordance with 1994 Iowa

H-6301A

16 Acts, Senate File 2313, the moneys appropriated in
17 this section shall first be allocated to reduce or
18 eliminate any waiting list which develops as a result
19 of implementing the waiver.

20 2. Any moneys which the department does not
21 obligate to implement the provisions of subsection 1
22 shall be used as additional funding for state child
23 care assistance in accordance with the appropriation
24 made for that purpose in 1994 Iowa Acts, Senate File
25 2313."

26 26. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary..

Corbett of Linn offered the following amendment H-6307, to the committee amendment H-6301A filed by him from the floor and moved its adoption:

H-6307

1 Amend the amendment, H-6301, to Senate File 2330,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 37 and 38 and
5 inserting the following:

6 "_____. Page 10, by striking lines 16 through 21."

Amendment H-6307 was adopted.

Baker of Polk offered the following amendment H-6311, to the committee amendment H-6301A, filed by him from the floor and moved its adoption:

H-6311

1 Amend the amendment, H-6301, to Senate File 2330,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 38 the
5 following:

6 "_____. Page 13, by striking lines 13 and 14 and
7 inserting the following: "used to match federal
8 funds"."

9 2. Page 1, line 41, by inserting after the word
10 "The" the following: "business development division
11 of the".

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

14 "_____. Page 13, by striking lines 22 and 23 and
15 inserting the following: "ventures. The business
16 development division shall enter into an interagency
17 agreement with the division of vocational

18 rehabilitation of the department of education to".

19 _____. Page 13, line 29, by inserting after the

20 word "division" the following: "of vocational

21 rehabilitation".

22 _____. Page 13, line 30, by inserting before the

23 word "division" the following: "business

24 development".

25 _____. Page 13, line 31, by inserting after the

26 word "division" the following: "of vocational

27 rehabilitation".

Amendment H-6311 was adopted.

On motion by Corbett of Linn, the committee amendment H-6301A, as amended, was adopted.

On motion by Corbett of Linn, the committee amendment H-6301B lost.

Corbett of Linn moved the adoption of the committee amendment H-6301C.

A non-record roll call was requested.

The ayes were 51, nays 37.

The committee amendment H-6301C was adopted.

On motion by Corbett of Linn, the committee amendment H-6301E was adopted.

Corbett of Linn moved the adoption of committee amendment H-6301D.

A non-record roll call was requested.

The ayes were 50, nays 33.

The committee amendment H-6301D was adopted.

On motion by Corbett of Linn, the committee amendment H-6301F was adopted.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-6310 filed by him from the floor.

Weigel of Chicasaw offered the following amendment H-6300, filed by Weigel, Mertz, Fogarty, O'Brien, Kreiman, Neuhauser, Henderson, Witt, Koenigs, Dickinson, McCoy, Renaud, Peterson, Running, Bernau, Doderer, Brammer, Wise, Ollie, Fallon, Cohoon, Myers, Burke and May, from the floor and moved its adoption:

H-6300

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 1, line 11 through page 3,
- 4 line 28.
- 5 2. Page 4, by striking lines 6 through 8.

Amendment H-6300 was adopted.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H-6302 filed by him from the floor.

Halvorson of Webster offered the following amendment H-6286 filed by him and moved its adoption:

H-6286

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 11 through 23.

A non-record roll call was requested.

The ayes were 12, nays 57.

Amendment H-6286 lost.

Halvorson of Webster offered the following amendment H-6287 filed by him and moved its adoption:

H-6287

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 11 through 23.
- 4 2. Page 9, by inserting after line 2 the
- 5 following:
- 6 "_____. To the treasurer of state for the continued
- 7 funding of Iowa's participation in the funding of the
- 8 world food prize:
- 9 \$ 125,000

10 It is the intent of the general assembly that this
 11 appropriation of public funds will result in a
 12 commitment for additional funding for the world food
 13 prize from private sources.

14 The treasurer of state shall only provide the funds
 15 appropriated in this section to the world food prize
 16 foundation if sufficient private funds are raised to
 17 maintain the world food prize foundation in Iowa and
 18 the foundation is structured to include representation
 19 that reflects environmental concerns and sustainable
 20 agriculture."

Amendment H-6287 lost.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H-6291 filed by him from the floor.

Fallon of Polk offered amendment H-6299 filed by him from the floor and requested division as follows:

H-6299

- 1 Amend Senate File 2330 as amended, passed, and
- 2 reprinted by the Senate as follows:

H-6299A

- 3 1. Page 5, by striking lines 28 through 35.

H-6299B

- 4 2. Page 6, by striking lines 6 through 9.

H-6299C

- 5 3. Page 6, by striking lines 10 through 14.

H-6299D

- 6 4. Page 6, by striking lines 15 through 23.

H-6299E

- 7 5. Page 6, by striking lines 24 through 30.

H-6299F

- 8 6. Page 7, by striking lines 7 through 12.

H-6299G

- 9 7. By striking page 7, line 32 through page 8,
- 10 line 11.

H-6299F

- 11 8. Page 8, by striking lines 12 through 21.

- 12 9. Page 8, by striking lines 22 through 24.

H-6299H

- 13 10. Page 8, by striking lines 25 through 28.

H-6299I

- 14 11. By striking page 8, line 33 through page 9,
- 15 line 7.

H-6299J

- 16 12. Page 18, line 11, by striking the word "the"
- 17 and inserting the following: "be".

- 18 13. By renumbering as necessary.

Fallon of Polk moved the adoption of amendment H-6299A.

Roll call was requested by Kistler of Jefferson and Daggett of Union.

On the question "Shall amendment H—6299A be adopted?"
(S.F. 2330)

The ayes were, 37:

Baker	Beatty	Blodgett	Brammer
Brand	Brauns	Brunkhorst	Burke
Cohoon	Dickinson	Doderer	Fallon
Fogarty	Garman	Gill	Grundberg
Halvorson, R. N.	Hammond	Hanson, D. R.	Harper
Haverland	Holveck	Houser	Hurley
Iverson	Koenigs	Lundby	Metcalf
Millage	Miller	Moreland	Osterberg
Rafferty	Rants	Running	Spenner
Tyrrell			

The nays were, 61:

Beaman	Bell	Bernau	Black
Boddicker	Branstad	Carpenter	Cataldo
Churchill	Connors	Corbett	Daggett
Dinkla	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. E.	Henderson	Hester	Jochum
Kistler	Klemme	Kreiman	Larkin
Larson	Martin	May	McCoy
McKinney	McNeal	Mertz	Meyer
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Peterson
Plasier	Renaud	Renken	Royer
Schrader	Shoultz	Siegrist	Vande Hoef
Weidman	Weigel	Welter	Witt
Mr. Speaker			
Van Maanen			

Absent or not voting, 2:

Arnould	Wise
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Amendment H—6299A lost.

Fallon of Polk moved the adoption of amendment H—6299B.

A non-record roll call was requested.

The ayes were 49, nays 44.

Amendment H—6299B was adopted.

On motion by Fallon of Polk, amendment H—6299C lost.

Fallon of Polk, moved the adoption of amendment H—6299D.

A non-record roll call was requested.

The ayes were 28, nays 50.

Amendment H—6299D lost.

Fallon of Polk moved the adoption of amendment H—6299E.

A non-record roll call was requested.

The ayes were 27, nays 42.

Amendment H—6299E lost.

With the adoption of the committee amendment H—6301, amendment H—6299F was out of order.

The Speaker ruled amendment H—6312, filed by Spenner of Henry and Brunkhorst, from the floor, out of order due to subject matter previously discussed.

Brammer of Linn offered the following amendment H—6318, filed by him from the floor:

H—6318

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, line 16, by inserting after the word
4 "subsection" the following: ", and for measures
5 related to clean indoor air as follows".

6 2. Page 7, line 18, by striking the word "The"
7 and inserting the following: "a. The".

8 3. Page 7, by inserting after line 22 the
9 following:

10 "b. The measures relating to clean indoor air
11 shall be based upon existing measures provided in
12 chapter 142B, as amended in this Act."

13 4. Page 9, line 9, by inserting after the word
14 "enactment" the following: ", with the exception of
15 section 11, subsection 14, paragraph "b", relating to
16 clean indoor air measures, which take effect January
17 1, 1995".

18 5. Page 20, by inserting after line 27 the
19 following:

20 "Sec. 701. Section 142B.1, subsection 3, Code
21 1993, is amended to read as follows:

22 3. "Public place" means any enclosed indoor area
23 used by the general public or serving as a place of
24 work containing two hundred fifty or more square feet
25 of floor space, including, but not limited to, all

26 restaurants with a seating capacity greater than
 27 fifty, all retail stores, lobbies and malls, offices,
 28 including waiting rooms, and other commercial
 29 establishments; public conveyances with departures,
 30 travel, and destination entirely within this state;
 31 educational facilities; hospitals, clinics, nursing
 32 homes, and other health care and medical facilities;
 33 child care centers, as defined in section 237A.1; and
 34 auditoriums, elevators, theaters, libraries, art
 35 museums, concert halls, indoor arenas, and meeting
 36 rooms. "Public place" does not include a retail store
 37 at which fifty percent or more of the sales result
 38 from the sale of tobacco or tobacco products, the
 39 portion of a retail store where tobacco or tobacco
 40 products are sold, a private, enclosed office occupied
 41 exclusively by smokers even though the office may be
 42 visited by nonsmokers, a room used primarily as the
 43 residence of students or other persons at an
 44 educational facility, a sleeping room in a motel or
 45 hotel, or each resident's room in a health care
 46 facility. The person in custody or control of the
 47 facility shall provide a sufficient number of rooms in
 48 which smoking is not permitted to accommodate all
 49 persons who desire such rooms.
 50 Sec. 702. Section 142B.2, subsection 3, unnumbered

Page 2

1 paragraph 1, Code 1993, is amended to read as follows:
 2 Where smoking areas are designated, existing
 3 physical barriers and existing ventilation systems
 4 shall be used to minimize the toxic effect of smoke in
 5 adjacent nonsmoking areas. In the case of public
 6 places consisting of a single room, the provisions of
 7 this law shall be considered met if one side of the
 8 room is reserved and posted as a no-smoking area. A
 9 smoking area shall only be designated if transmission
 10 of environmental tobacco smoke to adjacent areas can
 11 be eliminated. No public place other than a bar shall
 12 be designated as a smoking area in its entirety. If a
 13 bar has within its premises a nonsmoking area, this
 14 designation shall be posted on all entrances normally
 15 used by the public.
 16 Sec. 703. Section 142B.2, Code 1993, is amended
 17 by adding the following new subsection:
 18 NEW SUBSECTION. 5. The following conditions shall
 19 apply to restaurants, as applicable, in order to
 20 comply with this chapter:
 21 a. A restaurant of any size or seating capacity
 22 which designates the restaurant as a no-smoking area
 23 in its entirety shall post signs in conspicuous areas
 24 both inside and on the exterior of the building which

25 advise patrons of the no-smoking policy of the
26 restaurant.

27 b. A restaurant of any size or seating capacity
28 which offers both smoking and no-smoking areas in
29 accordance with the application of this chapter to
30 other public places shall comply with the requirements
31 under this chapter for a public place.

32 c. A restaurant of any size but with a seating
33 capacity of fewer than fifty seats may designate the
34 restaurant as a smoking-permitted restaurant by
35 designating the restaurant as a smoking area in its
36 entirety. A smoking-permitted restaurant shall post
37 signs, in conspicuous areas both inside and on the
38 exterior of the building, which advise patrons of the
39 smoking-permitted status of the restaurant. A
40 restaurant which is designated as a smoking-permitted
41 restaurant shall also issue a written health warning
42 to prospective and current employees which states that
43 due to the environment of the restaurant, the employee
44 may be working in a hazardous environment.

45 d. A restaurant which is held out to be a bar or a
46 bar may be designated as a smoking area in its
47 entirety. If the bar has within its premises a
48 nonsmoking area, the designation shall be posted on
49 all entrances normally used by the public. If the bar
50 is designated as a smoking area in its entirety, signs

Page 3

1 designating this status shall be posted both inside
2 and on the exterior of the building. The bar shall
3 also issue a written health warning to prospective and
4 current employees which states that due to the
5 environment of the bar, the employee may be working in
6 a hazardous environment.

7 Sec. 704. Section 142B.4, Code 1993, is amended to
8 read as follows:

9 142B.4 AREAS POSTED.

10 A person having custody or control of a public
11 place or public meeting shall cause signs to be posted
12 within the appropriate areas of the facility advising
13 patrons of smoking and no-smoking areas. In addition
14 the statement "Smoking prohibited except in designated
15 areas" shall be conspicuously posted on all major
16 entrances to the public place or public meeting. In
17 regard to restaurants, signs shall also be posted in
18 accordance with section 142B.2, subsection 5.

19 Sec. 705. Section 142B.6, unnumbered paragraph 1,
20 Code 1993, is amended to read as follows:

21 A person who smokes in those areas prohibited in
22 section 142B.2, or who violates section 142B.2,
23 142B.3, or 142B.4, shall pay a civil fine pursuant to

24 section 805.8, subsection 11, for each violation.

25 Sec. 706. Section 142B.6, unnumbered paragraph 3,
26 Code 1993, is amended by striking the unnumbered
27 paragraph.

28 Sec. 707. NEW SECTION. 142B.7 ENFORCEMENT.

29 The Iowa department of public health shall adopt
30 rules to enforce this chapter."

31 6. Page 25, by inserting after line 31 the
32 following:

33 "Sec. _____. EFFECTIVE DATE. Sections 701 through
34 707 of this Act take effect January 1, 1995."

35 7. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H—6318 was not germane.

The Speaker ruled the point well taken and amendment H—6318 not germane.

Drake of Pottawattamie offered the following amendment H—6317 filed by Drake, Eddie, Fogarty, and Meyer from the floor and moved its adoption:

H—6317

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 7, by striking lines 23 through 31 and
4 inserting the following:

5 "_____ To the soil conservation division of the
6 department of agriculture and land stewardship for
7 purposes of providing financial incentives for soil
8 conservation practices under chapter 161A, which shall
9 be in addition to any other moneys appropriated by the
10 Seventy-fifth General Assembly, second regular
11 session:

12 \$ 127,000".

13 2. Page 34, by striking lines 15 through 19 and
14 inserting the following:

15 "For purposes of executing contracts with qualified
16 persons to serve as soil conservation technicians:

17 \$ 123,000

18 The department shall ensure that the services are
19 cost-effective and the quality of the services
20 complies with state law. A person entering into a
21 contract with the department shall be deemed to be
22 agent of the department, and shall have the same
23 authority as an employee of the department, unless the
24 contract specifies otherwise. The department shall
25 review services performed by persons under contract to
26 ensure that quality cost-effective services are being
27 provided."

28 3. By renumbering as necessary.

Amendment H—6317 lost.

Greig of Emmet offered the following amendment H—6315 filed by Greig, Eddie and Hahn from the floor:

H—6315

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 7, by inserting before line 32 the
- 4 following:
- 5 "_____. To the department of agriculture and land
- 6 stewardship, to support a livestock market news
- 7 program:
- 8 \$25,000".
- 9 2. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment H—6315 was not germane.

The Speaker ruled the point well taken and amendment H—6315 not germane.

The House resumed consideration of amendment H—6299G, found on page 1927 of the House Journal.

On motion by Fallon of Polk, amendment H—6299G lost.

The House resumed consideration of amendment H—6299H, found on page 1927 of the House Journal.

On motion by Fallon of Polk, amendment H—6299H lost.

Brand of Benton offered the following amendment H—6306 filed by him from the floor and moved its adoption:

H—6306

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 32 the
- 4 following:
- 5 "_____. To the state board of regents to be used for
- 6 compliance with the federal Americans with
- 7 Disabilities Act at the Iowa braille and sight saving
- 8 school:
- 9 \$40,000".

A non-record roll call was requested.

The ayes were 51, nays 17.

Amendment H—6306 was adopted.

The House resumed consideration of amendment H—6299I, found on page 1927 of the House Journal.

On motion by Fallon of Polk, amendment H—6299I lost.

Hammond of Story offered the following amendment H—6305, filed by Hammond, Doderer, Moreland and Witt from the floor:

H—6305

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 11, by inserting after line 34 the
4 following:

5 “Of the moneys appropriated in this section which
6 would otherwise remain unexpended or unencumbered at
7 the close of the fiscal year, not more than \$150,000
8 shall be used to pay unreimbursed claims for family
9 planning services provided in the fiscal year ending
10 June 30, 1994.”

Corbett of Linn rose on a point of order that amendment H—6305 was not germane.

The Speaker ruled the point well taken and amendment H—6305 not germane.

Jochum of Dubuque offered the following amendment H—6293, filed by her from the floor and moved its adoption:

H—6293

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 13, by striking lines 6 through 9 and
4 inserting the following:

5 “For deposit in the community economic betterment
6 account of the strategic investment fund in addition
7 to moneys deposited in the fund pursuant to 1993 Iowa
8 Acts, chapter 167, section 1, provided that \$600,000
9 shall be used to make forgivable loans to existing
10 food processors for the purpose of increasing profit
11 margins by improving facilities for curing, massaging,
12 stuffing, tempering, and packaging in order to expand
13 processing capacity for smoked meats, provided that
14 potential recipients of the loans notify the
15 department by July 1, 1994, of their intent to invest
16 at least \$8,000,000 for this purpose:”

Roll call was requested by Dickinson of Jackson and Witt of Black Hawk.

Rule 75 was invoked.

On the question “Shall amendment H—6293 be adopted?”
(S.F. 2330)

The ayes were, 45:

Arnould	Baker	Beatty	Bell
Bernau	Black	Brammer	Brand
Burke	Cataldo	Cohoon	Connors
Dickinson	Doderer	Ertl	Fogarty
Gill	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Jochum	Koenigs
Kreiman	Larkin	May	McKinney
Mertz	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Peterson	Renaud	Running
Schrader	Shoultz	Weigel	Welter
Witt			

The nays were, 55:

Beaman	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carpenter	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Hester	Holveck
Houser	Hurley	Iverson	Kistler
Klemme	Larson	Lundby	Martin
McCoy	McNeal	Metcalf	Meyer
Millage	Miller	Osterberg	Plasier
Rafferty	Rants	Renken	Royer
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Wise	Mr. Speaker	
		Van Maanen	

Absent or not voting, none.

Amendment H—6293 lost.

Black of Jasper asked and received unanimous consent to defer action on amendment H—6313 filed by him from the floor.

Osterberg of Linn offered the following amendment H—6296 filed by him from the floor and moved its adoption:

H—6296

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 14, line 34 through page 16,
- 4 line 7.

Amendment H—6296 lost.

The House resumed consideration of amendment H—6299J, filed by Fallon of Polk and found on page 1927 of the House Journal.

On motion by Fallon of Polk, amendment H—6299J lost.

Osterberg of Linn in the chair at 3:40 p.m.

The Speaker announced that amendment H—6309, filed by Halvorson of Webster from the floor, was placed out of order with the adoption of amendment H—6301.

Jochum of Dubuque offered the following amendment H—6294 filed by her from the floor:

H—6294

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 19, by inserting before line 18 the
- 4 following:
- 5 "Sec. _____. INDEPENDENT STUDY AND REPORT CONCERNING
- 6 THE IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.
- 7 1. The department of personnel shall use not more
- 8 than one hundred thousand dollars of the moneys in the
- 9 Iowa public employees' retirement fund established in
- 10 section 97B.7 to contract with a consultant, after the
- 11 issuance of a request for proposals, to conduct an
- 12 outside, independent study of the Iowa public
- 13 employees' retirement system. The study shall
- 14 include, but is not limited to, the following:
- 15 a. A comparison of the Iowa public employees'
- 16 retirement system to other public retirement systems
- 17 within the state and nationwide.
- 18 b. An examination of the basic purpose and
- 19 philosophy of the system.
- 20 c. A study of the adequacy of employee and
- 21 employer contributions and the level of funding of the
- 22 system.
- 23 d. A comparison of the benefits to the benefits of
- 24 other public retirement systems.
- 25 e. An examination of the administration of the
- 26 system.
- 27 2. The consultant shall file a report with the
- 28 department of personnel, the general assembly, and the
- 29 governor on or before February 1, 1995."
- 30 2. By renumbering and correcting internal
- 31 references as necessary.

Corbett of Linn rose on a point of order that amendment H—6294 was not germane.

The Speaker ruled the point well taken and amendment H—6294 not germane.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—6297, filed by Schrader of Marion and Hurley, from the floor.

Baker of Polk offered the following amendment H—6277 filed by him and moved its adoption:

H—6277

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 20, by inserting after line 11 the
- 4 following:
- 5 "Sec. _____. 1994 Iowa Acts, Senate File 2218,
- 6 section 6, subsection 2, is amended by increasing the
- 7 number of full-time equivalent positions from 10.00 to
- 8 11.00 for the audits division of the department of
- 9 inspections and appeals."

Amendment H—6277 was adopted.

Vande Hoef of Osceola asked and received unanimous consent to withdraw amendment H—6295, filed by Vande Hoef, Branstad, Mertz, Mundie and Houser from the floor.

Hansen of Woodbury offered the following amendment H—6281 filed by him:

H—6281

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, by inserting after line 27 the
- 4 following:
- 5 "Sec. _____. Section 88.5, Code Supplement 1993, is
- 6 amended by adding the following new subsection:
- 7 **NEW SUBSECTION. 13. TRANSPORTATION OF RAILWAY**
- 8 **EMPLOYEES.** A railway corporation in this state shall
- 9 not transport railway employees on a locomotive that
- 10 is not the lead locomotive engine unless that
- 11 locomotive contains adequate air conditioning and
- 12 ventilation to ensure the safety and health of the
- 13 employees. If railway employees are transported on
- 14 the lead locomotive engine, the employees shall be
- 15 provided adequate seating and baggage storage. If
- 16 adequate transportation as required by this subsection
- 17 cannot be provided, the railway corporation shall
- 18 provide alternative transportation to railway
- 19 employees within a reasonable period of time. The
- 20 commissioner shall adopt rules in conformity with this
- 21 subsection to ensure the safety of transported railway
- 22 employees and shall enforce the requirements of this
- 23 subsection upon the receipt of a written complaint."

Spenner of Henry rose on a point of order that amendment H—6281 was not germane.

The Speaker ruled the point well taken and amendment H—6281 not germane.

Blodgett of Cerro Gordo offered the following amendment H—6322, filed by him from the floor and moved its adoption:

H—6322

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 24, line 23, by striking the words
- 4 "solely on account of" and inserting the following:
- 5 "for".
- 6 2. Page 24, line 26, by striking the word
- 7 "solely".

Amendment H—6322 was adopted.

Mundie of Webster asked and received unanimous consent to withdraw amendment H—6276 filed by him on April 18, 1994.

Halvorson of Clayton asked and received unanimous consent to defer action on amendment H—6285, filed by Halvorson of Clayton, et al.

Vande Hoef asked and received unanimous consent to withdraw amendment H—6292, filed by him from the floor.

Speaker Van Maanen in the chair at 4:07 p.m.

Halvorson of Clayton offered the following amendment H—6323, filed by Halvorson of Clayton, Gill, Iverson and McCoy from the floor:

H—6323

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 24, by inserting after line 30 the
- 4 following:
- 5 "Sec. _____. Section 427.1, Code Supplement 1993, is
- 6 amended by adding the following new subsection:
- 7 NEW SUBSECTION. 44. For property taxes payable
- 8 beginning July 1, 1995, through June 30, 1997,
- 9 property defined in section 427A.1, subsection 1,
- 10 paragraphs "e" and "j", shall be exempt from taxation.
- 11 Sec. _____. Section 427B.17, unnumbered paragraph 1,
- 12 Code Supplement 1993, is amended to read as follows:
- 13 For property defined in section 427A.1, subsection
- 14 1, paragraphs "e" and "j", acquired or initially
- 15 leased on or after January 1, 1982, the taxpayer's

16 valuation shall be limited to thirty percent of the
 17 net acquisition cost of the property, except to the
 18 extent exempt under section 427.1, subsection 44. For
 19 purposes of this section, "net acquisition cost" means
 20 the acquired cost of the property including all
 21 foundations and installation cost less any excess cost
 22 adjustment.

23 Sec. _____. NEW SECTION. 427B.30 TAX REPLACEMENT.

24 1. On or before July 1, 1995, and on or before
 25 July 1, 1996, the treasurer shall prepare a statement
 26 listing for each taxing jurisdiction in the county the
 27 amount of property taxes which would have been payable
 28 in the coming fiscal year for property exempt from
 29 taxation as provided in section 427.1, subsection 44,
 30 and shall certify and forward one copy of the
 31 statement to the department of revenue and finance not
 32 later than July 1 of each year.

33 2. Each county treasurer shall be reimbursed an
 34 amount equal to two-thirds of the lost property taxes
 35 for that county determined pursuant to subsection 1.
 36 The reimbursement shall be made in two equal
 37 installments on or before September 30 and March 30 of
 38 each year. The county treasurer shall apportion the
 39 disbursement in the manner provided in section
 40 445.57."

Corbett of Linn rose on a point of order that amendment H—6323 was not germane.

The Speaker ruled the point well taken and amendment H—6323 not germane.

Halvorson of Clayton moved to suspend the rules to consider amendment H—6323.

Roll call was requested by Halvorson of Clayton and Hansen of Woodbury.

On the question "Shall the rules be suspended to consider amendment H—6323?" (S.F. 2330)

The ayes were, 40:

Baker	Bell	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Cataldo	Churchill	Dickinson
Dinkla	Drake	Ertl	Fogarty
Gill	Gries	Grubbs	Hahn
Halvorson, R. A.	Hansen, S. D.	Haverland	Henderson
Houser	Hurley	Iverson	Klemme
Larson	Lundby	Martin	May
McCoy	McKinney	Mertz	Moreland
Rants	Tyrrell	Welter	Witt

The nays were, 58:

Arnould	Beaman	Beatty	Bernau
Brammer	Burke	Carpenter	Cphoon
Connors	Corbett	Daggett	Doderer
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Grundberg	Halvorson, R. N.
Hammond	Hanson, D. E.	Hanson, D. R.	Harper
Hester	Holveck	Jochum	Kistler
Koenigs	Kreiman	Larkin	McNeal
Metcalf	Meyer	Millage	Miller
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Renken
Royer	Running	Schrader	Siegrist
Spanner	Vande Hoef	Weidman	Weigel
Wise	Mr. Speaker		
	Van Maanen		

Absent or not voting, 2:

Renaud Shoultz

The motion to suspend the rules lost.

Corbett of Linn offered the following amendment H—6304, filed by him from the floor and moved its adoption:

H—6304

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 25, line 4, by striking the word "July"
- 4 and inserting the following: "May".

Amendment H—6304 was adopted.

Iverson of Wright asked and received unanimous consent to withdraw amendment H—6289, filed by him on April 18, 1994.

Iverson of Wright offered the following amendment H—6298, filed by him from the floor:

H—6298

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 25, by inserting after line 13 the
- 4 following:
- 5 "Sec. _____, REQUEST FOR PROPOSALS. Notwithstanding
- 6 any provision to the contrary, the ICN chief executive
- 7 officer appointed by the governor pursuant to
- 8 executive order number 46 signed on January 5, 1993,
- 9 or the Iowa telecommunications and technology

10 commission, established in Senate File 2089, if
11 enacted, or other successor governing body given
12 authority over the Iowa communications network, shall
13 develop and issue the request or requests for
14 proposals which are necessary for the sale of the
15 network. The person which develops and issues such
16 requests shall provide a written report no later than
17 January 1, 1995, concerning the proposals which are
18 submitted in response to the request or requests for
19 proposals. The request or requests for proposals
20 shall provide at a minimum, for all of the following:

21 1. The lease by the state of the necessary
22 facilities for the connections related to all
23 authorized users at the time of any sale of the
24 network whether such users are connected to or
25 utilizing the network at the time of any sale of the
26 network. The access leased under this subsection
27 shall assure such capacity for video, data, and voice
28 requirements as provided in the request for proposals
29 developed by the department of general services for
30 the installation and maintenance of Part III
31 connections of the Iowa communications network, and
32 dated November 3, 1993.

33 2. Guaranteed access and use for operations
34 related to an agency of the federal government whose
35 activities are directly related to the activities at
36 facilities under the control of the armory board
37 appointed pursuant to section 29A.57, or for the
38 establishment and operations of community learning
39 centers the use of which is to be offered to the
40 public as provided by the armory board.

41 3. Guaranteed access and use for operations
42 related to the federal emergency management agency.
43 The person who develops and issues the requests for
44 proposals shall consult with that agency to determine
45 the guarantees related to access which must be
46 included to assure continued participation in and use
47 of the network by the federal emergency management
48 agency."

49 2. By renumbering as necessary.

Corbett of Linn rose on a point of order that amendment H—6298 was not germane.

The Speaker ruled the point well taken and amendment H—6298 not germane.

Corbett of Linn offered the following amendment H—6316, filed by Corbett, Carpenter and Grundberg, from the floor:

H-6316

1 Amend Senate File 2330, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 34, by inserting after line 19 the
 4 following:
 5 "Sec. _____. APPROPRIATION — ASSOCIATE JUVENILE
 6 JUDGE. There is appropriated from the general fund of
 7 the state to the judicial department for the fiscal
 8 year beginning July 1, 1993, and ending June 30, 1994,
 9 the following amount, or so much thereof as is
 10 necessary, to be used for the purpose designated:
 11 For an additional associate juvenile judge for a
 12 judicial district located in a county with a
 13 population over two hundred twenty-five thousand,
 14 including salaries, support, maintenance,
 15 miscellaneous purposes, and for not more than the
 16 following full-time equivalent positions:
 17 \$ 140,000
 18 FTEs 2.75".

Wise of Lee rose on a point of order that amendment H-6316 was not germane.

The Speaker ruled the point well taken and amendment H-6316 not germane.

Fallon of Polk offered the following amendment H-6288, filed by him and moved its adoption:

H-6288

1 Amend Senate File 2330, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 34, by inserting after line 30 the
 4 following:
 5 "Sec. _____. BUDGETARY RESTRAINT — LEGISLATIVE
 6 INTENT. The general assembly finds that consideration
 7 of budgetary appropriations Acts similar to this Act
 8 is inappropriate for subsequent general assemblies and
 9 is in violation of Article III, section 29, of the
 10 Iowa Constitution."

Amendment H-6288 lost.

Black of Jasper asked and received unanimous consent to withdraw amendment H-6313, previously deferred, filed by him from the floor.

Schrader of Marion offered the following amendment H-6297, previously deferred, filed by him and Hurley from the floor and moved its adoption:

H-6297

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 19, line 32 through page 20,
- 4 line 3.

Amendment H-6297 was adopted.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-6285, previously deferred, filed by Halvorson of Clayton, et al., from the floor.

MOTION TO RECONSIDER PREVAILED

Connors of Polk asked and received unanimous consent to immediately reconsider the vote by which amendment H-6299J, to **Senate File 2330**, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions, failed to be adopted by the House on April 19, 1994.

The motion prevailed and the House reconsidered amendment H-6299J filed by Fallon of Polk and found on page 1927 of the House Journal.

On motion by Fallon of Polk, amendment H-6299J was adopted.

Brand of Benton offered the following amendment H-6325 filed by him from the floor:

H-6325

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by inserting after line 7 the follow-
- 4 ing:
- 5 "Sec. 121. The department of education shall
- 6 conduct a study of the methods by which the school
- 7 districts in this state address dyslexia and related
- 8 reading disorders, and shall evaluate the availability
- 9 and effectiveness of programs for dyslexia and related
- 10 reading disorders. The study shall include, but is
- 11 not limited to, the identification of, the methods
- 12 used to teach, and the remediation of persons with
- 13 dyslexia and related reading disorders. The
- 14 department shall report the results of the study and
- 15 evaluation, along with any recommendations, to the
- 16 general assembly by March 15, 1996. There is
- 17 appropriated to the department for the fiscal year
- 18 beginning July 1, 1994, \$30,000 for use by the

19 department for purposes of conducting this study."

20 2. Page 27, line 31, by inserting after the

21 figure "59," the following: "121,".

22 3. Page 27, line 34, by inserting after the

23 figure "59," the following: "121,".

Millage of Scott rose on a point of order that amendment H—6325 was not germane.

The Speaker ruled the point well taken and amendment H—6325 not germane.

Corbett 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. 2330)

The ayes were, 68:

Arnould	Baker	Beaman	Bell
Black	Blodgett	Boddicker	Brand
Branstad	Brauns	Burke	Carpenter
Cataldo	Connors	Corbett	Daggett
Dinkla	Drake	Eddie	Fogarty
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Hanson, D. E.	Harper	Haverland	Hester
Houser	Hurley	Jochum	Kistler
Koenigs	Larkin	Lundby	Martin
May	McCoy	McNeal	Mertz
Metcalf	Millage	Miller	Mundie
Murphy	Myers	Nelson	Neuhauser
Peterson	Rafferty	Rants	Renaud
Renken	Royer	Shoultz	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Weigel	Welter	Witt	Mr. Speaker
			Van Maanen

The nays were, 31:

Beatty	Bernau	Brammer	Brunkhorst
Churchill	Cohoon	Dickinson	Doderer
Ertl	Fallon	Garman	Gill
Halvorson, R. N.	Hammond	Hansen, S. D.	Henderson
Holveck	Iverson	Klemme	Kreiman
Larson	McKinney	Meyer	Moreland
O'Brien	Ollie	Osterberg	Plasier
Running	Schrader	Wise	

Absent or not voting, 1:

Hanson, D. R.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2330** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 2435, by committee on ways and means, a bill for an act relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property, or building new flood control barriers or facilities within a city, and providing an effective date.

Read first time and placed on the **ways and means 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 April 19, 1994, amended and passed the following bill in which the concurrence of the House is asked:

House File 2430, a bill for an act relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions.

Also: That the Senate has on April 19, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2329, a bill for an act making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994.

JOHN F. DWYER, Secretary

MOTION TO RECONSIDER PREVAILED

Houser of Pottawattamie called up for immediate consideration the motion to reconsider Senate File 2311, filed by him from the floor and moved to reconsider the vote by which **Senate File 2311**, a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury, passed the House and was placed on its last reading on April 19, 1994.

A non-record roll call was requested.

The ayes were 63, nays 0.

The motion prevailed and the House reconsidered **Senate File 2311**, a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury, placing out of order the motion to reconsider, Senate File 2311, filed by Connors of Polk, April 19, 1994.

Houser of Pottawattamie asked and received unanimous consent to reconsider amendment H-6112, previously adopted.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-6112.

Houser of Pottawattamie offered the following amendment H-6321, filed by Houser, Witt, Hammond, Dickinson, Mundie and Myers from the floor and moved its adoption:

H-6321

- 1 Amend Senate File 2311, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 38, by inserting after line 6 the
- 4 following:
- 5 "Sec. _____. BRAIN INJURY SERVICES WAIVER. The
- 6 department of human services shall not propose or
- 7 implement a medical assistance home and community-
- 8 based waiver for services to persons with brain injury
- 9 in a manner which would require provision of county
- 10 funding relating to the services or matching of the
- 11 federal funding. However, the department may propose
- 12 or implement such a waiver in a manner which would
- 13 permit the optional financial participation of
- 14 counties."
- 15 2. By renumbering as necessary.

Amendment H-6321 was adopted.

Houser 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. 2311)

The ayes were, 100:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.

Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2311** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2414.

Ways and Means Calendar

House File 2414, a bill for an act relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions, was taken up for consideration.

SENATE FILE 2057 SUBSTITUTED FOR HOUSE FILE 2414

Siegrist of Pottawattamie asked and received unanimous consent to substitute Senate File 2057 for House File 2414.

Senate File 2057, a bill for an act relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions, was taken up for consideration.

Bernau of Story asked and received unanimous consent to withdraw amendment H—5597 filed by him on March 22, 1994.

Bernau of Story asked and received unanimous consent to defer action on amendment H—5598.

Hansen of Woodbury asked and received unanimous consent to withdraw amendment H—5593, filed by him on March 22, 1994.

Millage of Scott offered the following amendment H—6230 filed by him and moved its adoption:

H—6230

- 1 Amend Senate File 2057 as follows:
- 2 1. Page 6, by inserting after line 21 the
- 3 following:
- 4 "Sec. 510. Section 422.16, subsection 1, Code
- 5 1993, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. For the purposes of this
- 8 subsection, state income tax at the rate of six
- 9 percent shall be withheld from supplemental wages of
- 10 employees in those circumstances in which the employer
- 11 treats the supplemental wages as wholly separate from
- 12 regular wages for purposes of withholding and federal
- 13 income tax is withheld from the supplemental wages
- 14 under section 3402(g) of the Internal Revenue Code."
- 15 2. Page 17, line 3, by striking the word and
- 16 figure "Section 15" and inserting the following:
- 17 "Sections 15 and 510".
- 18 3. Page 17, line 3, by striking the word
- 19 "applies" and inserting the following: "apply".
- 20 4. By renumbering as necessary.

Amendment H—6230 was adopted.

O'Brien of Boone asked and received unanimous consent to withdraw amendment H—5594, filed by him on March 22, 1994, placing the following amendments out of order:

H—5607, filed by Rants of Woodbury on March 23, 1994.

H—5629, filed by O'Brien of Boone on March 23, 1994.

H—5854, filed by O'Brien of Boone and Henderson on March 30, 1994.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—5606 filed by him on March 23, 1994.

Hanson of Delaware offered the following amendment H—6326 filed by him from the floor and moved its adoption:

H—6326

- 1 Amend Senate File 2057, as amended, passed, and

2 reprinted by the Senate as follows:

3 1. Page 16, by inserting after line 29 the
4 following:

5 "Sec. _____. 1994 Iowa Acts, House File 2180,
6 section 9, subsection 2, is amended to read as
7 follows:

8 2. For purposes of this section, "improvements"
9 include new construction and rehabilitation of and
10 additions to existing structures. The exemption shall
11 apply to all taxing districts in which the real
12 property is located.

13 Sec. _____. 1994 Iowa Acts, House File 2180, section
14 12, is amended to read as follows:

15 **SEC. 12. NEW SECTION. 15.335 RESEARCH ACTIVITIES**
16 **CREDIT.**

17 An eligible business may claim a corporate tax
18 credit for increasing research activities in this
19 state during the period the eligible business is
20 participating in the program. The credit equals six
21 and one-half percent of the state's apportioned share
22 of the qualifying expenditures for increasing research
23 activities. The state's apportioned share of the
24 qualifying expenditures for increasing research
25 activities is a percent equal to the ratio of
26 qualified research expenditures in this state to total
27 qualified research expenditures. The credit allowed
28 in this section is in addition to the credit
29 authorized in section 422.33, subsection 5. If the
30 eligible business is a partnership, subchapter S
31 corporation, limited liability company, or estate or
32 trust electing to have the income taxed directly to
33 the individual, an individual may claim the tax credit
34 allowed. The amount claimed by the individual shall
35 be based upon the pro rata share of the individual's
36 earnings of the partnership, subchapter S corporation,
37 limited liability company, or estate or trust. For
38 purposes of this section, "qualifying expenditures for
39 increasing research activities" means the qualifying
40 expenditures as defined for the federal credit for
41 increasing research activities which would be
42 allowable under section 41 of the Internal Revenue
43 Code in effect on January 1, 1994.

44 A credit in excess of the tax liability for the tax
45 year may be credited to the tax liability for the
46 following seven years or until depleted, whichever
47 comes first."

Amendment H—6326 was adopted.

Bernau of Story called up for consideration amendment H—5598,
previously deferred.

Bernau of Story rose on a point of order that amendment H—5598 was not germane.

The Speaker ruled the point well taken and amendment H—5598 not germane.

Bernau of Story moved to suspend the rules to consider amendment H—5598.

Roll call was requested by Bernau of Story and Cataldo of Polk.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5598?" (S.F. 2057)

The ayes were, 47:

Arnould	Baker	Beatty	Bernau
Brammer	Brand	Burke	Cataldo
Cohoon	Connors	Dickinson	Doderer
Fallon	Fogarty	Gill	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Henderson	Holveck	Jochum
Koenigs	Kreiman	Larkin	May
McCoy	McKinney	Mertz	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Renaud	Running	Schrader
Shoultz	Weigel	Witt	

The nays were, 50:

Beaman	Bell	Black	Blodgett
Boddicker	Branstad	Brauns	Brunkhorst
Carpenter	Churchill	Corbett	Daggett
Dinkla	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Hanson, D. E.	Hanson, D. R.	Hester	Houser
Hurley	Iverson	Kistler	Klemme
Larson	Martin	McNeal	Metcalf
Meyer	Millage	Miller	Plasier
Rafferty	Rants	Renken	Royer
Siegrist	Tyrrell	Vande Hoef	Weidman
Welter	Mr. Speaker		
	Van Maanen		

Absent or not voting, 3:

Lundby	Spenner	Wise
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The motion to suspend the rules lost.

Dinkla of Guthrie 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, 100:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brammer	Brand	Branstad
Brauns	Brunkhorst	Burke	Carpenter
Cataldo	Churchill	Cohoon	Connors
Corbett	Daggett	Dickinson	Dinkla
Doderer	Drake	Eddie	Ertl
Fallon	Fogarty	Garman	Gill
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Henderson
Hester	Holveck	Houser	Hurley
Iverson	Jochum	Kistler	Klemme
Koenigs	Kreiman	Larkin	Larson
Lundby	Martin	May	McCoy
McKinney	McNeal	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Van Maanen

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2057** be immediately messaged to the Senate.

HOUSE FILE 2414 WITHDRAWN

Dinkla of Guthrie asked and received unanimous consent to withdraw House File 2414 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Iverson of Wright called up for consideration **House File 2430**, a bill for an act relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-6327:

H-6327

- 1 Amend House File 2430, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, by striking lines 1 through 3 and
 4 inserting the following: "Act, are repealed effective
 5 April 1, 1995. If the repeals provided in this
 6 subsection".
 7 2. Page 12, line 7, by striking the word "May"
 8 and inserting the following: "April".
 9 3. Page 12, line 8, by striking the word "May"
 10 and inserting the following: "April".
 11 4. Page 12, by striking lines 14 through 16 and
 12 inserting the following: "444.27, as enacted by this
 13 Act, are repealed effective April 1, 1996. If the
 14 repeals provided in".
 15 5. Page 12, line 20, by striking the word "May"
 16 and inserting the following: "April".
 17 6. Page 12, line 21, by striking the word "May"
 18 and inserting the following: "April".

The motion prevailed and the House concurred in the Senate amendment H-6327.

Iverson of Wright 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. 2430)

The ayes were, 94:

Arnould	Baker	Beaman	Beatty
Bell	Black	Blodgett	Boddicker
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Connors	Corbett

Daggett	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Hester	Holveck
Houser	Hurley	Iverson	Jochum
Kistler	Klemme	Koenigs	Kreiman
Larkin	Larson	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Myers	Nelson
Neuhauser	O'Brien	Ollie	Peterson
Rafferty	Rants	Renaud	Renken
Royer	Running	Schrader	Shoultz
Siegrist	Spenner	Tyrrell	Vande Hoef
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Van Maanen		

The nays were, 6:

Bernau	Dickinson	Lundby	Murphy
Osterberg	Plasier		

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2430** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2326.

Spenner of Henry in the chair at 5:55 p.m.

Appropriations Calendar

Senate File 2326, a bill for an act relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date, was taken up for consideration.

The House stood at ease at 6:20 p.m., until the fall of the gavel.

The House resumed session at 7:10 p.m., Speaker Van Maanen in the chair.

McKinney of Dallas offered the following amendment H-6290, filed by him from the floor and moved its adoption:

H-6290

1 Amend Senate File 2326, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 3, by striking the words "LEASE-
4 PURCHASE -- FUND --".

5 2. Page 1, by striking lines 14 through 34 and
6 inserting the following:

7 "d. Pursuant to section 423.24, subsection 2,
8 twenty percent of all revenue derived from the use tax
9 on motor vehicles and equipment as collected pursuant
10 to section 423.7 is to be deposited in the GAAP
11 deficit reduction account to eliminate Iowa's GAAP
12 deficit.

13 e. It is anticipated that by the fiscal year
14 beginning July 1, 1995, Iowa's GAAP deficit will be
15 eliminated.

16 2. USE TAX REVENUES. For each fiscal year of the
17 four-year fiscal period beginning July 1, 1995,
18 \$12,000,000 of use tax revenues which are to be
19 deposited into the GAAP deficit reduction account
20 pursuant to section 423.24, subsection 2, and which
21 are in excess of any amount needed to eliminate Iowa's
22 GAAP deficit, are appropriated to the department of
23 general services. However, if the state generally
24 accepted accounting principles (GAAP) deficit has not
25 been eliminated by July 1, 1995, as reported in the
26 state's comprehensive financial report, the four-year
27 fiscal period provided in this subsection shall
28 commence on July 1 of the fiscal year following the
29 fiscal year in which the elimination of the GAAP
30 deficit is reported in the state's report.

31 3. RENOVATION PROJECTS. The department of general
32 services, with moneys appropriated pursuant to
33 subsection 2, may plan, construct, equip, and
34 otherwise carry out the following projects at the
35 state capitol complex for real or personal property to
36 be used for additions or improvements to existing
37 buildings, facilities, and structures in a total
38 amount not to exceed \$47,500,000:"

39 3. By striking page 2, line 32 through page 3,
40 line 31 and inserting the following:

41 "d. In an amount not to exceed seven million five
42 hundred thousand dollars for a child care center and

43 other building improvements including, but not limited
 44 to, establishing a child care center for children of
 45 state employees and upgrading other buildings in the
 46 state capitol complex, except the employment services
 47 building and the vocational rehabilitation building,
 48 to meet fire, safety, and building codes, and the
 49 federal Americans with Disabilities Act requirements.
 50 Notwithstanding section 8.33, all unencumbered and

Page 2

1 unobligated funds remaining on June 30, 2004, from the
 2 appropriations made in this section shall revert on
 3 August 1, 2004."

Roll call was requested by McKinney of Dallas and Koenigs of Mitchell.

Rule 75 was invoked.

On the question "Shall amendment H—6290 be adopted?"
 (S.F. 2326)

The ayes were, 46:

Arnould	Baker	Beatty	Bell
Bernau	Brammer	Brand	Burke
Cataldo	Cohoon	Connors	Dickinson
Fallon	Fogarty	Gill	Grubbs
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Henderson	Holveck	Jochum	Koenigs
Kreiman	Larkin	May	McCoy
McKinney	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Ollie	Osterberg	Peterson	Rants
Renaud	Running	Schrader	Shultz
Weigel	Wise		

The nays were, 51:

Beaman	Black	Blodgett	Boddicker
Branstad	Brauns	Brunkhorst	Carpenter
Churchill	Daggett	Dinkla	Doderer
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Hester	Houser	Hurley
Iverson	Kistler	Klemme	Larson
Lundby	Martin	McNeal	Meyer
Millage	Miller	Neuhauser	Plasier
Rafferty	Renken	Royer	Siegrist
Spenner	Tyrrell	Vande Hoef	Weidman
Welter	Witt	Mr. Speaker	
		Van Maanen	

Absent or not voting, 3:

Corbett Haverland Metcalf

Amendment H—6290 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk, until he returns, on request of Holveck of Polk.

Gipp of Winneshiek offered the following amendment H—6303 filed by him and Murphy from the floor:

H—6303

- 1 Amend Senate File 2326, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 25, by inserting after the word
- 4 "contracts" the following: ", not to exceed ten years
- 5 in duration,".
- 6 2. Page 1, line 34, by striking the words "forty
- 7 million" and inserting the following: "twenty-four
- 8 million seven hundred thousand".
- 9 3. Page 1, line 35, by striking the words
- 10 "twenty-two million three" and inserting the
- 11 following: "seven million".
- 12 4. Page 2, line 1, by striking the words "hundred
- 13 thousand dollars for" and inserting the following:
- 14 "dollars for partial".
- 15 5. Page 3, line 8, by inserting after the figure
- 16 "2" the following: "shall not exceed ten years in
- 17 duration and".
- 18 6. Page 3, line 27, by inserting after the word
- 19 "million" the following: "two hundred thousand".

McNeal of Hardin in the chair at 7:31 p.m.

On motion by Gipp of Winneshiek, amendment H—6303 was adopted.

Grundberg of Polk offered the following amendment H—6330 filed by her from the floor and moved its adoption:

H—6330

- 1 Amend Senate File 2326, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 26, by striking the words
- 4 "additions or".
- 5 2. Page 2, by inserting after line 31 the
- 6 following:
- 7 "d. No amount shall be spent on additions to
- 8 existing buildings."

Amendment H—6330 was adopted.

Murphy of Dubuque offered the following amendment H—6314 filed by him from the floor:

H—6314

1 Amend Senate File 2326, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 18 the
4 following:

5 "Sec. 100. Section 321.34, Code Supplement 1994,
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 18. CAPITOL RESTORATION PLATES.

8 a. Upon application and payment of the proper
9 fees, the director may issue capitol restoration
10 plates to the owner of a motor vehicle subject to
11 registration under section 321.109, subsection 1,
12 light delivery truck, panel delivery truck, pickup,
13 motor home, multipurpose vehicle, or travel trailer.

14 b. Capitol restoration plates shall be designed by
15 the department in cooperation with the department of
16 general services.

17 c. The initial capitol restoration plate fee for
18 letter number designated plates is thirty-five
19 dollars. The initial fee for personalized capitol
20 restoration plates is eighty dollars.

21 The annual special capitol restoration fee for
22 letter number designated plates is ten dollars which
23 shall be paid in addition to the regular annual
24 registration fees. The annual fee for personalized
25 capitol restoration plates is fifteen dollars which
26 shall be paid in addition to the annual regular
27 registration fee. The annual special capitol
28 restoration fees shall be credited to the capitol
29 restoration motor vehicle registration plate fund
30 created under this subsection.

31 d. The fees collected by the director under this
32 subsection shall be paid monthly to the treasurer of
33 state and credited to the road use tax fund.
34 Notwithstanding section 423.24, and prior to the
35 crediting of revenues to the road use tax fund under
36 section 423.24, subsection 1, paragraph "d", the
37 treasurer of state shall credit monthly from those
38 revenues to the capitol complex renovation fund
39 created under section 18.23, the amount of the capitol
40 restoration fees collected in the previous month for
41 the capitol restoration plates. Moneys in the fund
42 shall be used only for capitol restoration purposes.

43 e. Upon receipt of the capitol restoration
44 plates, the applicant shall surrender the current
45 registration receipt and plates to the county

46 treasurer. The county treasurer shall validate the
47 special registration plates in the same manner as
48 regular registration plates are validated under this
49 section."
50 2. Page 7, by inserting after line 2 the

Page 2

- 1 following:
- 2 "Sec. _____. EFFECTIVE DATE. Section 100 of this
- 3 Act takes effect on January 1, 1995."
- 4 3. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-6314 was not germane.

The Speaker ruled the point well taken and amendment H-6314 not germane.

Grubbs of Scott asked and received unanimous consent to defer action on amendment H-6211.

Grundberg of Polk asked and received unanimous consent to defer action on amendment H-6272.

Millage of Scott offered the following amendment H-6210 filed by him:

H-6210

- 1 Amend Senate File 2326, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 35, by striking the figure
- 4 "30,750,000" and inserting the following:
- 5 "28,750,000".
- 6 2. Page 5, line 15, by striking the figure
- 7 "30,750,000" and inserting the following:
- 8 "28,750,000".
- 9 3. Page 5, line 30, by striking the figure
- 10 "30,750,000" and inserting the following:
- 11 "28,750,000".
- 12 4. Page 6, by striking lines 10 through 13.
- 13 5. Page 6, line 14, by striking the figure
- 14 "30,750,000" and inserting the following:
- 15 "28,750,000".

Plasier of Sioux in the chair at 7:44 p.m.

Millage of Scott moved the adoption of amendment H-6210.

A non-record roll call was requested.

The ayes were 21, nays 62.

Amendment H—6210 lost.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H—6280.

Grubbs of Scott offered the following amendment H—6328, filed by him from the floor and moved its adoption:

H—6328

- 1 Amend Senate File 2326, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, line 35, by striking the figure
- 4 "30,750,000" and inserting the following:
- 5 "27,830,000".
- 6 2. Page 5, line 15, by striking the figure
- 7 "30,750,000" and inserting the following:
- 8 "27,830,000".
- 9 3. Page 5, line 30, by striking the figure
- 10 "30,750,000" and inserting the following:
- 11 "27,830,000".
- 12 4. Page 6, line 7, by striking the figure
- 13 "12,280,000" and inserting the following:
- 14 "9,360,000".
- 15 5. Page 6, line 14, by striking the figure
- 16 "30,750,000" and inserting the following:
- 17 "27,830,000".

A non-record roll call was requested.

The ayes were 17, nays 57.

Amendment H—6328 lost.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H—6213, filed by him and Millage on April 15, 1994.

Millage of Scott offered the following amendment H—6209, filed by him and moved its adoption:

H—6209

- 1 Amend Senate File 2326, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 6, line 6, by striking the figure "(1)".
- 4 2. Page 6, by striking lines 8 and 9.

Amendment H—6209 lost.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H—6212, filed by him and Millage on April 15, 1994.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H—6228, filed by her on April 15, 1994.

Grubbs of Scott offered the following amendment H—6211, previously deferred, filed by him and Millage and moved its adoption:

H—6211

- 1 Amend Senate File 2326, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 1, line 1 through page 3,
- 4 line 32.
- 5 2. Page 7, by striking lines 1 and 2.
- 6 3. Title page, by striking lines 1 through 5 and
- 7 inserting the following: "An Act relating to the
- 8 issuance of bonds by the state board of regents."

Amendment H—6211 lost.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H—6272, previously deferred, filed by her on April 18, 1994.

Hanson of Delaware offered the following amendment H—6280, previously deferred, filed by him:

H—6280

- 1 Amend Senate File 2326, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 35, by striking the figure
- 4 "\$30,750,000" and inserting the following: "76.875
- 5 percent of the total amount authorized for lease-
- 6 purchase contracts pursuant to section 1, subsection 2
- 7 of this Act".
- 8 2. Page 5, line 15, by striking the figure
- 9 "\$30,750,000" and inserting the following: "76.875
- 10 percent of the total amount authorized for lease-
- 11 purchase contracts pursuant to section 1, subsection 2
- 12 of this Act".
- 13 3. Page 5, line 30, by striking the figure
- 14 "\$30,750,000" and inserting the following: "76.875
- 15 percent of the total amount authorized for lease-
- 16 purchase contracts pursuant to section 1, subsection 2
- 17 of this Act".
- 18 4. Page 5, by striking line 34 and inserting the
- 19 following:
- 20 "Of the total amount authorized in this subsection,
- 21 10.34 percent".
- 22 5. Page 6, by striking line 1 and inserting the
- 23 following:
- 24 "Of the total amount authorized in this subsection,
- 25 6.89 percent".
- 26 6. Page 6, by striking line 4 and inserting the
- 27 following:
- 28 "Of the total amount authorized in this subsection,

29 27.64 percent".

30 7. Page 6, by striking line 7 and inserting the
31 following:

32 "Of the total amount authorized in this subsection,
33 39.93 percent".

34 8. Page 6, by striking line 9 and inserting the
35 following:

36 "Of the total amount authorized in this subsection,
37 8.68 percent".

38 9. Page 6, by striking line 13 and inserting the
39 following:

40 "Of the total amount authorized in this subsection,
41 6.52 percent".

42 10. Page 6, by striking line 14 and inserting the
43 following:

44 "Total 100 percent".

Hanson of Delaware offered the following amendment H—6319, to amendment H—6280, filed by him from the floor and moved its adoption:

H—6319

1 Amend the amendment, H—6280, to Senate File 2326,
2 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, line 4, by striking the figure
5 "76.875" and inserting the following: "124.494".

6 2. Page 1, line 9, by striking the figure
7 "76.875" and inserting the following: "124.494".

8 3. Page 1, line 14, by striking the figure
9 "76.875" and inserting the following: "124.494".

Amendment H—6319 was adopted.

On motion by Hanson of Delaware, amendment H—6280, as amended, was adopted.

Gipp 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. 2326)

The ayes were, 70:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Blodgett	Brammer
Brand	Branstad	Brunkhorst	Cataldo
Churchill	Cohoon	Connors	Corbett
Daggett	Dickinson	Dinkla	Doderer
Drake	Eddie	Fogarty	Gill
Gipp	Greig	Greiner	Gries
Hahn	Halvorson, R. A.	Hammond	Hanson, D. E.

Hanson, D. R.	Harper	Haverland	Holveck
Jochum	Kistler	Koenigs	Larkin
Larson	Lundby	May	McKinney
McNeal	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	Neuhauser
O'Brien	Ollie	Osterberg	Renaud
Renken	Royer	Running	Schrader
Shoultz	Siegrist	Spenner	Tyrrell
Van Maanen, Spkr.	Weidman	Welter	Wise
Witt	Plasier, Presiding		

The nays were, 30:

Black	Boddicker	Brauns	Burke
Carpenter	Ertl	Fallon	Garman
Grubbs	Grundberg	Halvorson, R. N.	Hansen, S. D.
Henderson	Hester	Houser	Hurley
Iverson	Klemme	Kreiman	Martin
McCoy	Metcalf	Meyer	Millage
Miller	Peterson	Rafferty	Rants
Vande Hoef	Weigel		

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2326** 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 15, 1994, 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 2219, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws.

JOHN F. DWYER, Secretary

McNeal of Hardin in the chair at 10:00 p.m.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2300.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2300**, a bill for an act requiring the environmental protection commission to codify the special waste authorization program and relating to solid waste, previously deferred and placed on the unfinished business calendar.

Gipp of Winneshiek asked and received unanimous consent to withdraw amendment H—5710, filed by the committee on energy and environmental protection.

Gipp of Winneshiek offered the following amendment H—6324 filed by Rafferty of Scott, Gipp, Osterberg and Shoultz, from the floor:

H—6324

1 Amend Senate File 2300, as amended, passed, and re-
2 printed by the Senate, as follows:

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

5 "Section 1. Section 455B.301A, subsection 1, Code
6 1993, is amended to read as follows:

7 1. The protection of the health, safety, and
8 welfare of Iowans and the protection of the
9 environment require the safe and sanitary disposal of
10 solid wastes. An effective and efficient solid waste
11 disposal program protects the environment and the
12 public, and provides the most practical and beneficial
13 use of the material and energy values of solid waste.
14 While recognizing the continuing necessity for the
15 existence of landfills, alternative methods of
16 managing solid waste and a reduction in the reliance
17 upon land disposal of solid waste are encouraged. In
18 the promotion of these goals, the following waste
19 management hierarchy in descending order of
20 preference, is established as the solid waste
21 management policy of the state:

- 22 a. Volume reduction at the source.
- 23 b. Recycling and reuse.
- 24 c. Combustion with energy recovery and refuse-
25 derived fuel.
- 26 d. Combustion for volume reduction.
- 27 e. Disposal in sanitary landfills.
- 28 c. Other approved techniques of solid waste
29 management including, but not limited to, combustion
30 with energy recovery, combustion for waste disposal,
31 and disposal in sanitary landfills.

32 Sec. 2. Section 455B.304, Code 1993, is amended by
33 adding the following new subsection:

34 **NEW SUBSECTION. 18.** The commission shall adopt
35 rules to establish a special waste authorization
36 program. For purposes of this subsection, "special
37 waste" means any industrial process waste, pollution

38 control waste, or toxic waste which presents a threat
39 to human health or the environment or a waste with
40 inherent properties which make the disposal of the
41 waste in a sanitary landfill difficult to manage.
42 Special waste does not include domestic, office,
43 commercial, medical, or industrial waste that does not
44 require special handling or limitations on its
45 disposal. Special waste does not include hazardous
46 wastes which are regulated under the federal Resource
47 Conservation and Recovery Act, 42 U.S.C. § 6921-6934,
48 hazardous wastes as defined in section 455B.411,
49 subsection 3, or hazardous wastes included in the list
50 compiled in accordance with section 455B.464.

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1 Sec. 3. Section 455B.305, subsection 6, Code 1993,
2 is amended to read as follows:
3 6. Beginning July 1, 1992, the director shall not
4 issue a permit for a sanitary landfill unless the
5 sanitary landfill is equipped with a leachate control
6 system. Beginning July 1, 1994, the director shall
7 not renew or reissue a permit for an existing sanitary
8 landfill unless the sanitary landfill is equipped with
9 a leachate control system. During the period from
10 July 1, 1992, through June 30, 1994, the director may
11 require an existing sanitary landfill to install a
12 leachate control system if leachate from the sanitary
13 landfill is adversely impacting the public health or
14 safety or the environment. During the period from
15 July 1, 1992, through June 30, 1994, the director
16 shall require an existing sanitary landfill to install
17 a leachate control system if the sanitary landfill has
18 not submitted a completed hydrogeological plan to the
19 department. The director may exempt a permit
20 applicant from these requirements if the director
21 determines that certain conditions regarding, but not
22 limited to, existing physical conditions, topography,
23 soil, geology, and climate, are such that a leachate
24 control system is unnecessary. The director may
25 exempt a permit applicant from the requirements of
26 this subsection if the permittee certifies that a risk
27 assessment of the site indicates that a current or
28 potential threat to environmental health does not
29 exist such that an exposed individual has no greater
30 than a one in one million risk of developing cancer
31 and for noncarcinogens a hazard index of less than
32 one. The director shall use the United States
33 environmental protection agency's risk assessment
34 guidance for the superfund as a basis for determining
35 whether to grant the exemption. The exemption in this
36 subsection shall apply only to sanitary landfill cells

37 in existence prior to July 1, 1992, or the vertical
38 expansion above a cell in which waste was deposited
39 prior to July 1, 1992. A sanitary landfill permittee
40 desiring an exemption shall apply to the director and
41 certify a completion date for a risk assessment study
42 by December 1, 1994. If an exemption is not granted,
43 or if the risk assessment study concludes that a
44 leachate control system is required, a permittee shall
45 certify a completion date and increments of progress
46 for the installation of a leachate control system.
47 The department shall retain the discretion to approve
48 or disapprove a risk assessment study or a proposed
49 completion date under this subsection. If a schedule
50 for a risk assessment study or the installation of a

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1 leachate control system is approved by the department
2 and satisfactory progress is being made toward
3 completion of the study or the installation of the
4 leachate control system, the permittee shall not be
5 subject to penalties for failure to meet the
6 requirements of this subsection.

7 Sec. 4. Section 455D.3, Code 1993, is amended to
8 read as follows:

9 455D.3 GOAL.

10 1. YEAR 1994 AND 2000 GOALS. The goal of the
11 state is to reduce the amount of materials in the
12 waste stream, existing as of July 1, 1988, twenty-five
13 percent by July 1, 1994, and fifty percent by July 1,
14 2000, through the practice of waste volume reduction
15 at the source and through recycling. For the purposes
16 of this section, "waste stream" means the disposal of
17 solid waste as "solid waste" is defined in section
18 455B.301. In determination of the reduction level of
19 the waste stream, it shall be considered that each
20 person currently generates three and one-half pounds
21 of waste per day, and that this amount shall be
22 reduced by the percentages indicated in order to
23 preserve the health and safety of all Iowans.

24 Notwithstanding section 455D.1, subsection 6,
25 facilities which employ combustion of solid waste with
26 energy recovery and refuse-derived fuel, which are
27 included in an approved comprehensive plan, and which
28 were in operation prior to July 1, 1989, may include
29 these processes in the definition of recycling for the
30 purpose of meeting the state goal if at least thirty-
31 five percent of the waste reduction goal, required to
32 be met by July 1, 2000, pursuant to this section, is
33 met through volume reduction at the source and
34 recycling and reuse, as established pursuant to
35 section 455B.301A, subsection 1, paragraphs "a" and

36 "b".

37 2. PROJECTED WASTE STREAM -- YEAR 2000. A planning
38 area may request the department to allow the planning
39 area to project the planning area's waste stream for
40 the year 2000 for purposes of meeting the year 2000
41 fifty percent waste volume reduction and recycling
42 goals required by this section. The department shall
43 make a determination of the eligibility to use this
44 option based upon the annual tonnage of solid waste
45 processed by the planning area and the population
46 density of the area the planning area serves. If the
47 department agrees to allow the planning area to make
48 year 2000 waste stream projections, the planning area
49 shall calculate the year 2000 projections and submit
50 the projections to the department for approval. The

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1 planning area shall use data which is current as of
2 July 1, 1994, and shall take into account population,
3 employment, and industrial changes and documented
4 diversions due to existing programs. The planning
5 area shall use the departmental methodology to
6 calculate the tonnage necessary to be diverted from
7 landfills in order to meet the year 2000 fifty percent
8 waste volume reduction and recycling goals required by
9 this section. Once the department approves the year
10 2000 projections, the projections shall not be changed
11 prior to the year 2001.

12 3. DEPARTMENTAL MONITORING.

13 a. By October 31, 1994, a planning area shall
14 submit to the department, a solid waste abatement
15 table which is updated through June 30, 1994. By
16 April 1, 1995, the department shall report to the
17 general assembly on the progress that has been made by
18 each planning area on attainment of the July 1, 1994,
19 twenty-five percent goal.

20 If at any time the department determines that a
21 planning area has met or exceeded the twenty-five
22 percent goal, a planning area shall subtract twenty-
23 five cents from the total amount of the tonnage fee
24 imposed pursuant to section 455B.310, subsection 2,
25 paragraph "a". The reduction in tonnage fees pursuant
26 to this paragraph shall be taken from that portion of
27 the tonnage fees which would have been allocated for
28 landfill alternative grants pursuant to section
29 455E.11, subsection 2, paragraph "a", subparagraph
30 (9).

31 If the department determines that a planning area
32 has failed to meet the July 1, 1994, twenty-five
33 percent goal, the planning area shall, at a minimum,
34 implement the solid waste management techniques as

35 listed in subsection 4. Evidence of implementation of
36 the solid waste management techniques shall be
37 documented in subsequent comprehensive plans submitted
38 to the department.

39 b. If at any time the department determines that a
40 planning area has reduced the amount of materials in
41 the waste stream, existing as of July 1, 1988, by
42 thirty-eight percent, as indicated in a solid waste
43 abatement table submitted by the planning area, the
44 planning area shall subtract twenty-five cents from
45 the total amount of the tonnage fee imposed pursuant
46 to section 455B.310, subsection 2, paragraph "a".
47 This amount shall be in addition to any amounts
48 subtracted pursuant to paragraph "a". The reduction
49 in tonnage fees pursuant to this paragraph shall be
50 taken from that portion of the tonnage fees which

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1 would have been allocated for landfill alternative
2 grants pursuant to section 455E.11, subsection 2,
3 paragraph "a", subparagraph (9).

4 c. By October 31, 2000, a planning area shall
5 submit to the department, a solid waste abatement
6 table which is updated through June 30, 2000. By
7 April 1, 2001, the department shall report to the
8 general assembly on the progress that has been made by
9 each planning area on attainment of the July 1, 2000,
10 fifty percent goal.

11 If at any time the department determines that a
12 planning area has met or exceeded the fifty percent
13 goal, the planning area shall subtract fifty cents
14 from the total amount of the tonnage fee imposed
15 pursuant to section 455B.310, subsection 2, paragraph
16 "a". This amount shall be in addition to any amounts
17 subtracted pursuant to paragraphs "a" and "b". The
18 reduction in tonnage fees pursuant to this paragraph
19 shall be taken from that portion of the tonnage fees
20 which would have been allocated to landfill
21 alternative grants pursuant to section 455E.11,
22 subsection 2, paragraph "a", subparagraph (9).

23 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning
24 area that fails to meet the twenty-five percent goal
25 shall implement the following solid waste management
26 techniques:

27 a. Remit fifty cents per ton to the department, as
28 of July 1, 1995. The funds shall be deposited in the
29 solid waste account under section 455E.11, subsection
30 2, paragraph "a", to be used in accordance with
31 section 455E.11, subsection 2, paragraph "a",
32 subparagraph (9). Moneys under this paragraph shall
33 be remitted until such time as evidence of attainment

34 of the twenty-five percent goal is documented in
35 subsequent comprehensive plans submitted to the
36 department.

37 b. Notify the public of the planning area's
38 failure to meet the waste volume reduction goals of
39 this section, utilizing standard language developed by
40 the department for that purpose.

41 c. Develop draft ordinances which shall be used by
42 local governments for establishing collection fees
43 that are based on volume or on the number of
44 containers used for disposal by residents.

45 d. Conduct an educational and promotional program
46 to inform citizens of the manner and benefits of
47 reducing, reusing, and recycling materials and the
48 procurement of products made with recycled content.
49 The program shall include the following:

50 (1) Targeted waste reduction and recycling

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1 education for residents, including multifamily
2 dwelling complexes having five or more units.

3 (2) An intensive one day seminar for the
4 commercial sector regarding the benefits of and
5 opportunities for waste reduction and recycling.

6 (3) Promotion of recycling through targeted
7 community and media events.

8 (4) Recycling notification and education packets
9 to all new residential, commercial, and institutional
10 collection service customers that include, at a
11 minimum, the manner of preparation of materials for
12 collection, and the reasons for separation of
13 materials for recycling.

14 Sec. 5. Section 455E.11, subsection 2, paragraph
15 a, subparagraph (9), Code Supplement 1993, is amended
16 to read as follows:

17 (9) One dollar per ton from the fees imposed under
18 section 455B.310 for the fiscal year beginning July 1,
19 1990, and thereafter shall be used by the department
20 to develop and implement demonstration projects for
21 landfill alternatives to solid waste disposal
22 including recycling programs. The first fifty
23 thousand dollars of moneys allocated to the department
24 pursuant to this subparagraph shall be used for
25 administration of the special waste authorization
26 program established pursuant to section 455B.304,
27 subsection 18. Of the remaining moneys, sixty-five
28 thousand dollars shall be allocated to the waste
29 management assistance division of the department to be
30 used for the by-products and waste search service at
31 the university of northern Iowa.

32 Sec. 6. ADDITIONAL POSITION. Notwithstanding the

33 full-time equivalent position limitations in effect
 34 for the department of natural resources for fiscal
 35 year beginning July 1, 1994, and ending June 30, 1995,
 36 the environmental protection division of the
 37 department of natural resources may employ one
 38 additional full-time equivalent position to administer
 39 the special waste authorization program established
 40 pursuant to section 455B.304, subsection 18.

41 Sec. 7. RULES. The commission shall adopt rules
 42 to establish a special waste authorization program.

43 The rules shall be effective by December 31, 1994.

44 Sec. 8. EFFECTIVE DATE. Section 3 of this Act,
 45 being deemed of immediate importance, takes effect
 46 upon enactment. The remainder of this Act takes
 47 effect on July 1, 1994."

Shoultz of Black Hawk offered the following amendment H-6332, to amendment H-6324, filed by him from the floor and moved its adoption:

H-6332

1 Amend the amendment, H-6324, to Senate File 2300,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 6, line 31, by inserting after the word
 5 "Iowa." the following: "The by-products and waste
 6 search service at the university of northern Iowa
 7 shall cooperate with Iowa state university in waste
 8 exchange activities."

Amendment H-6332 was adopted.

On motion by Gipp of Winneshiek, amendment H-6324, as amended, was adopted, placing the following amendments out of order:

H-6320, filed by Brauns of Muscatine, from the floor.
 H-5924, filed by Henderson of Scott on April 4, 1994.
 H-5923, filed by Henderson of Scott on April 4, 1994.
 H-6014, filed by Gipp of Winneshiek on April 6, 1994.
 H-6125, filed by Greig, et al., on April 12, 1994.
 H-5724, filed by Rafferty of Scott on March 28, 1994.
 H-6038, filed by Gipp of Winneshiek on April 6, 1994.
 H-6152, filed by Shoultz of Black Hawk on April 13, 1994.

Gipp 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. 2300)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fallon	Fogarty
Garman	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson
Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Van Maanen, Spkr.	Weidman
Weigel	Welter	Wise	Witt
McNeal,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer	Connors	Hanson, D. R.
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2300** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Hanson of Delaware called up for consideration, **Senate File 2219**, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6331, to the House amendment as follows:

H-6331

- 1 Amend the House amendment, S-5560, to Senate File
 2 2219, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 9 through 49.
 5 2. Page 2, by striking lines 25 through 35.
 6 3. By striking page 4, line 13 through page 5,
 7 line 12.
 8 4. By striking page 7, line 13 through page 8,
 9 line 34.
 10 5. By renumbering and correcting internal
 11 references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6331, to the House amendment.

Hanson of Delaware 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. 2219)

The ayes were, 90:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Brunkhorst	Burke	Carpenter	Cataldo
Churchill	Cohoon	Corbett	Daggett
Dickinson	Dinkla	Doderer	Drake
Eddie	Ertl	Fogarty	Garman
Gill	Gipp	Greig	Gries
Grubbs	Grundberg	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harper	Haverland	Henderson	Hester
Holveck	Houser	Hurley	Iverson
Jochum	Kistler	Klemme	Koenigs
Kreiman	Larkin	Larson	Lundby
Martin	May	McCoy	McKinney
Mertz	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rants
Renaud	Renken	Royer	Running
Siegrist	Spenner	Vande Hoef	Van Maanen, Spkr.
Weidman	Weigel	Welter	Wise
Witt	McNeal,		
	Presiding		

The nays were, 2:

Fallon Tyrrell

Absent or not voting, 8:

Brammer	Connors	Greiner	Hahn
Metcalf	Rafferty	Schrader	Shultz

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2219** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for immediate consideration of House File 2435.

Ways and Means Calendar

House File 2435, a bill for an act relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property, or building new flood control barriers or facilities within a city, and providing an effective date, was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—6329 filed by her and Greig from the floor and moved its adoption:

H—6329

- 1 Amend House File 2435 as follows:
- 2 1. Page 7, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ REPEAL. Sections 16.181 through 16.186
- 5 are repealed on August 1, 1996. The repeal of
- 6 sections 16.181 through 16.186 shall not affect the
- 7 operation or enforceability of any action taken or
- 8 agreement entered into pursuant to sections 16.181
- 9 through 16.186 prior to August 1, 1996, by the
- 10 authority, a municipality, or a bondholder or
- 11 noteholder, and section 4.13 applies."

Amendment H—6329 was adopted.

Halvorson of Clayton 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. 2435)

The ayes were, 89:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Burke	Carpenter	Cataldo	Churchill
Cohoon	Corbett	Daggett	Dickinson
Dinkla	Doderer	Drake	Eddie
Ertl	Fogarty	Gill	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harper
Haverland	Henderson	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Martin	May	McCoy
McKinney	Mertz	Metcalf	Millage
Miller	Moreland	Mundie	Murphy
Myers	Nelson	Neuhauser	O'Brien
Ollie	Osterberg	Peterson	Plasier
Rafferty	Renaud	Renken	Royer
Running	Schrader	Shoultz	Siegrist
Spenner	Tyrrell	Van Maanen, Spkr.	Weidman
Weigel	Welter	Wise	Witt
McNeal, Presiding			

The nays were, 9:

Brunkhorst	Fallon	Garman	Grundberg
Hester	Lundby	Meyer	Rants
Vande Hoef			

Absent or not voting, 2:

Brammer	Connors
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2435** 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 19, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2204, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental taxes allowed to be levied by a county in an urban renewal area, and providing an effective date.

Also: That the Senate has on April 19, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2057, a bill for an act relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions.

Also: That the Senate has on April 19, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2311, a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury.

JOHN F. DWYER, Secretary

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2433.

Appropriations Calendar

House File 2433, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa, was taken up for consideration.

Rants of Woodbury 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. 2433)

The ayes were, 97:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Burke	Carpenter	Cataldo	Churchill
Cohoon	Corbett	Daggett	Dickinson
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Fogarty	Garman
Gill	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	Mertz	Metcalf
Meyer	Millage	Miller	Moreland
Mundie	Murphy	Myers	Nelson

Neuhauser	O'Brien	Ollie	Osterberg
Peterson	Plasier	Rafferty	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Van Maanen, Spkr.	Weidman
Weigel	Welter	Wise	Witt
McNeal, Presiding			

The nays were, 1:

Brunkhorst

Absent or not voting, 2:

Brammer Connors

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2433** be immediately messaged to the Senate.

The House stood at ease at 12:01 a.m., until the fall of the gavel.

The House resumed session at 12:25 a.m., Speaker Van Maanen in the chair.

REPORT OF THE CONFERENCE COMMITTEE (Senate File 2314)

Hahn of Muscatine called up the report of the conference committee on Senate File 2314 as follows:

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 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, respectfully make the following report:

1. That the conference committee is unable to agree.

ON THE PART OF THE HOUSE:

JAMES HAHN, Chair
SANDY GREINER
BOB RAFFERTY

ON THE PART OF THE SENATE:

EMIL J. HUSAK, Chair
BRAD BANKS
BILL FINK
DERRYL McLAREN
BERL E. PRIEBE

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 20, 1994, appointed a second conference committee on Senate File 2314, a bill

for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, and the members of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Tama, Senator Husak; the Senator from Kossuth, Senator Priebe; the Senator from Fremont, Senator McLaren; the Senator from Plymouth, Senator Banks.

JOHN F. DWYER, Secretary

SECOND CONFERENCE COMMITTEE APPOINTED
(Senate File 2314)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 2314: Corbett of Linn, Chair; Hahn of Muscatine, Greiner of Washington, Shoultz of Black Hawk and Schrader of Marion.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates.

ON THE PART OF THE HOUSE:

JANET METCALF, Chair
RON CORBETT
PAT GILL
MICHAEL MORELAND
CHRISTOPHER RANTS

ON THE PART OF THE SENATE:

TONY BISIGNANO, Chair
LARRY MURPHY
JIM RIORDAN

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 19th day of April, 1994: House Files 181, 637, 2003, 2099, 2146, 2261, 2318, 2326, 2372, 2384, 2387 and 2419.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 1994, he approved and transmitted to the Secretary of State the following bills:

House File 403, an act relating to the disposition of property left unclaimed at a dry cleaning establishment.

House File 545, an act relating to motor carrier certificates and permits and providing penalties.

House File 2133, an act relating to public safety by allowing the computerized sharing of criminal intelligence data.

House File 2230, an act relating to the raffle of real property by a qualified organization and providing an effective date.

House File 2309, an act relating to the provision of contact lenses and spectacle lenses and providing penalties.

House File 2325, an act to limit the use of presentence investigations.

House File 2375, an act relating to the regulation of pari-mutuel racetracks and gaming on excursion gambling boats, and providing an effective date.

House File 2407, an act relating to the collection of child support, including levies against the accounts of certain child support obligors and including affecting of the professional licensure or certification status of an obligor held in contempt of court.

Senate File 2009, an act relating to child abuse investigations by requiring communication between the department of human services and a physician who conducts an examination of a child who is alleged to be abused.

Senate File 2016, an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date.

Senate File 2080, an act relating to agricultural and other motor vehicles, by defining special mobile equipment and exempting oversized vehicles from certain regulations.

Senate File 2087, an act relating to employment under school district whole grade sharing agreements.

Senate File 2199, an act relating to college education financing through a provision for the state board of regents to issue bonds.

Senate File 2201, an act relating to funding of gifted and talented programs.

Senate File 2205, an act relating to regulated toxics in packaging.

Senate File 2231, an act relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor and providing an effective date.

Senate File 2232, an act relating to the registration and use of marks, including trademarks and service marks, and providing for fees.

Senate File 2236, an act relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescription refills provided to students residing in the Iowa braille and sight saving school, the school for the deaf, and the state hospital-school.

Senate File 2242, an act relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the General Assembly.

Senate File 2265, an act relating to the offenses of harassment and stalking, providing for the extension of certain no-contact orders, and providing for penalties and other related matters.

GOVERNOR'S ITEM VETO MESSAGE

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

April 19, 1994

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

Dear Mr. President:

I hereby transmit Senate File 2217, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project.

Senate File 2217 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, paragraph d, in its entirety. This provision limits the authority of the Department of Public Safety to make decisions regarding lodging of peace officers in training. The department should retain full authority to make such decisions, particularly when it results in substantial cost savings to Iowa taxpayers.

I am unable to approve the item designated as Section 13, in its entirety. This provision restricts executive branch agencies in their ability to enter into lease-purchase agreements. While additional review and oversight of lease-purchase contracting by state agencies may be worthwhile, sufficient flexibility must be provided to allow agencies to respond to situations which cannot be planned, e.g. emergencies and new federal requirements.

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 2217 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

Doderer of Johnson presented to the House the Honorable Maurice Hennessey, former member of the House, representing Dubuque County.

Iverson of Wright presented to the House Sara Schmalenberger, Miss Iowa Angus. She is the daughter of Steve and Nancy Schmalenberger of Vincent.

Grubbs of Scott presented to the House the Honorable Bill Gluba, former member of the House, representing Scott County.

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

Seventy fifth grade students from Wright Elementary School, Des Moines, accompanied by Page Torbett. By McCoy of Polk.

Fourteen seventh grade students from Blakesburg Middle School, Blakesburg, accompanied by Maura Young. By Moreland of Wapello.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2316

Ways and Means: Dinkla, Chair; Hanson of Delaware and Holveck.

Senate File 2324

Appropriations: Brunkhorst, Chair; Hammond, Hester, Metcalf and Wise.

Senate File 2327

Ways and Means: Hanson of Delaware, Chair; Bernau and Greig.

Senate File 2329

Appropriations: Corbett, Chair; Beaman, Brand, Daggett and McKinney.

Senate File 2330

Appropriations: Corbett, Chair; Metcalf, Miller, Murphy and Ollie.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1994/199 Melinda Crooks, Wilton — For winning the Miss Iowa Teenager Pageant.
- 1994/200 Christie Dipple, Muscatine — For being named Senior Queen in the Miss Iowa Teenager Pageant and winning a \$20,000 scholarship and a \$500 bond.
- 1994/201 Bruce Overton, Overton Funeral Home, Traer — For being elected Treasurer of the National Funeral Directors Association.

COMMITTEE RECOMMENDATION

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2316, a bill for an act relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters.

Fiscal Note is required.

Recommended **Do Pass**, April 18, 1994.

Committee Bill (Formerly House Study Bill 750), relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass**, April 19, 1994.

RESOLUTION FILED

HR 112, by Boddicker and Hurley, a House resolution requesting that the Iowa Division of Insurance determine the status of the Christian Brotherhood Newsletter.

Laid over under **Rule 25**.

AMENDMENT FILED

H-6308

S.F. 100

Hanson of Delaware
Cataldo of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 12:26 a.m., until 10:00 a.m., Wednesday, April 20, 1994.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day — Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 20, 1994

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

Prayer was offered by the Honorable Jim Meyer, state representative from Sac County.

The Journal of Tuesday, April 19, 1994 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 20, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2433, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa.

Also: That the Senate has on April 20, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 2435, a bill for an act relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property, or building new flood control barriers or facilities within a city, and providing an effective date.

Also: That the Senate has on April 18, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2282, a bill for an act relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state.

Also: That the Senate has on April 19, 1994, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2300, a bill for an act requiring the environmental protection commission to codify the special waste authorization program and relating to solid waste.

Also: That the Senate has on April 19, 1994, 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 relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

JOHN F. DWYER, Secretary

ADOPTION OF HOUSE RESOLUTION 112

Boddicker of Cedar called up for consideration House Resolution 112, a resolution requesting that the Iowa Division of Insurance determine the status of the Christian Brotherhood Newsletter, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 111

Metcalf of Polk called up for consideration Senate Concurrent Resolution 111, a concurrent resolution urging the passage by the United States Congress of S—1825, the Tax Fairness for Main Street Business Act of 1994 or similar legislation and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 111** be immediately messaged to the Senate.

The House stood at ease at 10:30 a.m., until the fall of the gavel.

The House resumed session at 11:40 a.m., Speaker Van Maanen in the chair.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2415)

Metcalf of Polk called up for consideration the report of the conference committee on House File 2415 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2415

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 2415, a bill for an Act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H—6069.
2. That House File 2415, 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. There is appropriated from the general fund of the state and other designated funds to the department of economic development for the fiscal year beginning July 1, 1994, and ending June 30, 1995, on the condition that the department shall not use any moneys appropriated under this Act for further expansion of industrial site locator programs until the industrial site locator program at the university of northern Iowa is completed and fully implemented and the department and the university have reported to the general assembly on plans for coordination and cooperation between the department and the university, including access by the department to the database and technology of the university program, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, for providing that a business receiving moneys from the department for the purpose of job creation shall make available ten percent of the new jobs created for promise jobs program participants, who are qualified for the jobs created, and for providing a written report to the joint economic development appropriations subcommittee and the legislative fiscal bureau not later than January 15, 1995, regarding the structure of or plans to implement an advertising sales program:

.....	\$	892,000
.....	FTEs	22.00

The director shall coordinate efforts with the workforce coordinator to implement the intent of the general assembly regarding businesses receiving job creation moneys and shall report to the joint economic development appropriations subcommittee regarding the number of jobs to be created by each business, the number of qualified promise jobs participants applying with the business, and the number of promise jobs participants hired.

b. Primary research and computer center

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	326,000
.....	FTEs	5.50

c. Film office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	185,000
.....	FTEs	2.00

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,000,000
.....	FTEs	16.00

b. Small business programs

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the small business program, the small business advisory council, targeted small business program, business incubators, for providing 1.00 FTE for the targeted small business compliance officer who shall continue to work jointly with the department of management, and for deaf interpreters funded through the economic development deaf interpreters revolving fund established in section 15.108, subsection 7, paragraph "j":

.....	\$	380,000
.....	FTEs	6.50

The department shall report to the joint economic development appropriations subcommittee and the legislative fiscal bureau regarding the utilization of the deaf interpreters by January 15, 1995, and the department shall coordinate with the division of deaf services in the provision of deaf interpreter services.

c. Federal procurement office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	98,000
.....	FTEs	3.00

Notwithstanding section 8.33, moneys remaining unencumbered or unobligated on June 30, 1995, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1995, for the same purposes.

d. Strategic investment fund

For deposit in the strategic investment fund for salaries, support, and for not more than the following full-time equivalent positions:

.....	\$	5,649,000
.....	FTEs	10.00

e. Targeted small business incubator

For transfer directly to the targeted small business incubator in Des Moines, for computer equipment and other equipment, for the fiscal year beginning July 1, 1994, and ending June 30, 1995:

.....	\$	10,000
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Moneys appropriated for fiscal year 1994 and not expended by June 30, 1994, shall not revert but shall be held by the department for funding, with local matching funds, the targeted small business incubator in Des Moines for the fiscal year beginning July 1, 1994, and ending June 30, 1995:

.....	\$	40,000
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There is appropriated from the general fund of the state and other designated funds to the department of economic development for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary to be used for funding, with local matching funds, the targeted small business incubator in Des Moines:

.....	\$	40,000
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f. Insurance economic development

There is appropriated from moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, to the department for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, for insurance economic development and international insurance economic development:

.....\$ 200,000

3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

a. Community assistance

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration of the community economic preparedness program, the Iowa community betterment program, and the city development board:

.....\$ 571,000
.....FTEs 7.50

b. Main street/rural main street program

For salaries and support for not more than the following full-time equivalent positions:

.....\$ 375,000
.....FTEs 3.00

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

c. Rural development program

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions for rural resource coordination, rural community leadership, and the rural enterprise fund:

.....\$ 422,000
.....FTEs 4.50

There is also appropriated from the rural community 2000 program revolving fund established in section 15.287 to the rural development program for the purposes of the program including the rural enterprise fund and collaborative skills development training:

.....\$ 226,000

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state or through transfers from the Iowa community development loan fund or from the rural community 2000 program revolving fund that remain unexpended at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

d. Community development block grant and HOME

For administration and related federal housing and urban development grant administration for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 380,000
.....FTEs 18.75

e. Councils of governments

There is appropriated from the rural community 2000 program revolving fund established in section 15.287 to provide to Iowa's councils of governments funds for planning and technical assistance funds to assist local governments to develop community development strategies for addressing long-term and short-term community needs:

.....\$ 178,000

4. INTERNATIONAL DIVISION

a. International trade operations

For conducting foreign trade missions on behalf of Iowa businesses, salaries, support, maintenance, miscellaneous purposes, for allocating \$100,000, or so much thereof as is necessary, to fund the United States midwest Japan conference, for allocating \$45,000 for marketing in Mexico, and for not more than the following full-time equivalent positions:

.....\$ 731,000
.....FTEs 7.00

b. Foreign trade offices

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 585,000

c. Export trade assistance program

For export trade activities, including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing for the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, provided that the department shall consult with the department of agriculture and land stewardship prior to allocating export trade assistance program moneys, including salaries and support for not more than the following full-time equivalent positions:

.....\$ 317,000
.....FTEs 0.25

d. Agricultural product advisory council

For support, maintenance, and miscellaneous purposes:

.....\$ 1,330

e. For transfer to the partner state program which the department may use to contract with private groups or organizations which are the most appropriate to administer this program and the groups and organizations participating in the program shall, to the fullest extent possible, provide the funds to match the appropriation made in this subsection of the funds transferred, and \$4,000 shall be used only to establish a partner state program with Vietnam:

.....\$ 100,000

If a partner state program has not been established with Vietnam by April 1, 1995, the department of management shall not disburse the \$4,000 allocated for that program.

f. For transfer to the Iowa peace institute for the purpose of continuing to expand conflict resolution and negotiation efforts in Iowa's schools and communities and reporting to the joint appropriations subcommittee on economic development by January 15, 1995, on all such activities undertaken:

.....\$ 96,000

g. For transfer to the international development foundation, on the condition that the foundation not pay for or reimburse the expenses of travel by members of the general assembly for any purpose, for the purposes of the foundation and reporting to the joint appropriations subcommittee on economic development by January 15, 1995, regarding actual and planned expenditures for fiscal year 1995:

.....\$ 200,000

Notwithstanding section 8.33, moneys that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for the purposes of the foundation during the succeeding fiscal year.

5. TOURISM DIVISION

a. Tourism operations

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, provided that the appropriation shall not be used for advertising placements for in-state and out-of-state tourism marketing:

.....\$ 710,000
.....FTEs 17.77

b. Tourism advertising

For contracting exclusively for tourism advertising for in-state and out-of-state tourism marketing services, tourism promotion programs, electronic media, print media, and printed materials:

.....\$ 2,437,000

The department shall not use the moneys appropriated in this lettered paragraph unless the department develops public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

c. Welcome center program

To implement the recommendations of the statewide long-range plan for developing and operating welcome centers throughout the state, to allocate \$100,000 to the Northwood welcome center, and for planning for a welcome center at living history farms:

.....\$ 350,000

It is the intent of the general assembly that the Northwood welcome center receive an additional \$50,000 in fiscal year 1995-1996.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

6. WORKFORCE DEVELOPMENT DIVISION

a. Youth work force programs

For purposes of the conservation corps, including salary, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	950,000
.....	FTEs	2.40

The department may combine for administrative and budget purposes the youth workforce conservation program and the Iowa corps program.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

b. Job retraining program

To the community college job training fund created in section 260F.6, including salaries and support for not more than the following full-time equivalent positions:

.....	\$	11,000
.....	FTEs	1.30

There is appropriated from the rural community 2000 program revolving fund established in section 15.287 to the community college job training fund created in section 260F.6, subsection 1, \$325,000. It is the intent of the general assembly that up to \$100,000 of all funds appropriated to the program and some or all of the full-time equivalent positions may be used for the administration of the Iowa small business new jobs training Act.

c. Workforce investment program

For allocating \$450,000 for funding, to the extent possible, the currently existing high technology apprenticeship programs under section 260C.44 at the community colleges, and for the purposes of the workforce investment program, for a competitive grant program by the department in consultation with the state job training coordinating council for projects that increase Iowa's pool of available labor via training and support services with priority given to projects which serve displaced homemakers or welfare recipients, including salaries and support for not more than the following full-time equivalent positions:

.....	\$	926,000
.....	FTEs	0.90

It is the intent of the general assembly that for the fiscal year beginning July 1, 1995, and for subsequent years, apprenticeships shall only be made available to community colleges on the basis of rules adopted by the department of economic development.

The department shall ensure that the workforce investment program is coordinated with services provided under the federal Job Training Partnership Act and that welfare recipients receive priority for services under both programs.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended at the end of the fiscal year, shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

d. Labor management councils

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	114,000
.....	FTEs	0.50

The department shall not use moneys appropriated in this lettered paragraph for grants to grantees who do not facilitate the active participation of labor as members of labor management councils or who fail to make a good faith effort to either schedule meetings during nonworking hours or obtain voluntary agreements with employers to allow employees time off to attend labor management council meetings with no loss of pay or other benefits.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

Sec. 2. Notwithstanding section 15E.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund from the moneys available during the fiscal year beginning July 1, 1994, and ending June 30, 1995, to the department of economic development for the rural development program to be used by the department for the purposes of the program.

Sec. 3. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund created in the office of the treasurer of state to the department of economic development for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For administration of chapter 260E, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	150,000
.....	FTEs	2.40

2. For the target alliance program:

.....	\$	30,000
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3. Youth work force programs:

.....	\$	50,000
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4. All moneys in the job training fund not appropriated in subsections 1, 2, and 3 shall be used for job training and retraining programs under section 260F.6:

Sec. 4. There is appropriated from the general fund of the state to the Wallace technology transfer foundation for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes, for administering the industrial technology access program, for approving and submitting to the governor and general assembly not later than January 15 an annual report relating to performance goals of and efforts by the foundation to improve the modernization of industrial facilities, for funding the small business innovation research program, for

transferring \$50,000 of the funds appropriated in this section to the Iowa quality coalition for productivity enhancement projects, and for allocating \$350,000 to the industrial technology assistance program and for not more than the following full-time equivalent positions:

.....	\$	2,000,000
.....	FTEs	4.00

Sec. 5. There is appropriated from the general fund of the state to the Iowa seed capital corporation fund established in section 15E.89, for not more than the following full-time equivalent positions:

.....	\$	853,000
.....	FTEs	5.00

Sec. 6. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For funding and maintaining in their current locations the existing small business development centers, \$60,000 for establishing a new small business development center, and for using \$38,000 or so much thereof as is necessary for salary increases of up to four percent for non-Iowa state university employees:

.....	\$	1,139,000
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2. For funding the institute for physical research and technology:

.....	\$	3,900,000
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It is the intent of the general assembly that the incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology industrial incentive program shall only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university shall report annually to the joint economic development subcommittee of the senate and house appropriations committees the total amounts of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated for any fiscal year which remain unobligated and unexpended at the end of the fiscal year shall not revert but shall be available for expenditure the following fiscal year and the appropriation for the incentive program for the following year shall be reduced by an equal amount.

Sec. 7. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For funding the advanced drug development program at the Oakdale research park:
 \$ 491,389

The board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the chairpersons of the joint appropriations subcommittee on economic development, the joint appropriations subcommittee on education, the majority leader, and minority leader of the senate, the majority and minority leaders of the house of representatives, the secretary of the senate, the chief clerk of the house of representatives, and the legislative fiscal bureau by November 1, 1994.

Sec. 8. Notwithstanding section 8.33, moneys appropriated to the department of economic development in 1993 Iowa Acts, chapter 180, section 66, and remaining unspent as of June 30, 1994, shall not revert, but shall remain available for expenditure for the purposes set out in 1993 Iowa Acts, chapter 180, section 66.

Sec. 9. Not later than July 1, 1995, the department of economic development, with consultation and input from the general assembly, and representatives from business, labor, and education shall study and present recommendations to the general assembly which shall include but not be limited to the privatization and decentralization of Iowa's economic development efforts, the identification of areas appropriate to statewide economic development efforts and areas appropriate for regional economic development efforts, benchmark budgeting for statewide and regional efforts, the deregulation of economic development activities, and collaboration between public and private entities.

Sec. 10. 1993 Iowa Acts, chapter 167, section 3, subsection 3, is amended to read as follows:

3. For the workforce coordinator:

..... \$ 73,000
 FTEs 1.00

Any funds allocated for salary and benefits for the workforce coordinator, and not expended on June 30, 1994, shall not revert, notwithstanding section 8.33, but shall be carried forward and be available for use for the workforce coordinator during the succeeding year.

Sec. 11. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the housing improvement fund created in section 16.100 for purposes of the fund:
 \$ 400,000

Sec. 12. There is appropriated from the deaf interpreters revolving fund established in section 15.108, subsection 7, paragraph "j", to the strategic investment fund for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount:
 \$ 40,000

Sec. 13. Section 12.43, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A preference shall be given to those persons who are less able than other persons to secure funds for a targeted small business without participation in the targeted small business linked investment program.

Sec. 14. Section 15.318, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 16. In cases where projects being reviewed at the same time are given equivalent ratings under subsections 1 through 15, preference in funding shall be given to the project which is located in the county which has the highest percentage of low-and-moderate-income individuals. If the projects are located in the same county, preference in funding shall be given to the project which is located in the city which has the highest percentage of low-and-moderate-income individuals.

Sec. 15. Section 15E.81, Code 1993, is amended to read as follows:

15E.81 TITLE.

This division may be cited as the "Iowa Product Development Seed Capital Corporation Act".

Sec. 16. Section 15E.82, subsections 1, 2, and 5, Code 1993, are amended to read as follows:

1. "Board" means the board of directors of the Iowa product development seed capital corporation.

2. "Corporation" means the Iowa product development seed capital corporation.

5. "President" means the president of the Iowa product development seed capital corporation.

Sec. 17. Section 15E.83, Code 1993, is amended to read as follows:

15E.83 PRODUCT DEVELOPMENT SEED CAPITAL CORPORATION.

1. There is created a corporate body called the "Iowa product development corporation". The corporation is a quasi-public instrumentality and the exercise of the powers granted to the corporation in this division is an essential governmental function. The Iowa seed capital corporation shall be incorporated under chapter 504A. The purpose of the corporation shall be to provide seed capital to start-up and emerging growth companies in Iowa that are bringing new products and processes to the marketplace, and it shall be the goal of the corporation to financially support the establishment and growth of start-up and emerging growth companies that can contribute to the economic diversity of the state and provide general and specific economic benefits to the state. The corporation shall only provide seed capital or financial assistance to Iowa businesses. The corporation shall not be regarded as a state agency, except for purposes of chapters 17A and 69, and a member of the board is not considered a state employee, except for purposes of chapter 669. An individual employed by the corporation is a state employee for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefit plans and chapter 669. Chapters 8, 18, 19A, and 20 and other provisions of law that relate to requirements or restrictions dealing with state personnel or state funds do not apply to the corporation and any employees of the board or corporation except to the extent provided in this division. Chapters 21 and 22 shall apply to activities of the corporation and to employees of the board or corporation except to the extent provided in this division.

2. The corporation shall be governed by a board of seven directors who shall serve a term of four years. Each term shall begin and end as provided in section 69.19. No more than a simple majority of the members of the board shall belong to the same political party as provided in section 69.16. Of the seven directors, four shall be persons experienced in business finance and employed at a bank or other financial institution, be a certified public accountant, be an attorney, or be a licensed stockbroker.

Each director shall serve at the pleasure of the governor and shall be appointed by the governor, subject to confirmation by the senate pursuant to section 2.32. A director is eligible for reappointment. A vacancy on the board of directors shall be filled in the same manner as an original appointment. For the initial appointments to the board of directors, the governor shall appoint three members whose terms shall commence upon appointment and shall expire April 30, 1985, and four members whose terms shall commence upon appointment and shall expire April 30, 1987.

3. The board of directors shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary. Members shall be reimbursed for necessary expenses incurred in the performance of duties from funds appropriated to the Iowa department of economic development corporation.

4. Each director of the corporation shall take an oath of office and the record of each oath shall be filed in the office of the secretary of state.

5. The corporation shall receive information and cooperate with other agencies of the state and the political subdivisions of the state.

6. The corporation shall be a part of the Iowa department of economic development which shall provide all staff and administrative assistance. The corporation shall submit to the department for its approval all plans, programs, initiatives and budgets.

Sec. 18. Section 15E.86, Code 1993, is amended to read as follows:

15E.86 PRESIDENT.

The director of the department of economic development board shall appoint employ a president of the corporation who shall serve at the pleasure of the director board and shall receive the compensation determined by the director board. The president is a state employee. The president shall not be a member of the board of directors. The president is the chief administrative and operational officer of the corporation and shall direct and supervise the administrative affairs and the general management of the corporation subject to the direction and oversight of the director board. The president may employ other employees as designated by the board. The president shall provide copies of all minutes, documents, and other records of the corporation and shall provide a certificate which attests to truthfulness of the copies, if requested. Persons dealing with the corporation may rely upon the certificates. The president shall keep a record of all proceedings, documents, and papers filed with the corporation.

Sec. 19. Section 15E.87, subsection 1, Code 1993, is amended to read as follows:

1. To have perpetual succession as a corporate body and to adopt bylaws, policies, and procedures for the regulation of its affairs and conduct of its business consistent with the purposes of this division.

Sec. 20. Section 15E.87, subsection 4, Code 1993, is amended by striking the subsection.

Sec. 21. Section 15E.87, subsection 7, Code 1993, is amended to read as follows:

7. To employ assistants, agents, and other employees who shall be state employees and to engage consultants, attorneys, and appraisers as necessary or desirable to carry out the purposes of the corporation.

Sec. 22. Section 15E.88, Code 1993, is amended to read as follows:

15E.88 APPLICATIONS FOR FINANCIAL AID.

1. Applications for financial aid shall be forwarded, together with an application fee prescribed by the corporation, to the president of the corporation. The president, after preparing the necessary records for the corporation, shall forward each application to the staff of the corporation, for an investigation and report concerning the advisability of approving the financial aid for the company and concerning any other factors found relevant by the corporation. The investigation and report shall include but are not limited to the following:

a. The history of the applicant, its wage standards, job opportunities, and stability of employment.

b. The extent of the applicant's dependence on agriculture.

c. The applicant's past, present, and future financial condition and structure.

d. The applicant's pro-forma income statements.

e. The present and future market prospects for the product.

f. The feasibility of the proposed project or invention to be given financial aid and the integrity of management.

g. The state of the project's development.

2. After receipt and consideration of the report and any other action the corporation finds necessary, the corporation shall approve or deny the application. The president shall promptly notify an applicant by certified mail of the disposition of its application. The corporation shall give priority to those applicants whose business is agriculture related or whose business is located in an area which the corporation determines has been severely adversely affected by depressed agricultural prices and whose proposed product or invention is to be used to convert all or a portion of the business to nonagriculture-related industrial or commercial activity or to create a new nonagriculture-related industrial or commercial business.

1. Applications for financial aid shall be received and considered by the corporation pursuant to rules adopted by the board pursuant to chapter 17A.

§ 2. Notwithstanding the requirements of chapter 21, relating to open meetings, and chapter 22, relating to examination of public records, the corporation shall keep as confidential those items on the application for financial aid that the applicant has specifically requested to be held in confidence. These items shall remain confidential until the applicant says otherwise or the corporation determines the items no longer need to be held confidential.

Sec. 23. Section 15E.89, Code Supplement 1993, is amended to read as follows:

15E.89 IOWA PRODUCT DEVELOPMENT SEED CAPITAL CORPORATION FUND.

1. There is created an "Iowa product development seed capital corporation fund". All funds of the corporation including the proceeds from the issuance of notes or sale of bonds under this division, any funds appropriated to the corporation, and income derived from other sources from the exercise of powers granted to the corporation

under this division shall be paid into the Iowa product development seed capital corporation fund notwithstanding section 12.10. The money in the Iowa product development seed capital corporation fund, except moneys held by a trustee or a depository pursuant to a bond resolution or indenture relating to the issuance of bonds or notes pursuant to section 15E.90 or 15E.91, shall be paid out on the order of the person authorized by the corporation. The money in the Iowa product development seed capital corporation fund shall be used for repayment of notes and bonds issued under this division and the extension of financial aid granted by the corporation under this division, and the amount remaining may be used for the payment of the administrative and overhead costs of the corporation to the extent required. There is also created in the Iowa product development corporation fund an Iowa technology assistance program account, which shall provide seed capital for the commercialization of products, or the development of processes or materials through research at Iowa colleges and universities or by private industry.

2. Notwithstanding section 8.33, no part of the Iowa product development corporation this fund shall revert at or after the close of a fiscal year unless otherwise provided by the general assembly, but shall remain in the fund and appropriated for the purposes of this division. The board shall seek to repay the state for appropriations by recommending to the general assembly reversions from income received from successful ventures. The board shall recommend such action at any time when the revenue available to the board is deemed sufficient to continue existing operations.

3. Upon dissolution of the corporation, all remaining moneys in the Iowa seed capital corporation fund, as well as the net proceeds realized by the corporation through the liquidation of the assets of the corporation, shall revert to the state.

Sec. 24. Section 15E.90, Code 1993, is amended to read as follows:

15E.90 PRODUCT DEVELOPMENT SEED CAPITAL CORPORATION FUND
NOTES.

The corporation may issue Iowa product development seed capital corporation fund notes, the principal and interest of which shall be payable solely from the Iowa product development seed capital corporation fund established by this division. The fund notes of each issue shall be dated, shall mature at such times and may be made redeemable before maturity, at prices and under terms and conditions as determined by the corporation. The corporation shall determine the form and manner of execution of the fund notes, including any interest coupons to be attached, and shall fix the denominations and the places of payment of principal and interest, which may be any financial institution within or without the state or any agent, including the lender. If an officer whose signature or a facsimile of whose signature appears on fund notes or coupons ceases to be that officer before the delivery of the notes or coupons, the signature or facsimile is valid and sufficient for all purposes the same as if the officer had remained in office until delivery. The fund notes may be issued in coupon or in registered form, or both, as the corporation determines, and provision may be made for the registration of coupon fund notes as to principal alone and also as to both principal and interest, and for the conversion into coupon fund notes of any fund notes registered as to both principal and interest, and for the interchange of registered and coupon fund notes. Fund notes shall bear interest at rates as determined by the corporation and may be sold in a manner, either at public or private sale, and for a price as the corporation determines to be best to effectuate the purposes of the Iowa product development seed capital corporation fund. The proceeds of fund notes shall be used

solely for the purposes for which issued and shall be disbursed in a manner and under restrictions as provided in this division and in the resolution of the corporation providing for their issuance. The corporation may provide for the replacement of fund notes which become mutilated or are destroyed or lost.

Sec. 25. Section 15E.92, Code Supplement 1993, is amended to read as follows:

15E.92 REPORTING AND FUND SOLVENCY.

The chairperson of the corporation on or before December 31 of each fiscal year shall make and deliver a report to the governor and the legislative fiscal committee. The report shall include all transactions conducted by the corporation in the preceding fiscal year. The report shall also include a balance sheet outlining the financial solvency of the Iowa product development seed capital corporation fund, a certified copy of any audits of the corporation conducted in the preceding fiscal year, and other information requested by the governor or the legislative fiscal committee.

Sec. 26. Section 15E.152, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Establishment of a seed capital fund which shall be administered by the board to provide seed capital for the commercialization of product, or the development of processes or materials through research at Iowa colleges and universities or by private industry.

Sec. 27. Section 38.3, Code 1993, is amended to read as follows:

38.3 NONPROFIT CORPORATION.

The institute as a corporation has perpetual succession until the existence of the corporation is terminated by law. If the corporation is terminated, the rights and properties of the corporation shall pass to the state. However, debts and other financial obligations shall not succeed to the state.

Sec. 28. Section 428A.8, unnumbered paragraph 1, Code 1993, is amended to read as follows:

On or before the tenth day of each month the county recorder shall determine and pay to the treasurer of state eighty-two and three-fourths percent of the receipts from the real estate transfer tax collected during the preceding month and the treasurer of state shall deposit ninety-five percent of the receipts in the general fund of the state and transfer five percent of the receipts to the Iowa finance authority for deposit in the housing improvement fund created in section 16.100.

Sec. 29. 1992 Iowa Acts, chapter 1244, section 1, subsection 2, paragraph e, as amended by 1993 Iowa Acts, chapter 180, section 46, is amended to read as follows:

e. Small business investment company capitalization

For transfer to the treasurer of state for the purpose of facilitating the organization and private capitalization of the small business investment company or other entity under sections 15E.169 through 15E.171. If the small business investment company or another entity for which the funds are to be used is not organized within twenty-four thirty-six months of the effective date of this Act, unused funds shall revert to the general fund of the state:

.....\$ 200,000

The Iowa business investment corporation established pursuant to section 15E.169 is directed to develop a proposal, to be presented to the general assembly no later than January 9, 1995, for a venture capital company to facilitate the development of Iowa small businesses. The proposal shall include recommendations relating to the organization, capitalization, consolidation, and coordination of programs or initiatives intended to facilitate investments in seed and venture capital for Iowa small businesses.

Sec. 30. LEASE-PURCHASE – BUDGET SUBMISSION. This section applies to each state agency receiving an appropriation in this Act. The departmental estimate required under section 8.23 for the fiscal period beginning July 1, 1995, which includes the state agency, shall provide an itemized list indicating the nature and amount of each lease-purchase contract payment included in the estimate for proposed contracts which have not been reported by the state agency to the legislative fiscal committee of the legislative council pursuant to section 8.46 prior to the submission of the estimate. The governor shall include in the governor's budget for the fiscal year beginning July 1, 1995, a listing indicating the nature and amount of each lease-purchase contract which was itemized in a departmental estimate in accordance with this section and is included in the governor's budget. A state agency receiving an appropriation in this Act shall not enter into a lease-purchase contract during the fiscal year beginning July 1, 1995, unless the contract was itemized in a departmental estimate and included in the governor's budget in accordance with this section.

Sec. 31. BUDGET UNIT DESIGNATIONS. The department of management shall, prior to January 15, 1995, conform all budget unit designations to the designations used in the Code.

Sec. 32. Chapter 38, Code 1993, is repealed, effective July 1, 1995."

ON THE PART OF THE HOUSE:

JANET METCALF, Chair
RON CORBETT
PAT GILL
MICHAEL MORELAND
CHRISTOPHER RANTS

ON THE PART OF THE SENATE:

TONY BISIGNANO, Chair
LARRY MURPHY
JIM RIORDAN

The motion prevailed and the report was adopted.

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?" (H.F. 2415)

The ayes were, 92:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Brammer	Brand	Branstad	Brauns
Burke	Carpenter	Cataldo	Churchill
Cohoon	Corbett	Daggett	Dickinson
Dinkla	Doderer	Drake	Eddie
Fogarty	Gill	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg

Hahn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harper	Haverland
Henderson	Hester	Holveck	Houser
Hurley	Iverson	Jochum	Kistler
Klemme	Koenigs	Kreiman	Larkin
Larson	Lundby	Martin	May
McCoy	McKinney	McNeal	Mertz
Metcalf	Meyer	Millage	Miller
Moreland	Mundie	Murphy	Myers
Nelson	Neuhauser	O'Brien	Ollie
Osterberg	Peterson	Plasier	Rants
Renaud	Renken	Royer	Running
Schrader	Shoultz	Siegrist	Spenner
Tyrrell	Vande Hoef	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Van Maanen

The nays were, 6:

Boddicker	Brunkhorst	Ertl	Fallon
Garman	Halvorson, R. A.		

Absent or not voting, 2:

Connors	Rafferty
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2415** be immediately messaged to the Senate.

Mertz of Kossuth in the chair at 12:15 p.m.

Speaker Van Maanen in the chair at 12:28 p.m.

PRESENTATION TO RETIRING MEMBERS

Halvorson of Clayton and Doderer of Johnson 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 to the following members:

Bob Arnould, District 44	1978-1994	17 years
Jack Beaman, District 91	1987-1994	8 years
Linda L. Beatty, District 89	1985-1994	10 years
Dennis H. Black, District 58	1983-1994	12 years
Dorothy F. Carpenter, District 74	1981-1994	14 years
Rick Dickinson, District 34	1991-1994	4 years
Daniel P. Fogarty, District 8	1983-1994	12 years
Patrick F. Gill, District 2	1991-1994	4 years

Rodney N. Halvorson, District 13	1979-1994	16 years
Johnie Hammond, District 61	1983-1994	12 years
Steven D. Hansen, District 1	1987-1994	8 years
Darrell R. Hanson, District 27	1979-1994	16 years
Joan L. Hester, District 82	1985-1994	10 years
Stewart Iverson, Jr., District 17	1990-1994	5 years
Robert L. Kistler, District 94	1989-1994	6 years
Clark E. McNeal, District 18	1991-1994	4 years
Thomas H. Miller, District 9	1985-1994	10 years
Mary Neuhauser, District 46	1987-1994	8 years
David Osterberg, District 50	1983-1994	12 years
Michael K. Peterson, District 80	1985-1994	10 years
Lee J. Plasier, District 5	1987-1994	8 years
Robert L. Rafferty, District 42	1991-1994	4 years
Dennis L. Renaud, District 66	1981-1994	14 years
Bill D. Royer, District 87	1983-1994	12 years
Gregory A. Spenner, District 97	1989-1994	6 years

The House rose and expressed its appreciation.

Minority Leader Bob Arnould, Majority Leader Brent Siegrist and House Speaker Harold Van Maanen were invited to the Speaker's station for special presentation.

Halvorson of Clayton and Doderer of Johnson, 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-fifth General Assembly.

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 20, 1994, adopted the conference committee report and passed House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1994, adopted the second conference committee report and passed Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

Also: Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1994, 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 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie the House was recessed at 12:52 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Van Maanen in the chair.

The House stood at ease at 2:28 p.m., until the fall of the gavel.

The House resumed session at 2:45 p.m., Speaker Van Maanen in the chair.

ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE

(Senate File 2314)

Corbett of Linn called up for consideration the report of the second conference committee on Senate File 2314 and moved the adoption of the second conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2314

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2314, a bill for an Act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6278.
2. That the House recedes from its amendment, S-5654.
3. That Senate File 2314, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 2, line 11, by striking the figure "3,700,175" and inserting the following: "3,715,675".
 2. Page 2, line 12, by striking the figure "121.00" and inserting the following: "122.50".
 3. Page 2, by inserting after line 12 the following:

"Of the moneys appropriated and the FTEs allocated pursuant to this lettered paragraph, an additional \$15,500 and 1.5 additional FTEs shall be allocated for purposes of supporting meat and poultry inspections as provided in chapter 189A."

4. Page 2, by inserting after line 30 the following:

"Of the amount appropriated under this paragraph "a", \$160,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators."

5. Page 4, by striking lines 18 through 22.

6. Page 4, by striking lines 29 through 33.

7. Page 5, line 33, by striking the figure "198,750" and inserting the following: "188,750".

8. Page 7, line 8, by striking the figure "1,852,012" and inserting the following: "1,827,012".

9. Page 7, line 32, by striking the figure "1,797,940" and inserting the following: "1,922,940".

10. By striking page 7, line 34 through page 8, line 5.

11. Page 8, line 6, by striking the figure "279,000" and inserting the following: "404,000".

12. Page 11, line 24, by striking the figure "266.39C" and inserting the following: "266.39D".

13. Page 12, line 20, by striking the figure "900,000" and inserting the following: "800,000".

14. Page 13, by inserting after line 7 the following:

"Sec. _____. TRANSFER — AIR QUALITY. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, the department of natural resources may transfer up to \$281,000 from the hazardous substance remedial fund to support purposes related to carrying out the duties of the commission under section 455B.133, or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II."

15. Page 13, by inserting after line 8 the following:

"Sec. _____. DEPARTMENTAL STUDY — COMMERCIAL WEIGHING AND MEASURING DEVICES. The department of agriculture and land stewardship shall study its licensing structure for the inspection of commercial weighing and measuring devices, including fees required to be paid by licensees pursuant to section 214.3. The department shall examine the relationship between fees and the costs incurred in administration, regulation, and enforcement of provisions relating to the licensing of the devices. The department shall submit a report, including findings and recommendations, to the governor and the general assembly by January 9, 1995."

16. Page 13, by inserting after line 20 the following:

"Sec. _____. WIND EROSION CONTROL FUND. The department of agriculture and land stewardship shall use all unencumbered or unobligated moneys appropriated to the wind erosion control fund, and any moneys which have been credited to the division of soil conservation of the department of agriculture and land stewardship for purposes of planting and maintaining wind erosion control barriers, as originally provided in 1978 Iowa Acts, chapter 1108, section 7, and subsequently amended, in order to carry out the original purposes. The department shall submit a report to

the secretary of the senate and chief clerk of the house not later than January 2, 1995. The report shall explain actual and planned expenditures of the moneys."

17. Page 13, by striking lines 22 through 35 and inserting the following: "revenue and finance in cooperation with each appropriate agency shall track receipts to the general fund which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund, as provided in section 8.60.

The department of revenue and finance and each appropriate agency shall prepare".

18. Page 14, by inserting after line 4 the following:

"Sec. _____. STUDY REQUESTED. The legislative council is requested to establish a study committee to examine animal agriculture in this state, and its impact upon the environment and nonagricultural uses of land."

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

"Sec. _____. LEASE-PURCHASE - BUDGET SUBMISSION. This section applies to each state agency receiving an appropriation in this Act. The departmental estimate required under section 8.23 for the fiscal period beginning July 1, 1995, which includes the state agency, shall provide an itemized list indicating the nature and amount of each lease-purchase contract payment included in the estimate for proposed contracts which have not been reported by the state agency to the legislative fiscal committee of the legislative council pursuant to section 8.46 prior to the submission of the estimate. The governor shall include in the governor's budget for the fiscal year beginning July 1, 1995, a listing indicating the nature and amount of each lease-purchase contract which was itemized in a departmental estimate in accordance with this section and is included in the governor's budget. A state agency receiving an appropriation in this Act shall not enter into a lease-purchase contract during the fiscal year beginning July 1, 1995, unless the contract was itemized in a departmental estimate and included in the governor's budget in accordance with this section."

20. By striking page 16, line 17 through page 17, line 13, and inserting the following:

"Sec. 200. SOIL CONSERVATION ASSISTANCE. There is appropriated from the unobligated and unencumbered moneys deposited or required to be deposited in the water protection practices account of the water protection fund established in section 161C.4 to the division of soil conservation within the department of agriculture and land stewardship for the fiscal period beginning July 1, 1993, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of providing interest-free loans to persons who receive assistance from the United States department of agriculture under the emergency conservation program:

..... \$500,000

The loans shall be made in order to provide any matching moneys required to be contributed by a person receiving assistance under the federal program. The division shall seek to cooperate with the soil conservation service in implementing this section. The moneys must be repaid to the water protection practices account within five years from the date that the moneys are loaned. Moneys which are unobligated or unencumbered on June 30, 1995, shall be credited back to the account. In administering these moneys, the department may contract, sue, and be sued, and adopt rules necessary to carry out the provisions of this section. However, the division shall not in any manner directly or indirectly pledge the credit of this state."

21. Page 18, by striking lines 13 through 33.

22. Page 20, by inserting after line 21 the following:

"_____. The division shall maintain records regarding each award of financial incentives under this section, including the name of the person; the amount of the award; the location of the livestock manure management system established with financial incentive moneys; and whether the person is a family farm corporation, family farm limited partnership, family trust, or a family farm limited liability company."

23. Page 21, by striking line 9 and inserting the following:

"A person, including a corporation, limited liability company, or partnership, established on or after the effective date of this Act, other than either a".

24. Page 21, line 10, by striking the figure "496C," and inserting the following: "496C".

25. Page 21, line 14, by inserting after the word "chapter." the following: "However, this section shall not prohibit a person from owning an interest in real property or a building where a clinic is located, if veterinary medical services or a practice is conducted by the clinic by a professional corporation or a veterinarian licensed under this chapter."

26. Page 22, by inserting after line 27 the following:

"Sec. _____. Section 200.22, subsection 1, paragraph a, as enacted by 1994 Iowa Acts, Senate File 94, section 1, is amended to read as follows:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter 359 331, or any special purpose district.

Sec. _____. Section 206.34, subsection 1, paragraph a, as enacted by 1994 Iowa Acts, Senate File 94, section 2, is amended to read as follows:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter 359 331, or any special purpose district.

Sec. _____. NEW SECTION. 214.4 TAGGING OF EQUIPMENT.

1. If the department does not receive payment of the license fee required pursuant to section 214.3 within one month from the due date, the department shall send a notice to the owner or operator of the device. The notice shall be delivered by certified mail. The notice shall state all of the following:

a. The owner or operator is delinquent in the payment of the required fee.

b. The owner or operator has fifteen days after receipt of the notice to pay the license fee required pursuant to section 214.3.

c. If the department does not receive payment of the license fee as required, the department may summarily tag and remove from service the commercial weighing and measuring device.

2. If the license fee is not received by the department within fifteen days after receipt of the notice by the owner or operator of the commercial weighing and measuring device, the department may tag and remove from service the device for which the license fee has not been paid."

27. Page 23, by inserting after line 7 the following:

"Sec. _____. Section 321.453, Code 1993, as amended by 1994 Iowa Acts, Senate File 2080, section 3, is amended by striking the section and inserting in lieu thereof the following:

321.453 EXCEPTIONS.

The provisions of this chapter governing size, weight, and load, and the permit requirements of chapter 321E do not apply to fire apparatus, to road maintenance equipment owned by or under lease to any state or local authority, to implements of husbandry temporarily moved upon a highway, to implements moved from farm site to farm site or between the retail seller and a farm purchaser within a one hundred mile radius from the retail seller's place of business, to indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser, to implements received and moved by a retail seller of implements of husbandry in exchange for an implement purchased, or to implements of husbandry moved for repairs, except on any part of the interstate highway system. A vehicle, carrying an implement of husbandry, which is exempted from the permit requirements under this section shall be equipped with an amber flashing light under section 321.423, shall be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset.

Sec. _____. Section 455A.18, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 12C.7, interest or earnings on investments or time deposits of the moneys in the Iowa resources enhancement and protection fund or any of its accounts shall be credited to the Iowa resources enhancement and protection fund."

28. Page 23, by striking lines 8 through 16.

29. Page 24, by striking lines 5 through 33 and inserting the following:

"2. The commission shall adopt fees as required pursuant to section 455B.105 for permits required for public water supply systems as provided in sections 455B.174 and 455B.183. Fees paid pursuant to this section shall not be subject to the sales or services tax. The fees shall be for each of the following:

a. The construction, installation, or modification of a public water supply system. The amount of the fees may be based on the type of system being constructed, installed, or modified.

b. The operation of a public water supply system, including any part of the system. The fees may be based on the type and size of community served by the system. The commission shall adopt a fee schedule. The commission shall calculate all fees in the schedule to produce total revenues equaling four hundred seventy-five thousand dollars for the fiscal year beginning July 1, 1994, and ending June 30, 1995, seven hundred thousand dollars for the fiscal year beginning July 1, 1995, and ending

June 30, 1996, nine hundred thousand dollars for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and one million two hundred thousand dollars for each subsequent fiscal year. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, twenty-five thousand dollars shall be deposited in the administration account and four hundred fifty thousand dollars shall be deposited in the public water supply system account. For each subsequent fiscal year, one-half of the fees shall be deposited into the administration account and one-half of the fees shall be deposited into the public water supply system account. By May 1 of each year, the department shall estimate the total revenue expected to be collected from the overpayment of fees, which are all fees in excess of the amount of the total revenues which are expected to be collected under the current fee schedule, and the total revenue expected to be collected from the payment of fees during the next fiscal year. The commission shall adjust the fees if the estimate exceeds the amount of revenue required to be deposited in the fund pursuant to this paragraph."

30. Page 27, by striking line 2 and inserting the following:

"Sec. ____ . EFFECTIVE DATE. Sections 2, 22, 200, 25, 26, 39, 40, 41, 42,".

31. Title page, line 3, by inserting after the word "fees" the following: "and effective dates"."

32. By renumbering and relettering as necessary.

ON THE PART OF THE HOUSE:

RON CORBETT, Chair
SANDY GREINER
JAMES HAHN
DON SHOULTZ

ON THE PART OF THE SENATE:

LARRY MURPHY, Chair
BRAD BANKS
EMIL J. HUSAK
DERRYL McLAREN
BERL E. PRIEBE

The motion prevailed and the second conference committee report was adopted.

Corbett 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. 2314)

The ayes were, 57:

Arnould	Baker	Beaman	Bernau
Blodgett	Boddicker	Brand	Branstad
Brauns	Carpenter	Cataldo	Churchill
Corbett	Daggett	Dinkla	Drake
Eddie	Ertl	Fogarty	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harper	Hester	Houser	Kistler
Klemme	Martin	Mertz	Metcalf
Millage	Miller	Mundie	Murphy
Nelson	O'Brien	Osterberg	Plasier
Rants	Renaud	Renken	Royer

Shoultz	Siegrist	Spenner	Tyrrell
Vande Hoef	Weidman	Welter	Witt
Mr. Speaker			
Van Maanen			

The nays were, 42:

Beatty	Bell	Black	Brammer
Brunkhorst	Burke	Cohoon	Connors
Dickinson	Doderer	Fallon	Garman
Gill	Grubbs	Halvorson, R. N.	Hammond
Hansen, S. D.	Haverland	Henderson	Holveck
Hurley	Iverson	Jochum	Koenigs
Kreiman	Larkin	Larson	May
McCoy	McKinney	McNeal	Meyer
Moreland	Myers	Neuhauser	Ollie
Peterson	Rafferty	Running	Schrader
Weigel	Wise		

Absent or not voting, 1:

Lundby

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2314** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Corbett of Linn called up for consideration, **Senate File 2330**, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6333, to the House amendment as follows:

H-6333

- 1 Amend the House amendment, S-5759, to Senate File
- 2 2330, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 "_____. Page 5, by inserting after line 27 the
- 7 following:
- 8 "_____. To the department of natural resources for
- 9 deposit in the administration account of the water
- 10 quality protection fund created pursuant to section

- 11 455B.183A, as enacted in 1994 Iowa Acts, Senate File
- 12 2314:
- 13\$300,000”.
- 14 2. Page 1, by striking lines 20 through 23.
- 15 3. Page 1, by inserting before line 24 the
- 16 following:
- 17 “_____. Page 8, line 28, by striking the figure
- 18 “20,000” and inserting the following: “40,000”.
- 19 4. Page 1, by inserting after line 30 the
- 20 following:
- 21 “_____. Page 8, by inserting after line 32 the
- 22 following:
- 23 “_____. To the department of economic development to
- 24 continue the funding for the promotion of a national
- 25 heritage landscape in Iowa as provided in 1993 Iowa
- 26 Acts, chapter 180, section 66:
- 27\$50,000”.
- 28 5. Page 1, by striking line 44 and inserting the
- 29 following:
- 30 “_____. Page 10, by inserting after line 15 the
- 31 following:
- 32 “Sec. 500. BOTTLE DEPOSIT SURCHARGE TRANSFER.
- 33 Notwithstanding the provisions of section 123.24,
- 34 subsection 5, and section 123.53, subsection 4,
- 35 providing for collection and deposit of liquor bottle
- 36 surcharge funds in the beer and liquor control fund
- 37 for liquor container disposal costs, up to \$380,000 of
- 38 the surcharge funds which remain unencumbered on July
- 39 1, 1993, shall be transferred and credited to the
- 40 general fund of the state.”
- 41 6. Page 1, by inserting after line 45 the
- 42 following:
- 43 “_____. Page 11, line 2, by inserting after the
- 44 figure “16,” the following: “500,”.
- 45 7. Page 1, by inserting after line 45 the
- 46 following:
- 47 “_____. Page 13, line 10, by striking the figure
- 48 “3,600,000” and inserting the following:
- 49 “3,700,000”.
- 50 8. Page 3, by inserting after line 2 the

Page 2

- 1 following:
- 2 “_____. Page 15, line 10, by inserting after the
- 3 word “each” the following: “soil and water
- 4 conservation”.
- 5 _____. Page 15, line 32, by inserting after the
- 6 word “partnership” the following: “if the partners
- 7 are actively engaged in farming as provided in this
- 8 paragraph”.
- 9 _____. Page 16, lines 3 and 4, by striking the

10 words "the subsequent fiscal year and" and inserting
11 the following: "subsequent fiscal years. However,".

12 _____. Page 16, line 5, by striking the figure
13 "1995" and inserting the following: "1996".

14 _____. Page 16, by inserting after line 7 the
15 following:

16 "_____. Notwithstanding 1994 Iowa Acts, Senate File
17 2314, if enacted, if any conflict exists between this
18 section and any provision in Senate File 2314, this
19 section shall prevail." "

20 9. Page 3, by inserting after line 6 the
21 following:

22 "_____. Page 18, by inserting after line 6 the
23 following:

24 "Sec. _____. APPROPRIATION – ASSOCIATE JUVENILE
25 JUDGE. There is appropriated from the general fund of
26 the state to the judicial department for the fiscal
27 year beginning July 1, 1994, and ending June 30, 1995,
28 the following amount, or so much thereof as is
29 necessary, to be used for the purpose designated:

30 For an additional associate juvenile judge for a
31 judicial district located in a county with a
32 population over two hundred twenty-five thousand,
33 including salaries, support, maintenance,
34 miscellaneous purposes, and for not more than the
35 following full-time equivalent positions:

36	\$	140,000
37	FTEs	2.75".

38 _____. Page 18, by striking lines 18 through 23."

39 10. Page 3, by striking lines 13 and 14.

40 11. Page 3, by inserting after line 49 the
41 following:

42 "_____. Page 20, by inserting after line 27 the
43 following:

44 "Sec. _____. NEW SECTION. 99F.4B RULES.

45 The department of inspections and appeals shall
46 cooperate to the maximum extent possible with the
47 division of criminal investigation in adopting rules
48 relating to the gaming operations in this chapter and
49 chapter 99D." "

50 12. Page 4, by striking lines 9 and 10.

Page 3

1 13. Page 4, by inserting before line 11 the
2 following:

3 "_____. Page 27, by inserting after line 17 the
4 following:

5 "Sec. 401. PARENTING PILOT PROJECT. The
6 department of education shall establish a four-year
7 pilot project in a county with a population of less
8 than thirty-five thousand inhabitants which provides

9 outreach and incentives for the voluntary
 10 participation of expectant parents and parents of
 11 children in the period of life from birth through age
 12 three, in educational experiences designed to assist
 13 parents in learning about the physical, mental, and
 14 emotional development of their children and to enhance
 15 the skills of the parents in assisting their
 16 children's learning and development. The department
 17 shall establish criteria for programs offered through
 18 the project, which may include, but are not limited
 19 to, the criteria established for family support
 20 programs under section 256A.4. The department shall
 21 report to the general assembly by January 15, 1998,
 22 regarding the success of the pilot project in meeting
 23 the goals established in this section.

24 Sec. 402. APPROPRIATION. There is appropriated
 25 from the general fund of the state to the department
 26 of education for the fiscal year beginning July 1,
 27 1994, and ending June 30, 1995, the following amount,
 28 or so much thereof as is necessary, to be used for the
 29 purpose designated:

30 For establishing a parent education pilot project
 31 under section 401 in a county with fewer than thirty-
 32 five thousand inhabitants:
 33\$50,000”

34 14. Page 4, by inserting after line 27 the
 35 following:

36 “_____. Page 27, line 31, by inserting after the
 37 figure “60,” the following: “401, 402,”.”

38 15. Page 4, by inserting after line 33 the
 39 following:

40 “_____. Page 27, line 34, by inserting after the
 41 figure “60,” the following: “401, 402,”.”

42 16. Page 4, by inserting after line 35 the
 43 following:

44 “_____. Page 30, by inserting after line 29 the
 45 following:

46 “Sec. _____. 1994 Iowa Acts, House File 2403,
 47 section 6, is repealed.””

48 17. Page 8, by inserting after line 18 the
 49 following:

50 “_____. Page 34, by inserting after line 19 the

Page 4

1 following:
 2 “Sec. _____. APPROPRIATION FOR THE DEPARTMENT OF
 3 PUBLIC SAFETY. There is appropriated from the general
 4 fund of the state to the department of public safety
 5 for the fiscal year beginning July 1, 1993, and ending
 6 June 30, 1994, the following amounts, in addition to
 7 the amounts appropriated pursuant to 1994 Iowa Acts.

8 Senate File 2217, or so much thereof as is necessary,
 9 to be used for the purposes designated:
 10 1. For salaries, support, maintenance,
 11 miscellaneous purposes and for not more than five
 12 full-time equivalent positions devoted to the
 13 regulation of pari-mutuel gambling, including the
 14 state contribution to the peace officers' retirement,
 15 accident, and disability system provided in chapter
 16 97A in the amount of 18 percent of the officers'
 17 salaries:
 18\$ 177,879

19 This appropriation is contingent upon passage of
 20 one or more referendums authorizing gambling games
 21 within the pari-mutuel racetrack enclosures.
 22 2. To the division of criminal investigation for
 23 salaries, support, maintenance, and miscellaneous
 24 purposes and for not more than five full-time
 25 equivalent positions, including the state contribution
 26 to the peace officers' retirement, accident, and
 27 disability system provided in chapter 97A in the
 28 amount of 18 percent of the officers' salaries:
 29\$ 129,486

30 Sec. ____ RACING AND GAMING COMMISSION. There is
 31 appropriated from the general fund of the state to the
 32 racing and gaming commission of the department of
 33 inspections and appeals for the fiscal year beginning
 34 July 1, 1993, and ending June 30, 1994, the following
 35 amount, or so much thereof as is necessary, to be used
 36 for the purposes designated:
 37 For salaries, support, maintenance, and
 38 miscellaneous purposes:
 39\$ 165,517

40 Notwithstanding the number of full-time equivalent
 41 positions authorized for the racing and gaming
 42 commission for fiscal year 1994-1995 in 1994 Iowa
 43 Acts, Senate File 2218, section 7, subsection 1, the
 44 number of full-time equivalent positions authorized
 45 for the commission in that fiscal year is 23.97.

46 Sec. ____ 1994 Iowa Acts, Senate File 2217,
 47 section 3, subsection 2, is amended by adding the
 48 following new unnumbered paragraph:
 49 NEW UNNUMBERED PARAGRAPH. The department of public
 50 safety, with the approval of the department of

Page 5

1 management, may employ up to one gaming enforcement
 2 officer for each riverboat existing on March 31, 1994,
 3 whose hours of operation exceed those hours in effect
 4 prior to March 31, 1994, and no more than two special
 5 agents and four gaming enforcement officers for each
 6 additional riverboat regulated on or after March 31,
 7 1994." "
 8 18. By renumbering, relettering, or redesignating
 9 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6333, to the House amendment.

Corbett of Linn 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. 2330)

The ayes were, 72:

Arnould	Baker	Beaman	Beatty
Bell	Bernau	Black	Blodgett
Boddicker	Brand	Branstad	Brauns
Burke	Carpenter	Cataldo	Cohoon
Connors	Corbett	Daggett	Dinkla
Drake	Eddie	Fogarty	Gipp
Greig	Greiner	Gries	Grundberg
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harper	Haverland	Hester
Holveck	Houser	Kistler	Koenigs
Larkin	Larson	Martin	May
McCoy	Mertz	Metcalf	Meyer
Millage	Miller	Mundie	Murphy
Myers	Nelson	Osterberg	Peterson
Plasier	Rafferty	Rants	Renaud
Renken	Royer	Schrader	Shultz
Siegrist	Spenner	Vande Hoef	Weidman
Weigel	Welter	Witt	Mr. Speaker Van Maanen

The nays were, 27:

Brammer	Brunkhorst	Churchill	Dickinson
Doderer	Ertl	Fallon	Garman
Gill	Grubbs	Hahn	Halvorson, R. N.
Henderson	Hurley	Iverson	Jochum
Klemme	Kreiman	McKinney	McNeal
Moreland	Neuhauser	O'Brien	Ollie
Running	Tyrrell	Wise	

Absent or not voting, 1:

Lundby

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2330** be immediately messaged to the Senate.

REMARKS BY MAJORITY LEADER SIEGRIST

Siegrist of Pottawattamie offered the following remarks:

Ladies and Gentlemen of the House:

We are finally at the point of the session I never thought we'd reach — GOING HOME! Given the problems facing us; a gubernatorial primary, the Minority Leader retiring, a total of 25 legislators retiring, and some 35 other legislators facing their 1st re-election, I wasn't sure any of us would survive this session.

However, with a great deal of hard work, cooperation, and some disagreement, we have accomplished a great deal.

All of us will be able to look back with pride on what we have accomplished this year; a juvenile justice bill, 750 additional prison beds, the elimination of the GAAP deficit with no new taxes, ICN, adoption, legislation to make our schools safer and movement to control our mental health costs at the local level.

But what I will remember most about this session is all of you. While I am proud of what we have done, especially our work on the budget problems facing our state, what I will remember about this year is all of you. As so many of us have said, we are all family here. All of us; legislators, staff, and pages make the Iowa House the special place that it is and allows us to do the good things we do.

To those of you who I may have offended this year, especially the last few days, I offer my apologies. I have tried my very best to be honest and open with each one of you. In my role as the Majority Leader of the Iowa House I have strived to always be fair in my dealings with each of you. Even on the tough days I have tried to approach my job with a sense of humor. After all, as one of my favorite philosophers, Jimmy Buffett, says, "If we couldn't laugh, we would all go insane." I hope that next year I will once again be able to stand before you as the Majority Leader. However, nothing in politics is ever certain and if I don't have the chance again, I will be able to truthfully say that these last two years have been the highlight of my life. To be able to say that I was the leader of this great body is, upon reflection, something I don't think I would ever have dreamed of. I thank all of you for having given me the privilege to serve in this capacity.

This year is certainly unique because one-fourth of the House members will be leaving on their own accord. I know that all 25 members of "our" family will be missed. I was elected in 1984 and came in with a class of 12. After today, only 2 will remain - Janet Metcalf and myself. So much for term limits.

Representative Spenner, next year when you are gone, I wonder who I will have to chase across the parking lot to see if maybe, pretty please, you might come back and vote with the other 50 of us. I certainly hope that this August I don't have to chase you across the parking lot in my tux to get you to the altar.

Representative Hester, when we began campaigning in 1984, I don't think anyone thought either one of us would win. I can't tell you how much I have enjoyed our give and take over the last 10 years. I will miss you and I wish you and Jack the best as you leave this place.

Representative Peterson, you and I came here 10 years ago young, single and without a care in the world. Now we're married, you have a family and you're running for Congress and I supposedly have some degree of power and responsibility. Is this a great country or what?

I still recall during our 2nd or 3rd session sitting in a whirlpool at the health club at 2:00 p.m. during session because nobody missed us when we were gone. After a decade in this House, I can't tell you how much I will miss your friendship, advice, and counsel. I will miss you and I plan on seeing you in Washington, D.C.

Mr. Arnould, after 17 years of service to this state, I know I can speak for all of us in saying, Thank you. You have truly served your district, this House and the people of Iowa well. You leave here knowing you have made a difference. I can't think of a better tribute than that.

Bob, what I appreciate the most was your willingness to work with me. As a rookie leader, you took the time to talk to me and offer advice. You were willing to put aside partisanship to try and help me with matters that affected this House. It was through those conversations that I really felt your love and respect for this institution. You will be missed.

A couple of people returning next year that I was fortunate to work closely with this year were Ron Corbett and Speaker Van Maanen.

It indeed shows that politics makes strange bedfellows when my friend, Pat Gill, a democrat has already said it best. Ron, your work these past two years has been outstanding. Some people claim that you exceeded all expectations. Ron, you just did what I knew you would do.

Mr. Speaker, for you, I'm sure this year has been, as Mr. Dickinson said last night, the best of times and the worst of times. Politically and personally, I know that you have been on a roller-coaster. I know it sounds a bit strange coming from a young pup like me, but I've been proud of how you have handled everything. You have been fair, honest, and overall a class act. I have thoroughly enjoyed working with you.

To the press: I think that you have been fair and I appreciate all of your help as we strive to tell Iowa what we do in this chamber. I appreciate all your hard work.

To the lobbyists, the same holds true. You have been fair in your dealings with me. We can't make everyone happy, but you have always been honest with me and I've tried to be the same with you. You certainly make this place run.

Finally, the people who really make this place work. To the members of both caucus staffs, the fiscal bureau, service bureau, all of the House staff, the doormen, the telephone operators, the pages, especially Richelle, our office page, and all of our clerks and assistants. Thank you, thank you, thank you. This place wouldn't last a day without all your help.

To Susan and Brian in my office, I can never thank you enough. I am so disorganized that if I didn't have Brian to run the office and make sure I'm always where I'm supposed to be, I would have a melt-down.

Susan, the bottom line is you run this place, not me. I always suspected that, but about two weeks ago I remember turning around in my chair and seeing five people lined up behind us. Only one of them wanted to see me. The other four were waiting for Susan. That will keep me from getting a big head. Thank you.

To Chuck Gipp, Dave Millage, Teresa Garman, and Bill Royer, the Assistant Majority Leaders, I want to thank you for all of your help. With only 51 members, I depended on you to keep our caucus together. Without your help and dedication, we would not be going home today.

To my fellow Republican colleagues, all I can say is we made it! A 51-49 split was difficult, but we got it done. I once again want to thank you for allowing me to be your leader. It has been an enriching experience.

As we leave here today, the thing that makes me feel the best is my knowledge that we all care about each other. I have no doubt that if I, or any member of the House ever needed something, that any or all of us would be there to help. We all share a common bond that will last forever. That is something very special.

I want to wish each of you a wonderful spring and summer. Go home and relax, be with your family and friends, and re-energize yourselves. I'm sure we will see each other again soon.

Best wishes and God Bless.

REMARKS BY MINORITY LEADER ARNOULD

Arnould of Scott offered the following remarks:

Someone said, "I've been rich and I've been poor and, let me tell you, rich is better." Well, it's better to be in the majority than in the minority, too. But I'm proud of this Democratic caucus and of the two years we have served as the loyal opposition.

It's been an interesting two years. From the outset the majority party announced its intention to focus on the state budget to the exclusion of many other issues. That's exactly what happened, and there's some good and some bad in that.

On one hand Democrats are pleased that the Republican majority worked within the spending restrictions which Democrats developed and enacted two years ago. We didn't make sure with your spending priorities, of course, and we fought vigorously to win more funding for schools, for juveniles and for the environment, and to a great extent we were successful. But the bottom line is that our spending limitation law works. That means two things: we should have better fiscal times in the future, and we don't need any constitutional spending limits.

The downside of this tunnel vision on the budget is that other important issues get neglected. Despite all the high expectations going into this session, we did very little to make sure more Iowans have access to affordable health care. We failed to move forward (and may have stepped back) on our commitment to protecting the environment. While legislation was passed which will help big businesses, the small businesses that create the most jobs were largely neglected. And while we resisted the temptation to tax them, we weren't aggressive in meeting the demands of our ever growing elderly population.

I told the majority party early on in this General Assembly that Democrats would cooperate when you looked for our help, and that Democrats would take you to task when you didn't. If the last two weeks of this session have proven anything it's that when you put partisanship aside and work together to resolve conflicts, you get more done in less time and you leave members of both caucuses feeling good about what we've done. Together, we did some good work on juvenile justice and on some budget items. That's an important lesson, one that I hope will carry over into next year.

I want to thank the members of my caucus and my assistant leaders for their help and cooperation these past two years. I am continually amazed by your energy and enthusiasm and ideas. You have been an excellent minority party and will make an even better majority party.

I want to thank the Republican leadership. Mr. Speaker, you have been a model presiding officer: fair, consistent and accommodating. It has been a pleasure to work with you. Mr. Siegrist, there are only a few of us in this room — Wayne McKinney, Roger Halvorson and I — who really know how tough it is to be the majority leader and none of us ever had just a 51-member majority. You did a fine job of working with what you had and I appreciate the friendship that we've shared.

I also want to thank the staff, Democrat and Republican, for your hard work, and special thanks to Liz Isaacson and the unsung people on her staff who do such a good job behind the scenes.

I have enjoyed working with you all and wish you every success in the future.

REMARKS BY SPEAKER VAN MAANEN

Speaker Van Maanen offered the following remarks:

Ladies and Gentlemen of the House:

During the past several days, we've heard many moving, often funny, farewell speeches from our retiring colleagues. Due to the fact that I plan to return in 1995, my remarks will be less sentimental and more matter of fact. Nonetheless, I feel a few brief comments are in order.

I am very pleased that we are ending our work in a timely manner, on the 101st day of a 100 day session. As we end the session, most members and staff are not staggering with exhaustion — although a certain group of conferees could dispute that point. And, above all, we will soon walk out of here in "same day" daylight. I can't overemphasize what this type of adjournment does for public confidence in the General Assembly, and for us as individual legislators.

We have done what we had to do, and what we said we would do. We've eliminated the deficit and we've put the state in position to begin paying its bills on time. We've put a firm, guiding hand on the future development of the Iowa Communications Network. We've provided law enforcement and school officials more effective tools in dealing with juvenile offenders, and provided the additional prison space needed to more safely confine their adult counterparts. We have launched a new initiative aimed at controlling counties' mental health costs. In addition, we've begun struggling with an economic development issue — state incentive packages — we've all heard about for years, because of a Canadian firm few in Iowa had ever heard of just months ago.

However, the legislature is more than just issues, it is people. As was the case in 1992, we are losing a significant percentage of our membership. While time does not permit me to mention everyone, I want to note that our departing colleagues include twenty-two committee or subcommittee leaders, who are taking with them almost two-and-a-half centuries of distinguished service to this House and this state.

While we are losing the talents of many dedicated colleagues, we do not have to lose your friendship. Please return to visit.

Despite this loss of talent, the Legislature somehow continues. First and second term legislators are quickly transformed into seasoned veterans, and new blood is elected to learn the ropes and give this institution the renewed vitality that is so important to Iowa.

That's one of the reason why the continuity that both our partisan and nonpartisan staff members provide us with is so important. I wish to especially thank Liz, Vivian, and Alyce, who have taught me that "in front of every successful man there should be three great women". Thanks also to Brent, our majority leader, who in my judgment has done an outstanding job as majority leader, a very difficult task, as many of you know who have served in a capacity similar to that. With that, Brent, I publicly say thank you for a job well done. Also to the assistant leaders, I want to express my thanks for the assistance you have given this office and this body. I would be remiss if I did not also publicly thank my staff, Bruce, Maryjo and Carrie; Warren, our caucus staff director, all our other staff, all the pages, especially Shelly and Kara, and everyone upstairs and in the back.

In closing I would just like to say that I hope I have earned at least a small amount of respect that this office demands. May God bless each one of you; I consider each one of you as a part of my family and I sincerely thank you for helping me to adjust to the tremendous loss of my beloved wife. Thank 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 20, 1994, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 116, a senate concurrent resolution to provide for adjournment sine die.

JOHN F. DWYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 116

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 116 as follows and moved its adoption:

- 1 Senate Concurrent Resolution 116
- 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 Wednesday, April 20,
- 7 1994, it be the final adjournment of the 1994 Regular
- 8 Session of the Seventy-fifth General Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 116** be immediately messaged to the Senate.

PRESENTATION OF VISITORS

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

Sixty fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Mrs. Oliver and Mrs. Jensen. By Carpenter and Grundberg of Polk.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA STATE CHILD DAY CARE ADVISORY COUNCIL

A Report on the Status of Child Care in Iowa, pursuant to Chapter 237A. 21, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- | | |
|----------|---|
| 1994/202 | Hugo and Jean Vander Veldon, Monroe — For the occasion of their 50th Wedding Anniversary. |
| 1994/203 | Vern and Ruth Harger, Newton — For the occasion of their 50th Wedding Anniversary. |
| 1994/204 | Terri Lutz, Adair-Casey High School — For being selected a State of Iowa Scholar. |
| 1994/205 | Amy Schnobrich, Adair-Casey High School — For being selected a State of Iowa Scholar. |
| 1994/206 | Ashley Kading, Adair-Casey High School — For being selected a State of Iowa Scholar. |

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 750

Ways and Means: Halvorson of Clayton, Chair; Dickinson, Doderer, Gries and Hanson of Delaware.

The House stood at ease at 4:27 p.m., until the fall of the gavel.

The House resumed session, Speaker Van Maanen 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 18, 1994, passed the following bill in which the concurrence of the Senate was asked:

House File 455, a bill for an act relating to placement of political yard signs on agricultural land, property leased to a corporation by a private individual, or property leased by a corporation to a private individual.

Also: That the Senate has on April 19, 1994, passed the following bill in which the concurrence of the House is asked:

Senate File 2065, a bill for an act relating to authorization of alternative forms of regulation for utilities providing communications services and providing an effective date.

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 20th day of April, 1994: House Files 121, 307, 455, 618, 642, 2049, 2149, 2155, 2204, 2286, 2323, 2337, 2350, 2352, 2366, 2376, 2377, 2383, 2410, 2411, 2413, 2415, 2418, 2421, 2422, 2426, 2428, 2429, 2430, 2433 and 2435.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- | | |
|----------|---|
| 1994/207 | Kristy Moe, Mount Ayr — For being named to the Des Moines Register's 1994 Academic All-State Honor Roll. |
| 1994/208 | Todd Grunke, Creston — For being named to the Des Moines Register's 1994 Academic All-State Honor Roll. |
| 1994/209 | Steve Tomkins, West Waterloo — For being named to the Des Moines Register's 1994 Academic All-State Honor Roll. |
| 1994/210 | Bradley Hein, Alford — For being named to the Des Moines Register's 1994 Academic All-State Honor Roll. |

- 1994/211 Robin Smetana, Exira — For being named to the Des Moines Register's 1994 Academic All-State Honor Roll.
- 1994/212 Constance Casson, McClelland — For being named to the Des Moines Register's 1994 Academic All-State Honor Roll.
- 1994/213 Cheryl Wingert, Earling — For winning a Division I Rating in the State Speech Contest.
- 1994/214 Lisa Parikh, Harlan — For winning a Division I Rating in the State Speech Contest.
- 1994/215 John Eller, Council Bluffs — For being named Elementary Principal of the Year by the School Administration of Iowa.
- 1994/216 Grant Robbins, Dubuque — For being selected "Best of the Class" at Hempstead High School.
- 1994/217 Heather Chesney, Dubuque — For being selected "Best of the Class" at Dubuque Senior High School.
- 1994/218 Bettendorf Middle School, Bettendorf — For winning a FINE Award for their recognition project.
- 1994/219 Grant Wood Elementary School, Bettendorf — For winning a FINE Award for their recognition project.
- 1994/220 Bruce Slawson, Waverly-Shell Rock School District — For thirty years of teaching service and dedication to the education of students.
- 1994/221 Dale Johnson, Waverly-Shell Rock School District — For thirty-five years of teaching service and dedication to the education of students.
- 1994/222 Carl Dillon, Waverly-Shell Rock School District — For thirty-nine years of teaching service and dedication to the education of students.
- 1994/223 Phillip Hammerand, Dubuque — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994/224 Maureen Stroschein, Kennedy School, Dubuque — For winning first place in the Junior Division of the Historical Papers category of the Area Education Agency Regional History Day Contest.
- 1994/225 Lynette Westphal, Kennedy School, Dubuque — For winning first place in the Junior Division of the Group Performance category of the Area Education Agency Regional History Day Contest.
- 1994/226 Nicole Schmidt, Kennedy School, Dubuque — For winning first place in the Junior Division of the Group Performance category of the Area Education Agency Regional History Day Contest.

- 1994/227 Erin Boxleiter, Kennedy School, Dubuque — For winning first place in the Junior Division of the Individual Projects category of the Area Education Agency Regional History Day Contest.
- 1994/228 Erin Bridges, Hoover School, Dubuque — For winning first place in the Junior Division of the Individual Media category of the Area Education Agency Regional History Day Contest.
- 1994/229 Jesse White, Red Oak — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994/230 Kerry Jensen, Coon Rapids-Bayard High School — For being selected a State of Iowa Scholar.

COMMITTEE TO NOTIFY THE GOVERNOR

Siegrist of Pottawattamie 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 116, duly adopted.

The motion prevailed and the Speaker appointed as such committee Branstad of Winnebago and Witt of Black Hawk.

COMMITTEE TO NOTIFY THE SENATE

Siegrist of Pottawattamie 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 116, duly adopted.

The motion prevailed and the Speaker appointed as such committee Vande Hoef of Osceola and Connors of Polk.

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 has sent the following message:

COMMUNICATION FROM THE GOVERNOR

May 11, 1994

The Honorable Harold G. Van Maanen
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

During the 1994 session of the Iowa General Assembly, the actions we took will result in an improved quality of life for so many deserving Iowans. While we did, indeed, make progress; there were some issues that remained unresolved by the close of the legislature. I look forward to working with the General Assembly next session on these issues.

The men and women of this General Assembly have reason to be proud. They passed legislation that will provide 750 prison beds at Clarinda, extend the cap on property taxes, safer schools, tougher juvenile laws, and establish a governing board of the Iowa Communications Network as well as initiate completion of Phase Three to every school district in Iowa. Accomplishments that will leave their mark in the annals of Iowa history.

Next session, however, I want to do more than make history. . . I want to change our future for the best. By passing the property tax exemption on new manufacturing machinery and equipment and Subchapter S, communities, large and small, will welcome more jobs with quality wages.

Iowa will be even stronger this time next year, if we maintain our conservative fiscal management and spending reforms. And after we address health care reform and stricter crime legislation, Iowans will breathe easier.

I firmly believe through the combined accomplishments of this General Assembly and the next, we can thrust Iowa further into the national spotlight with exceptional economic growth, exemplary health care, and unsurpassed quality of life.

Sincerely,
Terry E. Branstad
Governor

The communication was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 116, duly adopted, the day of April 20, 1994, having arrived, the Speaker of the House of Representatives declared the 1994 Regular Session of the Seventy-fifth General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-fifth General Assembly, 1994 Session, not otherwise printed in the House Journal:

H-5001

1 Amend Senate File 413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 27, through page 2,
4 line 7.

5 2. Page 2, by striking lines 20 and 21.

6 3. Page 4, line 11, by inserting after the word
7 "Code" the following: "Supplement".

8 4. Page 6, line 4, by inserting after the word
9 "administrator" the following: ", including those
10 fines which are imposed through commercial vehicle
11 violation citations issued by motor vehicle division
12 personnel".

13 5. Page 8, by striking lines 7 through 11 and
14 inserting the following: "seventy-five percent to be
15 deposited in the judicial retirement fund and twenty-
16 five percent to be deposited into the general fund of
17 the state."

18 6. Page 8, by inserting after line 23 the
19 following:

20 "Sec. 101. Section 625.8, Code 1993, is amended to
21 read as follows:

22 625.8 JURY AND REPORTER FEES.

23 1. The clerk of the district court shall tax as a
24 court cost a jury fee of ten dollars per juror per day
25 in every action tried to a jury.

26 2. The clerk of the district court shall tax as a
27 court cost the mileage to attend trial of each juror
28 at the rate of twenty-one cents per mile.

29 2 3. The clerk of the district court shall tax as
30 a court cost a fee of fifteen dollars per day for the
31 services of a court reporter.

32 3 4. Revenue from the fees required by this
33 section shall be deposited in the court revenue
34 distribution account established under section
35 602.8108."

36 7. Page 9, line 10, by inserting after the word
37 "Code" the following: "Supplement".

38 8. By striking page 10, line 28, through page 11,
39 line 6.

40 9. Page 11, by striking lines 18 through 30 and
41 inserting the following:

42 "Sec. 101. Section 911.3, Code 1993, is repealed."

43 10. By renumbering as necessary.

H-5002

- 1 Amend House File 624 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "Code" the following: "Supplement".

IVERSON of Wright

H-5003

- 1 Amend House File 526 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "Code" the following: "Supplement".

IVERSON of Wright

H-5007

- 1 Amend House File 2040 as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "order" the following: "and control".

PETERSON of Carroll

H-5010

- 1 Amend House File 2074, as follows:
- 2 1. Page 1, by inserting after line 23, the
- 3 following:
- 4 "d. The court finds that a hearing is not
- 5 necessary to further the interests of justice."

KREIMAN of Davis

H-5020

- 1 Amend the amendment, H-5005, to House File 2012, as
- 2 follows:
- 3 1. Page 1, by inserting after line 4, the
- 4 following:
- 5 "_____. Page 1, by inserting after line 6, the
- 6 following:
- 7 "1A. The physician who will perform an abortion
- 8 shall provide the pregnant minor seeking an abortion
- 9 with written information regarding notification of a
- 10 parent, the availability of services to assist the
- 11 minor in informing the minor's parent, and assistance
- 12 in seeking a waiver from the court, if the minor
- 13 objects to the notification.""
- 14 2. By renumbering as necessary.

NEUHAUSER of Johnson

H-5021

- 1 Amend the amendment, H-5005, to House File 2012 as
- 2 follows:
- 3 1. Page 2, by inserting after line 23 the
- 4 following:
- 5 "_____. Page 3, line 11, by inserting after the

6 word "expeditiously." the following: "The court
7 proceedings shall commence within twenty-four hours of
8 the filing of a petition under this section." "

NEUHAUSER of Johnson

H-5022

1 Amend the amendment, H-5005, to House File 2012 as
2 follows:

3 1. Page 2, by inserting after line 48 the
4 following:

5 "_____. Page 4, by inserting after line 9 the fol-
6 lowing:

7 "_____. A person who harasses or interferes with a
8 pregnant minor seeking an abortion is guilty of a
9 serious misdemeanor." "

10 2. By renumbering as necessary.

NEUHAUSER of Johnson

H-5023

1 Amend House File 2012 as follows:

2 1. Page 4, by inserting after line 19 the
3 following:

4 "_____. a. The judicial department shall develop
5 and distribute to each school district a standardized
6 information form which shall include all of the
7 following:

8 (1) The existence and requirements of this
9 section.

10 (2) The address and telephone number of the
11 juvenile court for the county in which the school is
12 located and a description of the process necessary to
13 access information from the juvenile court for
14 assistance.

15 (3) An explanation of the exemptions from the
16 requirement of notification allowed under this
17 section.

18 b. Each school district shall ensure that each
19 pupil in the sixth through twelfth grades enrolled in
20 the school district is provided with the information
21 form at the beginning of each school year.

22 c. The judicial department shall provide for
23 reimbursement of each school for costs associated with
24 the provision of information or counseling services
25 regarding the information provided under this
26 subsection." "

27 2. By renumbering as necessary.

KREIMAN of Davis

H-5025

1 Amend the amendment, H-5005, to House File 2012 as
2 follows:

3 1. Page 3, by inserting after line 5, the
4 following:

5 "_____. Page 4, by inserting after line 19 the
6 following:

7 "_____. a. The judicial department shall develop
8 and distribute to all school districts a standardized
9 information form which shall include all of the
10 following:

11 (1) The existence and requirements of this
12 section.

13 (2) The address and telephone number of the
14 juvenile court for the county in which the school is
15 located and a description of the process necessary to
16 access information from the juvenile court for
17 assistance.

18 (3) An explanation of the exemptions from the
19 requirement of notification allowed under this
20 section.

21 b. Each school district shall disseminate the
22 information to each student in the sixth through
23 twelfth grades enrolled in the school district at the
24 beginning of each school year.

25 c. The department of education shall provide for
26 reimbursement of each school for costs associated with
27 the provision of information or counseling services
28 regarding the information provided under this
29 subsection." "

30 2. By renumbering as necessary.

KREIMAN of Davis

H-5031

1 Amend House Concurrent Resolution 110 as follows:

2 1. Page 1, by inserting after line 29 the
3 following:

4 "*Be It Further Resolved*, That a committee of six
5 persons be appointed no later than April 1, 1994, for
6 the purpose of investigating and establishing a plan
7 for the sale of the Iowa communications network. The
8 committee shall include two state representatives to
9 be appointed by the speaker of the house, one
10 representative each from the majority party and the
11 minority party; two state senators to be appointed by
12 the majority leader of the senate, one senator each
13 from the majority party and minority party; and two
14 members to be appointed by the governor. Each
15 appointing authority shall equally divide the
16 appointments by political party affiliation and by

17 gender. The committee shall consult with the
 18 department of general services and any other
 19 appropriate agencies of the state or federal
 20 government in developing the plan. The members of the
 21 committee are entitled to reimbursement for travel and
 22 other necessary expenses incurred in the performance
 23 of official duties. Each member may also be eligible
 24 to receive compensation as provided in section 7E.6.
 25 The committee shall elect a chairperson from among the
 26 members of the committee and such other officers as
 27 the committee deems necessary. Staffing for the
 28 committee shall be provided as determined by the
 29 speaker of the house, the majority leader of the
 30 senate, and the governor.

31 *Be It Further Resolved*, That the committee shall
 32 submit its plan and any additional information deemed
 33 necessary to the general assembly and the governor no
 34 later than December 20, 1994."

IVERSON of Wright

H-5032

1 Amend House Concurrent Resolution 110 as follows:

2 1. Page 1, by inserting after line 29 the fol-
 3 lowing:

4 "*Be It Further Resolved*, That a proposal shall not
 5 be accepted and contracts shall not be awarded
 6 pursuant to a proposal submitted without prior
 7 authorization by a constitutional majority of each
 8 house of the general assembly."

NEUHAUSER of Johnson
 CORBETT of Linn

H-5033

1 Amend House File 262 as follows:

2 1. Page 1, line 1, by inserting after the word
 3 "Code" the following: "Supplement".

4 2. Page 1, by striking lines 3 through 22, and
 5 inserting the following:

6 "NEW SUBSECTION. 49. The gross receipts from the
 7 sale and installation of a truck body on a vehicle for
 8 the final consumer if the vehicle is registered for
 9 interstate commerce for gross weight of thirteen tons
 10 or more with twenty-five percent of mileage traveled
 11 outside Iowa."

12 3. Title page, by striking lines 1 and 2, and
 13 inserting the following: "An Act exempting from the
 14 state sales tax the sale and installation of truck
 15 bodies on vehicles."

RUNNING of Linn

H-5038

1 Amend House Concurrent Resolution 110 as follows:
 2 1. Page 1, by inserting after line 29 the fol-
 3 lowing:
 4 "*Be It Further Resolved*, That upon receipt of the
 5 proposals submitted for Part III of the network, that
 6 provision be made to allow an authorized user or a
 7 consortium of authorized users to solicit bids from,
 8 and enter into contracts with, qualified bidders for
 9 the purpose of completing the necessary work to
 10 connect the authorized user or consortium of
 11 authorized users to the network, consistent with the
 12 minimum standards established for Part III
 13 connections."

MILLAGE of Scott

H-5043

1 Amend the amendment, H-3630, to Senate File 216, as
 2 passed by the Senate, as follows:
 3 1. By striking page 1, line 5 through page 2,
 4 line 35, and inserting the following:
 5 "Sec. _____. NEW SECTION. 476.1E PRIVATE WATER
 6 UTILITY.
 7 1. DEFINITION. As used in this section, "water
 8 utility" means a public water supply system which is
 9 organized as a for-profit corporation under chapter
 10 490 or a nonprofit corporation organized under chapter
 11 504A, which has more than twenty-five but fewer than
 12 two thousand residential service connections.
 13 2. WATER STANDARDS. The water distributed by a
 14 water utility shall meet the drinking water standards
 15 required by the environmental protection commission
 16 pursuant to section 455B.173. If a water utility does
 17 not meet the drinking water standards, the department
 18 of natural resources shall impose a schedule of
 19 compliance for the drinking water distributed by the
 20 water utility. If the cost of compliance is recovered
 21 in rates or charges to customers, the cost shall not
 22 be recovered over less than twenty years. A lesser
 23 period of time may be established if approved by two-
 24 thirds of the water utility customers.
 25 3. IMPERMISSIBLE CHARGES. A water utility shall
 26 not include either directly or indirectly in its
 27 charges or rates to customers any fines or monetary
 28 penalties assessed against the water utility unless
 29 the customers operate the water utility.
 30 4. CONDEMNATION RIGHTS. If a water utility fails
 31 to meet the applicable drinking water standards as
 32 required under section 455B.173 within a reasonable
 33 period of time as established by the department of

34 natural resources and is located within two miles of a
35 city, the city, the city-owned waterworks, another
36 city-owned waterworks, or a benefitted water district
37 may acquire the water utility by purchase or
38 condemnation in the manner provided in chapter 6B.
39 5. COMPLAINT PROCEDURE. If a complaint signed by
40 at least twenty-five percent of the customers of a
41 water utility is filed with the utilities board
42 alleging that a rate increase imposed by the water
43 utility is unreasonable, the written complaint shall
44 be forwarded by the board to the water utility for a
45 response within the time specified by the board. The
46 board shall provide the consumer advocate with copies
47 of the complaint and the water utility's response. If
48 the board determines that there appears to be
49 reasonable grounds for the allegation, the board shall
50 mediate an agreement between the petitioners and the

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1 water utility. If an agreement is not reached within
2 one hundred twenty days, the board shall set the case
3 for hearing to determine just, reasonable, and
4 nondiscriminatory rates and charges. An unreasonable
5 rate increase means a rate that will produce excessive
6 revenue during a fiscal period for the water utility.
7 During the investigation of the complaint, the
8 mediation, or the rate proceeding, the water utility
9 may continue to collect the increased amount if the
10 water utility files a bond or undertaking approved by
11 the board conditioned upon the refund in a manner
12 prescribed by the board of amounts collected after the
13 date of filing of the complaint in excess of rates or
14 charges finally determined by the board to be lawful.
15 The board shall apply established regulatory
16 principles in any investigation of the reasonableness
17 of rates and charges or the determination of rates and
18 charges for a water utility. This subsection applies
19 to rate increases imposed by a water utility on or
20 after January 1, 1993, and before the effective date
21 of this Act.

22 6. RATE INCREASES.

23 a. A water utility may make effective a new or
24 changed rate, charge, schedule, or regulation after
25 giving written notice of the proposed new or changed
26 rate, charge, schedule, or regulation to all affected
27 customers served by the water utility. The notice
28 shall inform the customers of their right to petition
29 for a review of the proposal to the utilities board
30 within sixty days after notice is served if the
31 petition contains the signatures of at least twenty-
32 five percent of the water utility's customers. The

33 notice shall state the address of the utilities board.
34 The new or changed rate, charge, schedule, or
35 regulation takes effect sixty days after a valid
36 notice is served unless a petition for review of the
37 new or changed rate, charge, schedule, or regulation
38 signed by at least twenty-five percent of the water
39 utility's customers is filed with the board prior to
40 the expiration of the sixty-day period.

41 b. If a valid petition is filed with the board
42 within the sixty-day period, any new or changed rate,
43 charge, schedule, or regulation shall take effect,
44 under bond or corporate undertaking, subject to refund
45 of all amounts collected in excess of those amounts
46 which would have been collected under the rates or
47 charges finally approved by the board. The board
48 shall within five months of the date of filing make a
49 determination of just and reasonable rates based on a
50 review of the proposal, applying established

Page 3

1 regulatory principles. The board may require the
2 water utility and its customers to furnish factual
3 evidence in support of or opposition to the new or
4 changed rate, charge, schedule, or regulation. If the
5 water utility disputes the finding, the utility may
6 within twenty days file for further review, and the
7 board shall docket the case as a formal proceeding
8 under section 476.6, subsection 7, and set the case
9 for hearing. The water utility shall submit factual
10 evidence and written argument in support of the
11 filing.

12 c. A water utility shall not make effective a new
13 or changed rate, charge, schedule, or regulation which
14 relates to services for which a rate change is pending
15 within twelve months following the date the petition
16 to review the prior proposed rate, charge, schedule,
17 or regulation was filed with the board or until the
18 board has made its determination of just and
19 reasonable rates, whichever date is earlier, unless
20 the water utility applies to the board for and
21 receives authority to make a subsequent rate change at
22 an earlier date.

23 d. A water utility shall not make or grant any
24 unreasonable preferences or advantages as to rates or
25 services to any person or subject any person to any
26 unreasonable prejudice or disadvantage.

27 7. INSPECTION OF BOOKS AND RECORDS. The consumer
28 advocate or the board may inspect and copy the books
29 and records of the water utility which relate to the
30 costs and expenses which are included in determining
31 the charges and rates to customers.

32 8. SALARY DISCLOSURE. A nonprofit water utility
 33 shall annually disclose to all customers the names,
 34 addresses, and salaries of all officers of the
 35 nonprofit corporation and the person in charge of the
 36 daily operation of the water utility.

37 9. APPLICATION. Notwithstanding section 476.1,
 38 this section applies to certain waterworks having
 39 fewer than two thousand customers, but this section
 40 does not apply to municipally owned waterworks, joint
 41 water utilities established pursuant to chapter 389,
 42 rural water districts incorporated and organized
 43 pursuant to chapters 357A and 504A, or cooperative
 44 water associations incorporated and organized pursuant
 45 to chapter 499 except as otherwise specifically
 46 provided in subsection 4.

47 10. EXPENSES. The water utility shall pay the
 48 board's and the consumer advocate's expenses
 49 reasonably attributable to any complaint
 50 investigation, any mediation, or any rate

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1 determination which expenses may be recovered in the
 2 utility's rates and charges over a reasonable period
 3 of time."

HAVERLAND of Polk

H-5044

1 Amend Senate File 54, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by inserting after the word
 4 "Code" the following: "Supplement".

5 2. Page 1, line 3, by striking the figure "16"
 6 and inserting the following: "17".

7 3. Page 1, line 12, by striking the words "bottom
 8 of the".

9 4. Page 1, line 14, by inserting after the word
 10 "served." the following: "The plate shall also
 11 display the county name where the vehicle is
 12 registered."

13 5. Page 1, line 27, by striking the figure "1994"
 14 and inserting the following: "1995".

Committee on Transportation

H-5047

1 Amend House File 2180 as follows:

2 1. Page 3, line 11, by inserting after the word
 3 "facility" the following: ", for the purpose of
 4 expanding the primary business' world-wide production
 5 level,".

BRUNKHORST of Bremer

H-5050

- 1 Amend House File 2180 as follows:
 2 1. Page 1, line 7, by striking the word
 3 "director" and inserting the following: "governor".
 4 2. Page 2, lines 25 and 26, by striking the words
 5 "department of economic development" and inserting the
 6 following: "governor".

WEIGEL of Chickasaw

H-5053

- 1 Amend House File 2180 as follows:
 2 1. Page 2, by inserting after line 31, the
 3 following:
 4 "c. A city or county may designate an area within
 5 the jurisdiction of the city or county as eligible to
 6 be a quality jobs enterprise zone by passing an
 7 ordinance that designates the area as eligible. If a
 8 portion of the area is located outside of a city or in
 9 more than one city or county, each city and county
 10 comprising the area shall jointly establish an entity
 11 pursuant to chapter 28E and shall pass an ordinance
 12 designating that portion of the area as eligible."

NEUHAUSER of Johnson

H-5054

- 1 Amend House File 2180 as follows:
 2 1. Page 1, by striking lines 1 through 11 and
 3 inserting the following:
 4 "Section 1. NEW SECTION. 15.325 NEGOTIATIONS —
 5 STATE AND LOCAL OFFICIALS — RESTRICTIONS.
 6 A state or local government official acting in an
 7 official capacity shall not offer to a business
 8 economic development benefits which are not authorized
 9 under the law of this state in effect at the time of
 10 the negotiations or which have been enacted, but not
 11 yet taken effect."
 12 2. By striking page 2, line 8, through page 8,
 13 line 28, and inserting the following:
 14 "Sec. _____. NEW SECTION. 15E.201 SHORT TITLE.
 15 This division shall be known and may be cited as
 16 the "Quality Jobs Program".
 17 Sec. _____. NEW SECTION. 15E.202 PURPOSE.
 18 The purpose of this program is to assist cities and
 19 counties of the state to attract high quality
 20 employers.
 21 Sec. _____. NEW SECTION. 15E.203 DEFINITIONS.
 22 As used in this division:
 23 1. "Contractor or subcontractor" means a person
 24 who contracts with the primary business or a

25 supporting business or subcontracts with a contractor
26 for the provision of property, materials, or services
27 for the construction or equipping of a facility of the
28 primary business or a supporting business.

29 2. "Primary business" means the business which
30 meets the eligibility criteria of section 15E.205 and
31 which develops and operates a new facility in this
32 state. The headquarters of the primary business need
33 not be within the state.

34 3. "Project completion" means the first date upon
35 which the average annualized production of finished
36 product for the preceding ninety-day period at a
37 manufacturing facility operated by the primary
38 business is at least fifty percent of the initial
39 design capacity of the facility. The primary business
40 shall inform the department of revenue and finance in
41 writing within two weeks of project completion. For
42 any other type of facility, it means the date
43 determined in the agreement executed pursuant to
44 section 15E.206.

45 4. "Supporting business" means a business under
46 contract with the primary business to provide
47 property, materials, or services which are a necessary
48 component of the operation of the facility. To
49 qualify as a supporting business, the business shall
50 have a permanent facility located within the state and

Page 2

1 the revenue from fulfilling the contract with the
2 primary business shall constitute at least seventy-
3 five percent of the revenue generated by the business
4 from all activities undertaken from the facility.

5 Sec. _____. NEW SECTION. 15E.204 PROGRAM.

6 The department shall establish a program to
7 effectuate the purposes of this division by providing
8 the following nontransferable economic development
9 incentives to a primary or supporting business:

10 1. A supplemental new jobs credit from withholding
11 from jobs at the facility is authorized between the
12 department of revenue and finance, a community
13 college, and the primary business or a supporting
14 business. The agreement shall be for program services
15 for an additional job training project, as defined in
16 chapter 260E. The agreement shall provide for the
17 following:

18 a. That the project shall be administered in the
19 same manner as a project under chapter 260E and that a
20 supplemental new jobs credit from withholding in an
21 amount equal to one and one-half percent of the gross
22 wages paid by the primary business or a supporting
23 business pursuant to section 422.16 is authorized to

24 fund the program services for the additional project.

25 b. That the supplemental new jobs credit from
26 withholding shall be collected, accounted for, and may
27 be pledged by the community college in the same manner
28 as described in section 260E.5.

29 c. That the community college shall not be allowed
30 any expenses for administering the additional project
31 except those expenses which are directly attributable
32 to the additional project and which are in excess of
33 the expenses allowed for the project under chapter
34 260E.

35 To provide funds for the payment of the costs of
36 the additional project, a community college may borrow
37 money, issue and sell certificates, and secure the
38 payment of the certificates in the same manner as
39 described in section 260E.6, including, but not
40 limited to, providing the assessment of an annual levy
41 as described in section 260E.6, subsection 4. The
42 program and credit authorized by this subsection is in
43 addition to, and not in lieu of, the program and
44 credit authorized in chapter 260E.

45 2. INVESTMENT TAX CREDIT. The primary business
46 and a supporting business shall be entitled to a
47 corporate tax credit equal to ten percent of the new
48 investment made under this program by the primary
49 business or a supporting business prior to project
50 completion. A credit in excess of the tax liability

Page 3

1 for the tax year may be credited to the tax liability
2 for the following twenty years or until depleted,
3 whichever comes first.

4 For purposes of this section, "new investment"
5 means the capitalized cost of all real and personal
6 property, including buildings and other improvements
7 to real estate, purchased or otherwise acquired or
8 relocated to the facility for use in the operation of
9 the primary business or a supporting business. New
10 investment does not include land, intangible property,
11 or furniture and furnishings. The capitalized cost of
12 property shall for the purposes of this section be
13 determined in accordance with generally accepted
14 accounting principles.

15 3. PROPERTY TAX EXEMPTION.

16 a. All property, as defined in section 427A.1,
17 subsection 1, paragraphs "e" and "j", used by the
18 primary business or a supporting business under this
19 program, shall be exempt from property taxation for a
20 period of twenty years beginning with the year it is
21 first assessed for taxation. In order to be eligible
22 for this exemption, the property shall be acquired or

23 leased by the primary business or a supporting
 24 business or relocated by the primary business or a
 25 supporting business to this state from outside the
 26 state prior to project completion.

27 b. Property which is exempt for property tax
 28 purposes under this subsection is eligible for the
 29 sales and use tax exemption under section 422.45,
 30 subsection 27, notwithstanding that subsection or any
 31 other provision of the Code to the contrary.

32 4. SALES, SERVICE, AND USE TAX REFUND. Taxes paid
 33 pursuant to chapter 422 or 423 on the gross receipts
 34 or rental price of property purchased or rented by the
 35 primary business or a supporting business for use by
 36 the primary business or a supporting business under
 37 this program or on gas, electricity, water, and sewer
 38 utility services prior to project completion shall be
 39 refunded to the primary business or supporting
 40 business if the item was purchased or the service was
 41 performed or received prior to project completion.
 42 Claims under this section shall be submitted on forms
 43 provided by the department of revenue and finance not
 44 later than six months after project completion. The
 45 refund in this subsection shall not apply to furniture
 46 or furnishings, or intangible property.

47 5. SALES, SERVICES, AND USE TAX REFUND —
 48 CONTRACTOR OR SUBCONTRACTOR. The primary business or
 49 a supporting business shall be entitled to a refund of
 50 the taxes paid under chapters 422 and 423 for gas,

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1 electricity, water, or sewer utility services, goods,
 2 wares, or merchandise, or on services rendered,
 3 furnished, or performed to or for a contractor or
 4 subcontractor and used in the fulfillment of a written
 5 contract relating to the construction or equipping of
 6 a facility under this program of the primary business
 7 or a supporting business. Taxes attributable to
 8 intangible property and furniture and furnishings
 9 shall not be refunded.

10 To receive the refund a claim shall be filed by the
 11 primary business or a supporting business with the
 12 department of revenue and finance as follows:

13 a. The contractor or subcontractor shall state
 14 under oath, on forms provided by the department, the
 15 amount of the sales of goods, wares, or merchandise or
 16 services rendered, furnished, or performed including
 17 water, sewer, gas, and electric utility services for
 18 use upon which sales or use tax has been paid prior to
 19 the project completion, and shall file the forms with
 20 the primary business or supporting business before
 21 final settlement is made.

22 b. The primary business or a supporting business
23 shall, not more than six months after project
24 completion, make application to the department for any
25 refund of the amount of the taxes paid pursuant to
26 chapter 422 or 423 upon any goods, wares, or
27 merchandise, or services rendered, furnished, or
28 performed, including water, sewer, gas, and electric
29 utility services. The application shall be made in
30 the manner and upon forms to be provided by the
31 department, and the department shall audit the claim
32 and, if approved, issue a warrant to the primary
33 business or supporting business in the amount of the
34 sales or use tax which has been paid to the state of
35 Iowa under a contract. A claim filed by the primary
36 business or a supporting business in accordance with
37 this subsection shall not be denied by reason of a
38 limitation provision set forth in chapter 421, 422, or
39 423.

40 c. A contractor or subcontractor who willfully
41 makes a false report of tax paid under the provisions
42 of this subsection is guilty of a simple misdemeanor
43 and in addition is liable for the payment of the tax
44 and any applicable penalty and interest.

45 6. CORPORATE TAX RESEARCH CREDIT. A corporate tax
46 credit shall be available to the primary business or a
47 supporting business for increasing research activities
48 in this state under this program. The credit equals
49 thirteen percent of the state's apportioned share of
50 the qualifying expenditures for increasing research

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1 activities. The state's apportioned share of the
2 qualifying expenditures for increasing research
3 activities is a percent equal to the ratio of
4 qualified research expenditures in this state to total
5 qualified research expenditures. Any credit in excess
6 of the tax liability for the tax year shall be
7 refunded with interest computed under section 422.25.
8 In lieu of claiming a refund, the primary business or
9 a supporting business may elect to have the
10 overpayment shown on its final return credited to its
11 tax liability for the following tax year.

12 For the purposes of this section, "qualifying
13 expenditures for increasing research activities" means
14 the qualifying expenditures as defined for the federal
15 credit for increasing research activities which would
16 be allowable under section 41 of the Internal Revenue
17 Code in effect on January 1, 1994. The credit
18 authorized in this subsection is in lieu of the credit
19 authorized in section 422.33, subsection 5.

20 7. EXEMPTION FROM LAND OWNERSHIP RESTRICTIONS FOR

21 NONRESIDENT ALIENS.

22 a. The primary business and a supporting business,
 23 to the extent the primary business or the supporting
 24 business is not actively engaged in farming, may
 25 acquire, own, and lease up to one thousand three
 26 hundred twenty acres of land, notwithstanding the
 27 provisions of section 9H.4, 9H.5, and 567.3, and shall
 28 be exempt from the requirements of section 567.4. The
 29 land not used for the facility shall not be used for a
 30 business purpose. The primary business and supporting
 31 business shall comply with the remaining provisions of
 32 chapters 9H and 567 to the extent they do not conflict
 33 with this subsection.

34 b. "Actively engaged in farming" means any of the
 35 following:

36 (1) Inspecting agricultural production activities
 37 periodically and furnishing at least half of the value
 38 of the tools and paying at least half the direct cost
 39 of production.

40 (2) Regularly and frequently making or taking an
 41 important part in making management decisions
 42 substantially contributing to or affecting the success
 43 of the farm operations.

44 (3) Performing physical work which significantly
 45 contributes to crop or livestock production.

46 Sec. _____. NEW SECTION. 15E.205 ELIGIBILITY
 47 CRITERIA.

48 1. To be eligible to receive the economic
 49 development incentives under section 15E.204, a
 50 primary or supporting business shall, individually or

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1 as part of a group of primary or supporting
 2 businesses, do all of the following:

3 a. Invest ten million dollars in new equipment and
 4 machinery within three years of the date of the
 5 agreement with the department required by section
 6 15E.206.

7 b. Pay nonmanagement production employees, in each
 8 year in which the business receives incentives under
 9 the program, cash wages, not including bonuses or
 10 profit sharing or pension, medical, dental, life
 11 insurance, or other employment benefits, either one
 12 hundred fifty percent of the average wage in the
 13 county in which the new investment is located.

14 c. Provide and pay up to eighty percent of the
 15 cost of a comprehensive medical and dental insurance
 16 plan for all full-time employees working at the
 17 facility in which the new investment occurred.

18 d. Offer a pension or profit sharing plan to full-
 19 time employees.

20 e. Invest annually no less than one percent of
 21 pretax profits from the facility in which the new
 22 investment occurred in research and development.
 23 f. Increase employment by not less than one
 24 hundred full-time employees within three years after
 25 the date of the agreement with the department required
 26 by section 15E.205 and maintain the jobs for at least
 27 five years.

28 2. In determining whether to enter into an
 29 agreement under the program, the department shall also
 30 consider a variety of factors, including but not
 31 limited to the following:

32 a. The quality of the jobs to be created. In
 33 rating the quality of the jobs the department shall
 34 award more points to those jobs that have a higher
 35 wage scale, have a lower turnover rate, are full-time
 36 or career-type positions, provide comprehensive health
 37 benefits, or have other related factors which could be
 38 considered to be higher in quality, than to other
 39 jobs. Businesses that have wage scales substantially
 40 below that of existing Iowa businesses in that area
 41 should be rated as providing the lowest quality of
 42 jobs and should therefore be given the lowest ranking
 43 for providing such assistance.

44 b. The impact of the proposed project on other
 45 businesses in competition with the business being
 46 considered for assistance. The department shall make
 47 a good faith effort to identify existing Iowa
 48 businesses within an industry in competition with the
 49 business being considered for assistance. The
 50 department shall make a good faith effort to determine

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1 the probability that the proposed financial assistance
 2 will displace employees of the existing businesses.
 3 In determining the impact on businesses in competition
 4 with the business being considered for assistance,
 5 jobs created as a result of other jobs being displaced
 6 elsewhere in the state shall not be considered direct
 7 jobs created.

8 c. The impact to the state of the proposed
 9 project. In measuring the economic impact the
 10 department shall award more points for projects which
 11 have greater consistency with the state strategic plan
 12 than other projects. Greater consistency may include
 13 any or all of the following:

14 (1) A business with a greater percentage of sales
 15 out-of-state or of import substitution.
 16 (2) A business with a higher proportion of in-
 17 state suppliers.
 18 (3) A project which would provide greater

19 diversification of the state economy.

20 (4) A business with fewer in-state competitors.

21 (5) A potential for future job growth.

22 (6) A project which is not a retail operation.

23 d. If a business has a record of violations of the
24 law over a period of time that tends to show a
25 consistent pattern, the business shall be given the
26 lowest ranking for providing assistance. The
27 department shall make a good faith effort to compile
28 this information.

29 e. If a business has, within three years of
30 application for assistance, acquired or merged with an
31 Iowa corporation or company, whether the business has
32 made a good faith effort to hire the workers of the
33 acquired or merged company.

34 f. Whether a business provides for a preference
35 for hiring residents of the state or of the economic
36 development area, except for out-of-state employees
37 offered a transfer to Iowa or to the economic
38 development area.

39 g. Whether all known required environmental
40 permits have been issued and regulations met before
41 moneys are released.

42 Sec. 7. NEW SECTION. 15E.206 NONCOMPLIANCE —
43 PENALTIES.

44 A primary or supporting business shall enter into
45 an agreement with the department and the city or
46 county in which the facility will be located or
47 expanded specifying the requirements which must be met
48 to satisfy the criteria of section 15E.204. The
49 agreement shall contain the following provisions:

50 1. Which of the benefits in section 15E.204 the

Page 8

1 business is to receive.

2 2. If the business has not met more than ninety
3 percent of the job creation requirements in section
4 15E.205, subsection 1, it shall repay a percentage of
5 the incentives received under section 15E.204,
6 subsection 1, as follows:

7 a. If the business has met fifty percent or less
8 of the requirement, it shall repay the same percentage
9 in benefits as it failed to create in jobs.

10 b. If the business has met between fifty-one and
11 seventy-five percent of the requirement, it shall
12 repay one-half of the percentage in benefits as it
13 failed to create in jobs.

14 c. If the business has met between seventy-six and
15 ninety percent of the requirement, it shall repay one
16 quarter of the percentage in benefits as it failed to
17 create in jobs.

18 3. If a business does not meet the wage and
19 investment requirements in section 15E.205, subsection
20 1, in any one year, it must meet that requirement in
21 the following year or forfeit the incentives for that
22 year."

23 3. Title page, by striking lines 1 through 4 and
24 inserting the following: "An Act creating a quality
25 jobs program, providing for program requirements and
26 benefits, including tax incentives, providing a
27 penalty and".

28 4. By renumbering as necessary.

WISE of Lee
McCOY of Polk
RUNNING of Linn

H-5057

1 Amend House Concurrent Resolution 110 as follows:

2 1. Page 1, by striking lines 8 through 29 and
3 inserting the following:

4 *"Be It Resolved By The House Of Representatives,*
5 *The Senate Concurring,* That immediately upon passage
6 of this resolution by the House and the Senate, the
7 Governor shall direct the Iowa communications network
8 management team to issue a request for proposals for
9 extension of Parts I and II to all high schools and
10 libraries which are not currently connected. The
11 request for proposals shall require that each proposal
12 submitted certify that a signal will be delivered to a
13 specific location using fiber optic cable and provide
14 the line charge the bidder is willing to offer to both
15 public and private entities seeking to use the
16 connection, which shall include a reasonable profit as
17 determined by the Iowa Utilities Board; and

18 *Be It Further Resolved,* That upon organization, the
19 initial objective of the Iowa Communications Network
20 Board established in Senate File 2089, if enacted,
21 shall be to collect all available financial
22 information and report such information, in writing,
23 to the General Assembly; and

24 *Be It Further Resolved,* That the proposal for
25 extension of Parts I and II shall be selected on the
26 basis of the lowest line charge offered, and after
27 such selection, shall request that the Educational
28 Telecommunications Advisory Council established in
29 Senate File 2089, if enacted, recommend an affordable
30 fee for all community colleges, all high schools, and
31 all libraries, the combined total of which shall be
32 submitted to the General Assembly for approval and
33 appropriation; and

34 *Be It Further Resolved,* That the Iowa Communica-
35 tions Network Board shall establish a plan for the

36 sale of the network pursuant to bids submitted from
 37 interested persons, conditioned upon continued use of
 38 the network by school districts, community colleges,
 39 and libraries; conditioned upon continued use of the
 40 network by state agencies, not including
 41 communications activities of the State Board of
 42 Regents, radio and television facilities, narrowcast
 43 and broadcast systems, and other educational
 44 telecommunications systems and services under the
 45 control of the division of public broadcasting of the
 46 department of education, state department of
 47 transportation distributed data processing and mobile
 48 radio network, and law enforcement communications
 49 systems; and conditioned upon allowing use of the
 50 network by facilities under the control of the Army

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1 Board; and
 2 *Be It Further Resolved*, That the Iowa Communica-
 3 tions Network Board shall recommend terms of the sale
 4 to the General Assembly which shall be approved by the
 5 General Assembly prior to completing such sale; and
 6 *Be It Further Resolved*, That school district
 7 officials shall determine the equipment to be used in
 8 the classroom and library boards shall determine the
 9 equipment to be used in the libraries, and that all
 10 maintenance and replacement costs are the
 11 responsibility of the user; and
 12 *Be It Further Resolved*, That the Iowa Communica-
 13 tions Network Board shall report annually to the
 14 General Assembly concerning any recommended statutory
 15 changes and appropriation requests; and
 16 *Be It Further Resolved*, That notwithstanding
 17 section 8.39, the Governor and the Director of the
 18 Department of Management shall not transfer or give
 19 written consent and approval for the transfer of any
 20 funds to the State Communications Network Fund, to the
 21 Department of General Services, or to any other fund
 22 or department, which are intended to be used for the
 23 Iowa Communications Network, without the prior
 24 authorization of the General Assembly by a
 25 constitutional majority of each house."

MILLER of Cherokee

H-5058

1 Amend House File 2180 as follows:
 2 1. Page 2, by inserting after line 31, the
 3 following:
 4 "c. The quality jobs enterprise zone shall become
 5 effective only if the city or county in which the zone

6 will be located adopts an ordinance that designates
7 the area as eligible. If a portion of the area is
8 located outside of a city or in more than one city or
9 county, each city and county comprising the area shall
10 jointly establish an entity pursuant to chapter 28E
11 and shall pass an ordinance designating that portion
12 of the area as eligible."

NEUHAUSER of Johnson

H-5059

1 Amend House File 2180 as follows:

2 1. Page 1, by inserting after line 29 the
3 following:

4 "Sec. _____. Section 15A.1, subsection 3, Code 1993,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. c. For the purposes of this
7 paragraph, "financial assistance" means a state grant
8 or loan, or tax credit, tax exemption, or other tax
9 expenditure provided by the state or a local
10 government. If the business employs twenty or more
11 full-time employees, at least five percent of any new
12 full-time positions resulting from financial
13 assistance provided to the business shall be filled by
14 persons who are recipients of the family investment
15 program under chapter 239 or the federal food stamp
16 program administered under 7 U.S.C. chapter 51 at the
17 time of employment or have received benefits under
18 either program during the one-year period prior to
19 employment."

20 2. Page 8, by inserting after line 28 the
21 following:

22 "Sec. _____. Section 18.6, Code 1993, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 15. Any contract between a state
25 agency and a private person who employs twenty or more
26 full-time employees shall require that at least five
27 percent of any new full-time positions resulting from
28 the contract shall be filled by persons who are
29 recipients of the family investment program under
30 chapter 239 or the federal food stamp program
31 administered under 7 U.S.C. chapter 51 at the time of
32 employment or who have received benefits under either
33 program during the one-year period prior to
34 employment.

35 Sec. _____. Section 262.9, Code Supplement 1993, is
36 amended by adding the following new subsection:

37 NEW SUBSECTION. 5A. Require that any contract
38 between an institution governed by the board and a
39 private person who employs twenty or more full-time
40 employees shall require that at least five percent of
41 any new full-time positions resulting from the

42 contract shall be filled by persons who are recipients
 43 of the family investment program under chapter 239 or
 44 the federal food stamp program administered under 7
 45 U.S.C. chapter 51 at the time of employment or who
 46 have received benefits under either program during the
 47 one-year period prior to employment.

48 Sec. _____. Section 307.10, Code 1993, is amended by
 49 adding the following new subsection:

50 NEW SUBSECTION. 17. Require that any contract

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1 between the department and a private person who
 2 employs twenty or more full-time employees shall
 3 require that at least five percent of any new full-
 4 time positions resulting from the contract shall be
 5 filled by persons who are recipients of the family
 6 investment program under chapter 239 or the federal
 7 food stamp program administered under 7 U.S.C. chapter
 8 51 at the time of employment or who have received
 9 benefits under either program during the one-year
 10 period prior to employment."

11 3. Title page, line 4, by inserting after the
 12 word "assistance," the following: "applying certain
 13 requirements to employers entering into a contract
 14 with the state,".

15 4. By renumbering as necessary.

NEUHAUSER of Johnson

H-5062

1 Amend House File 2180 as follows:

2 1. Page 8, by inserting after line 28 the
 3 following:

4 "Sec. _____. NEW SECTION. 15E.221 SHORT TITLE.

5 This division shall be known and may be cited as
 6 the "Quality Small Business Assistance Program".

7 Sec. _____. NEW SECTION. 15E.222 PURPOSE.

8 The purpose of this program is to assist quality
 9 small businesses of the state to expand and to
 10 encourage quality small business jobs.

11 Sec. _____. NEW SECTION. 15E.223 PROGRAM.

12 The department shall establish a program to
 13 effectuate the purposes of this division by providing
 14 the following economic development assistance to an
 15 eligible small business:

16 1. A supplemental new jobs credit from withholding
 17 for jobs added by the eligible small business under
 18 the program. The agreement shall be for program
 19 services for an additional job training project, as
 20 defined in chapter 260F. The agreement shall provide
 21 for the following:

22 a. That the project shall be administered in the
23 same manner as a project under chapter 260F and that a
24 supplemental new jobs credit from withholding in an
25 amount equal to one and one-half percent of the gross
26 wages paid by the eligible small business pursuant to
27 section 422.16 is authorized to fund the program
28 services for the additional project.

29 b. That the supplemental new jobs credit from
30 withholding shall be collected, accounted for, and may
31 be pledged by the community college in the same manner
32 as described in chapter 260F.

33 c. That the community college shall not be allowed
34 any expenses for administering the additional project
35 except those expenses which are directly attributable
36 to the additional project and which are in excess of
37 the expenses allowed for the project under chapter
38 260F.

39 To provide funds for the payment of the costs of
40 the additional project, a community college may borrow
41 money, issue and sell certificates, and secure the
42 payment of the certificates in the same manner as
43 described in chapter 260F, including, but not limited
44 to, providing the assessment of an annual levy as
45 described in section 260F.4. The program and credit
46 authorized by this subsection is in addition to, and
47 not in lieu of, the program and credit authorized in
48 chapter 260F.

49 2. INVESTMENT TAX CREDIT. The eligible small
50 business shall be entitled to a corporate tax credit

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1 equal to ten percent of the new investment made by the
2 eligible small business under the program. A credit
3 in excess of the tax liability for the tax year may be
4 credited to the tax liability for the following twenty
5 years or until depleted, whichever comes first.

6 For purposes of this section, "new investment"
7 means the capitalized cost of all real and personal
8 property, including buildings and other improvements
9 to real estate, purchased or otherwise acquired or
10 relocated to Iowa for use in the operation of the
11 eligible small business. New investment does not
12 include land, intangible property, or furniture and
13 furnishings. The capitalized cost of property shall
14 for the purposes of this section be determined in
15 accordance with generally accepted accounting
16 principles.

17 3. PROPERTY TAX EXEMPTION.

18 a. All property, except land and buildings, used
19 by the eligible small business, shall be exempt from
20 property taxation for a period of twenty years

21 beginning with the year it is first assessed for
22 taxation. In order to be eligible for this exemption,
23 the property shall be acquired or leased by the
24 eligible small business or relocated to Iowa by the
25 eligible small business from outside the state.

26 b. Property which is exempt for property tax
27 purposes under this subsection is eligible for the
28 sales and use tax exemption under section 422.45,
29 subsection 27, notwithstanding that subsection or any
30 other provision of the Code to the contrary.

31 4. SALES, SERVICE, AND USE TAX REFUND. Taxes paid
32 pursuant to chapter 422 or 423 on the gross receipts
33 or rental price of property purchased or rented by the
34 eligible small business for use by the eligible small
35 business or on gas, electricity, water, and sewer
36 utility services shall be refunded to the eligible
37 small business if the item was purchased or the
38 service was performed or received prior to the hiring
39 of the additional employees under the program. Claims
40 under this section shall be submitted on forms
41 provided by the department of revenue and finance not
42 later than six months after project completion. The
43 refund in this subsection shall not apply to furniture
44 or furnishings, or intangible property.

45 5. SALES, SERVICES, AND USE TAX REFUND —
46 CONTRACTOR OR SUBCONTRACTOR. The eligible small
47 business shall be entitled to a refund of the taxes
48 paid under chapters 422 and 423 for gas, electricity,
49 water, or sewer utility services, goods, wares, or
50 merchandise, or on services rendered, furnished, or

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1 performed to or for a contractor or subcontractor and
2 used in the fulfillment of a written contract relating
3 to the construction or equipping of a facility under
4 the program. Taxes attributable to intangible
5 property and furniture and furnishings shall not be
6 refunded.

7 To receive the refund a claim shall be filed by the
8 eligible small business with the department of revenue
9 and finance as follows:

10 a. The contractor or subcontractor shall state
11 under oath, on forms provided by the department, the
12 amount of the sales of goods, wares, or merchandise or
13 services rendered, furnished, or performed including
14 water, sewer, gas, and electric utility services upon
15 which sales or use tax has been paid, and shall file
16 the forms with the eligible small business before
17 final settlement is made.

18 b. The eligible small business shall, not more
19 than six months after final settlement, make

20 application to the department for any refund of the
21 amount of the taxes paid pursuant to chapter 422 or
22 423 upon any goods, wares, or merchandise, or services
23 rendered, furnished, or performed, including water,
24 sewer, gas, and electric utility services. The
25 application shall be made in the manner and upon forms
26 to be provided by the department, and the department
27 shall audit the claim and, if approved, issue a
28 warrant to the eligible small business in the amount
29 of the sales or use tax which has been paid to the
30 state of Iowa under a contract. A claim filed by the
31 eligible small business in accordance with this
32 subsection shall not be denied by reason of a
33 limitation provision set forth in chapter 421, 422, or
34 423.

35 c. A contractor or subcontractor who willfully
36 makes a false report of tax paid under the provisions
37 of this subsection is guilty of a simple misdemeanor
38 and in addition is liable for the payment of the tax
39 and any applicable penalty and interest.

40 6. CORPORATE TAX RESEARCH CREDIT. A corporate tax
41 credit shall be available to the eligible small
42 business for increasing research activities in this
43 state. The credit equals thirteen percent of the
44 state's apportioned share of the qualifying
45 expenditures for increasing research activities. The
46 state's apportioned share of the qualifying
47 expenditures for increasing research activities is a
48 percent equal to the ratio of qualified research
49 expenditures in this state to total qualified research
50 expenditures. Any credit in excess of the tax

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1 liability for the tax year shall be refunded with
2 interest computed under section 422.25. In lieu of
3 claiming a refund, the eligible small business may
4 elect to have the overpayment shown on its final
5 return credited to its tax liability for the following
6 tax year.

7 For the purposes of this section, "qualifying
8 expenditures for increasing research activities" means
9 the qualifying expenditures as defined for the federal
10 credit for increasing research activities which would
11 be allowable under section 41 of the Internal Revenue
12 Code in effect on January 1, 1994. The credit
13 authorized in this subsection is in lieu of the credit
14 authorized in section 422.33, subsection 5.

15 Sec. _____. NEW SECTION. 15E.224 ELIGIBILITY
16 CRITERIA.

17 To be eligible to receive the economic development
18 incentives under section 15E.223, a small business

- 19 shall do all of the following:
- 20 1. Pay its employees cash wages equal to or
- 21 greater than the average cash wage in the county in
- 22 which the small business is located.
- 23 2. Provide its employees with medical and dental
- 24 benefits in accordance with standards set by the
- 25 department.
- 26 3. Increase full-time employment by not less than
- 27 ten percent within one year after the small business
- 28 agrees to participate in the program."

McKINNEY of Dallas
 KREIMAN of Davis
 HANSEN of Woodbury
 GILL of Woodbury
 MURPHY of Dubuque

H-5065

- 1 Amend House File 2180 as follows:
- 2 1. Page 8, by inserting after line 30 the
- 3 following:
- 4 "Sec. _____. If this Act is a state mandate under
- 5 chapter 25B, then the state shall reimburse any
- 6 political subdivision for the costs incurred by it or
- 7 loss of revenue to it as a result of this mandate."

BRAMMER of Linn

H-5067

- 1 Amend the amendment, H-3630, to Senate File 216, as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 1, line 5 through page 2,
- 4 line 33, and inserting the following:
- 5 "Sec. _____. NEW SECTION. 476.1E PRIVATE WATER
- 6 UTILITY.
- 7 1. DEFINITION. As used in this section, "water
- 8 utility" means a public water supply system which is
- 9 organized as a for-profit corporation under chapter
- 10 490 or a nonprofit corporation organized under chapter
- 11 504A, which has more than twenty-five but fewer than
- 12 two thousand residential service connections.
- 13 2. WATER STANDARDS. The water distributed by a
- 14 water utility shall meet the drinking water standards
- 15 required by the environmental protection commission
- 16 pursuant to section 455B.173. If a water utility does
- 17 not meet the drinking water standards, the department
- 18 of natural resources shall impose a schedule of
- 19 compliance for the drinking water distributed by the
- 20 water utility. If the cost of compliance is recovered
- 21 in rates or charges to customers, the cost shall not

22 be recovered over less than twenty years. A lesser
23 period of time may be established if approved by two-
24 thirds of the water utility customers.

25 3. IMPERMISSIBLE CHARGES. A water utility shall
26 not include either directly or indirectly in its
27 charges or rates to customers any fines or monetary
28 penalties assessed against the water utility unless
29 the customers operate the water utility.

30 4. CONDEMNATION RIGHTS. If a water utility fails
31 to meet the applicable drinking water standards as
32 required under section 455B.173 within a reasonable
33 period of time as established by the department of
34 natural resources and is located within two miles of a
35 city, the city, the city-owned waterworks, another
36 city-owned waterworks, or a benefitted water district
37 may acquire the water utility by purchase or
38 condemnation in the manner provided in chapter 6B.

39 5. COMPLAINT PROCEDURE. If a complaint signed by
40 at least twenty-five percent of the customers of a
41 water utility is filed with the utilities board
42 alleging that a rate increase imposed by the water
43 utility is unreasonable, the written complaint shall
44 be forwarded by the board to the water utility for a
45 response within the time specified by the board. The
46 board shall provide the consumer advocate with copies
47 of the complaint and the water utility's response. If
48 the board determines that there appears to be
49 reasonable grounds for the allegation, the board shall
50 mediate an agreement between the petitioners and the

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1 water utility. If an agreement is not reached within
2 one hundred twenty days, the board shall set the case
3 for hearing to determine just, reasonable, and
4 nondiscriminatory rates and charges. An unreasonable
5 rate increase means a rate that will produce excessive
6 revenue during a fiscal period for the water utility.
7 During the investigation of the complaint, the
8 mediation, or the rate proceeding, the water utility
9 may continue to collect the increased amount if the
10 water utility files a bond or undertaking approved by
11 the board conditioned upon the refund in a manner
12 prescribed by the board of amounts collected after the
13 date of filing of the complaint in excess of rates or
14 charges finally determined by the board to be lawful.
15 The board shall apply established regulatory
16 principles in any investigation of the reasonableness
17 of rates and charges or the determination of rates and
18 charges for a water utility. This subsection applies
19 to rate increases imposed by a water utility on or
20 after January 1, 1993, and before the effective date

21 of this Act.

22 6. RATE INCREASES.

23 a. A water utility may make effective a new or
24 changed rate, charge, schedule, or regulation after
25 giving written notice of the proposed new or changed
26 rate, charge, schedule, or regulation to all affected
27 customers served by the water utility. The notice
28 shall inform the customers of their right to petition
29 for a review of the proposal to the utilities board
30 within sixty days after notice is served if the
31 petition contains the signatures of at least twenty-
32 five percent of the water utility's customers. The
33 notice shall state the address of the utilities board.
34 The new or changed rate, charge, schedule, or
35 regulation takes effect sixty days after a valid
36 notice is served unless a petition for review of the
37 new or changed rate, charge, schedule, or regulation
38 signed by at least twenty-five percent of the water
39 utility's customers is filed with the board prior to
40 the expiration of the sixty-day period.

41 b. If a valid petition is filed with the board
42 within the sixty-day period, any new or changed rate,
43 charge, schedule, or regulation shall take effect,
44 under bond or corporate undertaking, subject to refund
45 of all amounts collected in excess of those amounts
46 which would have been collected under the rates or
47 charges finally approved by the board. The board
48 shall within five months of the date of filing make a
49 determination of just and reasonable rates based on a
50 review of the proposal, applying established

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1 regulatory principles. The board may require the
2 water utility and its customers to furnish factual
3 evidence in support of or opposition to the new or
4 changed rate, charge, schedule, or regulation. If the
5 water utility disputes the finding, the utility may
6 within twenty days file for further review, and the
7 board shall docket the case as a formal proceeding
8 under section 476.6, subsection 7, and set the case
9 for hearing. The water utility shall submit factual
10 evidence and written argument in support of the
11 filing.

12 c. A water utility shall not make effective a new
13 or changed rate, charge, schedule, or regulation which
14 relates to services for which a rate change is pending
15 within twelve months following the date the petition
16 to review the prior proposed rate, charge, schedule,
17 or regulation was filed with the board or until the
18 board has made its determination of just and
19 reasonable rates, whichever date is earlier, unless

20 the water utility applies to the board for and
21 receives authority to make a subsequent rate change at
22 an earlier date.

23 d. A water utility shall not make or grant any
24 unreasonable preferences or advantages as to rates or
25 services to any person or subject any person to any
26 unreasonable prejudice or disadvantage.

27 7. INSPECTION OF BOOKS AND RECORDS. The consumer
28 advocate or the board may inspect and copy the books
29 and records of the water utility which relate to the
30 costs and expenses which are included in determining
31 the charges and rates to customers.

32 8. SALARY DISCLOSURE. A nonprofit water utility
33 shall annually disclose to all customers the names,
34 addresses, and salaries of all officers of the
35 nonprofit corporation and the person in charge of the
36 daily operation of the water utility.

37 9. APPLICATION. Notwithstanding section 476.1,
38 this section applies to certain waterworks having
39 fewer than two thousand customers, but this section
40 does not apply to municipally owned waterworks, joint
41 water utilities established pursuant to chapter 389,
42 rural water districts incorporated and organized
43 pursuant to chapters 357A and 504A, cooperative water
44 associations incorporated and organized pursuant to
45 chapter 499, or to any business entity providing a
46 water supply system in conjunction with the provision
47 of residential housing, except as otherwise
48 specifically provided in subsection 4.

49 10. EXPENSES. The water utility shall pay the
50 board's and the consumer advocate's expenses

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1 reasonably attributable to any complaint
2 investigation, any mediation, or any rate
3 determination which expenses may be recovered in the
4 utility's rates and charges over a reasonable period
5 of time."

HAVERLAND of Polk

H-5075

1 Amend House File 2117 as follows:
2 1. Page 3, by striking lines 4 and 5 and
3 inserting the following: "chapter 135J; or a health-
4 related professional licensed under chapter 148 or
5 150A."

BLODGETT of Cerro Gordo

H-5076

1 Amend Senate File 2069, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by striking lines 3 and 4 and
 4 inserting the following: "chapter 135J; or a health-
 5 related professional licensed under chapter 148 or
 6 150A."

BLODGETT of Cerro Gordo

H-5079

1 Amend the amendment, H-5077, to House File 2180 as
 2 follows:
 3 1. Page 8, by striking lines 40 through 43, and
 4 inserting the following:
 5 "_____. Page 5, by striking lines 16 through 30.
 6 _____. Page 8, by inserting after line 28 the
 7 following:
 8 Sec. _____. Section 427.1, Code Supplement 1993, is
 9 amended by adding the following new subsection:
 10 NEW SUBSECTION. 44. MACHINERY AND COMPUTER
 11 EQUIPMENT. Property defined in section 427A.1,
 12 subsection 1, paragraphs "e" and "j", and assessed
 13 pursuant to section 427B.17, if owned by the same
 14 person and the combined assessed valuation of all such
 15 property is one thousand five hundred dollars or less.
 16 Sec. _____. NEW SECTION. 427B.19 TEMPORARY
 17 REFUNDABLE TAX CREDIT - NEW MACHINERY.
 18 1. Beginning on the effective date of this Act, a
 19 business which acquired or initially leased on or
 20 after the effective date of this Act, property
 21 described in section 427B.17, shall be entitled to a
 22 refundable income tax credit for a period of time to
 23 be determined as provided in this section.
 24 The duration of the credit shall not exceed the
 25 amount of time that item of property is scheduled to
 26 fully depreciate, according to the applicable
 27 depreciation schedule contained in the industrial
 28 machinery and equipment guide published by the
 29 department of revenue and finance. The department is
 30 instructed to revise the industrial machinery and
 31 equipment guide to provide a depreciation schedule for
 32 machinery and equipment with a life of at least thirty
 33 years. Upon expiration of the credit, the property
 34 shall be assessed and taxed in accordance with section
 35 427B.17.
 36 2. Any credit in excess of the tax liability for
 37 the taxable year shall be refunded with interest
 38 computed under section 422.25. In lieu of claiming a
 39 refund, the business may elect to have the overpayment
 40 shown on its final, completed return credited to the

41 tax liability for the following taxable year.”
42 2. Page 9, line 16, by inserting after the word
43 “zones,” the following: “providing a refundable
44 income tax credit for property taxes paid on certain
45 new machinery and computer equipment.”
46 3. By renumbering and correcting internal
47 references as necessary.

GILL of Woodbury
HANSEN of Woodbury

H—5086

1 Amend House File 2179 as follows:

2 1. Page 1, by inserting after line 31 the
3 following:

4 “Sec. _____. Section 99D.15, subsection 1,
5 unnumbered paragraph 1, Code 1993, is amended to read
6 as follows:

7 A tax of six percent is imposed on the gross sum
8 wagered by the pari-mutuel method at each horse race
9 meeting and each simultaneous telecast race. The tax
10 imposed by this subsection shall be paid by the
11 licensee to the commission within ten days after the
12 close of each horse race meeting and shall be
13 distributed as follows:

14 Sec. _____. Section 99D.15, subsections 2 and 4,
15 Code 1993, are amended to read as follows:

16 2. A tax credit of up to five percent of the gross
17 sum wagered per year shall be granted to licensees
18 licensed for horse races and paid into a special fund
19 to be used for debt retirement or operating expenses.
20 However, the tax credit is equal to six percent of the
21 gross sum wagered in a year when the gross sum wagered
22 is less than ninety million dollars. Any portion of
23 the credit not used in a particular year shall be
24 retained by the commission. A tax credit shall first
25 be assessed against any share going to a city, then to
26 the share going to a county, and then to the share
27 going to the state.

28 4. A tax of two percent is imposed on the gross
29 sum wagered by the pari-mutuel method on horse races
30 and dog races which are simultaneously telecast. The
31 tax imposed by this subsection is in lieu of the taxes
32 imposed pursuant to subsection 1 or 3, but the tax
33 revenue from simulcast horse races shall be
34 distributed as provided in subsection 1 and the tax
35 revenue from simulcast dog races shall be distributed
36 as provided in subsection 3.”

FALLON of Polk

H-5089

1 Amend House File 2221 as follows:

2 1. Page 1, line 3, by striking the word
3 "interest," and inserting the following: "interest on
4 amounts of five hundred dollars or more."

5 2. Page 1, by striking lines 13 through 15 and
6 inserting the following:

7 "a. Fines or penalties plus any interest due on
8 unsatisfied judgments of five hundred dollars or more,
9 and criminal penalty surcharges plus interest due on
10 unsatisfied amounts of five hundred dollars or more."

11 3. Page 1, by striking lines 28 through 31 and
12 inserting the following:

13 "If a court imposes a fine on an offender, and the.
14 fine equals or is greater than five hundred dollars,
15 the court shall impose interest charges on any amount
16 remaining unsatisfied from the day after sentencing at
17 the rate provided in section 535.3."

18 4. Page 2, by striking lines 2 and 3 and
19 inserting the following: "and that interest will be
20 charged on unsatisfied judgments of five hundred
21 dollars or more."

HANSEN of Woodbury

H-5090

1 Amend House File 2221 as follows:

2 1. Page 2, by inserting after line 3 the
3 following:

4 "Sec. _____. INTEREST CHARGED PRIOR TO EFFECTIVE
5 DATE. Notwithstanding the requirements of this Act,
6 the elimination of the requirement of charging and
7 collecting interest on fines and other penalties shall
8 not affect orders in effect on the effective date of
9 this Act which impose a requirement that a criminal
10 offender pay interest on a fine or other penalty."

11 2. By numbering and renumbering as necessary.

HANSEN of Woodbury

H-5094

1 Amend House File 2186 as follows:

2 1. Page 1, line 13, by striking the words "For
3 the".

4 2. Page 1, by striking lines 14 through 20.

5 3. Page 2, by striking lines 5 through 11.

6 4. Title page, line 2, by striking the words
7 "making an appropriation,".

DAGGETT of Union

H-5095

- 1 Amend House File 2150 as follows:
- 2 1. Page 1, line 18, by striking the words
- 3 "section 499.13" and inserting the following:
- 4 "~~section 499.13~~ this chapter".

Committee on Local Government

H-5097

- 1 Amend House Concurrent Resolution 110 as follows:
- 2 1. Page 1, by striking lines 5 through 29 and
- 3 inserting the following: "network.
- 4 *Be It Resolved By The House of Representatives, The*
- 5 *Senate Concurring,* That immediately upon passage of
- 6 this resolution by the House of Representatives and
- 7 the Senate, the Governor shall direct the Iowa
- 8 communications network management team to issue a
- 9 request for proposals for extension of Parts I and II
- 10 to all high schools, libraries, and area education
- 11 agencies which are not currently connected. The
- 12 request for proposals shall require that each proposal
- 13 submitted certify that a signal will be delivered to a
- 14 specific location using fiber optic cable and provide
- 15 the line charge the bidder is willing to offer to both
- 16 public and private entities seeking to use the
- 17 connection, which shall include a reasonable profit as
- 18 determined by the Iowa Utilities Board; and
- 19 *Be It Further Resolved,* That upon organization, the
- 20 initial objective of the Iowa Communications Network
- 21 Board established in Senate File 2089, if enacted,
- 22 shall be to collect all available financial
- 23 information and report such information, in writing,
- 24 to the General Assembly; and
- 25 *Be It Further Resolved,* That the proposal for
- 26 extension of Parts I and II shall be selected on the
- 27 basis of the lowest line charge offered, and after
- 28 such selection, shall request that the Educational
- 29 Telecommunications Advisory Council established in
- 30 Senate File 2089, if enacted, recommend an affordable
- 31 fee for all community colleges, all high schools, all
- 32 libraries, and all area education agencies, the
- 33 combined total of which shall be submitted to the
- 34 General Assembly for approval and appropriation; and
- 35 *Be It Further Resolved,* That the Iowa Communica-
- 36 tions Network Board shall establish a plan for the
- 37 sale of the network pursuant to bids submitted from
- 38 interested persons, conditioned upon continued use of
- 39 the network by school districts, community colleges,
- 40 libraries, and area education agencies; conditioned
- 41 upon continued use of the network by state agencies,
- 42 not including communications activities of the State

43 Board of Regents, radio and television facilities,
 44 narrowcast and broadcast systems, and other
 45 educational telecommunications systems and services
 46 under the control of the division of public
 47 broadcasting of the department of education, state
 48 department of transportation distributed data
 49 processing and mobile radio network, and law
 50 enforcement communications systems; and conditioned

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1 upon allowing use of the network by facilities under
 2 the control of the Armory Board; and
 3 *Be It Further Resolved*, That the Iowa Communica-
 4 tions Network Board shall recommend terms of the sale
 5 to the General Assembly which shall be approved by the
 6 General Assembly prior to completing such sale; and

7 *Be It Further Resolved*, That school district
 8 officials shall determine the equipment to be used in
 9 the classroom, library boards shall determine the
 10 equipment to be used in the libraries, and area
 11 education agency boards shall determine the equipment
 12 to be used at the area education agencies, and that
 13 all maintenance and replacement costs are the
 14 responsibility of the user; and

15 *Be It Further Resolved*, That the Iowa Communica-
 16 tions Network Board shall report annually to the
 17 General Assembly concerning any recommended statutory
 18 changes and appropriation requests; and

19 *Be It Further Resolved*, That notwithstanding
 20 section 8.39, the Governor and the Director of the
 21 Department of Management shall not transfer or give
 22 written consent and approval for the transfer of any
 23 funds to the State Communications Network Fund, to the
 24 Department of General Services, or to any other fund
 25 or department, which are intended to be used for the
 26 Iowa Communications Network, without the prior
 27 authorization of the General Assembly by a
 28 constitutional majority of each house."

MILLER of Cherokee

H-5099

1 Amend House File 647 as follows:

2 1. Page 2, by inserting after line 10 the
 3 following:

4 "_____. A utility participating under an approved
 5 plan for an alternative form of regulation shall
 6 provide notice to its customers of the approval no
 7 less than sixty days prior to the date when the plan
 8 is effective. The notice shall also include a summary
 9 of the approved plan and its projected impact on the
 10 utility's customers."

11 2. By renumbering as necessary.

KREIMAN of Davis

H-5100

- 1 Amend the amendment, H-5039, to House File 647, as
- 2 follows:
- 3 1. Page 1, line 14, by striking the figure "10"
- 4 and inserting the following: "8".
- 5 2. Page 1, by inserting after line 15 the
- 6 following:
- 7 "_____. Page 2, line 10, by striking the word "two"
- 8 and inserting the following: "three".
- 9 3. Renumber as necessary.

KREIMAN of Davis

H-5104

- 1 Amend House File 2275 as follows:
- 2 1. Page 1, by striking line 8 and inserting the
- 3 following: "by the supreme court. Full-time
- 4 associate juvenile judges and full-time associate".

DINKLA of Guthrie

H-5112

- 1 Amend the amendment, H-5106, to House File 2180, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 40 through 42 and
- 5 inserting the following: "benefits, of eleven dollars
- 6 per hour or one hundred thirty percent of the average
- 7 wage in the county in which the new investment is
- 8 located, whichever is higher."
- 9 2. Page 2, line 39, by striking the words "one
- 10 hundred" and inserting the following: "twenty-five".

HALVORSON of Webster

H-5113

- 1 Amend the amendment, H-5106, to House File 2180, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 6, by inserting after line 13 the follow-
- 5 ing:
- 6 "Sec. _____. Section 427.1, Code Supplement 1993, is
- 7 amended by adding the following new subsection:
- 8 **NEW SUBSECTION. 44. Property defined in section**
- 9 **427A.1, subsection 1, paragraphs "e" and "j", which is**
- 10 **acquired or initially leased on or after July 1, 1994,**
- 11 **and which would qualify to be assessed under section**
- 12 **427B.17 but for this subsection.**
- 13 **Sec. _____. NEW SECTION. 427B.30 TAX REPLACEMENT -**
- 14 **- APPROPRIATION.**
- 15 1. An eligible city or eligible county may apply

16 for fiscal years beginning on or after July 1, 1996,
17 to the department of revenue and finance for state tax
18 replacement of the reduction in property tax revenues
19 as a result of the exemption from property tax of
20 property specified in section 427.1, subsection 44.
21 The city or county shall make application for tax
22 replacement for a fiscal year by July 1 of the fiscal
23 year.

24 There is appropriated annually from the general
25 fund of the state to the department of revenue and
26 finance an amount sufficient to pay all tax
27 replacement applications under this section.

28 2. For purposes of this section, "eligible city"
29 or "eligible county" means a city or county where the
30 taxable valuation on which is calculated the property
31 taxes to be collected in the fiscal year for which tax
32 replacement is applied for is less than the taxable
33 valuation on which was calculated the property taxes
34 to be collected in the fiscal year beginning July 1,
35 1995, and the city or county has property exempt under
36 section 427.1, subsection 44, located within its
37 boundaries. A city or county shall not be an eligible
38 city or eligible county if the current taxable
39 valuation is lower than the amount used for the fiscal
40 year beginning July 1, 1995, solely because of plant
41 closings.

42 3. The eligible city or eligible county shall
43 determine the amount of state tax replacement by
44 determining the sum of the amount of the last taxable
45 valuation of each unit of property assessed under
46 section 427B.17 which was replaced by a unit of
47 property exempt under section 427.1, subsection 44;
48 then multiplying the lesser of this sum or the
49 difference in the taxable valuation used for the two
50 fiscal years mentioned in subsection 2 by the city or

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1 county, as applicable, property tax levy rate. The
2 resulting product is the state tax replacement. These
3 computations shall be shown on or attached to the
4 application for the tax replacement.

5 4. Notwithstanding any provision of chapter 260E
6 or 260F or the agreement entered pursuant to that
7 chapter specifying how the new jobs training program
8 was to be paid for, if as a result of the replacement
9 of property assessed pursuant to section 427B.17 by
10 property exempt under section 427.1, subsection 44,
11 the community college will not receive enough revenue
12 pursuant to section 260E.4 or 260F.4 to pay for the
13 training program or its certificates then the
14 community college is entitled to pay program costs and

15 certificates from the credit from withholding option
 16 under section 260E.5 or 260F.5. If program costs or
 17 certificate repayments are still not met, the
 18 community college may apply for state tax replacement
 19 of the amount of shortfall from the appropriation made
 20 in subsection 1.” ”

21 2. Page 6, by inserting after line 19 the
 22 following:

23 “_____. Title page, line 5, by inserting after the
 24 word “penalty,” the following: “providing an
 25 appropriation.” ”

GILL of Woodbury

H-5114

1 Amend the amendment, H-5113, to the Senate
 2 amendment, H-5106, to House File 2180, as amended,
 3 passed, and reprinted by the House as follows:

4 1. By striking page 1, line 6, through page 2,
 5 line 25, and inserting the following:

6 “Sec. _____. Section 422.35, subsection 4, Code
 7 1993, is amended by striking the subsection.

8 Sec. _____. NEW SECTION. 427B.19 REFUNDABLE TAX
 9 CREDIT - NEW MACHINERY.

10 1. Beginning on the effective date of this
 11 section, a business which acquired or initially leased
 12 on or after the effective date of this section,
 13 property described in section 427A.1, subsection 1,
 14 paragraphs “e” and “j”, shall be entitled to a
 15 refundable income tax credit equal to the amount of
 16 property taxes paid on the property during the tax
 17 year.

18 2. Any credit in excess of the tax liability for
 19 the taxable year shall be refunded with interest
 20 computed under section 422.25. In lieu of claiming a
 21 refund, the business may elect to have the overpayment
 22 shown on its final, completed return credited to the
 23 tax liability for the following taxable year.”

24 2. Page 6, by inserting after line 19 the
 25 following:

26 “_____. Title page, line 4, by inserting after the
 27 word “zones,” the following: “providing a refundable
 28 income tax credit for property taxes paid on certain
 29 new machinery and computer equipment, eliminating the
 30 deductibility of federal taxes paid from corporate
 31 income tax.” ”

32 3. By renumbering and correcting internal
 33 references as necessary.

NEUHAUSER of Johnson

H-5117

- 1 Amend House File 2306 as follows:
 2 1. Page 3, line 10, by inserting after the word
 3 "years." the following: "An extension of time shall
 4 only be allowed for franchises granted on or after
 5 July 1, 1994."

HOLVECK of Polk
 SCHRADER of Marion
 WITT of Black Hawk

H-5119

- 1 Amend House File 2188 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 422.7, Code Supplement 1993,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 29. For a person who is disabled,
 7 or is fifty-five years of age or older, or is the
 8 surviving spouse of an individual or a survivor having
 9 an insurable interest in an individual who would have
 10 qualified for the exemption under this subsection for
 11 the tax year, subtract, to the extent included, the
 12 total amount of a governmental or other pension,
 13 retirement pay, annuity, or other similar periodic
 14 payment made under a plan maintained or contributed to
 15 by an employer up to a maximum of five thousand
 16 dollars for a person who files a separate state income
 17 tax return for a tax year beginning in the 1995
 18 calendar year, and up to a maximum of ten thousand
 19 dollars for a husband and wife who file a joint state
 20 income tax return for a tax year beginning in the 1995
 21 calendar year. For a tax year beginning in the 1996
 22 calendar year, subtract, to the extent included, the
 23 total amount for a person who files a separate state
 24 income tax return, up to a maximum of ten thousand
 25 dollars, and for a husband and wife who file a joint
 26 state income tax return, up to a maximum of twenty
 27 thousand dollars. For tax years beginning on or after
 28 January 1, 1997, for a person who files a separate
 29 state income tax return or for a husband and wife who
 30 file a joint state income tax return, subtract, to the
 31 extent included, the total amount of a governmental or
 32 other pension, retirement pay, annuity, or other
 33 similar periodic payment made under a plan maintained
 34 or contributed to by an employer. However, a
 35 surviving spouse who is not disabled or fifty-five
 36 years of age or older can only exclude the amount of
 37 annuities or other similar periodic payments received
 38 as a result of the death of the other spouse."
 39 2. Page 1, line 1, by striking the word and

40 figure "Section 1." and inserting the following:
 41 "Sec. 2."
 42 3. Page 1, line 30, by striking the words and
 43 figure "Sec. 2. This" and inserting the following:
 44 "Sec. 3. Section 2 of this".
 45 4. Title page, line 2, by inserting after the
 46 word "nonresident" the following: "and resident".

SCHRADER of Marion

H-5120

1 Amend House File 2188 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 422.7, Code Supplement 1993,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 29. For a person who is disabled,
 7 or is fifty-five years of age or older, or is the
 8 surviving spouse of an individual or a survivor having
 9 an insurable interest in an individual who would have
 10 qualified for the exemption under this subsection for
 11 the tax year, subtract, to the extent included, the
 12 total amount of a governmental or other pension,
 13 retirement pay, annuity, or other similar periodic
 14 payment made under a plan maintained or contributed to
 15 by an employer, or maintained and contributed to by a
 16 self-employed person as an employer, up to a maximum
 17 of three thousand dollars for a person who files a
 18 separate state income tax return, and up to a maximum
 19 of six thousand dollars for a husband and wife who
 20 file a joint state income tax return. However, a
 21 surviving spouse who is not disabled or fifty-five
 22 years of age or older can only exclude the amount of
 23 annuities or other similar periodic payments received
 24 as a result of the death of the other spouse."
 25 2. Page 1, line 1, by striking the word and
 26 figure "Section 1." and inserting the following:
 27 "Sec. 2."
 28 3. Page 1, line 30, by striking the words and
 29 figure "Sec. 2. This" and inserting the following:
 30 "Sec. 3. Section 2 of this".
 31 4. Page 1, line 31, by inserting after the word
 32 "date." the following: "Section 1 of this Act takes
 33 effect January 1, 1996, for tax years beginning on or
 34 after that date."
 35 5. Title page, line 2, by inserting after the
 36 word "nonresident" the following: "and resident".

SCHRADER of Marion

H-5123

1 Amend House File 2239 as follows:
 2 1. Page 1, by inserting after line 26 the
 3 following:
 4 "Sec. _____. Section 68B.2, subsection 25, Code
 5 Supplement 1993, is amended to read as follows:

- 6 25. "State employee" means a person who is not an
 7 official and is a paid employee of the state of Iowa
 8 and does not include an independent contractor, an
 9 employee of the judicial department who is not an
 10 employee of the office of attorney general, a
 11 legislative an employee of the general assembly, an
 12 employee of a political subdivision of the state, or
 13 an employee of any agricultural commodity promotional
 14 board, if the board is subject to a producer
 15 referendum."
 16 2. By renumbering as necessary.

CARPENTER of Polk
 NEUHAUSER of Johnson

H-5126

- 1 Amend House File 2298 as follows:
 2 1. Page 2, by inserting after line 13 the
 3 following:
 4 "e. A public utility."
 5 2. Page 2, by inserting after line 33 the fol-
 6 lowing:
 7 "Sec. _____. EFFECTIVE DATE. This Act takes effect
 8 July 1, 1995."
 9 3. Title page, line 2, by striking the words "and
 10 providing a penalty" and inserting the following: ",
 11 providing a penalty, and providing an effective date".
 12 4. Renumber as necessary.

Committee on State Government

H-5127

- 1 Amend House File 2280 as follows:
 2 1. Page 1, by inserting after line 35 the
 3 following:
 4 "All partners in a registered limited liability
 5 partnership shall maintain personal liability or
 6 malpractice insurance."

KREIMAN of Davis

H-5128

- 1 Amend House File 2351 as follows:
 2 1. Page 1, by inserting after line 7 the
 3 following:
 4 "Sec. 101. Section 422.7, subsection 13, Code
 5 Supplement 1993, is amended by striking the subsection
 6 and inserting in lieu thereof the following:
 7 13. Subtract, to the extent included, the amount
 8 of additional social security benefits taxable under
 9 the Internal Revenue Code for tax years beginning on
 10 or after January 1, 1994. The amount of social

11 security benefits taxable as provided in section 86 of
 12 the Internal Revenue Code, as amended up to and
 13 including January 1, 1993, continues to apply for
 14 state income tax purposes for tax years beginning on
 15 or after January 1, 1994. Married taxpayers, who file
 16 a joint federal income tax return and who elect to
 17 file separate returns or who elect separate filing on
 18 a combined return for state income tax purposes, shall
 19 allocate between the spouses the amount of benefits
 20 subtracted from net income in the ratio of the social
 21 security benefits received by each spouse to the total
 22 of these benefits received by both spouses."

23 2. Page 2, line 28, by inserting after the word
 24 "Sections" the following: "101".

25 3. Title page, line 2, by inserting after the
 26 word "Code," the following: "except those references
 27 to the taxation of social security benefits,".

28 4. By renumbering as necessary.

MARTIN of Scott
 MERTZ of Kossuth
 RANTS of Woodbury
 MILLAGE of Scott
 TYRRELL of Iowa
 KLEMME of Plymouth
 CORBETT of Linn
 BEAMEN of Clarke
 ERTL of Dubuque
 HANSON of Black Hawk
 GARMAN of Story
 KOENIGS of Mitchell

LARSON of Linn
 CHURCHILL of Polk
 BODDICKER of Cedar
 BLODGETT of Cerro Gordo
 HOUSER of Pottawattamie
 WELTER of Jones
 GRUBBS of Scott
 KISTLER of Jefferson
 LUNDBY of Linn
 IVERSON of Wright
 GRIES of Crawford
 HURLEY of Fayette

H-5130

1 Amend House File 2269 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. NEW SECTION. 249A.28 SERVICES FOR
 5 PERSONS WITH MENTAL RETARDATION - STATE PAYMENT.

6 1. Effective July 1, 1995, the state shall pay the
 7 nonfederal share of medical assistance costs for
 8 services to a minor provided under the federal home
 9 and community-based waiver for persons with mental
 10 retardation and in an intermediate care facility for
 11 the mentally retarded.

12 2. Effective July 1, 1996, the state shall pay ten
 13 percent of the nonfederal share of medical assistance
 14 costs for services provided to adults under the
 15 federal home and community-based waiver for persons
 16 with mental retardation and in an intermediate care

17 facility for the mentally retarded which are not paid
 18 under subsection 1. The percentage of the nonfederal
 19 share paid by the state shall increase by ten percent
 20 on July 1 of each succeeding fiscal year through the
 21 fiscal year beginning July 1, 2000. An eligible
 22 person's county of legal settlement shall pay the
 23 remaining portion of the nonfederal share of the costs
 24 of the services."

25 2. Page 1, by striking lines 3 through 21 and
 26 inserting the following:

27 "331.438 COUNTY MENTAL HEALTH SERVICES
 28 EXPENDITURES FROZEN LIMITED.

29 In the event the general assembly does not enact
 30 legislation to implement a funding formula for state
 31 participation in funding of mental health, mental
 32 retardation, and developmental disabilities services
 33 which takes effect in For the purposes of this
 34 section, "base year expenditures" means the mental
 35 health, mental retardation, and developmental
 36 disabilities services expenditures of counties in the
 37 fiscal year beginning July 1, 1994, and ending June
 38 30, 1995. For the fiscal year beginning July 1, 1996
 39 1995, and for each subsequent fiscal year, the
 40 liability of counties for mental health, mental
 41 retardation, and developmental disabilities services
 42 expenditures of counties shall be frozen in limited to
 43 the amount the counties expended for those services in
 44 the fiscal year beginning July 1, 1995 base year plus
 45 fifty percent of the amount by which county
 46 expenditures for those services would have increased
 47 over the base year expenditures without the financial
 48 participation of the state pursuant to this section.
 49 The expenses in excess of the frozen amount shall be
 50 paid for by the state shall pay the remaining fifty

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1 percent of the increased amount in a timely manner
 2 that is not disruptive to persons providing or
 3 receiving services. The amount paid by the state
 4 pursuant to this section shall not include
 5 expenditures paid under section 249A.28.

6 The department of human services, in cooperation
 7 with the Iowa state association of counties, shall
 8 develop a plan for state participation in funding of
 9 mental health, mental retardation, and developmental
 10 disabilities services.

11 Sec. _____, NEW SECTION. 331.439 PERSONS WITH
 12 DISABILITIES - SINGLE ENTRY POINT PROCESS.

13 1. a. Effective July 1, 1994, a county or
 14 consortium of counties may implement a single entry
 15 point process for the delivery of services to persons

16 with disabilities which are paid for in whole or in
 17 part by county funds. The single entry point process
 18 shall include reviewing a person's eligibility for
 19 services, determining the appropriateness of the type,
 20 level, and duration of services, and performing
 21 periodic review of the person's continuing eligibility
 22 and need for services. For those services funded
 23 under the medical assistance program, the single entry
 24 point process shall be used to assure that the person
 25 is aware of the appropriate service options available
 26 to the person.

27 b. As part of the single entry point process,
 28 counties may establish a clinical assessment process
 29 to identify a person's service needs and to make
 30 recommendations regarding the person's plan for
 31 services.

32 2. If state payment is provided for medical
 33 assistance services to minors with mental retardation
 34 in accordance with section 249A.28, and a state
 35 medical assistance plan amendment is implemented
 36 making costs of a single entry point process eligible
 37 for medical assistance reimbursement, the process
 38 described in subsection 1 shall be implemented by
 39 counties beginning July 1, 1995. The department of
 40 human services shall work with the Iowa state
 41 association of counties in developing the standards
 42 and requirements for implementation of the single
 43 entry point process on the date required by this
 44 subsection.

45 Sec. 101. Section 425.1, subsections 1 through 5,
 46 Code 1993, are amended to read as follows:

47 1. A homestead credit fund is created. There is
 48 appropriated annually from the general fund of the
 49 state to the department of revenue and finance to be
 50 credited to the homestead credit fund, an amount

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1 sufficient to implement this chapter the amount as
 2 provided in section 8.59.

3 The director of revenue and finance shall issue
 4 warrants on the homestead credit fund payable to the
 5 county treasurers of the several counties of the state
 6 under this chapter.

7 2. The homestead credit fund shall be apportioned
 8 each year so as to give a credit against the tax on
 9 each eligible homestead in the state in an amount
 10 equal to the actual levy on the first four thousand
 11 eight hundred fifty dollars of actual value for each
 12 homestead allowable homestead value.

13 3. For purposes of this chapter, the "allowable
 14 homestead value" means for the fiscal year beginning

15 July 1, 1995, the amount equal to the appropriation
 16 made in subsection 1 for the fiscal year beginning
 17 July 1, 1995, divided by the actual amount of
 18 homestead claims for taxes due in the fiscal year
 19 beginning July 1, 1994, times four thousand eight
 20 hundred fifty dollars. For succeeding fiscal years,
 21 the allowable homestead value equals the appropriation
 22 for that fiscal year divided by the actual amount of
 23 homestead claims for taxes due in the previous fiscal
 24 year times the allowable homestead value calculated
 25 under this subsection for the previous fiscal year.

26 3 4. The amount due each county shall be paid by
 27 the department of revenue and finance in two payments
 28 on November 15 and March 15 of each fiscal year, drawn
 29 upon warrants payable to the respective county
 30 treasurers. The two payments shall be as nearly equal
 31 as possible.

32 4 5. Annually the department of revenue and
 33 finance shall estimate the credit not to exceed the
 34 actual levy on the first four thousand eight hundred
 35 fifty dollars of actual value of each eligible
 36 homestead, and shall certify to the county auditor of
 37 each county the credit and its amount in dollars. The
 38 director of revenue and finance shall certify to the
 39 county auditor of each county, by April 15 preceding
 40 the fiscal year in which the credit is to be paid, the
 41 amount of allowable homestead value. Each county
 42 auditor shall then enter the credit against the tax
 43 levied on each eligible homestead in each county
 44 payable during the ensuing year, designating on the
 45 tax lists the credit as being from the homestead
 46 credit fund, and credit shall then be given to the
 47 several taxing districts in which eligible homesteads
 48 are located in an amount equal to the credits allowed
 49 on the taxes of the homesteads. The amount of credits
 50 shall be apportioned by each county treasurer to the

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1 several taxing districts as provided by law, in the
 2 same manner as though the amount of the credit had
 3 been paid by the owners of the homesteads. However,
 4 the several taxing districts shall not draw the funds
 5 so credited until after the semiannual allocations
 6 have been received by the county treasurer, as
 7 provided in this chapter. Each county treasurer shall
 8 show on each tax receipt the amount of credit received
 9 from the homestead credit fund.

10 If the appropriation made in subsection 1 is
 11 insufficient to pay all claims in full, the director
 12 shall prorate the amount available to each county.

13 5. If the homestead tax credit computed under this

14 section is less than sixty-two dollars and fifty
 15 cents, the amount of homestead tax credit on that
 16 eligible homestead shall be sixty-two dollars and
 17 fifty cents subject to the limitation imposed in this
 18 section."

19 3. Page 3, line 1, by inserting after the word
 20 "change" the following: ", computed to two decimal
 21 places,".

22 4. Page 3, line 3, by striking the words
 23 "calendar year 1994" and inserting the following:
 24 "the third quarter of calendar year 1994 from that
 25 computed for the third quarter of calendar year 1993".

26 5. Page 3, line 7, by inserting after the word
 27 "change" the following: ", computed to two decimal
 28 places,".

29 6. Page 3, line 8, by striking the word
 30 "governmental" and inserting the following:
 31 "government".

32 7. Page 3, line 9, by striking the words
 33 "calendar year 1995" and inserting the following:
 34 "the third quarter of calendar year 1995 from that
 35 computed for the third quarter of calendar year 1994".

36 8. Page 3, line 13, by inserting after the word
 37 "in" the following: "table 7.11 of".

38 9. Page 3, line 14, by inserting after the word
 39 "accounts." the following: "For the fiscal years
 40 beginning July 1, 1995, and July 1, 1996, the price
 41 index used shall be the revision published in the
 42 November 1994 and November 1995 issues, respectively,
 43 of the United States department of commerce
 44 publication, "survey of current business"."

45 10. By striking page 5, line 28 through page 6,
 46 line 9.

47 11. Page 6, by inserting before line 10 the
 48 following:

49 "Sec. _____. Section 101 of this Act takes effect
 50 January 1, 1995, for homestead credit claims for

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1 property taxes payable on or after July 1, 1995."

2 12. Title page, by striking line 3 and inserting
 3 the following: "disabilities services funded by
 4 property taxes and provision of those services,
 5 relating to the amount of the homestead property tax
 6 credit, and".

7 13. Title page, line 5, by inserting after the
 8 word "levies" the following: ", and other properly
 9 related matters, and providing effective and
 10 applicability date provisions".

11 14. By renumbering as necessary.

H-5132

- 1 Amend House File 2225 as follows:
- 2 1. Page 2, by striking lines 30 through 33 and
- 3 inserting the following: "section, persons with
- 4 mental disorders resulting from Alzheimer's disease or
- 5 substance abuse shall not be considered chronically
- 6 mentally ill."

HOUSER of Pottawattamie

H-5133

- 1 Amend House File 265 as follows:
- 2 1. Page 1, by striking lines 14 and 15 and
- 3 inserting the following: "person produces in court,
- 4 on or before the scheduled court date, a license,
- 5 permit, certificate issued to that person".

Committee on Natural Resources and Outdoor Recreation

H-5136

- 1 Amend Senate File 2089, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 28, by inserting after the word
- 4 "board" the following: ", but shall be subject to
- 5 reconfirmation by the senate every four years".

HAMMOND of Story

H-5139

- 1 Amend House File 2347 as follows:
- 2 1. Page 7, by inserting after line 8 the
- 3 following:
- 4 "Sec. _____. DEPARTMENT OF HUMAN SERVICES STUDY.
- 5 The legislative council shall establish an interim
- 6 study committee for the 1994 legislative interim to
- 7 review the functions of the department of human
- 8 services involving the federal-state family investment
- 9 program (FIP) and Job Opportunities and Basic Skills
- 10 (JOBS) program to improve efficiency and eliminate
- 11 bureaucratic layers. At least thirty percent of the
- 12 committee membership shall consist of persons who are
- 13 participants in or recipients of the programs, and
- 14 shall also include local and state officials, and
- 15 service providers and workers, in addition to
- 16 legislators. The committee shall submit
- 17 recommendations prior to the 1995 legislative
- 18 session."
- 19 2. By renumbering as necessary.

FALLON of Polk

H-5143

- 1 Amend House File 2346 as follows:
- 2 1. Page 1, by striking lines 5 through 7 and
- 3 inserting the following: "than the invoice cost of
- 4 the alcoholic liquor product to the class "E" liquor
- 5 control licensee."

BEATTY of Warren

H-5144

- 1 Amend the amendment, H-5061, to House File 121, as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "Sec. _____. NEW SECTION. 709.17 ENHANCED PENALTY
- 6 FOR REPEAT OFFENSES.
- 7 1. A person who is convicted of a second or
- 8 subsequent violation of any provision of this chapter
- 9 with a child shall be punished as follows:
- 10 a. For a second violation, the person shall be
- 11 sentenced to two times the maximum term otherwise
- 12 provided by law, and the judgment or sentence shall
- 13 not be deferred, or suspended, notwithstanding section
- 14 907.3.
- 15 b. A third or subsequent violation shall be
- 16 punished as a class "D" felony if the underlying
- 17 offense is a misdemeanor, or shall be punished as a
- 18 felony one class higher than the underlying offense if
- 19 the underlying offense is a class "D" or class "C"
- 20 felony. The person shall be sentenced to three times
- 21 the maximum term otherwise provided by this paragraph,
- 22 and the judgment or sentence shall not be deferred, or
- 23 suspended, notwithstanding section 907.3. In
- 24 addition, the person shall not be eligible for parole.
- 25 2. The penalties provided for in this section
- 26 apply even though the second or subsequent violation
- 27 with a child is for a different offense from the
- 28 previous offense under this chapter."
- 29 2. Page 1, line 36, by inserting after the word
- 30 "offenses" the following: "and penalties for
- 31 offenses".
- 32 3. Page 1, line 37, by striking the words "in the
- 33 third degree".
- 34 4. By numbering and renumbering as necessary.

DICKINSON of Jackson

H-5147

- 1 Amend House File 2346 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "cost." the following: "However, a class "E" liquor

4 control licensee may conduct a sale during which a
 5 customer may purchase not more than two alcoholic
 6 liquor products in their individual bottles or
 7 containers at a price which is not less than the
 8 invoiced cost of the products to the licensee."

RENAUD of Polk

H-5148

1 Amend the amendment, H-5118, to Senate File 2089,
 2 as passed by the Senate, as follows:

3 1. Page 2, by inserting after line 12 the
 4 following:

5 "(5) A review and analysis relating to the future
 6 control, operation, and management of the network,
 7 including the feasibility of alternatives related to
 8 the future disposition of the network. The review and
 9 analysis shall include, at a minimum, all of the
 10 following:

11 (a) The feasibility of the privatization of Parts
 12 I and II.

13 (b) A study of issues related to right-of-way for
 14 construction of the network, intergovernmental
 15 contracts affecting the network, federal antitrust
 16 concerns, and issues which may affect local exchange
 17 companies and other providers of telecommunications
 18 services, including the relationship between long
 19 distance carriers and local exchange companies and the
 20 impact of that relationship on the possible
 21 disposition of the network."

CORBETT of Linn

H-5149

1 Amend House Concurrent Resolution 117 as follows:

2 1. Page 1, line 6, by inserting after the word
 3 "evening" the following: "and the evening of
 4 Christian and non-Christian religious or ethnic
 5 holidays, if the holiday affects ten percent of the
 6 student body".

7 2. Page 1, line 21, by inserting after the word
 8 "Wednesdays" the following: "and Christian and non-
 9 Christian religious or ethnic holidays, if the holiday
 10 affects ten percent of the student body".

BEATTY of Warren

H-5155

1 Amend House File 2332 as follows:

2 1. Page 1, line 15, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".

5 2. Page 1, by inserting after line 34 the follow-
 6 ing:
 7 "NEW SUBSECTION. 13B. Notwithstanding any other
 8 provision of this section, all moneys collected from
 9 entities defined as private or public agencies and
 10 which are provided access to the network on or after
 11 March 1, 1994, shall be under the control of the
 12 education telecommunications council and shall be used
 13 to pay for the costs of Part III connections."

WISE of Lee
 NELSON of Pottawattamie

H-5156

1 Amend House File 2332 as follows:
 2 1. Page 1, line 15, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".
 5 2. Page 1, by inserting after line 34 the follow-
 6 ing:
 7 "NEW SUBSECTION. 13B. Notwithstanding any other
 8 provisions of this section, all moneys collected from
 9 entities defined as private or public agencies and
 10 which are provided access to the network on or after
 11 March 1, 1994, shall be used to pay for the costs of
 12 Part III connections."

NEUHAUSER of Johnson

H-5157

1 Amend House File 2332 as follows:
 2 1. Page 1, line 15, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".
 5 2. Page 1, by inserting after line 15 the
 6 following:
 7 "NEW SUBSECTION. 8A. The board shall provide that
 8 no less than fifty percent of the available capacity
 9 of the network shall be reserved for the use of
 10 authorized educational users and educational
 11 purposes."

NEUHAUSER of Johnson

H-5158

1 Amend House File 2332 as follows:
 2 1. Page 1, line 15, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".
 5 2. Page 1, by inserting after line 15 the
 6 following:
 7 "NEW SUBSECTION. 4A. Notwithstanding this

8 section, a proposal related to Part III submitted in
 9 response to a request for proposals developed by the
 10 board shall not be accepted and contracts shall not be
 11 awarded pursuant to such proposal without prior
 12 authorization by a constitutional majority of each
 13 house of the general assembly and approval by the
 14 governor."

NEUHAUSER of Johnson

H-5159

1 Amend House File 2332 as follows:
 2 1. Page 1, by inserting after line 34 the
 3 following:
 4 "Sec. _____. Notwithstanding section 8.39, the
 5 governor and the director of the department of
 6 management shall not transfer, or give written consent
 7 and approval for the transfer of, any funds to the
 8 state communications network fund, to the department
 9 of general services, or to any other fund, department,
 10 or agency, which are intended to be used for the Iowa
 11 communications network established in sections 18.132
 12 through 18.137, without prior authorization by a
 13 constitutional majority of each house of the general
 14 assembly and approval by the governor. Such
 15 authorization shall not be made and such approval
 16 shall not be given until comprehensive plan for the
 17 network, including the purposes, costs, financing
 18 mechanisms, operational plans, policy options, and
 19 other issues affecting the operation of the network,
 20 is submitted to and enacted by the general assembly."
 21 2. By renumbering as necessary.

McKINNEY of Dallas

H-5160

1 Amend the amendment, H-5118, to Senate File 2089,
 2 as passed by the Senate as follows:
 3 1. Page 8, by inserting after line 36 the
 4 following:
 5 "8A. The board shall provide that no less than
 6 fifty percent of the available capacity of the network
 7 shall be reserved for the use of authorized
 8 educational users and educational purposes."

NEUHAUSER of Johnson

H-5161

1 Amend the amendment, H-5118, to Senate File 2089,
 2 as passed by the Senate, as follows:
 3 1. Page 2, by striking lines 30 through 34 and
 4 inserting the following: "the rule."

MILLAGE of Scott

H-5162

- 1 Amend the amendment, H-5118, to Senate File 2089,
2 as passed by the Senate as follows:
- 3 1. Page 3, line 50, by inserting after the word
4 "network" the following: ", subject to the approval
5 of the board".
- 6 2. Page 4, line 1, by inserting after the word
7 "board" the following: ", for the approval of the
8 board,".
- 9 3. Page 4, by striking lines 6 through 8 and
10 inserting the following: "entered into between the
11 affected merged areas, with such resolution subject to
12 the approval of the board."
- 13 4. Page 4, by striking lines 12 and 13, and
14 inserting the following: "authorized user, with such
15 resolution subject to the approval of the board."
- 16 5. Page 4, line 16, by inserting after the word
17 "councils" the following: ", subject to the approval
18 of the board".
- 19 6. Page 4, by striking lines 17 through 21 and
20 inserting the following:
- 21 "(6) Develop proposed rules to implement the
22 duties delegated to the council pursuant to this
23 section and by the board, to be submitted to the board
24 for review and adoption as deemed appropriate by the
25 board."

IVERSON of Wright

H-5165

- 1 Amend the amendment, H-5118, to Senate File 2089,
2 as passed by the Senate, as follows:
- 3 1. Page 7, by striking lines 17 through 21 and
4 inserting the following: "for maintenance for parts
5 of the system. The master contract may provide for
6 electronic classrooms, satellite equipment, receiving
7 equipment, studio and production equipment, and other
8 associated equipment as required."

MILLAGE of Scott

H-5167

- 1 Amend the amendment, H-5118, to Senate File 2089,
2 as passed by the Senate, as follows:
- 3 1. Page 9, by inserting after line 19 the follow-
4 ing:
- 5 "12A. Notwithstanding any other provision of this
6 section, all moneys collected from entities defined as
7 private or public agencies and which are provided
8 access to the network on or after March 1, 1994, shall
9 be under the control of the education

10 telecommunications council and shall be used to pay.
 11 for the costs of Part III connections."

WISE of Lee
 SHOULTZ of Black Hawk
 NELSON of Pottawattamie
 LARKIN of Lee
 O'BRIEN of Boone

H-5168

1 Amend the amendment, H-5118, to Senate File 2089,
 2 as passed by the Senate, as follows:

3 1. Page 9, by inserting after line 19 the follow-
 4 ing:

5 "12A. Notwithstanding any other provision of this
 6 section, all moneys collected from entities defined as
 7 private or public agencies and which are provided
 8 access to the network on or after March 1, 1994, shall
 9 be used to pay for the costs of Part III connections."

NEUHAUSER of Johnson

H-5172

1 Amend the amendment, H-5118, to Senate File 2089,
 2 as passed by the Senate, as follows:

3 1. Page 9, by striking lines 14 through 20 and
 4 inserting the following:

5 "13. Access to the network shall be offered on an
 6 equal basis to public and private agencies under
 7 subsection 8 if the private agency contributes an
 8 amount toward the match requirement comparable to its
 9 share of use for the part of the system in which it
 10 participates.

11 14 12. Notwithstanding chapter 476, the
 12 provisions".

IVERSON of Wright

H-5173

1 Amend the amendment, H-5118, to Senate File 2089,
 2 as passed by the Senate, as follows:

3 1. Page 10, line 16, by inserting after the word
 4 "facility:" the following: "Moneys remaining in the
 5 fund at the end of a fiscal year, after the payment of
 6 any debt service, shall be used exclusively for
 7 educational telecommunication applications as
 8 determined by the education telecommunications
 9 council."

McKINNEY of Dallas

H-5174

1 Amend House File 2193 as follows:

- 2 1. Page 1, line 16, by inserting after the word
3 "filed" the following: "if the person actually owns
4 and occupies the dwelling prior to January 1 of the
5 fiscal year for which the claim for credit is sought
6 and the claim is filed by December 31 of the following
7 fiscal year".
8 2. Page 1, by striking line 25 and inserting the
9 following: "is actually owned and occupied as a
10 homestead prior to January 1 of the next calendar
11 year."

RUNNING of Linn

H-5175

1 Amend House File 2332 as follows:

- 2 1. Page 1, line 15, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by inserting after line 15 the
6 following:
7 "NEW SUBSECTION. 4A. The requests for proposals
8 for all component parts for Part III shall provide for
9 an authorized user or a consortium of authorized users
10 to solicit bids from, and enter into contracts with,
11 qualified bidders for the purpose of completing the
12 necessary work to connect the authorized user or
13 consortium of authorized users to the network,
14 consistent with the minimum standards established for
15 Part III connections."

MILLAGE of Scott

H-5176

1 Amend House File 2332 as follows:

- 2 1. Page 1, line 15, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by inserting after line 34 the
6 following:
7 "NEW SUBSECTION. 13B. The board shall provide
8 that a school district, library, or area education
9 agency shall determine the equipment to be used in the
10 district, library, or agency, with such equipment
11 being capable of receiving and sending two-way audio
12 and video signals, and with all maintenance and
13 replacement costs being the responsibility of the
14 user."

MILLER of Cherokee

H—5177

1 Amend House File 2332 as follows:

2 1. Page 1, by inserting after line 34 the
3 following:

4 "Sec. _____. If the Iowa communications network
5 board, on its own or at the direction of the governor,
6 has not issued a request for proposals on the
7 effective date of this section, the Iowa
8 communications network management team shall issue a
9 request for proposals for the extension of Part III to
10 all high schools, libraries, and area education
11 agencies which are not currently connected. The
12 request for proposals shall require that each proposal
13 submitted certify that a signal will be delivered to a
14 specific location using fiber optic cable and provide
15 the line charge the bidder is willing to offer to both
16 public and private entities seeking to use the
17 connection, which shall include a reasonable profit as
18 determined by the Iowa utilities board. The Iowa
19 communications network board shall collect all
20 available financial information related to the network
21 and provide a written report to the general assembly
22 including such information no later than February 1,
23 1995.

24 The Iowa communications network board shall select
25 a proposal for the extension of Part III submitted in
26 response to the request for proposals on the basis of
27 the lowest line charge offered, and after such
28 selection, shall request that the educational
29 telecommunications advisory council recommend a
30 reasonable and affordable fee for all community
31 colleges, high schools, libraries, and area education
32 agencies, which shall be submitted to the general
33 assembly for approval."

34 2. By renumbering as necessary.

MILLER of Cherokee

H—5180

1 Amend the amendment, H—5158, to House File 2332 as
2 follows:

3 1. Page 1, lines 9 and 10, by striking the words
4 "developed by the board".

NEUHAUSER of Johnson

H—5181

1 Amend the amendment, H—5118, to Senate File 2089,
2 as passed by the Senate, as follows:

3 1. Page 2, line 36, by striking the word "who"
4 and inserting the following: "of which five shall be

5 voting members who”.

6 2. Page 2, line 38, by inserting after the word
7 “confirmation.” the following: “The other four
8 members shall be voting members of the board and shall
9 be members of the general assembly, with two members
10 appointed from the senate, one to be appointed by the
11 majority leader of the senate and one to be appointed
12 by the minority leader of the senate, and two members
13 appointed from the house of representatives, one to be
14 appointed by the speaker of the house and one to be
15 appointed by the minority leader of the house.”

16 3. Page 2, line 40, by inserting after the word
17 “board” the following: “appointed by the governor”.

IVERSON of Wright

H—5183

1 Amend the amendment, H—5118, to Senate File 2089,
2 as passed by the Senate, as follows:

3 1. Page 7, line 21, by inserting after the word
4 “required.” the following: “Notwithstanding this
5 section, a proposal related to Part III submitted in
6 response to a request for proposals developed by the
7 board shall not be accepted and contracts shall not be
8 awarded pursuant to such proposal without prior
9 authorization by a constitutional majority of each
10 house of the general assembly and approval by the
11 governor.”

NEUHAUSER of Johnson

H—5184

1 Amend House File 2305 as follows:

2 1. Page 1, by striking lines 1 through 10.

3 2. Page 1, by striking lines 30 through 35 and
4 inserting the following: “position to a class, after
5 filing with the director (a written request) for
6 reconsideration in the manner and form the director
7 prescribes, be given a reasonable opportunity to be
8 heard by the director. An appeal may be made to the
9 commission or to a qualified classification committee
10 appointed by the commission. An ~~allocation~~ The”.

11 3. By striking page 2, line 24 through page 3,
12 line 2 and inserting the following: “bargaining
13 agreements negotiated under chapter 20 and after a
14 public hearing held by the commission. Review of the
15 pay plan for revisions shall be made in the same
16 manner at the discretion of the director, but not less
17 than annually. The annual review by the director
18 shall be made available to the governor a sufficient
19 time in advance of collective bargaining negotiations
20 to permit its recommendations to be considered during

21 the negotiations. Each employee in the executive
 22 branch, excluding employees of the state board of
 23 regents, shall be paid at one of the rates set forth
 24 in the pay plan for the class of position in which
 25 employed and, unless otherwise designated by the
 26 commission, shall begin employment at the first step
 27 of the established range for the employee's class."

BEATTY of Warren

H-5185

1 Amend House File 2312 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 633.5 NONESTATE
 5 PROPERTY - INSURANCE PROCEEDS.
 6 A decedent's estate shall not include life
 7 insurance proceeds, unless the proceeds are payable to
 8 the decedent's estate.
 9 Sec. _____. Section 633.197, Code 1993, is amended
 10 by adding the following new unnumbered paragraph:
 11 NEW UNNUMBERED PARAGRAPH. For purposes of this
 12 section, the gross assets of the estate shall not
 13 include life insurance proceeds, unless payable to the
 14 decedent's estate."
 15 2. Title page, line 1, by inserting after the
 16 word "Act" the following: "relating to probate, by
 17 providing for the probate estate, and".

HALVORSON of Clayton
 DODERER of Johnson

H-5186

1 Amend House File 2376 as follows:
 2 1. Page 25, by inserting after line 31 the
 3 following:
 4 "Sec. _____. Section 216.19, unnumbered paragraph 3,
 5 Code 1993, is amended to read as follows:
 6 An agency or commission of local government and the
 7 Iowa civil rights commission shall co-operate in the
 8 sharing of data and research, and co-ordinating
 9 investigations and conciliations in order to expedite
 10 claims of unlawful discrimination and eliminate
 11 needless duplication. A city with a population of
 12 twenty-nine thousand, or greater, shall maintain an
 13 independent local civil rights agency or commission
 14 consistent with commission rules adopted pursuant to
 15 chapter 17A. An agency or commission for which a
 16 staff is provided shall have control over such staff.
 17 A city required to maintain a local civil rights
 18 agency or commission shall structure and adequately
 19 fund the agency or commission in order to effect

20 cooperative undertakings with the Iowa civil rights
21 commission and to aid in effectuating the purposes of
22 this chapter. The Iowa civil rights commission may
23 enter into cooperative agreements with any local
24 agency or commission to effectuate the purposes of
25 this chapter. Such agreements may include technical
26 and clerical assistance and reimbursement of expenses
27 incurred by the local agency or commission in the
28 performance of the agency's or commission's duties if
29 funds for this purpose are appropriated by the general
30 assembly."

31 2. By renumbering as necessary.

MILLAGE of Scott

H-5188

1 Amend House File 2376 as follows:

2 1. Page 25, by inserting after line 31 the
3 following:

4 "Sec. _____. Section 216.19, unnumbered paragraph 3,
5 Code 1993, is amended to read as follows:

6 An agency or commission of local government and the
7 Iowa civil rights commission shall co-operate in the
8 sharing of data and research, and co-ordinating
9 investigations and conciliations in order to expedite
10 claims of unlawful discrimination and eliminate
11 needless duplication. A city with a population of
12 twenty-nine fifty thousand, or greater, shall maintain
13 an independent local civil rights agency or commission
14 consistent with commission rules adopted pursuant to
15 chapter 17A. An agency or commission for which a
16 staff is provided shall have control over such staff.
17 A city required to maintain a local civil rights
18 agency or commission shall structure and adequately
19 fund the agency or commission in order to effect
20 cooperative undertakings with the Iowa civil rights
21 commission and to aid in effectuating the purposes of
22 this chapter. The Iowa civil rights commission may
23 enter into cooperative agreements with any local
24 agency or commission to effectuate the purposes of
25 this chapter. Such agreements may include technical
26 and clerical assistance and reimbursement of expenses
27 incurred by the local agency or commission in the
28 performance of the agency's or commission's duties if
29 funds for this purpose are appropriated by the general
30 assembly."

31 2. By renumbering as necessary.

MILLAGE of Scott

H-5189

1 Amend House File 2351 as follows:

2 1. Page 1, by inserting after line 7 the
3 following:

4 "Sec. 108. Section 422.5, subsection 1, Code 1993,
5 is amended by adding the following new paragraph after

6 paragraph i and by relettering the subsequent
7 paragraphs:

8 NEW PARAGRAPH. j. If for any taxable year a
9 taxpayer's taxable income includes a net capital gain
10 as defined in the Internal Revenue Code and any
11 applicable tax rate imposed by this section exceeds
12 six percent, then, in lieu of the tax imposed by the
13 preceding provisions of this subsection, a tax is
14 imposed under this paragraph, if less than the tax
15 that would otherwise be imposed under this subsection,
16 which consists of the sum of the following:

17 (1) A tax computed on the taxable income reduced
18 by the amount of the net capital gain, at the rates
19 and in the manner as provided in this subsection
20 without application of this paragraph.

21 (2) A tax of six percent of the net capital gain.

22 Sec. 109. Section 422.5, subsection 1, paragraph
23 k, unnumbered paragraph 1, Code 1993, is amended to
24 read as follows:

25 There is imposed upon every resident and
26 nonresident of this state, including estates and
27 trusts, the greater of the tax determined in
28 paragraphs "a" through "j" or the state alternative
29 minimum tax equal to seventy-five percent of the
30 maximum state individual income tax rate for the tax
31 year, rounded to the nearest one-tenth of one percent,
32 of the state alternative minimum taxable income of the
33 taxpayer as computed under this paragraph. However,
34 if a taxpayer's state alternative minimum taxable
35 income includes a net capital gain as defined in the
36 Internal Revenue Code, the state alternative minimum
37 tax rate on the net capital gain shall be six
38 percent."

39 2. Page 2, by inserting after line 6 the fol-
40 lowing:

41 "Sec. 502. Section 422.33, subsection 1, Code
42 Supplement 1993, is amended by adding the following
43 new paragraph:

44 NEW PARAGRAPH. e. If for any taxable year a
45 taxpayer's taxable income includes a net capital gain
46 as defined in the Internal Revenue Code and any
47 applicable tax rate imposed by this section exceeds
48 six percent, then, in lieu of the tax imposed by the
49 preceding provisions of this subsection, a tax is
50 imposed under this paragraph, if less than the tax

Page 2

1 that would otherwise be imposed under this subsection,
2 which consists of the sum of the following:

3 (1) A tax computed on the taxable income reduced
4 by the amount of the net capital gain, at the rates

5 and in the manner as provided in this subsection
6 without application of this paragraph.

7 (2) A tax of six percent of the net capital gain.

8 Sec. 503. Section 422.33, subsection 4, unnumbered
9 paragraph 1, Code Supplement 1993, is amended to read
10 as follows:

11 In addition to all taxes imposed under this
12 division, there is imposed upon each corporation doing
13 business within the state the greater of the tax
14 determined in subsection 1, paragraphs "a" through "d"
15 "e" or the state alternative minimum tax equal to
16 sixty percent of the maximum state corporate income
17 tax rate, rounded to the nearest one-tenth of one
18 percent, of the state alternative minimum taxable
19 income of the taxpayer computed under this subsection.
20 However, if a taxpayer's state alternative minimum
21 taxable income includes a net capital gain as defined
22 in the Internal Revenue Code, the state alternative
23 minimum tax rate on the net capital gain shall be six
24 percent."

25 3. Page 2, line 28, by inserting after the word
26 "Sections" the following: "108, 109".

27 4. Page 2, line 28, by inserting after the figure
28 "4," the following: "502, 503,".

29 5. Title page, line 2, by inserting after the
30 word "Code," the following: "reducing the maximum
31 state income tax rate on capital gains,".

32 6. By renumbering and correcting internal
33 references as necessary.

IVERSON of Wright

H-5190

1 Amend House File 2351 as follows:

2 1. Page 2, by inserting after line 24 the
3 following:

4 "Sec. _____. Section 422.73, Code 1993, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 8. Notwithstanding subsection 2,
7 a claim for credit or refund of individual income tax
8 paid for any tax year beginning on or after January 1,
9 1985, and before January 1, 1989, is considered timely
10 if filed with the department on or before April 30,
11 1995, if the taxpayer's claim is the result of the
12 unconstitutional taxation of federal pension benefits
13 based upon the decision in Davis v. Michigan
14 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
15 (1989).

16 A taxpayer entitled to a credit or refund of tax
17 paid under this subsection shall receive the credit or
18 refund within the time frame used for other retired
19 federal employees claiming a credit or refund of tax

20 unlawfully imposed on their federal pensions during
 21 the same tax years."
 22 2. Title page, line 4, by inserting after the
 23 word "expenses," the following: "relating to the
 24 filing of claims for credit or refund by retired
 25 federal employees as a result of the unconstitutional
 26 taxation of federal pensions under the state
 27 individual income tax,".

O'BRIEN of Boone
 MAY of Worth
 MERTZ of Kossuth
 ARNOULD of Scott
 WEIGEL of Chickasaw
 HALVORSON of Webster
 COHOON of Des Moines
 MYERS of Johnson
 SCHRADER of Marion
 MORELAND of Wapello
 BURKE of Marshall
 HAVERLAND of Polk
 HENDERSON of Scott
 MURPHY of Dubuque
 NEUHAUSER of Johnson
 WITT of Black Hawk
 FALLON of Polk
 BELL of Jasper
 OSTERBERG of Linn
 JOCHUM of Dubuque
 BLACK of Jasper
 McKINNEY of Dallas

BERNAU of Story
 LARKIN of Lee
 SHOULTZ of Black Hawk
 PETERSON of Carroll
 OLLIE of Clinton
 MUNDIE of Webster
 NELSON of Pottawattamie
 BRAND of Benton
 RENAUD of Polk
 HARPER of Black Hawk
 HAMMOND of Story
 RUNNING of Linn
 GILL of Woodbury
 BAKER of Polk
 McCOY of Polk
 DODERER of Johnson
 HOLVECK of Polk
 KREIMAN of Davis
 DICKINSON of Jackson
 CATALDO of Polk
 WISE of Lee
 FOGARTY of Palo Alto
 BEATTY of Warren

H-5192

1 Amend the amendment, H-5156, to House File 2332, as
 2 follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "be" the following: "deposited in a separate account
 5 within the Iowa communications network fund to be".

NEUHAUSER of Johnson

H-5193

1 Amend House File 2332 as follows:
 2 1. Page 1, line 10, by inserting after the figure
 3 "336," the following: "a city, a county".
 4 2. Page 1, line 26, by inserting after the word
 5 "patient." the following: "Access to the network

6 shall be offered to a city or a county for the video
 7 and data requirements only of the city or county."
 8 3. Page 1, line 29, by inserting after the word
 9 "clinic," the following: "city, county,".

BRUNKHORST of Bremer

H-5194

1 Amend House File 2332 as follows:
 2 1. Page 1, line 29, by inserting after the word
 3 "office" the following: "for all purposes except
 4 local and long distance voice-only communications
 5 services provided by a local exchange company or long
 6 distance company as defined in section 477.10".

MARTIN of Scott

H-5196

1 Amend House File 2332 as follows:
 2 1. Page 1, line 10, by inserting after the figure
 3 "336," the following: "a city, a county".
 4 2. Page 1, line 27, by striking the words "an
 5 agency of the federal government" and inserting the
 6 following: "a city, a county, an agency of the
 7 federal government,".
 8 3. Page 1, line 29, by inserting after the word
 9 "clinic," the following: "city, county,".

BRUNKHORST of Bremer

H-5198

1 Amend the amendment, H-5118, to Senate File 2089,
 2 as passed by the Senate, as follows:
 3 1. Page 9, by inserting after line 24 the
 4 following:
 5 "Sec. _____. Section 18.136, Code Supplement 1993,
 6 is amended by adding the following new subsection:
 7 **NEW SUBSECTION. 13A.** Notwithstanding any other
 8 provisions of this section, all moneys collected from
 9 entities defined as private or public agencies and
 10 which are provided access to the network on or after
 11 March 1, 1994, shall be deposited in a trust fund
 12 established within the Iowa communications network
 13 fund, subject to appropriation by the general
 14 assembly, to be used to pay for the costs of Part III
 15 connections."
 16 2. By renumbering as necessary.

NEUHAUSER of Johnson

H-5199

1 Amend House File 2332 as follows:
 2 1. Page 1, by inserting after line 13 the
 3 following:
 4 "Sec. _____. Section 18.134, subsection 2, Code
 5 Supplement 1993, is amended to read as follows:

6 2. A political subdivision receiving
 7 communications services from the state as of April 1,
 8 1986, may continue to do so but communications
 9 services shall not be provided or resold to additional
 10 political subdivisions other than a city, a county, a
 11 city or county hospital, a school corporation, a city
 12 library, a regional library as provided in chapter
 13 256, and a county library as provided in chapter 336.
 14 The rates charged to the political subdivision shall
 15 be the same as the rates charged to state agencies.”
 16 2. By renumbering as necessary.

BRUNKHORST of Bremer

H—5200

1 Amend the amendment, H—5156, to House File 2332 as
 2 follows:
 3 1. Page 1, line 11, by inserting after the word
 4 “be” the following: “deposited in a trust fund
 5 created within the Iowa communications network fund,
 6 subject to appropriation by the general assembly, to
 7 be”.

NEUHAUSER of Johnson

H—5203

1 Amend the amendment, H—5118, to Senate File 2089,
 2 as passed by the Senate, as follows:
 3 1. Page 10, by inserting after line 25 the
 4 following:
 5 “Sec. _____. MORATORIUM ON NETWORK ACTIVITY. Not-
 6 withstanding any other provision of chapter 18, or any
 7 other legislative enactment of the 1994 Regular
 8 Session of the Seventy-fifth General Assembly, the
 9 department of general services and the Iowa
 10 communications network management team shall provide
 11 for the cessation of all activities on the Iowa
 12 communications network until such time as a
 13 comprehensive long-term plan is presented to the
 14 general assembly and approved by a constitutional
 15 majority of both houses and the governor.”
 16 2. Renumber as necessary.

McKINNEY of Dallas

H—5206

1 Amend the amendment, H—5118, to Senate File 2089,
 2 as passed by the Senate as follows:
 3 1. By striking page 1, line 4 through page 11,
 4 line 5, and inserting the following: “clause and
 5 inserting the following:
 6 “Section 1. Section 2.32, Code 1993, is amended by

7 adding the following new subsection:

8 NEW SUBSECTION. 9. If an appointment subject to
9 senate confirmation is required by statute to be made
10 by an appointing authority other than the governor,
11 the duties assigned under this section to the governor
12 shall be performed by the appointing authority.

13 Sec. 2. Section 18.133, subsection 1, Code
14 Supplement 1993, is amended to read as follows:

15 1. "Director" means the executive director of the
16 department of general services or the director's
17 designee appointed pursuant to section 18.133B.

18 Sec. 3. Section 18.133, Code Supplement 1993, is
19 amended by adding the following new subsection:

20 NEW SUBSECTION. 1A. "Network" means the Iowa com-
21 munications network or the state communications
22 network.

23 Sec. 4. NEW SECTION. 18.133A IOWA COMMUNICATIONS
24 NETWORK BOARD.

25 1. NETWORK BOARD ESTABLISHED.

26 a. An Iowa communications network board is
27 established, as an agency of the state exercising
28 public and essential governmental functions, with the
29 authority to supervise the management and operation of
30 the Iowa communications network. The board shall
31 ensure that educational users and educational
32 applications of the network be given the highest
33 priority in supervising the management and operation
34 of the network. The board shall ensure that the
35 network operates in an efficient and responsible
36 manner consistent with the provisions of this chapter
37 for the purpose of providing the best economic service
38 attainable to network users consistent with the
39 state's financial capacity. The board shall provide
40 for the centralized, coordinated use and control of
41 the network.

42 b. The board shall do all of the following:

43 (1) Establish a comprehensive financing plan for
44 Part III to be delivered to the general assembly for
45 review and approval, including projections for future
46 revenue and operating expenditures, the cost of
47 completing Part III, and sources of additional revenue
48 necessary to complete Part III including state general
49 fund appropriations.

50 (2) Make recommendations to the general assembly

Page 2

1 for the construction and implementation of Part III,
2 and for authorizing additional users of the network.

3 (3) Provide the requests for proposals for all
4 component parts for Part III for an authorized user or
5 a consortium of authorized users to solicit bids from,

6 and enter into contracts with, qualified bidders for
 7 the purpose of completing the necessary work to
 8 connect the authorized user or consortium of
 9 authorized users to the network, consistent with the
 10 minimum standards established for Part III
 11 connections.

12 c. The board shall adopt rules pursuant to chapter
 13 17A as deemed appropriate and directly related to the
 14 operations of the board.

15 2. MEMBERSHIP.

16 a. The board consists of nine members, who shall
 17 be citizens of this state, appointed by the governor,
 18 subject to senate confirmation. Members of the board
 19 shall not serve in any manner or be employed by an
 20 authorized user of the network. Members of the board
 21 shall serve four-year staggered terms as designated by
 22 the governor and appointments to the board are subject
 23 to the requirements of sections 69.16, 69.16A, and
 24 69.19. Vacancies shall be filled by the governor for
 25 the duration of the unexpired term. Additionally,
 26 four ex officio nonvoting members shall be appointed
 27 who shall be members of the general assembly, with two
 28 members appointed from the senate, one to be appointed
 29 by the majority leader of the senate and one to be
 30 appointed by the minority leader of the senate, and
 31 two members appointed from the house of
 32 representatives, one to be appointed by the speaker of
 33 the house and one to be appointed by the minority
 34 leader of the house.

35 b. Members of the board shall be reimbursed for
 36 all actual and necessary expenses incurred in the
 37 performance of duties as members.

38 c. Meetings of the board shall be held at the call
 39 of the chairperson of the board or on written request
 40 of two members.

41 d. Members shall elect a chairperson and vice
 42 chairperson annually and other officers as they
 43 determine. The executive director shall serve as
 44 secretary to the board.

45 Sec. 5. NEW SECTION. 18.133B EXECUTIVE DIRECTOR
 46 APPOINTED.

47 The board shall appoint an executive director of
 48 the board, subject to confirmation by the senate.
 49 Such individual shall not serve as a member of the
 50 board. The executive director shall serve at the

1 pleasure of the board. The executive director shall
 2 be selected primarily for administrative ability and
 3 knowledge in the field, without regard to political
 4 affiliation. The salary and support of the executive

5 director shall be paid from funds deposited in the
6 state communications network fund.

7 Sec. 6. Section 18.134, subsection 1, Code
8 Supplement 1993, is amended to read as follows:

9 1. The department of general services board may
10 purchase, lease-purchase, lease, and improve property,
11 equipment, and services for telecommunications for
12 public and private agencies, including the broadcast
13 and narrowcast systems, and may dispose of property
14 and equipment when not necessary for its purposes.
15 However, the department of general services board
16 shall not enter into a contract for the purchase,
17 lease-purchase, lease, or improvement of property,
18 equipment, or services for telecommunications pursuant
19 to this subsection in an amount greater than two
20 hundred fifty thousand dollars without prior
21 authorization by a constitutional majority of each
22 house of the general assembly. The board also shall
23 not provide or resell communications services to
24 entities other than public and private agencies as
25 defined on January 1, 1994. The public or private
26 agency shall not provide communication services of the
27 network to another entity at a cost greater than that
28 charged to the agency pursuant to section 18.136,
29 subsections subsection 11 and 12. The department
30 board may arrange for joint use of available services
31 and facilities, and may enter into leases and
32 agreements with private and public agencies with
33 respect to a state the Iowa communications system
34 network, and public agencies are authorized to enter
35 into leases and agreements with respect to the system
36 network for their use and operation. Rentals and
37 other amounts due under the agreements or leases
38 entered into pursuant to this section by a state
39 agency are payable from funds annually appropriated by
40 the general assembly or from other funds legally
41 available. Other public agencies may pay the rental
42 costs and other amounts due under an agreement or
43 lease from their annual budgeted funds or other funds
44 legally available or to become available. This
45 section comprises a complete and independent
46 authorization and procedure for a public agency, with
47 the approval of the department board, to enter into a
48 lease or agreement and related security enhancement
49 arrangements and this section is not a qualification
50 of any other powers which a public agency may possess

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1 and the authorizations and powers granted under this
2 section are not subject to the terms, requirements, or
3 limitations of any other provisions of law. All

4 moneys received by the department board from
 5 agreements and leases entered into pursuant to this
 6 section with private and public agencies shall be
 7 deposited in the state Iowa communications network
 8 fund.

9 It is the intent of the general assembly that
 10 rental and other costs due under agreements and leases
 11 entered into pursuant to this section by state
 12 agencies be replaced by supplemental appropriations to
 13 the state agencies.

14 Sec. 7. NEW SECTION. 18.134A DISPOSITION OF
 15 NETWORK — APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

16 Notwithstanding any provision to the contrary, the
 17 Iowa communications network board or the department of
 18 general services shall not sell, lease, or otherwise
 19 dispose of Part I, II, or III without prior
 20 authorization by a constitutional majority of each
 21 house of the general assembly and approval by the
 22 governor. The board shall develop the request or
 23 requests for proposals which are necessary for the
 24 sale of Parts I, II, and III which are owned by the
 25 state. Such request or requests shall be delivered to
 26 the general assembly no later than January 1, 1995,
 27 for review and approval. The request or requests for
 28 proposals developed for the sale of Parts I, II, and
 29 III which are owned by the state shall provide, at a
 30 minimum, the following:

31 1. Guaranteed access and use to all current
 32 authorized users whether such users are currently
 33 connected to or utilizing the network. The access
 34 guaranteed under this subsection shall assure such
 35 capacity for video, data, and voice requirements as
 36 provided in the request for proposals developed by the
 37 department of general services for the installation
 38 and maintenance of Part III connections of the Iowa
 39 communications network, and dated November 3, 1993.

40 2. Guaranteed access and use for operations
 41 related to an agency of the federal government whose
 42 activities are directly related to the activities at
 43 facilities under the control of the armory board
 44 appointed pursuant to section 29A.57.

45 Sec. 8. Section 18.135, Code 1993, is amended to
 46 read as follows:

47 18.135 RULES.

48 The director board shall adopt rules relating to
 49 state communications in accordance with this chapter.
 50 The director board shall also adopt and provide for

1 standard communications procedures and policies to be
 2 used by state agencies.

3 Sec. 9. Section 18.136, subsections 1, 2, 4, 6, 8,
4 and 9, Code Supplement 1993, are amended to read as
5 follows:

6 1. Moneys in the state communications network fund
7 are appropriated to the Iowa public broadcasting board
8 for purposes of providing financing for the
9 procurement, operation, and maintenance of a state
10 communications network with sufficient capacity to
11 serve the video, data, and voice requirements of state
12 agencies and the educational telecommunications
13 system. The state Iowa communications network
14 consists of Part I, Part II, and Part III of the
15 system.

16 2. For purposes of this section, unless the
17 context otherwise requires:

18 a. "Part I of the system" means the communications
19 connections between central switching and the regional
20 switching centers for the remainder of the network.

21 b. "Part II of the system" means the
22 communications connections between the regional
23 switching centers and the secondary switching centers.

24 c. "Part III of the system" means the
25 communications connection between the secondary
26 switching centers and the agencies defined in section
27 18.133, subsections 3 2 and 4 3.

28 4. The department of general services board shall
29 develop the requests for proposals that are needed for
30 a state communications network with sufficient
31 capacity to serve the video, data, and voice
32 requirements of state agencies and the for educational
33 telecommunications applications required by the Iowa
34 public broadcasting board. The department board shall
35 develop a request for proposals for each of the
36 systems that will make up the network. The department
37 board may develop a request for proposals for each
38 definitive component of Part I, Part II, and Part III
39 of the system or the department board may provide in
40 the request for proposals for each such system that
41 separate contracts may be entered into for each
42 definitive component covered by the request for
43 proposals. The requests for proposals may be for the
44 purchase, lease-purchase, or lease of the component
45 parts of the system, may require maintenance costs to
46 be identified, and the resulting contract may provide
47 for maintenance for parts of the system. The master
48 contract may provide for electronic classrooms,
49 satellite equipment, receiving equipment, studio and
50 production equipment, and other associated equipment

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1 as required.

2 6. Prior to the awarding of a contract under this
3 section, the department board shall notify the
4 legislative council and the department of management
5 of the department's board's intent to award a contract

6 and of the cost to the state. The department of
7 management and the legislative council shall determine
8 if the anticipated financial resources of the state
9 are adequate to fund the expenditure during the fiscal
10 years covered by the contract, and if so, the
11 department of management shall certify the
12 determination to the department board. Upon
13 certification, the department board may enter into the
14 contract.

15 8. The Iowa public broadcasting board retains sole
16 authority over the educational telecommunications
17 applications of Part I of the system, Part II, and
18 Part III, and its authority shall include management
19 and operational control, programming, budget,
20 personnel, scheduling, and program switching of
21 educational material carried by Part I of the system.
22 The Iowa public broadcasting board, through its
23 narrowcast system advisory committee, retains
24 coordination authority over the educational
25 telecommunications applications of Part II and Part
26 III of the system. Community colleges are responsible
27 for scheduling and switching of educational materials
28 carried by Part II and Part III of the system within
29 their respective areas. Such responsibility may be
30 accomplished by a chapter 28E agreement with the
31 department of general services board.

32 The narrowcast system advisory committee shall
33 review all requests for grants for educational
34 telecommunications applications, if they are a part of
35 the state communications network, to ensure that the
36 educational telecommunications application is
37 consistent with the telecommunications plan. If the
38 narrowcast system advisory committee finds that a
39 grant request is inconsistent with the
40 telecommunications plan, the grant request shall not
41 be allowed.

42 9. The procurement and maintenance of electronic
43 equipment including, but not limited to, master
44 receiver antenna systems, studio and production
45 equipment, and broadcast system components shall be
46 provided for under department of general services' the
47 board's contracts. The Iowa public broadcasting board
48 and other educational entities within the state have
49 the option to use their existing or replacement
50 resources and agreements in the operation and

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1 maintenance of these systems.

2 Sec. 10. Section 18.136, subsections 7, 10, 12,
3 13, and 14, Code Supplement 1993, are amended by
4 striking the subsections.

5 Sec. 11. NEW SECTION. 18.136A UTILITIES BOARD TO
6 ESTABLISH RATES.

7 The Iowa utilities board shall establish all rates
8 and fees to be charged to an authorized user related
9 to transmissions on any connection from a Part II
10 secondary switching center to an authorized user.
11 Such rates and fees shall vary based upon the costs
12 incurred in providing such connection and the services
13 to be provided to such authorized users.

14 Sec. 12. Section 18.137, Code 1993, is amended to
15 read as follows:

16 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

17 There is created in the office of the treasurer of
18 state a temporary fund to be known as the state Iowa
19 communications network fund. There is appropriated to
20 the state communications network fund for the fiscal
21 year beginning July 1, 1989, and ending June 30, 1990,
22 the sum of two million one hundred forty-two thousand
23 six hundred twenty-one dollars from the general fund
24 of the state. There is appropriated from the general
25 fund of the state to the state Iowa communications
26 network fund for each fiscal year of the fiscal period
27 beginning July 1, 1991, and ending June 30, 1996, the
28 sum of five million dollars. Notwithstanding section
29 8.33, unobligated and unencumbered moneys from the
30 appropriation for a fiscal year remaining on June 30
31 of that fiscal year shall not revert to the general
32 fund of the state but shall remain available for
33 expenditure during the next following fiscal year.
34 There shall also be deposited into the state Iowa
35 communications network fund proceeds from bonds issued
36 for purposes of projects authorized pursuant to
37 section 18.136, matching funds received from the
38 community colleges and the local school boards
39 corporations, funds received from leases pursuant to
40 section 18.134, and other moneys by law credited to or
41 designated by a person for deposit into the fund.
42 Notwithstanding the requirements of section 18.136,
43 subsection 1, for the fiscal year beginning July 1,
44 1990, and ending June 30, 1991, thirty-one thousand
45 dollars of moneys in the state communications network
46 fund may be expended for the state's share of the cost
47 for the design of a disaster recovery facility to be
48 built in conjunction with the Iowa communications
49 network facility and emergency operation center. The
50 department of general services may increase its fees

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1 for data processing in order to collect an additional
2 amount not exceeding two hundred thousand dollars
3 during the fiscal year beginning July 1, 1991, to pay

4 for the state's share of the cost of construction of
5 the disaster recovery facility.

6 The Iowa public broadcasting board shall use the
7 net increase in the federal match awarded to the Iowa
8 public broadcasting board as a result of this
9 appropriation in order to meet the needs of the
10 educational telecommunications system. These funds
11 shall be deposited in a separate account within the
12 state Iowa communications network fund, and shall be
13 administered by the Iowa public broadcasting board for
14 purposes of the fund.

15 Sec. 13. INITIAL IOWA COMMUNICATIONS NETWORK BOARD
16 APPOINTMENTS. The initial members of the Iowa
17 communications network board shall be appointed on or
18 before July 1, 1994, to the following terms:

19 1. Three members shall be appointed for a term of
20 four years.

21 2. Two members shall be appointed for a term of
22 three years.

23 3. Two members shall be appointed for a term of
24 two years.

25 4. Two members shall be appointed for a term of
26 one year.

27 Sec. 14. CODE EDITOR TRANSFERS. The Code editor
28 shall transfer sections 18.132 through 18.137 to be a
29 new chapter 8D. The Code editor shall correct all
30 internal citations and references consistent with the
31 transfer of Code sections as provided in this section.

32 Sec. 15. EFFECTIVE DATE. This Act, being deemed
33 of immediate importance, is effective upon
34 enactment." "

IVERSON of Wright
MILLER of Cherokee
MILLAGE of Scott

RAFFERTY of Scott
MEYER of Sac
BLODGETT of Cerro Gordo

H—5208

1 Amend the amendment, H—5118, to Senate File 2089,
2 as passed by the Senate, as follows:

3 1. Page 3, line 27, by striking the word "twenty-
4 five" and inserting the following: "twenty-six".

5 2. Page 3, line 37, by inserting after the word
6 "association;" the following: "one person appointed
7 by the Iowa taxpayers association;".

RAFFERTY of Scott

H—5209

1 Amend House File 2332 as follows:

2 1. Page 1, line 15, by striking the word
3 "subsection" and inserting the following:
4 "subsections".

5 2. Page 1, by inserting after line 34 the
 6 following:
 7 "NEW SUBSECTION. 13B. A nonpublic or
 8 nongovernmental entity provided access to the network
 9 shall pay all costs associated with the connection to
 10 and use of the network. No state subsidy related to
 11 the costs of the connection or use of the network
 12 related to such user shall be provided."

HAMMOND of Story

H-5212

1 Amend the amendment, H-5118, to Senate File 2089,
 2 as passed by the Senate, as follows:
 3 1. Page 9, by inserting after line 19 the follow-
 4 ing:
 5 "12A. Notwithstanding any other provision of this
 6 section, all moneys collected from entities defined as
 7 private or public agencies and which are provided
 8 access to the network on or after March 1, 1994, shall
 9 be used to pay for the costs of Part III connections,
 10 including connections for public elementary and public
 11 middle schools."

NEUHAUSER of Johnson

H-5214

1 Amend House File 2332 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "grants," the following: "a nonprofit agency
 4 providing health care services,"
 5 2. Page 1, line 17, by inserting after the word
 6 "offered" the following: "to a nonprofit agency
 7 providing health care services,"
 8 3. Page 1, line 29, by inserting after the word
 9 "A" the following: "nonprofit agency providing health
 10 care services,".

HAMMOND of Story

H-5217

1 Amend House File 2177 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "section." the following: "All inspectors conducting
 4 certification inspections under chapter 455G, shall
 5 also be licensed under this section."
 6 2. Page 1, by striking lines 32 through 34 and
 7 inserting the following: "to any interested person."
 8 3. Page 2, by striking lines 3 through 5 and
 9 inserting the following: "the costs of authorized
 10 training and inspection."
 11 6. The fees collected by the state fire marshal

12 for licensing and certification inspection under this
 13 section shall be retained by the state fire marshal to
 14 defray the costs of administration of this section."

15 4. Page 3, by striking lines 29 and 30 and
 16 inserting the following: "for public or private water
 17 supplies; to a level rendering them unsafe for human
 18 consumption."

19 5. Page 5, line 4, by striking the word "shall"
 20 and inserting the following: "may".

21 6. Page 5, by striking lines 13 through 23 and
 22 inserting the following:

23 "(4) High risk sites classified under paragraph
 24 "d", subparagraph (2), subparagraph subdivision (a),
 25 subparagraph subdivision parts (i), (iii), and (iv),
 26 shall comply with corrective action standards be
 27 remediated to the extent it does not present an
 28 unreasonable risk to human health and safety or the
 29 environment. In determining a corrective action
 30 response, the department shall take into account site
 31 specific conditions, including, but not limited to,
 32 the effectiveness of available remedial technologies,
 33 the duration of remediation, the operation and effect
 34 of natural remediation processes, the benefits
 35 afforded the public health and safety and the
 36 environment, and the cost effectiveness of the design
 37 and ongoing implementation of a corrective action
 38 response."

39 7. Page 6, by striking lines 20 through 22 and
 40 inserting the following:

41 "(e) The department may order remediation on a
 42 site where it would be more cost effective to
 43 remediate than to monitor the site."

44 8. Page 7, by inserting after line 12, the
 45 following:

46 "Sec. _____. NEW SECTION. 455B.474A SITE CLEANUP
 47 REPORT – CORRECTIVE ACTION DESIGN REPORT – EXPEDITED
 48 PROCEDURE.

49 Notwithstanding section 455B.474, the department
 50 may conduct a limited and expedited review of site

Page 2

1 cleanup reports and corrective action design reports
 2 in accordance with the following:

3 1. For high-risk sites requiring remediation, the
 4 site cleanup report and corrective action design
 5 report may be submitted at the same time.

6 2. A written request for expedited review shall be
 7 signed by the owner or operator and shall include all
 8 of the following:

9 a. A compliance report from the groundwater
 10 professional who performed the work.

11 b. Proof of liability insurance of the company
12 employing the groundwater professional. The liability
13 insurance shall be in an amount sufficient to assure
14 that financial resources will be available to remedy
15 all consequences of the failure of the company or the
16 groundwater professional to comply fully with the
17 terms of the groundwater professional's compliance
18 report.

19 c. Proof of bonding of the groundwater
20 professional. The bond shall be in the amount of one
21 hundred thousand dollars or an amount, as determined
22 by the department, sufficient to assure that financial
23 resources shall be available to remedy all
24 consequences of the groundwater professional's failure
25 to comply fully with the terms of the compliance
26 report. The bond shall run in favor of the department
27 and the owner and operator responsible for the work
28 covered by the bond.

29 3. The department, prior to conducting an
30 expedited review of a site cleanup report, shall
31 verify that the requirements of subsection 2 have been
32 met. Upon verification, the department shall accept
33 and file the report. For sites that are classified as
34 low risk or high-risk monitoring, the department's
35 review of the site cleanup report shall be limited to
36 a review of the monitoring plan. If the department
37 determines the monitoring plan is acceptable, the
38 department shall accept and file the report. The
39 department shall provide continued review of
40 compliance with the monitoring report.

41 4. The department, prior to conducting an
42 expedited review of a corrective action design report,
43 shall verify that the requirements of subsection 2
44 have been met. Upon verification, the department
45 shall accept and file the report. The review shall be
46 of the proposed monitoring plan only. If the
47 department determines the monitoring plan is
48 acceptable, the department shall accept and file the
49 corrective action design report for implementation.
50 The department shall continue to review compliance

Page 3

1 with the monitoring plan.

2 5. If the department determines that there has
3 been a failure to comply with the terms of the
4 groundwater professional's review report, the
5 department or an owner or operator may do any of the
6 following:

7 a. Order the groundwater professional and the
8 company employing the groundwater professional to pay
9 for and remedy the failure to comply with the report.

10 b. Contract with other persons to remedy the
11 failure at the expense of the groundwater professional
12 and the company employing the groundwater
13 professional.

14 c. Pursue all other remedies available against the
15 groundwater professional, including, but not limited
16 to, the company's insurance and the groundwater
17 professional's bond.

18 6. This section shall not affect the duties and
19 responsibilities of owners and operators under this
20 chapter or chapter 455G."

21 9. Page 8, by striking lines 12 through 14 and
22 inserting the following: "contract with the board and
23 the authority. The board shall not issue bonds with a
24 maturity date in excess of twenty years from the first
25 day of July following the date of issue. The board
26 may delegate to the authority and the".

27 10. Page 9, line 7, by striking the word "sold".

28 11. By striking page 9, line 17 through page 11,
29 line 17.

30 12. By striking page 11, line 29 through page 12,
31 line 18 and inserting the following:

32 "Sec. _____. NEW SECTION. 455B.474A COMPLIANCE
33 REPORT REQUIREMENTS.

34 The department of natural resources, in
35 implementing new section 455B.474A, shall provide in
36 substance for the following:

37 1. The groundwater professional's compliance
38 report shall provide the following statement:

39 "I,, IGP, am
40 familiar with all applicable requirements of sections
41 455B.474 and 455B.474A, and the rules adopted pursuant
42 to those sections, as set forth in the department's
43 current site cleanup report document and corrective
44 action procedures and documents. Based upon my
45 knowledge of these requirements, it is my professional
46 opinion this report complies with all requirements.

47 2. For site cleanup reports, the groundwater
48 professional's compliance report shall also provide
49 the following statement:

50 "It is my professional opinion that this report

Page 4

1 defines the soil and groundwater contamination plumes,
2 identifies all public and private wells and surface
3 water within 1000 feet of the plumes, identifies all
4 other ascertainable receptors within 200 feet of the
5 plumes, appropriately classifies the site using
6 department criteria, and establishes a monitoring plan
7 capable of meeting the criteria set forth in 567 IAC
8 135.8."

9 3. For corrective action design reports, the
 10 groundwater professional's compliance report shall
 11 provide the following statement:

12 "It is my professional opinion that this report
 13 includes a detailed discussion of corrective action
 14 alternatives appropriate to the site conditions and a
 15 justification demonstrating the corrective action
 16 response selected is the best available and cost-
 17 effective corrective action response. It is also my
 18 professional opinion that this report contains all
 19 pilot study results necessary for project design, the
 20 remedial process design, all required permits, and a
 21 proposed monitoring plan that measures each treatment
 22 unit process effectiveness, all contaminant
 23 discharges, and the effectiveness of treatment on the
 24 contaminant plumes, in compliance with sections
 25 455B.474 and 455B.474A, and 567 IAC 135.8. It is my
 26 professional opinion that the selected corrective
 27 action response can reasonably be expected to meet the
 28 requirements of sections 455B.474 and 455B.474A, and
 29 567 IAC 135.8, and the department's guidance documents
 30 consistent with generally accepted standards of
 31 professional judgment."

32 13. Page 12, by inserting before line 19, the
 33 following:

34 "Sec. _____. Chapter 424 is repealed effective July
 35 1, 2017."

36 14. Title page, line 2, by striking the
 37 following: "remedial benefits, cost recovery,".

38 15. Title page, by striking lines 4 and 5 and
 39 inserting the following: "natural resources,
 40 installers, bonds, and providing for repeal of the
 41 environmental protection charge."

42 16. By renumbering as necessary.

RAFFERTY of Scott

H-5219

1 Amend House File 2179 as follows:

2 1. Page 1, line 6, by inserting after the word
 3 "state." the following: "The commission may also
 4 authorize the licensee of an excursion gambling boat
 5 licensed pursuant to chapter 99F to simultaneously
 6 telecast on the excursion gambling boat for the
 7 purpose of pari-mutuel wagering, a horse or dog race
 8 licensed by another state. The commission shall adopt
 9 rules to regulate the simultaneous telecast of dog and
 10 horse races for the purpose of pari-mutuel wagering on
 11 a licensed excursion gambling boat in compliance with
 12 this chapter, except that the licensee of an excursion
 13 gambling boat shall not be required to conduct live
 14 races."

15 2. Title page, line 2, by inserting after the
16 word "days" the following: ", the regulation of
17 simultaneously telecast pari-mutuel horse and dog
18 races on excursion gambling boats,".

HANSEN of Woodbury

H-5220

1 Amend House File 2375 as follows:

2 1. Page 1, by inserting after line 11 the
3 following:

4 "Sec. _____. Section 99D.11, subsection 6, paragraph
5 b, Code 1993, is amended to read as follows:

6 b. The commission may authorize the licensee to
7 simultaneously telecast within the racetrack
8 enclosure, for the purpose of pari-mutuel wagering, a
9 horse or dog race licensed by the racing authority of
10 another state. The commission may also authorize the
11 licensee of an excursion gambling boat licensed
12 pursuant to chapter 99F to simultaneously telecast on
13 the excursion gambling boat for the purpose of pari-
14 mutuel wagering, a horse or dog race licensed by
15 another state. The commission shall adopt rules to
16 regulate the simultaneous telecast of dog and horse
17 races for the purpose of pari-mutuel wagering on a
18 licensed excursion gambling boat in compliance with
19 this chapter, except that the licensee of an excursion
20 gambling boat shall not be required to conduct live
21 races. It is the responsibility of each licensee to
22 obtain the consent of appropriate racing officials in
23 other states as required by the federal Interstate
24 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
25 televise races for the purpose of conducting pari-
26 mutuel wagering. A licensee may also obtain the
27 permission of a person licensed by the commission to
28 conduct horse or dog races in this state to televise
29 races conducted by that person for the purpose of
30 conducting pari-mutuel racing. However, arrangements
31 made by a licensee to televise any race for the
32 purpose of conducting pari-mutuel wagering are subject
33 to the approval of the commission, and the commission
34 shall select the races to be televised. The races
35 selected by the commission shall be the same for all
36 licensees approved by the commission to televise races
37 for the purpose of conducting pari-mutuel wagering.
38 The commission shall not authorize the simultaneous
39 telecast or televising of and a licensee shall not
40 simultaneously telecast or televise any horse or dog
41 race for the purpose of conducting pari-mutuel
42 wagering unless the simultaneous telecast or
43 televising is done at the racetrack of a licensee that
44 schedules no less than ninety performances of nine

45 live races each day of the season. For purposes of
 46 the taxes imposed under this chapter, races televised
 47 by a licensee for purposes of pari-mutuel wagering
 48 shall be treated as if the races were held at the
 49 racetrack of the licensee."

HANSEN of Woodbury

H-5221

1 Amend House File 2332 as follows:
 2 1. Page 1, line 13, by inserting after the figure
 3 "13A," the following: "For purposes of this
 4 subsection, city libraries, regional libraries, and
 5 county libraries shall only include libraries which
 6 are open to the public and publicly funded."

HAMMOND of Story

H-5223

1 Amend House File 2179 as follows:
 2 1. Page 1, by inserting after line 31 the
 3 following:
 4 "Sec. _____. Section 99F.7, subsection 10, Code
 5 Supplement 1993, is amended by adding the following
 6 new paragraph:
 7 NEW PARAGRAPH. d. For an election held pursuant
 8 to this section in counties having a population of
 9 three hundred thousand or more, the expenditure of
 10 funds for and against the ballot proposition is
 11 limited to forty thousand dollars. Within ten days
 12 after the board of supervisors announces the date of a
 13 special election called pursuant to the section, all
 14 individuals or other persons who plan to spend moneys
 15 to support passage or rejection of the ballot
 16 proposition shall file a petition with the county
 17 commissioner of election indicating the amount of
 18 money the person plans to spend favoring or opposing
 19 the ballot proposition. After the ten days have
 20 expired, the county commissioner of elections shall
 21 total the sums of money which the proponents and
 22 opponents have petitioned to spend. If the total
 23 planned expenditures for or against the ballot
 24 proposition exceeds twenty thousand dollars, the
 25 county commissioner of elections shall allocate the
 26 allowable campaign expenditures among the petitioners
 27 in proportion to the amount of expenditures requested
 28 by each petitioner. The commissioner of elections
 29 shall notify each petitioner of the petitioner's
 30 campaign expenditure limitation by certified mail.
 31 Within sixty days after the date of the election, each
 32 petitioner shall file a report of campaign
 33 expenditures with the county commissioner of elections

34 specifying the amount and purpose of each campaign
35 expenditure. A person who violates this paragraph by
36 failing to file a campaign report as required, by
37 knowingly filing a false or incomplete campaign
38 report, or by spending more to campaign for or against
39 a ballot proposition than is authorized by the
40 commissioner of elections pursuant to this paragraph
41 is guilty of a serious misdemeanor."

FALLON of Polk

H-5227

- 1 Amend House File 2337 as follows:
- 2 1. Page 2, line 23, by striking the word
- 3 "subsections" and inserting the following:
- 4 "subsection".
- 5 2. Page 2, by striking lines 27 through 31.
- 6 3. By renumbering and correcting internal
- 7 references as necessary.

KOENIGS of Mitchell

H-5232

- 1 Amend House File 2394 as follows:
- 2 1. Page 10, by inserting after line 23 the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 709.17 ENHANCED PENALTY
- 5 FOR REPEAT OFFENSES.
- 6 1. A person who is convicted of a second or
- 7 subsequent violation of any provision of this chapter
- 8 with a child shall be punished as follows:
- 9 a. For a second violation, the person shall be
- 10 sentenced to two times the maximum term otherwise
- 11 provided by law, and the judgment or sentence shall
- 12 not be deferred, or suspended, notwithstanding section
- 13 907.3.
- 14 b. A third or subsequent violation shall be
- 15 punished as a class "D" felony if the underlying
- 16 offense is a misdemeanor, or shall be punished as a
- 17 felony one class higher than the underlying offense if
- 18 the underlying offense is a class "D" or class "C"
- 19 felony. The person shall be sentenced to three times
- 20 the maximum term otherwise provided by this paragraph,
- 21 and the judgment or sentence shall not be deferred, or
- 22 suspended, notwithstanding section 907.3. In
- 23 addition, the person shall not be eligible for parole.
- 24 2. The penalties provided for in this section
- 25 apply even though the second or subsequent violation
- 26 with a child is for a different offense from the
- 27 previous offense under this chapter."
- 28 2. By numbering and renumbering as necessary.

DICKINSON of Jackson

H-5233

- 1 Amend House File 2337 as follows:
- 2 1. Page 27, line 26, by striking the words "at
- 3 least five but".

HALVORSON of Clayton

H-5235

- 1 Amend House File 2332 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "Sec. _____. Section 18.134, subsection 2, Code
- 5 Supplement 1993, is amended to read as follows:
- 6 2. A political subdivision receiving
- 7 communications services from the state as of April 1,
- 8 1986, may continue to do so but communications
- 9 services shall not be provided or resold to additional
- 10 political subdivisions other than a city or county
- 11 hospital, a school corporation, a city library, a
- 12 regional library as provided in chapter 256, and a
- 13 county library as provided in chapter 336. The rates
- 14 charged to the political subdivision shall be the same
- 15 as the rates charged to state agencies."
- 16 2. By renumbering as necessary.

BRUNKHORST of Bremer

H-5237

- 1 Amend the amendment, H-5118, to Senate File 2089,
- 2 as passed by the Senate, as follows:
- 3 1. Page 9, by inserting after line 24 the
- 4 following:
- 5 "Sec. _____. **NEW SECTION. 18.136A ACCESS PROVIDED**
- 6 **TO EACH SCHOOL DISTRICT.**
- 7 The state shall provide access to the network and
- 8 shall pay the costs associated with such access for
- 9 each public school district in this state. For
- 10 purposes of this section, "costs" include those costs
- 11 associated with providing the connection of such
- 12 schools to the network and the necessary classroom
- 13 equipment related to such connections. Additionally,
- 14 an entity defined as a private or public agency and to
- 15 be offered access to the network on or after March 1,
- 16 1994, shall not be provided such access until each
- 17 public school district is provided access pursuant to
- 18 this section."
- 19 2. By renumbering as necessary.

SCHRADER of Marion

H-5238

1 Amend House File 2332 as follows:

2 1. Page 1, line 10, by inserting after the figure
3 "336," the following: "a science center open to the
4 public or a museum, as defined in section 305B.2,
5 which is open to the public to the extent provided in
6 section 18.136, subsection 13B."

7 2. Page 1, line 15, by striking the word
8 "subsection" and inserting the following:
9 "subsections".

10 3. Page 1, by inserting after line 34 the
11 following:

12 "NEW SUBSECTION. 13B. Access to the network shall
13 be offered to a science center open to the public or a
14 museum, as defined in section 305B.2, which is open to
15 the public, only for the purpose of providing
16 educational programs on the network."

GRUNDBERG of Polk
GRUBBS of Scott
CHURCHILL of Polk
HOLVECK of Polk

McCoy of Polk
CARPENTER of Polk
METCALF of Polk
HAVERLAND of Polk

H-5244

1 Amend the amendment, H-5118, to Senate File 2089,
2 as passed by the Senate, as follows:

3 1. Page 7, by inserting after line 21 the follow-
4 ing:

5 "A certified local exchange telephone company shall
6 have the right to provide an authorized user within
7 the company's service territory any required
8 individual facility from a point of presence to an end
9 point to be used for providing any component of Part
10 III. The rate to be charged by the local exchange
11 telephone company for providing such facility shall be
12 approved by the Iowa utilities board.

13 A certified local exchange telephone company shall
14 have ninety days, from the date an authorized user has
15 requested that the local exchange telephone company
16 provide the required facilities related to Part III of
17 the network, to notify such user as to whether the
18 local exchange telephone company elects to provide the
19 required facilities. If a certified local exchange
20 telephone company elects not to provide required
21 facilities to an authorized user as provided by this
22 subsection, the Iowa communications network board
23 shall develop a request for proposals for the required
24 facilities. The board shall determine the form and
25 content of the request for proposals and shall
26 determine which proposal will be accepted for
27 providing the required facilities. Proposals may be

28 submitted by any qualified person including other
 29 certified local exchange telephone companies.
 30 However, a proposal shall not be submitted by the
 31 certified local exchange telephone company electing
 32 not to provide such facilities pursuant to this
 33 subsection."

MILLER of Cherokee

H-5250

1 Amend House File 2350 as follows:
 2 1. Page 10, line 12, by striking the words
 3 "medium security".
 4 2. Page 10, line 26, by striking the words "
 5 medium security".

HANSEN of Woodbury

H-5252

1 Amend House File 2226 as follows:
 2 1. Page 1, line 25, by inserting after the word
 3 "agency" the following: "or jail".

McNEAL of Hardin
 WITT of Black Hawk

H-5253

1 Amend House File 2332 as follows:
 2 1. Page 1, line 10, by inserting after the figure
 3 "336," the following: "a federal, state, or local law
 4 enforcement agency to the extent provided in section
 5 18.136, subsection 13A, a state or federal court to
 6 the extent provided in section 18.136, subsection
 7 13A".
 8 2. Page 1, line 16, by inserting after the figure
 9 "13A." the following: "Access to the network shall be
 10 offered to federal, state, and local law enforcement
 11 agencies, and to state and federal courts only for
 12 video conferencing and transmission of data, provided
 13 that such entity contributes an amount consistent with
 14 its share of use for the part of the system in which
 15 the entity participates, as determined by the board.
 16 A law enforcement agency or court offered access
 17 pursuant to this subsection is responsible for all
 18 costs associated with becoming a part of the network.
 19 For purposes of state and federal courts, "video
 20 conferencing" includes arraignments and preliminary
 21 hearings, juvenile hearings, parole hearings, and
 22 involuntary hospitalization proceedings under chapter
 23 125 or 229."

CATALDO of Polk
 WEIDMAN of Cass
 McCOY of Polk
 LARSON of Linn

H-5260

1 Amend House File 2351 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 8.59, Code Supplement 1993, is
5 amended to read as follows:

6 8.59 APPROPRIATIONS FREEZE.

7 Notwithstanding contrary provisions of the Code,
8 the amounts appropriated under the applicable sections
9 of the Code for fiscal years commencing on or after
10 July 1, 1993, are limited to those amounts expended
11 under those sections for the fiscal year commencing
12 July 1, 1992. If an applicable section appropriates
13 moneys to be distributed to different recipients and
14 the operation of this section reduces the total amount
15 to be distributed under the applicable section, the
16 moneys shall be prorated among the recipients. As
17 used in this section, "applicable sections" means the
18 following sections: 53.50, 229.35, 230.8, 230.11,
19 405A.8, 411.20, 425.1, ~~425.39~~, 426A.1, 663.44, and
20 822.5."

21 2. Page 1, by inserting after line 9 the
22 following:

23 "Sec. 206. Section 422.9, subsection 1, Code 1993,
24 is amended to read as follows:

25 1. An optional standard deduction, after deduction
26 of federal income tax, equal to one thousand two
27 hundred thirty dollars for a married person who files
28 separately or a single person or equal to three
29 thousand thirty dollars for a husband and wife who
30 file a joint return, a surviving spouse, or an
31 unmarried head of household. The optional standard
32 deduction shall not exceed the amount remaining after
33 deduction of the federal income tax. The amount of
34 the federal income tax deducted shall not exceed the
35 amount as computed under subsection 2, paragraph "b"."

36 3. Page 1, by inserting after line 16 the
37 following:

38 "Sec. 207. Section 422.9, subsection 2, paragraph
39 b, Code 1993, is amended by striking the paragraph and
40 inserting in lieu thereof the following:

41 b. Add the amount of federal income taxes paid or
42 accrued, as the case may be, for the tax year. Also
43 add the amount of federal income taxes paid with the
44 federal return or as a result of an adjustment to a
45 federal return during the tax year for a prior year.
46 However, the amount of federal income taxes deducted
47 for the tax year shall not exceed the following
48 amounts:

49 (1) For single individuals, three hundred twenty-
50 five thousand dollars.

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1 (2) For married persons who file a joint state
2 income tax return, or who file separately on
3 individual returns, or who file separately on a
4 combined return, five hundred fifty thousand dollars.

5 (3) For an unmarried head of household, four
6 hundred fifty thousand dollars.

7 However, any additional taxes paid with the federal
8 return or as a result of an adjustment to a federal
9 return during tax years ending prior to January 1,
10 1993, are not subject to the dollar limitation.

11 Subtract the amount of federal income tax refunds
12 received for the tax year to the extent that the
13 federal income tax was deducted in a previous year.

14 Married persons who file separate returns or file
15 separately on combined return forms shall be limited
16 to a federal income tax deduction for federal income
17 taxes paid during the tax year not to exceed five
18 hundred fifty thousand dollars in total for both
19 spouses. The amount of the federal income tax
20 deduction shall be divided between each spouse by the
21 ratio of federal adjusted gross income of each spouse
22 to total federal adjusted gross income of both spouses
23 unless they can show that another method more
24 accurately reflects the amount of federal income tax
25 to be paid by each."

26 4. Page 2, by inserting after line 6 the
27 following:

28 "Sec. 506. Section 422.12, subsection 1, paragraph
29 c, Code 1993, is amended to read as follows:

30 c. For each dependent, an additional fifteen forty
31 dollars. As used in this section, the term
32 "dependent" has the same meaning as provided by the
33 Internal Revenue Code."

34 5. Page 2, by inserting after line 24 the
35 following:

36 "Sec. 703. Section 425.39, Code Supplement 1993,
37 is amended to read as follows:

38 425.39 FUND CREATED — APPROPRIATION — PRIORITY,
39 PRORATION.

40 1. The extraordinary property tax credit and
41 reimbursement fund is created. There is appropriated
42 annually from the general fund of the state to the
43 department of revenue and finance to be credited to
44 the extraordinary property tax credit and
45 reimbursement fund, from funds not otherwise
46 appropriated, an amount sufficient to implement this
47 division twelve million eight hundred thousand
48 dollars.

49 2. If the amount appropriated under subsection 1,
50 as limited by section 8.59, plus any supplemental

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1 appropriation made for purposes of this section for a
2 fiscal year is insufficient to pay all claims in full,
3 the director shall pay, in full, all claims to be paid
4 during the fiscal year for reimbursement of rent
5 constituting property taxes paid or if moneys are
6 insufficient to pay all such claims on a pro rata
7 basis. If the amount of claims for credit for
8 property taxes due to be paid during the fiscal year
9 exceed the amount remaining after payment to renters,
10 the director of revenue and finance shall prorate the
11 payments to the counties for the property tax credit.
12 In order for the director to carry out the
13 requirements of this subsection, notwithstanding any
14 provision to the contrary in this division, claims for
15 reimbursement for rent constituting property taxes
16 paid filed before May 1, of the fiscal year shall be
17 eligible to be paid in full during the fiscal year and
18 those claims filed on or after May 1 of the fiscal
19 year shall be eligible to be paid during the following
20 fiscal year and the director is not required to make
21 payments to counties for the property tax credit
22 before June 15 of the fiscal year."

23 6. Page 2, line 28, by striking the figures "2,
24 3, 4," and inserting the following: "2, 206, 207, 3,
25 4, 506,".

26 7. Page 2, by inserting after line 30 the
27 following:

28 "Sec. _____. Section 703 of this Act which amends
29 section 425.39, applies to property tax credit claims
30 for taxes payable on or after July 1, 1994, and to
31 rent reimbursement claims filed on or after January 1,
32 1995."

33 8. Title page, line 2, by inserting after the
34 word "Code," the following: "limiting the amount of
35 federal taxes that may be deducted, increasing the
36 amount of the personal exemption credit for
37 dependents, increasing the amount of funds available
38 for property tax credit and rent reimbursement claims
39 for certain elderly and disabled,".

40 9. By renumbering and correcting internal
41 references as necessary.

BERNAU of Story

H-5261

1 Amend House File 2332 as follows:

2 1. Page 1, line 15, by striking the word
3 "subsection" and inserting the following:
4 "subsections".

5 2. Page 1, by inserting after line 34 the

6 following:

7 "NEW SUBSECTION. 13B. Unless otherwise provided,
 8 all public and private agencies authorized access to,
 9 and use of, the Iowa communications network, with the
 10 exception of educational and state government agencies
 11 or offices, shall be required to pay all of the
 12 following:

13 a. One hundred percent of the costs related to the
 14 Part III connection to the network, including any
 15 ongoing operational and maintenance costs related to
 16 the connection.

17 b. A Part I and Part II network user fee approved
 18 by the Iowa utilities board.

19 As used in this section a Part I and Part II
 20 network user fee shall be developed to recover, at a
 21 minimum, one hundred and ten percent of the long-run
 22 incremental cost of providing the service being used.
 23 The Iowa communication network board, in developing
 24 the user fee, shall be required to include the effects
 25 of depreciation, and state and federal taxation, in
 26 the calculation of long-run incremental cost in the
 27 same manner as would be required by any private entity
 28 making the same calculation.

29 Sec. _____. Section 18.136, subsection 14, Code
 30 Supplement 1993, is amended to read as follows:

31 14. Notwithstanding chapter 476, the provisions of
 32 chapter 476 shall not apply to a public utility in
 33 furnishing a telecommunications service or facility to
 34 the department of general services for the state Iowa
 35 communications network or to an authorized user for
 36 Part III of the network."

37 3. By renumbering as necessary.

DICKINSON of Jackson

H-5262

1 Amend House File 2351 as follows:

2 1. Page 1, by inserting after line 9 the
 3 following:

4 "Sec. 106. Section 422.7, Code Supplement 1993, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 29. For a person who is disabled,
 7 or is fifty-five years of age or older, or is the
 8 surviving spouse of an individual or a survivor having
 9 an insurable interest in an individual who would have
 10 qualified for the exemption under this subsection for
 11 the tax year, subtract, to the extent included, the
 12 total amount of a governmental or other pension,
 13 retirement pay, annuity, or other similar periodic
 14 payment made under a plan maintained or contributed to
 15 by an employer, or maintained and contributed to by a
 16 self-employed person as an employer, up to a maximum

17 of three thousand dollars for a person who files a
 18 separate state income tax return, and up to a maximum
 19 of six thousand dollars for a husband and wife who
 20 file a joint state income tax return. However, a
 21 surviving spouse who is not disabled or fifty-five
 22 years of age or older can only exclude the amount of
 23 annuities or other similar periodic payments received
 24 as a result of the death of the other spouse."

25 2. Page 2, line 28, by inserting after the figure
 26 "2," the following: "106,".

27 3. Title page, line 2, by inserting after the
 28 word "Code," the following: "exempting retirement
 29 income from state individual income tax,".

30 4. By renumbering and correcting internal
 31 references as necessary.

HANSEN of Woodbury
 GILL of Woodbury

H-5263

1 Amend House File 2390 as follows:

2 1. Page 1, line 9, by inserting after the word
 3 "school." the following: "Only one school shall be
 4 established pursuant to this section and that school
 5 shall be located within the city limits of a city with
 6 a population of no less than 17,000 and no more than
 7 25,000 located in a county with a population of no
 8 less than 160,000 and no more than 200,000."

9 2. Page 1, line 12, by inserting after the word
 10 "corporation." the following: "A student who is
 11 attending school in a contracting district through the
 12 open enrollment option under section 282.18 shall not
 13 attend the school established pursuant to the chapter
 14 28E agreement."

15 3. Page 1, by inserting after line 16 the
 16 following:

17 "Tuition shall be charged based on the ability to
 18 pay. A sliding fee scale shall be adopted which
 19 begins charging fees at an income level of one hundred
 20 fifty percent of the federal poverty level as
 21 published by the United States department of
 22 agriculture."

DICKINSON of Jackson

H-5264

1 Amend House File 2351 as follows:

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

4 "Section 1. Section 422.3, subsection 4, Code
 5 Supplement 1993, is amended to read as follows:

6 4. "Internal Revenue Code" means the Internal

7 Revenue Code of 1954, prior to the date of its
8 redesignation as the Internal Revenue Code of 1986 by
9 the Tax Reform Act of 1986, or means the Internal
10 Revenue Code of 1986 as amended to and including
11 January 1, 1993 1994, whichever is applicable.

12 Sec. 2. Section 422.7, subsection 25, Code
13 Supplement 1993, is amended by striking the
14 subsection.

15 Sec. 3. Section 422.9, subsection 2, unnumbered
16 paragraph 1, Code 1993, is amended to read as follows:

17 The total of contributions, interest, taxes,
18 medical expense, nonbusiness losses, and miscellaneous
19 expenses and moving expenses deductible for federal
20 income tax purposes under the Internal Revenue Code,
21 with the following adjustments:

22 Sec. 4. Section 422.9, subsection 2, paragraph g,
23 Code 1993, is amended by striking the paragraph.

24 Sec. 5. Section 422.10, unnumbered paragraph 1,
25 Code Supplement 1993, is amended to read as follows:

26 The taxes imposed under this division shall be
27 reduced by a state tax credit for increasing research
28 activities in this state. For individuals, the credit
29 equals six and one-half percent of the state's
30 apportioned share of the qualifying expenditures for
31 increasing research activities. The state's
32 apportioned share of the qualifying expenditures for
33 increasing research activities is a percent equal to
34 the ratio of qualified research expenditures in this
35 state to total qualified research expenditures. For
36 purposes of this section, an individual may claim a
37 research credit for qualifying research expenditures
38 incurred by a partnership, subchapter S corporation,
39 estate, or trust electing to have the income taxed
40 directly to the individual. The amount claimed by the
41 individual shall be based upon the pro rata share of
42 the individual's earnings of a partnership, subchapter
43 S corporation, estate, or trust. For purposes of this
44 section, "qualifying expenditures for increasing
45 research activities" means the qualifying expenditures
46 as defined for the federal credit for increasing
47 research activities which would be allowable under
48 section 41 of the Internal Revenue Code in effect on
49 January 1, 1993 1994.

50 Sec. 6. Section 422.12, subsection 1, paragraph c,

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1 Code 1993, is amended to read as follows:

2 c. For each dependent, an additional fifteen
3 dollars. However, for tax years beginning on or after
4 January 1, 1996, for each dependent, forty dollars.

5 As used in this section, the term "dependent" has the

6 same meaning as provided by the Internal Revenue Code.
 7 Sec. 7. Section 422.33, subsection 5, unnumbered
 8 paragraph 1, Code Supplement 1993, is amended to read
 9 as follows:

10 The taxes imposed under this division shall be
 11 reduced by a state tax credit for increasing research
 12 activities in this state equal to six and one-half
 13 percent of the state's apportioned share of the
 14 qualifying expenditures for increasing research
 15 activities. The state's apportioned share of the
 16 qualifying expenditures for increasing research
 17 activities is a percent equal to the ratio of
 18 qualified research expenditures in this state to the
 19 total qualified research expenditures. For purposes
 20 of this subsection, "qualifying expenditures for
 21 increasing research activities" means the qualifying
 22 expenditures as defined for the federal credit for
 23 increasing research activities which would be
 24 allowable under section 41 of the Internal Revenue
 25 Code in effect on January 1, 1993 1994.

26 Sec. 8. Section 422.35, subsection 14, Code 1993,
 27 is amended by striking the subsection.

28 Sec. 9. Section 425.23, subsection 1, paragraph a,
 29 Code Supplement 1993, is amended to read as follows:

30 1. a. The tentative credit or reimbursement for a
 31 claimant described in section 425.17, subsection 2,
 32 paragraph "a" and paragraph "b" if no appropriation is
 33 made to the fund created in section 425.40 shall be
 34 determined in accordance with the following schedule:

	Percent of	Percent of
	property taxes	<u>property taxes</u>
	due or rent	<u>due or rent</u>
	constituting	<u>constituting</u>
	property taxes	<u>property taxes</u>
	paid allowed	<u>paid allowed</u>
	as a credit or	<u>as a credit or</u>
	reimbursement	<u>reimbursement</u>
	<u>for a claimant</u>	<u>for a claimant</u>
	<u>described in</u>	<u>described in</u>
	<u>section 425.17,</u>	<u>section 425.17,</u>
	<u>subsection 2,</u>	<u>subsection 2,</u>
	<u>paragraph "b":</u>	<u>paragraph "a":</u>
46 If the household		
47 income is:		
48 \$ 0 — 5,999.99.....	100%	<u>100%</u>
49 6,000 — 6,999.99.....	85	<u>90</u>
50 7,000 — 7,999.99.....	70	<u>80</u>

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1	8,000 — 9,999.99.....	50	<u>70</u>
2	10,000 — 11,999.99.....	35	<u>60</u>
3	12,000 — 13,999.99.....	25	<u>50</u>
4	<u>14,000 — 14,999.99.....</u>	<u>0</u>	<u>40</u>

5 Sec. 10. Sections 1, 5, and 7 of this Act apply
6 retroactively to Lanuary 1, 1993, for tax years
7 beginning on or after that date.

8 Sec. 11. Sections 2, 3, 4, and 8 of this Act apply
9 retroactively to January 1, 1994, for tax years
10 beginning on or after that date.

11 Sec. 12. Section 9 of this Act applies to property
12 tax credit claims for taxes payable on or after July
13 1, 1995, and to rent reimbursement claims filed on or
14 after January 1, 1996.

15 Sec. 13. This Act, being deemed of immediate
16 importance, takes effect upon enactment."

17 2. Title page, line 4, by inserting after the
18 word "expenses," the following: "increasing the
19 percentage of property tax credit and rent
20 reimbursement claims for certain elderly and
21 disabled,".

22 3. By renumbering and correcting internal
23 references as necessary.

PLASIER of Sioux

H-5265

1 Amend House File 2332 as follows:

2 1. Page 1, by inserting after line 34 the
3 following:

4 "Sec. _____. Section 18.136, subsection 14, Code
5 Supplement 1993, is amended to read as follows:

6 14. Notwithstanding chapter 476, the provisions of
7 chapter 476 shall not apply to a public utility in
8 furnishing a telecommunications service or facility to
9 the department of general services for the state
10 communications network or to an authorized user for
11 Part III of the network."

12 2. By renumbering as necessary.

GILL of Woodbury

H-5267

1 Amend House File 2332 as follows:

2 1. Page 1, line 10, by inserting after the figure
3 "336," the following: "a certified local exchange
4 carrier."

5 2. Page 1, by inserting after line 13 the
6 following:

7 "Sec. _____. Section 18.134, subsection 1,
8 unnumbered paragraph 1, Code Supplement 1993, is
9 amended to read as follows:

10 The department of general services may purchase,
11 lease-purchase, lease, and improve property,
12 equipment, and services for telecommunications for
13 public and private agencies, including the broadcast

14 and narrowcast systems, and may dispose of property
 15 and equipment when not necessary for its purposes.
 16 However, the department of general services shall not
 17 provide or resell communications services to entities
 18 other than public and private agencies. The public or
 19 private agency shall not provide communication
 20 services of the network to another entity at a cost
 21 greater than that charged to the agency pursuant to
 22 section 18.136, subsections 11 and 12, with the
 23 exception of a certified local exchange carrier. A
 24 certified local exchange carrier may, for the public
 25 good, resell communications services to the general
 26 public. The department may arrange for joint use of
 27 available services and facilities, and may enter into
 28 leases and agreements with private and public agencies
 29 with respect to a state communications system, and
 30 public agencies are authorized to enter into leases
 31 and agreements with respect to the system for their
 32 use and operation. Rentals and other amounts due
 33 under the agreements or leases entered into pursuant
 34 to this section by a state agency are payable from
 35 funds annually appropriated by the general assembly or
 36 from other funds legally available. Other public
 37 agencies may pay the rental costs and other amounts
 38 due under an agreement or lease from their annual
 39 budgeted funds or other funds legally available or to
 40 become available. This section comprises a complete
 41 and independent authorization and procedure for a
 42 public agency, with the approval of the department, to
 43 enter into a lease or agreement and related security
 44 enhancement arrangements and this section is not a
 45 qualification of any other powers which a public
 46 agency may possess and the authorizations and powers
 47 granted under this section are not subject to the
 48 terms, requirements, or limitations of any other
 49 provisions of law. All moneys received by the
 50 department from agreements and leases entered into

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1 pursuant to this section with private and public
 2 agencies shall be deposited in the state
 3 communications network fund.”
 4 2. By renumbering as necessary.

DICKINSON of Jackson

H-5268

1 Amend House File 2332 as follows:
 2 1. Page 1, by inserting after line 13 the
 3 following:
 4 “Sec. _____. Section 18.136, subsections 4 and 14,

5 Code Supplement 1993, are amended to read as follows:

6 4. The department of general services shall
 7 develop the requests for proposals that are needed for
 8 a state communications network with sufficient
 9 capacity to serve the video, data, and voice
 10 requirements of state agencies and the educational
 11 telecommunications applications required by the Iowa
 12 public broadcasting board. The department shall
 13 develop a request for proposals for each of the
 14 systems that will make up the network. The department
 15 may develop a request for proposals for each
 16 definitive component of Part I, Part II, and Part III
 17 of the system as described in this section or the
 18 department may provide in the request for proposals
 19 for each such system that separate contracts may be
 20 entered into for each definitive component covered by
 21 the request for proposals. The requests for
 22 proposals, except for the request for proposals for
 23 Part III, may be for the purchase, lease-purchase, or
 24 lease of the component parts of the system, may
 25 require maintenance costs to be identified, and the
 26 resulting contract may provide for maintenance for
 27 parts of the system.

28 It is the intent of the general assembly that
 29 components of Part III shall be leased and that no
 30 component of Part III shall be owned by the state.
 31 The department of general services shall conduct joint
 32 planning with authorized users for the components of
 33 Part III.

34 The department of general services shall issue a
 35 request for proposals as described in this section for
 36 lease of any facility to be used for the provision of
 37 any component of Part III. All bids shall be
 38 considered only on a site-by-site basis. After the
 39 low bid has been determined, the local exchange
 40 telephone company serving each site shall have an
 41 opportunity to offer a bid lower than that which had
 42 been offered. The department of general services
 43 shall award the site bid to the overall lowest bidder.
 44 The master contract may provide for electronic
 45 classrooms, satellite equipment, receiving equipment,
 46 studio and production equipment, and other associated
 47 equipment as required.

48 14. Notwithstanding chapter 476, the provisions of
 49 chapter 476 shall not apply to a public utility in
 50 furnishing a telecommunications service or facility to

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1 the department of general services for the state
 2 communications network or to an authorized user for
 3 Part III of the network.”

4 2. By renumbering as necessary.

H-5269

1 Amend House File 2332 as follows:

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

4 "Sec. _____. Section 18.136, subsections 4 and 14,
5 Code Supplement 1993, are amended to read as follows:

6 4. The department of general services shall
7 develop the requests for proposals that are needed for
8 a state communications network with sufficient
9 capacity to serve the video, data, and voice
10 requirements of state agencies and the educational
11 telecommunications applications required by the Iowa
12 public broadcasting board. The department shall
13 develop a request for proposals for each of the
14 systems that will make up the network. The department
15 may develop a request for proposals for each
16 definitive component of Part I, Part II, and Part III
17 of the system as described in this section or the
18 department may provide in the request for proposals
19 for each such system that separate contracts may be
20 entered into for each definitive component covered by
21 the request for proposals. The requests for
22 proposals, except for the request for proposals for
23 Part III, may be for the purchase, lease-purchase, or
24 lease of the component parts of the system, may
25 require maintenance costs to be identified, and the
26 resulting contract may provide for maintenance for
27 parts of the system.

28 It is the intent of the general assembly that
29 components of Part III shall be leased and that no
30 component of Part III shall be owned by the state.
31 The department of general services shall conduct joint
32 planning with authorized users for the components of
33 Part III.

34 The department of general services shall issue a
35 request for proposals as described in this section for
36 lease of any facility to be used for the provision of
37 any component of Part III. Existing facilities shall
38 be used, if available, before construction of new
39 facilities. The master contract may provide for
40 electronic classrooms, satellite equipment, receiving
41 equipment, studio and production equipment, and other
42 associated equipment as required.

43 14. Notwithstanding chapter 476, the provisions of
44 chapter 476 shall not apply to a public utility in
45 furnishing a telecommunications service or facility to
46 the department of general services for the state
47 communications network or to an authorized user for
48 Part III of the network."

49 2. By renumbering as necessary.

H-5270

1 Amend House File 2351 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 001. Section 321.109, subsection 1, Code
5 Supplement 1993, is amended to read as follows:

6 1. a. The annual fee for all motor vehicles
7 including vehicles designated by manufacturers as
8 station wagons, and ~~1993 and subsequent model years~~
9 ~~for multipurpose vehicles, except motor trucks, motor~~
10 homes, ambulances, hearses, motorcycles, motor
11 bicycles, and ~~1992 and older model years for~~
12 multipurpose vehicles, shall be equal to one percent
13 of the value as fixed by the department plus forty
14 cents for each one hundred pounds or fraction thereof
15 of weight of vehicle, as fixed by the department. The
16 weight of a motor vehicle, fixed by the department for
17 registration purposes, shall include the weight of a
18 battery, heater, bumpers, spare tire, and wheel.
19 ~~Provided, however, that for~~

20 b. ~~For~~ any new vehicle purchased in this state by
21 a nonresident for removal to the nonresident's state
22 of residence, the purchaser may make application to
23 the county treasurer in the county of purchase for a
24 transit plate for which a fee of ten dollars shall be
25 paid. ~~And provided, however, that for~~ For any used
26 vehicle held by a registered dealer and not currently
27 registered in this state, or for any vehicle held by
28 an individual and currently registered in this state,
29 when purchased in this state by a nonresident for
30 removal to the nonresident's state of residence, the
31 purchaser may make application to the county treasurer
32 in the county of purchase for a transit plate for
33 which a fee of three dollars shall be paid. The
34 county treasurer shall issue a nontransferable
35 certificate of registration for which no refund shall
36 be allowed; and the transit plates shall be void
37 thirty days after issuance. Such purchaser may apply
38 for a certificate of title by surrendering the
39 manufacturer's or importer's certificate or
40 certificate of title, duly assigned as provided in
41 this chapter. In this event, the treasurer in the
42 county of purchase shall, when satisfied with the
43 genuineness and regularity of the application, and
44 upon payment of a fee of ten dollars, issue a
45 certificate of title in the name and address of the
46 nonresident purchaser delivering the same to the
47 person entitled to the title as provided in this
48 chapter. The provisions of this subsection relating
49 to multipurpose vehicles are effective January 1,
50 1993, for all 1993 and subsequent model years. The

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1 annual registration fee for multipurpose vehicles that
2 are 1992 model years and older shall be in accordance
3 with section 321.124.

4 The annual registration fee for a multipurpose
5 vehicle with permanently installed equipment
6 manufactured for and necessary to assist a disabled
7 person who is either the owner or a member of the
8 owner's household in entry and exit of the vehicle or
9 for a multipurpose vehicle if the vehicle's owner or a
10 member of the vehicle owner's household uses a
11 wheelchair as the only means of mobility shall be
12 sixty dollars. For purposes of this unnumbered
13 paragraph, "uses a wheelchair" does not include use of
14 a wheelchair due to a temporary injury or medical
15 condition.

16 Sec. 002. Section 321.124, subsection 3,
17 unnumbered paragraph 1, Code Supplement 1993, is
18 amended to read as follows:

19 The annual registration fee for motor homes and
20 1992 and older model years for multipurpose vehicles
21 is as follows:

22 Sec. 003. Section 321.124, subsection 3, paragraph
23 h, Code Supplement 1993, is amended to read as
24 follows:

25 h. For multipurpose vehicles in accordance with
26 the following:

27 (1) Two hundred dollars for registration for the
28 first and second model years.

29 (2) One hundred seventy-five dollars for
30 registration for the third and fourth model years.

31 (3) One hundred fifty dollars for registration for
32 the fifth model year.

33 (4) (1) Seventy-five dollars for registration for
34 the sixth model each year through five model years.

35 (5) (2) Fifty-five dollars for registration for
36 each succeeding model year.

37 (6) The annual registration fee for a multipurpose
38 vehicle with permanently installed equipment
39 manufactured for and necessary to assist a disabled
40 person who is either the owner or a member of the
41 owner's household in entry and exit of the vehicle or
42 for a multipurpose vehicle if the vehicle's owner or a
43 member of the vehicle owner's household uses a
44 wheelchair as the only means of mobility shall be
45 sixty dollars. For purposes of this subparagraph,
46 "uses a wheelchair" does not include use of a
47 wheelchair due to a temporary injury or medical
48 condition.

49 The registration fees required by this lettered
50 paragraph are applicable to all 1992 and older model

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1 years for multipurpose vehicles beginning January 1,
 2 1993. The registration fees for multipurpose vehicles
 3 that are 1993 and subsequent model years shall be in
 4 accordance with section 321.109.

5 For purposes of determining that portion of the
 6 annual registration fee which is based upon the value
 7 of the multipurpose vehicle, sixty percent of the
 8 annual fee is attributable to the value of the
 9 vehicle."

10 2. Page 1, by striking lines 17 and 18 and
 11 inserting the following:

12 "Sec. 401. Section 422.9, subsection 2, paragraphs
 13 g and h, Code 1993, are amended by striking the
 14 paragraphs."

15 3. Page 2, by inserting after line 24 the
 16 following:

17 "Sec. 501. Section 422.35, subsection 15, Code
 18 1993, is amended by striking the subsection."

19 4. Page 2, by inserting after line 30 the
 20 following:

21 "Sec. _____. Sections 001, 002, 003, 401, and 501 of
 22 this Act take effect January 1, 1995, and are
 23 applicable to tax years beginning on or after January
 24 1, 1995."

25 5. Title page, line 4, by inserting after the
 26 word "expenses," the following: "reducing
 27 multipurpose vehicle registration fees,".

28 6. By renumbering and correcting internal
 29 references as necessary.

BRAMMER of Linn
 DODERER of Johnson

H-5271

1 Amend House File 2351 as follows:

2 1. Page 1, by inserting after line 9 the
 3 following:

4 "Sec. 105. Section 422.7, Code Supplement 1993, is
 5 amended by adding the following new subsection:

6 **NEW SUBSECTION. 29.** For a person who is disabled;
 7 or is fifty-five years of age or older, or is the
 8 surviving spouse of an individual or a survivor having
 9 an insurable interest in an individual who would have
 10 qualified for the exemption under this subsection for
 11 the tax year, subtract, to the extent included, the
 12 total amount of a governmental or other pension,
 13 retirement pay, annuity, or other similar periodic
 14 payment made under a plan maintained or contributed to
 15 by an employer up to a maximum of five thousand
 16 dollars for a person who files a separate state income

17 tax return for a tax year beginning in the 1994
 18 calendar year, and up to a maximum of ten thousand
 19 dollars for a husband and wife who file a joint state
 20 income tax return for a tax year beginning in the 1994
 21 calendar year. For a tax year beginning in the 1995
 22 calendar year, subtract, to the extent included, the
 23 total amount for a person who files a separate state
 24 income tax return, up to a maximum of ten thousand
 25 dollars, and for a husband and wife who file a joint
 26 state income tax return, up to a maximum of twenty
 27 thousand dollars. For tax years beginning on or after
 28 January 1, 1996, for a person who files a separate
 29 state income tax return or for a husband and wife who
 30 file a joint state income tax return, subtract, to the
 31 extent included, the total amount of a governmental or
 32 other pension, retirement pay, annuity, or other
 33 similar periodic payment made under a plan maintained
 34 or contributed to by an employer. However, a
 35 surviving spouse who is not disabled or fifty-five
 36 years of age or older can only exclude the amount of
 37 annuities or other similar periodic payments received
 38 as a result of the death of the other spouse.”
 39 2. Title page, line 2, by inserting after the
 40 word “Code,” the following: “exempting retirement
 41 income from state individual income tax.”
 42 3. By renumbering and correcting internal
 43 references as necessary.

ARNOULD of Scott

H-5272

1 Amend House File 2351 as follows:
 2 1. Page 1, by inserting after line 9 the
 3 following:
 4 “Sec. 201. Section 422.9, subsection 1, Code 1993,
 5 is amended to read as follows:
 6 1. An optional standard deduction, after deduction
 7 of federal income tax, equal to one thousand two
 8 hundred thirty dollars for a married person who files
 9 separately or a single person or equal to three
 10 thousand thirty dollars for a husband and wife who
 11 file a joint return, a surviving spouse, or an
 12 unmarried head of household. The optional standard
 13 deduction shall not exceed the amount remaining after
 14 deduction of the federal income tax. The amount of
 15 the federal income tax deducted shall not exceed the
 16 amount as computed under subsection 2, paragraph “b”.”
 17 2. Page 1, by inserting after line 16 the follow-
 18 ing:
 19 “Sec. 301. Section 422.9, subsection 2, paragraph
 20 b, Code 1993, is amended by striking the paragraph and
 21 inserting in lieu thereof the following:

22 b. Add the amount of federal income tax paid or
23 accrued, as the case may be, for the tax year. Also
24 add the amount of federal income taxes paid with the
25 federal return or as a result of an adjustment to a
26 federal return during the tax year for a prior year.
27 However, the amount of federal income taxes deducted
28 for the tax year shall not exceed the following
29 amounts:

30 (1) For married persons who file separately on
31 individual returns, if the net income of either spouse
32 is over seventy thousand dollars but less than one
33 hundred twenty-five thousand dollars, ninety percent
34 of the amount of federal taxes paid or accrued by that
35 spouse whose income is over seventy thousand dollars
36 but less than one hundred twenty-five thousand
37 dollars.

38 (2) For single individuals whose net income is
39 over one hundred fifteen thousand dollars but less
40 than two hundred fifty thousand dollars, ninety
41 percent of federal taxes paid or accrued.

42 (3) For married persons who file a joint state
43 income tax return, a surviving spouse, or married
44 persons who file separately on a combined return,
45 whose combined net income is over one hundred forty
46 thousand dollars but less than two hundred fifty
47 thousand dollars, ninety percent of federal taxes paid
48 or accrued.

49 (4) For an unmarried head of household whose net
50 income is over one hundred twenty-seven thousand five

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1 hundred dollars but less than two hundred fifty
2 thousand dollars, ninety percent of federal taxes paid
3 or accrued.

4 (5) For married persons who file separately on
5 individual returns, if the net income of either spouse
6 is one hundred twenty-five thousand dollars or more,
7 eighty percent of federal taxes paid or accrued by
8 that spouse whose income is one hundred twenty-five
9 thousand dollars or more.

10 (6) For single individuals whose net income is two
11 hundred fifty thousand dollars or more, eighty percent
12 of federal taxes paid or accrued.

13 (7) For married persons who file a joint state
14 income tax return, a surviving spouse, or married
15 persons who file separately on a combined return,
16 whose combined net income is two hundred fifty
17 thousand dollars or more, eighty percent of federal
18 taxes paid or accrued.

19 (8) For an unmarried head of household whose net
20 income is two hundred fifty thousand dollars or more,

21 eighty percent of federal taxes paid or accrued.
 22 Any additional taxes paid with the federal return
 23 or as a result of an adjustment to a federal return
 24 for tax years ending prior to January 1, 1994, are not
 25 subject to the percentage limitation in subparagraphs
 26 (1) through (6).

27 Subtract the amount of federal income tax refunds
 28 received for the tax year to the extent that the
 29 federal income tax was deducted in a previous year.

30 For married persons filing separately on a combined
 31 return, the amount of the federal income tax deduction
 32 shall be divided between each spouse by the ratio of
 33 federal adjusted gross income of each spouse to total
 34 federal adjusted gross income of both spouses unless
 35 they can show that another method more accurately
 36 reflects the amount of federal income tax to be paid
 37 by each."

38 3. Page 2, by inserting after line 6 the
 39 following:

40 "Sec. 502. Section 422.12, subsection 1, paragraph
 41 c, Code 1993, is amended to read as follows:

42 c. For each dependent, an additional fifteen
 43 forty-five dollars. As used in this section, the term
 44 "dependent" has the same meaning as provided by the
 45 Internal Revenue Code."

46 4. Page 2, line 28, by striking the figure "3,"
 47 and inserting the following: "201, 3, 301,".

48 5. Title page, line 2, by inserting after the
 49 word "Code," the following: "limiting the amount of
 50 federal taxes that may be deducted, increasing the

Page 3

1 amount of the personal exemption credit for
 2 dependents".

3 6. By renumbering and correcting internal
 4 references as necessary.

BERNAU of Story

H-5273

1 Amend House File 2368 as follows:

2 1. Page 15, line 13, by striking the word "sixty"
 3 and inserting the following: "ninety".

4 2. Page 15, line 24, by striking the word "sixty"
 5 and inserting the following: "ninety".

BEATTY of Warren
 BURKE of Marshall

H-5274

1 Amend the amendment, H-5264, to House File 2351 as
 2 follows:

3 1. By striking page 1, line 4 through page 3,
4 line 21 and inserting the following:
5 "Section 1. Section 422.3, subsection 4, Code
6 Supplement 1993, is amended to read as follows:
7 4. "Internal Revenue Code" means the Internal
8 Revenue Code of 1954, prior to the date of its
9 redesignation as the Internal Revenue Code of 1986 by
10 the Tax Reform Act of 1986, or means the Internal
11 Revenue Code of 1986 as amended to and including
12 January 1, ~~1993~~ 1994, whichever is applicable.
13 Sec. 2. Section 422.7, subsection 25, Code
14 Supplement 1993, is amended by striking the
15 subsection.
16 Sec. 3. Section 422.9, subsection 2, unnumbered
17 paragraph 1, Code 1993, is amended to read as follows:
18 The total of contributions, interest, taxes,
19 medical expense, nonbusiness losses, and miscellaneous
20 expenses and moving expenses deductible for federal
21 income tax purposes under the Internal Revenue Code,
22 with the following adjustments:
23 Sec. 4. Section 422.9, subsection 2, paragraph g,
24 Code 1993, is amended by striking the paragraph.
25 Sec. 5. Section 422.10, unnumbered paragraph 1,
26 Code Supplement 1993, is amended to read as follows:
27 The taxes imposed under this division shall be
28 reduced by a state tax credit for increasing research
29 activities in this state. For individuals, the credit
30 equals six and one-half percent of the state's
31 apportioned share of the qualifying expenditures for
32 increasing research activities. The state's
33 apportioned share of the qualifying expenditures for
34 increasing research activities is a percent equal to
35 the ratio of qualified research expenditures in this
36 state to total qualified research expenditures. For
37 purposes of this section, an individual may claim a
38 research credit for qualifying research expenditures
39 incurred by a partnership, subchapter S corporation,
40 estate, or trust electing to have the income taxed
41 directly to the individual. The amount claimed by the
42 individual shall be based upon the pro rata share of
43 the individual's earnings of a partnership, subchapter
44 S corporation, estate, or trust. For purposes of this
45 section, "qualifying expenditures for increasing
46 research activities" means the qualifying expenditures
47 as defined for the federal credit for increasing
48 research activities which would be allowable under
49 section 41 of the Internal Revenue Code in effect on
50 January 1, ~~1993~~ 1994.

Page 2

1 Sec. 6. Section 422.12, subsection 1, paragraph c,
2 Code 1993, is amended to read as follows:
3 c. For each dependent, an additional fifteen
4 dollars. However, for tax years beginning on or after
5 January 1, 1996, for each dependent, forty dollars.

6 As used in this section, the term "dependent" has the
 7 same meaning as provided by the Internal Revenue Code.
 8 Sec. 7. Section 422.33, subsection 5, unnumbered
 9 paragraph 1, Code Supplement 1993, is amended to read
 10 as follows:

11 The taxes imposed under this division shall be
 12 reduced by a state tax credit for increasing research
 13 activities in this state equal to six and one-half
 14 percent of the state's apportioned share of the
 15 qualifying expenditures for increasing research
 16 activities. The state's apportioned share of the
 17 qualifying expenditures for increasing research
 18 activities is a percent equal to the ratio of
 19 qualified research expenditures in this state to the
 20 total qualified research expenditures. For purposes
 21 of this subsection, "qualifying expenditures for
 22 increasing research activities" means the qualifying
 23 expenditures as defined for the federal credit for
 24 increasing research activities which would be
 25 allowable under section 41 of the Internal Revenue
 26 Code in effect on January 1, 1993 1994.

27 Sec. 8. Section 422.35, subsection 14, Code 1993,
 28 is amended by striking the subsection.

29 Sec. 9. Section 422.73, Code 1993, is amended by
 30 adding the following new subsection:

31 **NEW SUBSECTION. 8.** Notwithstanding subsection 2,
 32 a claim for credit or refund of individual income tax
 33 paid for any tax year beginning on or after January 1,
 34 1985, and before January 1, 1989, is considered timely
 35 if filed with the department beginning on July 1,
 36 1994, and ending on September 1, 1994, if the
 37 taxpayer's claim is the result of the unconstitutional
 38 taxation of federal pension benefits based upon the
 39 decision in *Davis v. Michigan Department of Treasury*,
 40 489 U.S. 803, 109 S. Ct. 1500 (1989).

41 A taxpayer entitled to a credit or refund of tax
 42 paid under this subsection shall receive the credit or
 43 refund within the time frame used for other retired
 44 federal employees claiming a credit or refund of tax
 45 unlawfully imposed on their federal pensions during
 46 the same tax years.

47 Sec. 10. Section 425.23, subsection 1, paragraph
 48 a, Code Supplement 1993, is amended to read as
 49 follows:

50 1. a. The tentative credit or reimbursement for a

Page 3

1 claimant described in section 425.17, subsection 2,
 2 paragraph "a" and paragraph "b" if no appropriation is
 3 made to the fund created in section 425.40 shall be
 4 determined in accordance with the following schedule:

	Percent of	Percent of
	property taxes	<u>property taxes</u>
	due or rent	<u>due or rent</u>
	constituting	<u>constituting</u>
	property taxes	<u>property taxes</u>
	paid allowed	<u>paid allowed</u>
	as a credit or	<u>as a credit or</u>
	reimbursement	<u>reimbursement</u>
	for a claimant	<u>for a claimant</u>
	<u>described in</u>	<u>described in</u>
	<u>section 425.17,</u>	<u>section 425.17,</u>
	<u>subsection 2,</u>	<u>subsection 2,</u>
16 If the household	<u>paragraph "b":</u>	<u>paragraph "a":</u>
17 income is:	<u>paragraph "b":</u>	<u>paragraph "a":</u>
18 \$ 0 — 5,999.99.....	100%.....	100%
19 6,000 — 6,999.99.....	85	<u>90</u>
20 7,000 — 7,999.99.....	70	<u>80</u>
21 8,000 — 9,999.99.....	50	<u>70</u>
22 10,000 — 11,999.99.....	35	<u>60</u>
23 12,000 — 13,999.99.....	25	<u>50</u>
24 14,000 — 14,999.99.....	0	<u>40</u>

25 Sec. 11. REFUNDS. Claims for refund of tax paid,
 26 without allowing for interest, which arise as a result
 27 of the unconstitutional taxation of federal pension
 28 benefits based upon the decision in Davis v. Michigan
 29 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 30 (1989), shall be limited to seventeen million dollars
 31 in the fiscal year beginning July 1, 1994. If that
 32 amount is not sufficient to pay all claims filed in
 33 the aggregate, the department of revenue and finance
 34 shall prorate the seventeen million dollars among all
 35 the claims and the unpaid balance of each claim shall
 36 be carried forward to the fiscal year beginning July
 37 1, 1995. The balance of claims for refund of tax
 38 paid, without allowing for interest, which arise as a
 39 result of the unconstitutional taxation of federal
 40 pension benefits based upon the decision in Davis v.
 41 Michigan Department of Treasury, 489 U.S. 803, 109 S.
 42 Ct. 1500 (1989), shall be limited to seventeen
 43 million dollars in the fiscal years beginning July 1,
 44 1995. If that amount is not sufficient to pay the
 45 balance carried forward of all claims filed in the
 46 aggregate, the department of revenue and finance shall
 47 prorate the seventeen million dollars among all the
 48 claims.

49 Sec. 12. Sections 1, 5, and 7 of this Act apply
 50 retroactively to January 1, 1993, for tax years

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1 beginning on or after that date.

2 Sec. 13. Sections 2, 3, 4, and 8 of this Act apply

3 retroactively to January 1, 1994, for tax years

4 beginning on or after that date.

5 Sec. 14. Section 10 of this Act applies to
6 property tax credit claims for taxes payable on or
7 after July 1, 1995, and to rent reimbursement claims
8 filed on or after January 1, 1996.

9 Sec. 15. This Act, being deemed of immediate
10 importance, takes effect upon enactment."

11 _____. Title page, line 4, by inserting after the
12 word "expenses," the following: "relating to the
13 timely filing of claims for credit or refund of state
14 individual income taxes paid by federal employees,
15 increasing the percentage of property tax credit and
16 rent reimbursement claims for certain elderly and
17 disabled,""

18 2. By renumbering as necessary.

PLASIER of Sioux

H-5277

1 Amend the amendment, H-5264, to House File 2351 as
2 follows:

3 1. Page 2, by inserting after line 27 the
4 following:

5 "Sec. _____. Section 422.73, Code 1993, is amended
6 by adding the following new subsection:

7 **NEW SUBSECTION. 8.** Notwithstanding subsection 2,
8 a claim for credit or refund of individual income tax
9 paid for any tax year beginning on or after January 1,
10 1985, and before January 1, 1989, is considered timely
11 if filed with the department beginning on July 1,
12 1994, and ending on September 1, 1994, if the
13 taxpayer's claim is the result of the unconstitutional
14 taxation of federal pension benefits based upon the
15 decision in *Davis v. Michigan Department of Treasury*,
16 489 U.S. 803, 109 S. Ct. 1500 (1989).

17 A taxpayer entitled to a credit or refund of tax
18 paid under this subsection shall receive the credit or
19 refund within the time frame used for other retired
20 federal employees claiming a credit or refund of tax
21 unlawfully imposed on their federal pensions during
22 the same tax years."

23 2. Page 3, by inserting before line 5 the
24 following:

25 "Sec. _____. **REFUNDS.** Claims for refund of tax
26 paid, without allowing for interest, which arise as a
27 result of the unconstitutional taxation of federal
28 pension benefits based upon the decision in *Davis v.*
29 *Michigan Department of Treasury*, 489 U.S. 803, 109 S.
30 Ct. 1500 (1989), shall be limited to seventeen million
31 dollars in the fiscal year beginning July 1, 1994. If
32 that amount is not sufficient to pay all claims filed
33 in the aggregate, the department of revenue and

34 finance shall prorate the seventeen million dollars
 35 among all the claims and the unpaid balance of each
 36 claim shall be carried forward to the fiscal year
 37 beginning July 1, 1995. The balance of claims for
 38 refund of tax paid, without allowing for interest,
 39 which arise as a result of the unconstitutional
 40 taxation of federal pension benefits based upon the
 41 decision in Davis v. Michigan Department of Treasury,
 42 489 U.S. 803, 109 S. Ct. 1500 (1989), shall be
 43 limited to seventeen million dollars in the fiscal
 44 years beginning July 1, 1995. If that amount is not
 45 sufficient to pay the balance carried forward of all
 46 claims filed in the aggregate, the department of
 47 revenue and finance shall prorate the seventeen
 48 million dollars among all the claims."
 49 3. By renumbering as necessary.

PLASIER of Sioux

H-5285

1 Amend the amendment, H-5271, to House File 2351 as
 2 follows:
 3 1. Page 1, line 17, by striking the figure "1994"
 4 and inserting the following: "1996".
 5 2. Page 1, line 20, by striking the figure "1994"
 6 and inserting the following: "1996".
 7 3. Page 1, line 21, by striking the figure "1995"
 8 and inserting the following: "1997".
 9 4. Page 1, line 28, by striking the figure "1996"
 10 and inserting the following: "1998".

MILLAGE of Scott

H-5286

1 Amend House File 2360 as follows:
 2 1. By striking page 1, line 11 through page 3,
 3 line 11.
 4 2. Title page, by striking lines 3 through 5 and
 5 inserting the following: "with federal motor carrier
 6 safety regulations."
 7 3. By renumbering as necessary.

EDDIE of Buena Vista

H-5289

1 Amend the amendment, H-5262, to House File 2351 as
 2 follows:
 3 1. Page 1, by striking lines 25 and 26 and
 4 inserting the following:
 5 "_____. Page 2, by inserting after line 30 the
 6 following:
 7 "Sec. _____. Section 106 of this Act is applicable

8 to tax years beginning on or after January 1, 1995.”

9 2. By renumbering as necessary.

MILLAGE of Scott

H—5290

1 Amend the amendment, H—5264, to House File 2351 as
2 follows:.

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

5 “Section 001. Section 321.109, subsection 1, Code
6 Supplement 1993, is amended to read as follows:

7 1. a. The annual fee for all motor vehicles
8 including vehicles designated by manufacturers as
9 station wagons, and ~~1993 and subsequent model years~~
10 ~~for multipurpose vehicles, except motor trucks, motor~~
11 ~~homes, ambulances, hearses, motorcycles, motor~~
12 ~~bicycles, and 1992 and older model years for~~
13 ~~multipurpose vehicles, shall be equal to one percent~~
14 ~~of the value as fixed by the department plus forty~~
15 ~~cents for each one hundred pounds or fraction thereof~~
16 ~~of weight of vehicle, as fixed by the department. The~~
17 ~~weight of a motor vehicle, fixed by the department for~~
18 ~~registration purposes, shall include the weight of a~~
19 ~~battery, heater, bumpers, spare tire, and wheel.~~
20 ~~Provided, however, that for~~

21 b. ~~For any new vehicle purchased in this state by~~
22 ~~a nonresident for removal to the nonresident's state~~
23 ~~of residence, the purchaser may make application to~~
24 ~~the county treasurer in the county of purchase for a~~
25 ~~transit plate for which a fee of ten dollars shall be~~
26 ~~paid. And provided, however, that for~~ For any used
27 vehicle held by a registered dealer and not currently
28 registered in this state, or for any vehicle held by
29 an individual and currently registered in this state,
30 when purchased in this state by a nonresident for
31 removal to the nonresident's state of residence, the
32 purchaser may make application to the county treasurer
33 in the county of purchase for a transit plate for
34 which a fee of three dollars shall be paid. The
35 county treasurer shall issue a nontransferable
36 certificate of registration for which no refund shall
37 be allowed; and the transit plates shall be void
38 thirty days after issuance. Such purchaser may apply
39 for a certificate of title by surrendering the
40 manufacturer's or importer's certificate or
41 certificate of title, duly assigned as provided in
42 this chapter. In this event, the treasurer in the
43 county of purchase shall, when satisfied with the
44 genuineness and regularity of the application, and
45 upon payment of a fee of ten dollars, issue a
46 certificate of title in the name and address of the

47 nonresident purchaser delivering the same to the
48 person entitled to the title as provided in this
49 chapter. The provisions of this subsection relating
50 to multipurpose vehicles are effective January 1,

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1 1993, for all 1993 and subsequent model years. The
2 annual registration fee for multipurpose vehicles that
3 are 1992 model years and older shall be in accordance
4 with section 321.124.

5 The annual registration fee for a multipurpose
6 vehicle with permanently installed equipment
7 manufactured for and necessary to assist a disabled
8 person who is either the owner or a member of the
9 owner's household in entry and exit of the vehicle or
10 for a multipurpose vehicle if the vehicle's owner or a
11 member of the vehicle owner's household uses a
12 wheelchair as the only means of mobility shall be
13 sixty dollars. For purposes of this unnumbered
14 paragraph, "uses a wheelchair" does not include use of
15 a wheelchair due to a temporary injury or medical
16 condition.

17 Sec. 002. Section 321.124, subsection 3,
18 unnumbered paragraph 1, Code Supplement 1993, is
19 amended to read as follows:

20 The annual registration fee for motor homes and
21 1992 and older model years for multipurpose vehicles
22 is as follows:

23 Sec. 003. Section 321.124, subsection 3, paragraph
24 h, Code Supplement 1993, is amended to read as
25 follows:

26 h. For multipurpose vehicles in accordance with
27 the following:

28 (1) Two hundred dollars for registration for the
29 first and second model years.

30 (2) One hundred seventy-five dollars for
31 registration for the third and fourth model years.

32 (3) One hundred fifty dollars for registration for
33 the fifth model year.

34 (4) (1) Seventy-five dollars for registration for
35 the sixth model each year through five model years.

36 (5) (2) Fifty-five dollars for registration for
37 each succeeding model year.

38 (6) The annual registration fee for a multipurpose
39 vehicle with permanently installed equipment
40 manufactured for and necessary to assist a disabled
41 person who is either the owner or a member of the
42 owner's household in entry and exit of the vehicle or
43 for a multipurpose vehicle if the vehicle's owner or a
44 member of the vehicle owner's household uses a
45 wheelchair as the only means of mobility shall be

46 sixty dollars. For purposes of this subparagraph,
 47 "uses a wheelchair" does not include use of a
 48 wheelchair due to a temporary injury or medical
 49 condition.
 50 The registration fees required by this lettered

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1 paragraph are applicable to all 1992 and older model
 2 years for multipurpose vehicles beginning January 1,
 3 1993. The registration fees for multipurpose vehicles
 4 that are 1993 and subsequent model years shall be in
 5 accordance with section 321.109.

6 For purposes of determining that portion of the
 7 annual registration fee which is based upon the value
 8 of the multipurpose vehicle, sixty percent of the
 9 annual fee is attributable to the value of the
 10 vehicle."

11 2. Page 1, by inserting after line 23 the
 12 following:

13 "Sec. 401. Section 422.9, subsection 2, paragraph
 14 h, Code 1993, is amended by striking the paragraph."

15 3. Page 2, by inserting after line 27 the
 16 following:

17 "Sec. 501. Section 422.35, subsection 15, Code
 18 1993, is amended by striking the subsection."

19 4. Page 3, by inserting after line 14 the
 20 following:

21 "Sec. _____. Sections 001, 002, 003, 401, and 501 of
 22 this Act take effect January 1, 1995, and are
 23 applicable to tax years beginning on or after January
 24 1, 1995."

25 5. Page 3, line 18, by inserting before the word
 26 "increasing" the following: "reducing multipurpose
 27 vehicle registration fees,".

28 6. By renumbering and correcting internal
 29 references as necessary.

BERNAU of Story
 DODERER of Johnson
 BRAMMER of Linn

H-5292

1 Amend House File 2275 as follows:

2 1. Page 1, by striking lines 8 through 10 and in-
 3 serting the following: "by the supreme court.
 4 Notwithstanding section 70A.1, vacation and sick leave
 5 benefits for full-time associate juvenile judges and
 6 associate probate judges shall be established by the
 7 supreme court."

DINKLA of Guthrie

H-5301

1 Amend the amendment, H-5140, to House File 2283, as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "property" the following: "which is located within an
5 incorporated area and which is used as a private
6 residence, or which is located within an
7 unincorporated area and is either used as a residence
8 or is agricultural land owned by individuals or by a
9 family farm corporation as defined in section 9H.1".

HAMMOND of Story
BERNAU of Story
DODERER of Johnson

H-5304

1 Amend House File 2351 as follows:

2 1. Page 1, by inserting after line 9 the
3 following:

4 "Sec. 401. Section 422.7, Code 1993, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 29. Add, to the extent excluded,
7 meal and entertainment expenses deductible as provided
8 in section 274(n) of the Internal Revenue Code, as
9 amended up to and including December 31, 1992."

10 2. Page 2, by inserting after line 24, the
11 following:

12 "Sec. 703. Section 422.35, Code 1993, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 17. Add, to the extent excluded,
15 meal and entertainment expenses deductible as provided
16 in section 274(n) of the Internal Revenue Code, as
17 amended up to and including December 31, 1992."

18 3. Page 2, line 28, by striking the word and
19 figures "4, and 7" and inserting the following: "4,
20 401, 7, and 703".

VANDE HOEF of Osceola
GREIG of Emmet

H-5305

1 Amend House File 2351 as follows:

2 1. Page 2, by inserting after line 24 the
3 following:

4 "Sec. 120. Section 425.1, Code 1993, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 7. a. There is appropriated
7 annually, beginning with the fiscal year beginning
8 July 1, 1995, from the general fund of the state to
9 the department of revenue and finance to be credited
10 to the homestead credit fund an amount as computed

11 pursuant to paragraph "b". The appropriation made in
 12 this subsection is a supplement to the appropriation
 13 made pursuant to subsection 1, as limited by section
 14 8.59.

15 b. To determine the amount appropriated under
 16 paragraph "a" the department shall compute by December
 17 31 of each year the amount of increased state
 18 individual income tax revenues collected for tax years
 19 beginning in the previous calendar year as a result of
 20 taxing social security benefits as provided in the
 21 Internal Revenue Code, as defined in section 422.3
 22 compared to the amount that would have been collected
 23 if social security benefits were taxed as provided
 24 under the Internal Revenue Code for tax years
 25 beginning in the 1993 calendar year.

26 If the department has not computed the amount to be
 27 appropriated under paragraph "a" by November 15, the
 28 department shall deposit one-half of the department's
 29 estimate for purposes of making payments to counties
 30 on November 15. The next payment shall be adjusted so
 31 that the proper amount is appropriated."

32 2. Title page, line 4, by inserting after the
 33 word "expenses," the following: "using certain
 34 increased revenues from updating to increase the
 35 reimbursement for the homestead credit,".

VANDE HOEF of Osceola
 KLEMME of Plymouth
 WELTER of Jones

GREIG of Emmet
 HOUSER of Pottawattamie
 BRANSTAD of Winnebago
 DRAKE of Pottawattamie

H-5309

1 Amend House File 2350 as follows:

2 1. By striking page 10, line 11, through page 11,
 3 line 13, and inserting the following:
 4 "_____. a. The department of corrections shall
 5 construct a five hundred bed correctional facility for
 6 men at Newton and an infirmary of at least fifty beds,
 7 but not more than one hundred beds, for elderly and
 8 infirm male inmates at the Oakdale correctional
 9 facility, and to do so shall issue negotiable bonds
 10 and notes in principal amounts as are necessary to
 11 provide sufficient funds for the construction and
 12 equipping of the facilities, for the payment of
 13 interest on the bonds and notes, for the establishment
 14 of reserves to secure the bonds and notes, and for all
 15 other expenditures incident to and necessary or
 16 convenient to carry out its duties to construct and
 17 equip the facilities through the issuance of
 18 negotiable bonds and notes. The bonds and notes shall
 19 be deemed to be investment securities and negotiable

20 instruments within the meaning of and for all purposes
21 of the uniform commercial code.

22 b. The bonds and notes shall be payable solely and
23 only out of the moneys, assets, or revenues of the
24 department of corrections contained in a correctional
25 facility construction fund which is hereby created in
26 the state treasury under the control of the department
27 of corrections. Notwithstanding section 12C.7,
28 subsection 2, all interests or earnings on moneys in
29 the fund shall be deposited in the fund, and
30 notwithstanding section 8.33, moneys in the fund shall
31 not revert to the general fund of the state at the end
32 of any fiscal year. The correctional facility
33 construction fund shall consist of moneys appropriated
34 specifically for deposit in the fund by the general
35 assembly, and such other public or private moneys
36 which are specifically designated for and deposited in
37 the correctional facility construction fund.

38 c. The bonds and notes are not an obligation of
39 this state or any political subdivision of this state
40 other than the department of corrections within the
41 meaning of any constitutional or statutory debt
42 limitations, but are special obligations of the
43 department of corrections payable solely and only from
44 the sources of revenue established by this subsection
45 for the correctional facility construction fund. The
46 department of corrections shall not pledge the credit
47 or taxing power of this state or any political
48 subdivision of this state or make its debts with
49 respect to the bonds and notes payable out of moneys
50 except those in the correctional facility construction

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1 fund. In authorizing and issuing the bonds and notes,
2 the department of corrections shall adhere to the
3 requirements applicable to the authorization and
4 issuance of bonds by the Iowa finance authority under
5 chapter 16."

6 2. By renumbering and correcting internal
7 references as necessary.

BRAMMER of Linn
BELL of Jasper
DODERER of Johnson
JOCHUM of Dubuque

H-5310

1 Amend House File 2376 as follows:

2 1. Page 7, by inserting after line 30 the
3 following:

4 "(4) Moneys in the state protection of minors fund

5 created in section 125.11A, as enacted by this Act,
 6 shall be used by the division for the purpose of
 7 monitoring cigarette permit holders to ensure that
 8 minors are denied access to tobacco products. If
 9 moneys received in the state protection of minors fund
 10 exceed the amount budgeted for the division in the
 11 fiscal year beginning July 1, 1994, and ending June
 12 30, 1995, the substance abuse division of the
 13 department of public health may expend the excess
 14 funds to exceed the number of full-time equivalent
 15 positions authorized in this section for the purpose
 16 of performing inspections to monitor the access of
 17 minors to tobacco products."

18 2. Page 25, by inserting after line 31 the
 19 following:

20 "Sec. _____. NEW SECTION. 125.11A STATE PROTECTION
 21 OF MINORS FUND.

22 A state protection of minors fund is created in the
 23 office of the treasurer of state under authority of
 24 the department. The fund shall consist of cigarette
 25 permit fees collected pursuant to section 453A.13.
 26 The department shall utilize moneys in the fund for
 27 monitoring the access of minors to tobacco products.

28 Sec. _____. Section 453A.13, subsection 3,
 29 paragraphs a, b, and c, Code 1993, are amended to read
 30 as follows:

31 a. In places outside any city, fifty eighty
 32 dollars, thirty dollars of which shall be remitted on
 33 a quarterly basis to the department of revenue and
 34 finance for deposit in the state protection of minors
 35 fund, created in section 125.11A.

36 b. In cities of less than fifteen thousand
 37 population, seventy-five one hundred five dollars,
 38 thirty dollars of which shall be remitted on a
 39 quarterly basis to the department of revenue and
 40 finance for deposit in the state protection of minors
 41 fund, created in section 125.11A.

42 c. In cities of fifteen thousand or more
 43 population, one hundred thirty dollars, thirty dollars
 44 of which shall be remitted on a quarterly basis to the
 45 department of revenue and finance for deposit in the
 46 state protection of minors fund, created in section
 47 125.11A.

48 Sec. _____. Section 453A.35, Code 1993, is amended
 49 to read as follows:

50 453A.35 TAX AND FEES PAID TO GENERAL FUND.

Page 2

1 The proceeds derived from the sale of stamps and
 2 the payment of taxes, fees and penalties provided for
 3 under this chapter, and the permit fees received from

4 all permits issued by the department, shall be
 5 credited to the general fund of the state. All permit
 6 fees provided for in this chapter and collected by
 7 cities in the issuance of permits granted by the
 8 cities shall be paid to the treasurer of the city
 9 where the permit is effective, or to another city
 10 officer as designated by the council, and credited to
 11 the general fund of the city, except for the moneys
 12 collected for the state protection of minors fund
 13 pursuant to section 453A.13. Permit fees so collected
 14 by counties shall be paid to the county treasurer,
 15 except for the moneys collected for the state
 16 protection of minors fund pursuant to section
 17 453A.13."

BRAMMER of Linn

H-5312

1 Amend House File 2411 as follows:
 2 1. Page 9, line 18, by striking the figure
 3 "183,343,493" and inserting the following:
 4 "184,110,721".
 5 2. Page 13, line 8, by striking the figure
 6 "146,994,613" and inserting the following:
 7 "147,185,798".
 8 3. Page 14, line 10, by striking the figure
 9 "65,571,673" and inserting the following:
 10 "65,852,919".

DODERER of Johnson
 HAMMOND of Story
 MYERS of Johnson
 BRAND of Benton

NEUHAUSER of Johnson
 HARPER of Black Hawk
 BERNAU of Story
 SHOULTZ of Black Hawk
 WITT of Black Hawk

H-5314

1 Amend House File 2369 as follows:
 2 1. Page 7, by inserting after line 29 the
 3 following:
 4 "Sec. _____. Section 523H.6, Code 1993, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:
 7 523H.6 ENCROACHMENT.
 8 The franchisor and franchisee, upon the request of
 9 either, shall negotiate a provision to be included in
 10 the franchise agreement concerning the proximity of an
 11 existing franchisee within which a franchisor shall
 12 not seek to establish a new franchise, outlet,
 13 company-owned store, or carry-out store."
 14 2. Page 11, line 7, by striking the figures
 15 "523H.6, 523H.11," and inserting the following:
 16 "523H.11".
 17 3. By renumbering as necessary.

HANSEN of Woodbury

H-5319

- 1 Amend House File 2351 as follows:
 2 1. Page 1, by inserting after line 9 the
 3 following:
 4 "Sec. 401. Section 422.7, Code Supplement 1993, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 29. Subtract, to the extent not
 7 deducted in determining federal adjusted gross income,
 8 meal and entertainment expenses deductible as provided
 9 in section 274(n) of the Internal Revenue Code, as
 10 amended up to and including December 31, 1992."
 11 2. Page 2, by inserting after line 24, the
 12 following:
 13 "Sec. 703. Section 422.35, Code 1993, is amended
 14 by adding the following new subsection:
 15 NEW SUBSECTION. 17. Subtract, to the extent not
 16 deducted in determining federal adjusted gross income,
 17 meal and entertainment expenses deductible as provided
 18 in section 274(n) of the Internal Revenue Code, as
 19 amended up to and including December 31, 1992."
 20 3. Page 2, line 28, by striking the word and
 21 figures "4, and 7" and inserting the following: "4,
 22 401, 7, and 703".

VANDE HOEF of Osceola
 GREIG of Emmet

H-5320

- 1 Amend the amendment, H-5264, to House File 2351 as
 2 follows:
 3 1. Page 1, by inserting after line 14 the
 4 following:
 5 "Sec. 401. Section 422.7, Code Supplement 1993, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 29. Subtract, to the extent not
 8 deducted in determining federal adjusted gross income,
 9 meal and entertainment expenses deductible as provided
 10 in section 274(n) of the Internal Revenue Code, as
 11 amended up to and including December 31, 1992."
 12 2. Page 2, by inserting after line 27, the
 13 following:
 14 "Sec. 703. Section 422.35, Code 1993, is amended
 15 by adding the following new subsection:
 16 NEW SUBSECTION. 17. Subtract, to the extent not
 17 deducted in determining federal adjusted gross income,
 18 meal and entertainment expenses deductible as provided
 19 in section 274(n) of the Internal Revenue Code, as
 20 amended up to and including December 31, 1992."
 21 3. Page 3, line 8, by striking the word and
 22 figures "3, 4, and 8" and inserting the following:
 23 "401, 3, 4, 8, and 703".

VANDE HOEF of Osceola
 GREIG of Emmet

H-5327

1 Amend House File 2411 as follows:

2 1. Page 9, by inserting after line 25 the
3 following:

4 "The general assembly directs the state university
5 of Iowa to continue to provide a full four-year
6 bachelor's degree program for dental hygiene within
7 the college of dentistry. The university shall take
8 all steps necessary to establish the full course of
9 study leading to a baccalaureate degree in dental
10 hygiene."

MILLAGE of Scott

H-5335

1 Amend House File 2377 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 22.7, Code Supplement 1993, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 31. Information contained in a
7 declaration of paternity completed pursuant to section
8 600A.2 and filed with the state registrar of vital
9 statistics pursuant to section 144.12A, except to the
10 extent that the information is necessary to provide
11 notice to the parties and for use in a termination of
12 parental rights or adoption proceeding."

13 2. Page 1, line 12, by striking the words "public
14 record" and inserting the following: "confidential
15 record pursuant to section 22.7".

16 3. Page 6, line 2, by striking the words "public
17 record" and inserting the following: "confidential
18 record pursuant to section 22.7".

19 4. By renumbering as necessary.

MORELAND of Wapello

H-5339

1 Amend House File 2377 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 22.7, Code Supplement 1993, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 31. Information contained in a
7 declaration of paternity completed pursuant to section
8 600A.2 and filed with the state registrar of vital
9 statistics pursuant to section 144.12A, except to the
10 extent that the information is necessary to provide
11 notice to the parties and for use by the court or
12 agency to carry out official duties related to a
13 termination of parental rights or adoption

14 proceeding.”

15 2. Page 1, line 12, by striking the words “public
16 record” and inserting the following: “confidential
17 record pursuant to section 22.7”.

18 3. Page 6, line 2, by striking the words “public
19 record” and inserting the following: “confidential
20 record pursuant to section 22.7”.

21 4. By renumbering as necessary.

HALVORSON of Webster

H—5342

1 Amend House File 2377 as follows:

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

4 “Sec. _____. NEW SECTION. 514C.10 COVERAGE FOR
5 ADOPTED CHILD.

6 1. DEFINITIONS. For purposes of this section,
7 unless the context otherwise requires:

8 a. “Child” means, with respect to an adoption or a
9 placement for adoption of the child, an individual who
10 has not attained age eighteen as of the date of the
11 issuance of a final adoption decree, or upon an
12 interlocutory adoption decree becoming a final
13 adoption decree, as provided in chapter 600, or as of
14 the date of the placement for adoption.

15 b. “Placement for adoption” means the assumption
16 of a legal obligation for the total or partial support
17 of the child in anticipation of the adoption of the
18 child. The child’s placement with a person terminates
19 upon the termination of such legal obligation.

20 2. COVERAGE REQUIRED. A policy or contract
21 providing for third-party payment or prepayment of
22 health or medical expenses shall provide coverage
23 benefits to a dependent child adopted by, or placed
24 for adoption with, an insured or enrollee under the
25 same terms and conditions as apply to a natural,
26 dependent child of the insured or enrollee. The
27 issuer of the policy or contract shall not restrict
28 coverage under the policy or contract for a dependent
29 child adopted by, or placed for adoption with, the
30 insured or enrollee solely on the basis of a
31 preexisting condition of such dependent child at the
32 time that the child would otherwise become eligible
33 for coverage under the plan, if the adoption or
34 placement occurs while the insured or enrollee is
35 eligible for coverage under the policy or contract.
36 This section applies to the following classes of
37 third-party payment provider contracts or policies
38 delivered, issued for delivery, continued, or renewed
39 in this state on or after July 1, 1994:
40 a. Individual or group accident and sickness

- 41 insurance providing coverage on an expense-incurred
42 basis.
43 b. An individual or group hospital or medical
44 service contract issued pursuant to chapter 509, 514,
45 or 514A.
46 c. An individual or group health maintenance
47 organization contract regulated under chapter 514B.
48 d. An individual or group medicare supplemental
49 policy, unless coverage pursuant to such policy is
50 preempted by federal law."

Page 2

- 1 2. By renumbering as necessary.

JOCHUM of Dubuque

H-5344

- 1 Amend House File 2377 as follows:
2 1. Page 7, by inserting after line 28 the
3 following:
4 "Sec. _____. Section 600A.5, Code 1993, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. The petition for the
7 termination of parental rights shall be accompanied by
8 a notarized affidavit, signed by the natural mother of
9 the child, which identifies the natural father or any
10 person whom the natural mother believes to be the
11 natural father of the child."

JOCHUM of Dubuque

H-5346

- 1 Amend House File 2377 as follows:
2 1. Page 9, by inserting after line 12 the
3 following:
4 "Sec. _____. Section 600A.9, subsection 2, Code
5 1993, is amended to read as follows:
6 2. If an order is issued under subsection 1,
7 paragraph "b" of this section, the juvenile court
8 shall retain jurisdiction to change a guardian or
9 custodian and to allow a terminated parent to request
10 vacation or appeal of the termination order if the
11 child is not on placement for adoption or a petition
12 for adoption of the child is not on file within ten
13 days of issuance of the granting of the order. The
14 period for request for vacation or appeal shall not be
15 waived or extended. The juvenile court shall grant
16 the vacation request only if it is in the best
17 interest of the child. The supreme court shall
18 prescribe rules to establish a period of ten days,
19 which shall not be waived or extended, in which a
20 terminated parent may request a vacation or appeal of
21 a termination order."
22 2. By renumbering as necessary.

JOCHUM of Dubuque

H-5349

1 Amend House File 2377 as follows:

2 1. Page 7, by striking lines 16 through 22.

3 2. Page 7, by inserting after line 28 the
4 following:

5 "Sec. _____. NEW SECTION. 600A.4A BACKGROUND

6 INFORMATION REGARDING MINOR ONGOING REQUIREMENT.

7 1. At the time that a release of custody is signed
8 or at the time a petition for termination of parental
9 rights is filed, an agency or a person making an
10 independent placement, a counselor, or the person
11 releasing custody or filing the petition shall provide
12 a written report, edited to exclude the identity of a
13 natural parent of the minor or other member of the
14 minor's family, and containing all of the following
15 information that is reasonably available from any
16 natural parent, relative, guardian, custodian, or
17 other person who has such information regarding the
18 minor.

19 a. A current history of the minor's health,
20 including an account of the minor's prenatal care,
21 medical condition at birth, any drug or medication
22 taken by the minor's mother during pregnancy, any
23 subsequent medical, psychological, psychiatric, or
24 dental examination and diagnosis, any physical,
25 sexual, or emotional abuse suffered by the minor, and
26 a record of any immunizations and health care received
27 while in foster or other care.

28 b. An account of the health and genetic history of
29 the minor's natural parents and other members of the
30 minor's family, including any known disease or
31 hereditary predisposition to disease, any addiction to
32 drugs or alcohol, the health of the mother during
33 pregnancy, the health of each natural parent at the
34 child's birth, a summary of the findings of any
35 medical, psychological, or psychiatric evaluation of
36 each natural parent at the time of placement, and, if
37 a natural parent is deceased, the natural parent's
38 attained age and the cause of death.

39 c. A social history of the minor and the minor's
40 family, including, but not limited to all of the
41 following, as applicable:

42 (1) The minor's racial, ethnic, and religious
43 background, and a general description of the minor's
44 natural parents.

45 (2) An account of the minor's past and existing
46 relationship with any relative, stepparent, foster
47 parent, or other individual with whom the minor has
48 regularly lived or visited.

49 (3) The level of educational, athletic,
50 scientific, artistic, and vocational achievement of

Page 2

1 members of the minor's family.

2 (4) Any criminal conviction of a natural parent
3 for a felony, any judicial order terminating the
4 parental rights of a natural parent, and any
5 proceeding in which the natural parent was alleged to
6 have abused, neglected, abandoned, or otherwise
7 mistreated the minor.

8 (5) Any information necessary to determine the
9 minor's eligibility for state or federal benefits,
10 including subsidies for adoption and other financial,
11 medical, or similar assistance.

12 d. The natural parent shall be informed that the
13 natural parent is required to provide ongoing medical
14 and social history information through the Iowa
15 department of public health as the information becomes
16 available and at least annually if additional
17 information is available. The adoptive parents shall
18 provide the current address of the adoptive parents to
19 the Iowa department of public health as necessary and,
20 upon attaining majority, the adoptive child shall
21 assume this duty. The Iowa department of public
22 health shall collect and transmit any information
23 submitted to the adoptive parents or to the adult
24 adoptee, provided that the department is reasonably
25 able to determine the location of the adoptive parents
26 or the adult adoptee.

27 e. A person who furnishes a report required by
28 this section and the court shall not disclose any
29 information upon which the report is based except as
30 otherwise provided in this section and is subject to
31 the penalties provided in section 600.16, as
32 applicable. A person who is the subject of any report
33 may bring a civil action against a person who
34 discloses the information in violation of this
35 section.

36 f. Information provided under this section shall
37 not be used as evidence in any civil or criminal
38 proceeding against a person who is the subject of the
39 information.

40 g. The department shall prescribe forms designed
41 to obtain specific information about the minor and the
42 minor's family and shall provide the forms at no
43 charge to agencies and to persons as specified in this
44 section who execute a release of custody of the minor
45 or who file a petition for terminating parental
46 rights."

47 3. By renumbering as necessary.

H-5352

- 1 Amend House File 2394 as follows:
 2 1. Page 6, by striking line 3 and inserting the
 3 following: "employment in substance abuse facilities
 4 or".

GRUNDBERG of Polk

H-5353

- 1 Amend House File 2383 as follows:
 2 1. Page 3, line 17, by inserting after the word
 3 "achieved" the following: ", including but not
 4 limited to, records of incidences of violence,
 5 possession of weapons, unexcused absences, dropout
 6 rates, and average scores on the Iowa test of basic
 7 skills and the Iowa test of educational development.
 8 Indicators shall not include assessments of individual
 9 students concerning any attitudes, feelings, or
 10 beliefs".

HURLEY of Fayette

H-5359

- 1 Amend House File 2404 as follows:
 2 1. Page 2, by inserting after line 9 the
 3 following:
 4 "Sec. _____. Section 99B.3, subsection 1, paragraphs
 5 d and h, Code 1993, are amended to read as follows:
 6 d. The game is posted and the cost to play the
 7 game does not exceed one dollar three dollars.
 8 h. The actual retail value of any prize does not
 9 exceed twenty-five fifty dollars. If a prize consists
 10 of more than one item, unit or part, the aggregate
 11 retail value of all items, units or parts shall not
 12 exceed twenty-five fifty dollars."
 13 2. By renumbering sections.

BRAUNS of Muscatine

H-5361

- 1 Amend House File 2383 as follows:
 2 1. Page 1, line 8, by striking the figure "II"
 3 and inserting the following: "III".
 4 2. Page 1, line 9, by striking the words
 5 "juvenile court officer" and inserting the following:
 6 "caseworker".
 7 3. Page 1, by striking lines 10 and 11 and
 8 inserting the following: "school the official
 9 juvenile court records. A court".

KREIMAN of Davis

H-5366

- 1 Amend House File 2377 as follows:
- 2 1. Page 9, line 21, by inserting after the word
- 3 "misdemeanor." the following: "An attorney who
- 4 accepts or participates in the execution of a release
- 5 of custody prior to the seventy-two-hour minimum
- 6 period is, in addition to the penalty provided under
- 7 this section, subject to suspension of the person's
- 8 license to practice law in this state for six months
- 9 for a first offense and is subject to disbarment for
- 10 any second or subsequent offense."

HALVORSON of Webster

H-5369

- 1 Amend House File 2307 as follows:
- 2 1. By striking page 2, line 32 through page 3,
- 3 line 3.
- 4 2. Title page, by striking lines 3 and 4 and
- 5 inserting the following: "an enhanced penalty, by
- 6 restricting possession of alcohol by certain".
- 7 3. By renumbering as necessary.

WEIDMAN of Cass

H-5371

- 1 Amend the amendment, H-5317, to House File 2383 as
- 2 follows:
- 3 1. Page 1, by inserting after line 24 the
- 4 following:
- 5 "_____. Page 8, by inserting after line 29 the
- 6 following:
- 7 "Sec. _____. Section 910A.1, subsection 1, Code
- 8 1993, is amended by adding the following new
- 9 unnumbered paragraph:
- 10 NEW UNNUMBERED PARAGRAPH. "Victim" also means, for
- 11 the purposes of notification under sections 910A.9
- 12 through 910A.10A, a public or nonpublic school as
- 13 defined in section 280.2." "
- 14 2. By renumbering as necessary.

DICKINSON of Jackson

H-5375

- 1 Amend House File 2341 as follows:
- 2 1. Page 1, line 23, by striking the words "A
- 3 petition" and inserting the following: "A Except as
- 4 otherwise provided in subsection 7, a petition".
- 5 2. Page 2, by inserting after line 3 the
- 6 following:
- 7 "Sec. _____. Section 598.35, Code 1993, is amended

- 8 by adding the following new subsection after
 9 unnumbered paragraph 2:
 10 NEW SUBSECTION. 7. Notwithstanding the
 11 requirement for establishment of a substantial
 12 relationship with the child prior to the filing of the
 13 petition, the parents of the child, whether married or
 14 divorced, have prohibited visitation by the
 15 grandparent, and the grandparent has not been allowed
 16 visitation during a period of three or more months."
 17 3. Title page, line 3, by inserting after the
 18 word "visitation" the following: ", and providing an
 19 additional basis for grandparent visitation".
 20 4. By renumbering as necessary.

GILL of Woodbury
 HANSEN of Woodbury

H-5377

- 1 Amend the amendment, H-5339, to House File 2377 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 21 and
 4 inserting the following:
 5 "_____. By striking page 7, line 29 through page 9,
 6 line 12.
 7 _____. By renumbering as necessary."

HALVORSON of Webster

H-5378

- 1 Amend the amendment, H-5344, to House File 2377 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "_____. Page 7, by inserting after line 22 the
 6 following:
 7 "NEW PARAGRAPH. g. Shall be accompanied by a
 8 notarized affidavit, signed by the natural mother of
 9 the child, which identifies the natural father or any
 10 person whom the natural mother believes to be the
 11 natural father of the child." "

JOCHUM of Dubuque

H-5383

- 1 Amend House File 2411 as follows:
 2 1. Page 4, line 21, by striking the figure
 3 "98,583,068" and inserting the following:
 4 "98,483,068".
 5 2. Page 4, line 28, by striking the figure
 6 "5,460,893" and inserting the following: "5,360,893".
 7 3. Page 13, line 8, by striking the figure
 8 "146,994,613" and inserting the following:

9 "147,094,613".

10 4. Page 13, by inserting after line 15 the
11 following:

12 "From the moneys appropriated in this lettered
13 paragraph, for the fiscal year beginning July 1, 1994,
14 and ending June 30, 1995, \$100,000 shall be expended
15 to establish and fund a small business development
16 center in Fort Dodge."

IVERSON of Wright
HALVORSON of Webster
MUNDIE of Webster

H-5384

1 Amend the amendment, H-5325, to House File 2377 as
2 follows:

3 1. Page 1, by inserting after line 16, the
4 following:

5 "_____. Page 2, by inserting after line 13, the
6 following:

7 "Sec. _____. NEW SECTION. 238.43B PREFERENCE IN
8 PLACEMENTS.

9 Child-placing agencies which place children for
10 adoption shall give preference in placements to the
11 grandparent of the child if the grandparent is
12 otherwise qualified and if the placement is in the
13 best interest of the child."

14 _____. Page 2, by inserting after line 21, the
15 following:

16 "Sec. _____. Section 600.8, Code 1993, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 13. Preference shall be given, by
19 an investigator, to an adoption petitioner who is the
20 grandparent of the child if the grandparent is
21 otherwise qualified and if the placement is in the
22 best interest of the child."

23 _____. Page 4, by inserting after line 1, the
24 following:

25 "Sec. _____. Section 600.13, Code 1993, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 1A. Preference shall be given, by
28 the court, to an adoption petitioner who is the
29 grandparent of the child if the grandparent is
30 otherwise qualified and if the placement is in the
31 best interest of the child."

GILL of Woodbury

H-5385

1 Amend House File 2394, as follows:

2 1. Page 6, by inserting after line 16 the
3 following:

4 "h. The superintendent of each public school
5 district, or the superintendent's designee, and the
6 person in charge of each accredited private school, or
7 the person's designee, which is located in a county in
8 which a sex offender is registered. For purposes of
9 this paragraph, information shall be limited to the
10 sex offenders registered in the county in which the
11 school or school district is located."

12 2. Page 8, by inserting after line 24 the
13 following:

14 "_____. The superintendent of each public school
15 district, or the superintendent's designee, and the
16 person in charge of each accredited private school, or
17 the person's designee, may redisseminate sex offender
18 registry information obtained pursuant to section
19 692A.5, to any employee of the public school or
20 accredited private school for purposes of ensuring the
21 health and safety of the students and employees of the
22 public school district or accredited private school.
23 Persons who receive sex offender registry information
24 pursuant to this subsection shall not communicate the
25 information to persons not employed by the public
26 school or accredited private school, except that the
27 information and any related information may be
28 communicated to a peace officer or criminal justice
29 agency. A person who receives sex offender registry
30 information pursuant to this subsection and who uses
31 it for any other purposes or who communicates the
32 information to any other person other than for the
33 purposes permitted by this subsection is guilty of an
34 aggravated misdemeanor."

35 3. By numbering and renumbering as necessary.

DICKINSON of Jackson

H-5387

1 Amend the amendment, H-5340, to House File 2377 as
2 follows:

3 1. Page 1, line 3 by inserting after the word
4 "felony." the following: "Upon identifying the
5 charging of a prohibited fee, the court shall refer
6 the information to the appropriate law enforcement and
7 regulatory entities and may also consider whether a
8 new determination of the child's best interest is
9 necessary."

McNEAL of Hardin

H-5395

1 Amend House File 2402 as follows:

2 1. Page 1, by striking lines 8 through 18 and
3 inserting the following: "that appointing authority's

4 department if the department's total work force will
 5 not be reduced. If, however, the department's total
 6 work force will be reduced, the layoff procedures
 7 contained in the collective bargaining agreement or
 8 the rules of the department shall be utilized,
 9 whichever is applicable.

10 The class to which an employee is demoted pursuant
 11 to this subsection shall be a class which is no more
 12 than five pay grades below the employee's current job
 13 class or the next lower nonsupervisory job class in
 14 the same class series. If an employee is demoted to a
 15 vacant position pursuant to this subsection, the
 16 demotion to the vacancy shall comply with the
 17 applicable collective bargaining agreement or rules of
 18 the department, whichever applies to the class to
 19 which demoted."

20 2. Page 2, by striking lines 20 and 21 and
 21 inserting the following: "demoted."

22 3. Page 3, by inserting after line 2 the
 23 following:

24 "f. This subsection shall not be interpreted to
 25 amend, alter, modify, or infringe upon the provisions
 26 of a collective bargaining agreement negotiated
 27 pursuant to chapter 20."

CHURCHILL of Polk

H-5398

1 Amend the amendment, H-5325, to House File 2377 as
 2 follows:

3 1. Page 1, by inserting after line 16 the
 4 following:

5 "_____. Page 3, by striking lines 1 and 2 and
 6 inserting the following: "person charges a prohibited
 7 fee under this subsection, each person is guilty of a
 8 serious misdemeanor. Upon identifying the charging of
 9 a prohibited fee, the court shall refer the
 10 information to the appropriate law enforcement and
 11 regulatory entities and may also consider whether a
 12 new determination of the child's best interest is
 13 necessary." "

GRUNDBERG of Polk

H-5401

1 Amend House File 647 as follows:

2 1. Page 2, line 8, by inserting after the word
 3 "utility." the following: "Prior to the approval or
 4 modification of any plan for alternative regulation,
 5 the board shall consider alternatives and methods
 6 which will assist and assure all Iowans in securing
 7 and retaining essential communications services at the

8 lowest reasonable cost."
 9 2. Page 2, line 28, by inserting after the word
 10 "board." the following: "The board shall evaluate all
 11 sources of revenue of the utility prior to approving
 12 an increase in the prices for essential communications
 13 services pursuant to this section."

McCOY of Polk
 WISE of Lee

H-5402

1 Amend House File 647 as follows:
 2 1. Page 4, by inserting after line 27 the
 3 following:
 4 "Sec. _____. REPORT. The utilities board shall
 5 submit a report to the general assembly no later than
 6 January 15, 1997, concerning the implementation of
 7 alternative regulation for utilities furnishing
 8 communications services."
 9 2. By renumbering as necessary.

LUNDBY of Linn

H-5403

1 Amend the amendment, H-5325, to House File 2377 as
 2 follows:
 3 1. Page 1, by inserting after line 16 the
 4 following:
 5 "_____. Page 7, by inserting after line 22 the
 6 following:
 7 "NEW PARAGRAPH. g. Shall be preceded by the
 8 provision of legal counsel to the natural parents
 9 regarding the legal procedures related to and
 10 consequences of the execution of a release of custody,
 11 termination of parental rights, and adoption. The
 12 natural parents shall be advised that if they are
 13 unable to afford legal counsel, legal counsel will be
 14 appointed for them by the court at no cost to the
 15 natural parents. The person providing legal counsel
 16 shall attach an affidavit to the release of custody
 17 form which certifies that the natural parents were
 18 provided legal counsel prior to the signing of the
 19 release of custody."
 20 _____. Page 9, by inserting after line 12 the
 21 following:
 22 "Sec. _____. NEW SECTION. 600A.6A RIGHT TO AND
 23 APPOINTMENT OF COUNSEL.
 24 A person who wishes to execute a release of custody
 25 shall have the right to counsel prior to the execution
 26 of the release and a person who files a petition for
 27 termination of parental rights shall have the right to
 28 counsel in connection with all subsequent hearings and

29 proceedings. If the person desires but is financially
 30 unable to employ counsel, the court shall appoint
 31 counsel." "

32 2. By renumbering as necessary.

HOLVECK of Polk
 CARPENTER of Polk
 HAMMOND of Story

H-5405

1 Amend House File 647 as follows:
 2 1. Page 3, by inserting after line 18 the
 3 following:
 4 "8. Except as provided in section 476.3,
 5 subsection 2, nothing in this section shall be
 6 construed to prevent the consumer advocate from
 7 representing consumers before the utilities board
 8 regarding any rule, order, or proceeding pertaining to
 9 alternative regulation of utilities furnishing
 10 communications services. The consumer advocate may
 11 act as attorney for and represent consumers generally
 12 before any state or federal court concerning a
 13 utilities board rule, order, or proceeding pertaining
 14 to alternative regulation of utilities furnishing
 15 communications services."

LUNDBY of Linn
 WISE of Lee

H-5406

1 Amend House File 647 as follows:
 2 1. Page 3, by inserting after line 18 the
 3 following:
 4 "8. In implementing alternative regulation, the
 5 board shall consider methods to assist lower-income
 6 Iowans to secure and retain telephone service."

LUNDBY of Linn
 WISE of Lee

H-5408

1 Amend the amendment, H-5333, to House File 2179 as
 2 follows:
 3 1. Page 3, by inserting after line 21 the
 4 following:
 5 "_____. The commission shall approve not more than
 6 ten gambling game machines for each day of live racing
 7 scheduled during the racing season at a pari-mutuel
 8 racetrack enclosure."

HANSEN of Woodbury

H-5411

1 Amend House File 2405 as follows:

2 1. Page 3, line 25, by striking the word
3 "regulations" and inserting the following: "rules".

4 2. Page 5, by striking line 8 and inserting the
5 following: "confidentiality of the memorandum or
6 other material.

7 Once any".

8 3. Page 11, by striking lines 24 and 25 and
9 inserting the following:

10
$$I = .03 + \frac{W}{R1-.03} + \frac{2}{R2-.09}$$

11 I equals .03 + $\frac{W}{R1-.03}$ + $\frac{2}{R2-.09}$,".
12 4. Page 28, by inserting after line 24 the
13 following:

14 "Subject to the materiality criteria, for purposes
15 of paragraphs "b" and "c", a report shall be filed if
16 the result of the revision affects more than ten
17 percent of the cession."

HALVORSON of Clayton

H-5415

1 Amend the amendment, H-5325, to House File 2377 as
2 follows:

3 1. Page 1, by inserting after line 16 the
4 following:

5 "_____. Page 7, by inserting after line 22 the
6 following:

7 "NEW PARAGRAPH. g. Shall be preceded by the
8 offering of legal counsel to the natural parents
9 regarding the legal procedures related to and
10 consequences of the execution of a release of custody,
11 termination of parental rights, and adoption. The
12 natural parents shall be advised that if they are
13 unable to afford legal counsel, legal counsel will be
14 appointed for them by the court at no cost to the
15 natural parents. The person who informs the natural
16 parents of their right to legal counsel or the person
17 providing legal counsel shall attach an affidavit to
18 the release of custody form which certifies that the
19 natural parents were offered legal counsel and have
20 refused legal counsel or have been provided legal
21 counsel prior to the signing of the release of
22 custody."

23 _____ Page 9, by inserting after line 12 the
24 following:

25 "Sec. _____. NEW SECTION. 600A.6A RIGHT TO AND
26 APPOINTMENT OF COUNSEL.

27 A person who wishes to execute a release of custody
28 shall have the right to counsel prior to the execution
29 of the release and a person who files a petition for

30 termination of parental rights shall have the right to
31 counsel in connection with all subsequent hearings and
32 proceedings. If the person desires but is financially
33 unable to employ counsel, the court shall appoint
34 counsel." "

35 2. By renumbering as necessary.

HOLVECK of Polk
CARPENTER of Polk
HAMMOND of Story

H-5417

1 Amend the amendment, H-5365, to House File 2377 as
2 follows:

3 1. Page 1, line 41, by striking the word
4 "earlier" and inserting the following: "later".

5 2. Page 2, line 31, by striking the word
6 "earlier" and inserting the following: "later".

7 3. Page 2, line 35, by striking the word
8 "earlier" and inserting the following: "later".

9 4. Page 3, by inserting after line 36 the
10 following:

11 "_____. Page 5, line 26, by striking the word
12 "earlier" and inserting the following: "later".

13 _____. Page 6, line 1, by striking the word
14 "earlier" and inserting the following: "later".

15 5. Page 3, by inserting after line 39 the
16 following:

17 "_____. Page 6, line 5, by striking the word
18 "earlier" and inserting the following: "later".

19 _____. Page 6, line 15, by striking the word

20 "earlier" and inserting the following: "later".

HALVORSON of Webster

H-5418

1 Amend the amendment, H-5365, to House File 2377, as
2 follows:

3 1. Page 1, line 39, by striking the word "twenty"
4 and inserting the following: "sixty".

5 2. Page 2, line 29, by striking the word "twenty"
6 and inserting the following: "sixty".

7 3. Page 2, line 33, by striking the word "twenty"
8 and inserting the following: "sixty".

9 4. Page 3, by inserting after line 36 the
10 following:

11 "_____. Page 5, line 25, by striking the word
12 "twenty" and inserting the following: "sixty".

13 _____. Page 5, line 34, by striking the word
14 "twenty" and inserting the following: "sixty".

15 5. Page 3, by inserting after line 39 the
16 following:

- 17 "_____. Page 6, line 3, by striking the word
 18 "twenty" and inserting the following: "sixty".
 19 "_____. Page 6, line 13, by striking the word
 20 "twenty" and inserting the following: "sixty".
 21 6. By renumbering as necessary.

MORELAND of Wapello

H-5420

- 1 Amend House File 2307 as follows:
 2 1. Page 2, by inserting after line 22 the
 3 following:
 4 "This subsection does not apply to an occupant, who
 5 is not the driver, of any of the following vehicles
 6 designed to permit at least seven occupants, including
 7 the driver, to ride in the vehicles: a multipurpose
 8 vehicle; a motor home; a mobile home; a limousine,
 9 when it is being used for purposes for which a
 10 limousine is ordinarily used; or a vehicle operated by
 11 a charter carrier, as defined in section 325.1."

GRUBBS of Scott

H-5424

- 1 Amend the amendment, H-5337, to House File 2377 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "_____. Page 1, by inserting after line 24 the
 6 following:
 7 "Sec. _____ NEW SECTION. 146.3 COUNSELING —
 8 REQUIRED PRIOR TO PERFORMANCE OF ABORTION.
 9 Prior to the performance of an abortion on a
 10 pregnant woman, the woman shall be provided with
 11 counseling regarding the performance of an abortion.
 12 For the purposes of this section, "counselor" means a
 13 psychologist licensed pursuant to chapter 154B, a
 14 psychiatrist licensed pursuant to chapter 148, a
 15 social worker licensed pursuant to chapter 154C, or a
 16 person ordained or designated as a leader of a
 17 religious faith."
 18 2. By renumbering as necessary.

McCOY of Polk

H-5425

- 1 Amend the amendment, H-5340, to House File 2377 as
 2 follows:
 3 1. Page 2, by inserting after line 17 the
 4 following:
 5 "_____. Page 7, by inserting after line 22 the
 6 following:

7 "NEW PARAGRAPH. g. Shall be preceded by the
8 offering of legal counsel to the natural parents
9 regarding the legal procedures related to and
10 consequences of the execution of a release of custody,
11 termination of parental rights, and adoption. The
12 natural parents shall be advised that if they are
13 unable to afford legal counsel, legal counsel will be
14 appointed for them by the court at no cost to the
15 natural parents. The person who informs the natural
16 parents of their right to legal counsel or the person
17 providing legal counsel shall attach an affidavit to
18 the release of custody form which certifies that the
19 natural parents were offered legal counsel and have
20 refused legal counsel or have been provided legal
21 counsel prior to the signing of the release of
22 custody."

23 _____ Page 9, by inserting after line 12 the
24 following:

25 "Sec. _____, NEW SECTION. 600A.6A RIGHT TO AND
26 APPOINTMENT OF COUNSEL.

27 A person who wishes to execute a release of custody
28 shall have the right to counsel prior to the execution
29 of the release. If the person desires but is
30 financially unable to employ counsel, the court shall
31 appoint counsel." "

32 2. By renumbering as necessary.

HOLVECK of Polk

H-5427

1 Amend the amendment, H-5340, to House File 2377, as
2 follows:

3 1. Page 2, by inserting after line 17 the
4 following:

5 "_____. Page 8, line 11, by inserting after the
6 word "proceedings." the following: ""Necessary party"
7 also includes a parent of a minor child who is seeking
8 termination of the minor child's parental rights."" "

9 2. By renumbering as necessary.

GILL of Woodbury

H-5431

1 Amend Senate File 2217, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 35 the
4 following:

5 "Sec. _____. Section 22.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. Information contained in
8 state department of transportation records relating to
9 motor vehicle registration. However, the exemption

10 does not apply to information which is used by state
 11 department of transportation employees or by law
 12 enforcement personnel."

13 2. Page 13, by inserting after line 10 the
 14 following:

15 "Sec. _____. Section 321.11, Code 1993, is amended
 16 by adding the following new unnumbered paragraph:
 17 NEW UNNUMBERED PARAGRAPH. However, records
 18 relating to motor vehicle registration shall be for
 19 the confidential use of the department and law
 20 enforcement personnel."

21 3. By renumbering as necessary.

McNEAL of Hardin
 SPENNER of Henry
 MYERS of Johnson

H-5434

1 Amend House File 2414 as follows:

2 1. Page 6, by inserting after line 10 the
 3 following:

4 "Sec. 200. Section 422.12C, subsection 1, Code
 5 Supplement 1993, is amended to read as follows:

6 1. The taxes imposed under this division, less the
 7 credits allowed under sections 422.11A, 422.11B,
 8 422.11C, 422.12, and 422.12B shall be reduced by a
 9 child and dependent care credit equal to the following
 10 percentages of the federal child and dependent care
 11 credit provided in section 21 of the Internal Revenue
 12 Code:

13 a. For a taxpayer with net income of less than ten
 14 thousand dollars, seventy-five percent.

15 b. For a taxpayer with net income of ten thousand
 16 dollars or more but less than twenty thousand dollars,
 17 sixty-five percent.

18 c. For a taxpayer with net income of twenty
 19 thousand dollars or more but less than twenty-five
 20 thousand dollars, fifty-five percent.

21 d. For a taxpayer with net income of twenty-five
 22 thousand dollars or more but less than thirty-five
 23 thousand dollars, fifty percent.

24 e. For a taxpayer with net income of thirty-five
 25 thousand dollars or more but less than forty thousand
 26 dollars, forty percent.

27 f. For a taxpayer with net income of forty
 28 thousand dollars or more but less than forty-five
 29 thousand dollars, zero thirty percent.

30 g. For a taxpayer with net income of forty-five
 31 thousand dollars or more but less than fifty thousand
 32 dollars, twenty percent.

33 h. For a taxpayer with net income of fifty
 34 thousand dollars or more, ten percent."

35 2. Page 17, line 1, by striking the words and
 36 figure "Section 15 of this Act applies" and inserting
 37 the following: "Sections 200 and 15 of this Act
 38 apply".

GILL of Woodbury
 DICKINSON of Jackson
 HANSEN of Woodbury

H-5435

1 Amend House File 2179 as follows:
 2 1. Page 1, by striking lines 32 and 33 and
 3 inserting the following:
 4 "Sec. _____. NEW SECTION. 99G.1 DEFINITIONS.
 5 As used in this chapter unless the context
 6 otherwise requires:
 7 1. "Administrator" means the administrator
 8 appointed by the state racing and gaming commission.
 9 2. "Associated equipment" means a proprietary
 10 device, machine or part used in the manufacture or
 11 maintenance of a video lottery machine, including but
 12 not limited to, integrated circuit chips, printed
 13 wired assembly, printed wired boards, printing
 14 mechanisms, video display monitors, and metering
 15 devices.
 16 3. "Commission" means the state racing and gaming
 17 commission.
 18 4. "Credit" means twenty-five cents.
 19 5. "Division" means the racing and gaming division
 20 of the department of inspections and appeals.
 21 6. "Licensed premises" means licensed premises as
 22 defined in section 123.3, where alcoholic beverages
 23 are sold for consumption on the premises.
 24 7. "Major procurement" means a contract with a
 25 vendor directly involved in providing facilities,
 26 equipment, vouchers, and services unique to the video
 27 lottery, but not including materials, supplies,
 28 equipment, and services common to the ordinary
 29 operations of state agencies.
 30 8. "Net machine income" means money put into a
 31 video lottery machine minus money paid out in cash.
 32 9. "Video lottery" or "state video lottery" means
 33 a lottery operated pursuant to this chapter.
 34 10. "Video lottery machine" or "machine" means an
 35 electronic video game machine that, upon insertion of
 36 cash, is available to play or simulate the play of a
 37 video game, including but not limited to video poker,
 38 keno, and blackjack, authorized by the commission, and
 39 utilizes a video display and microprocessors in which
 40 the player may receive free games, credits, or tickets
 41 that can be redeemed for cash. The term does not
 42 include a machine that directly dispenses coins, cash,
 43 or tokens.
 44 11. "Video lottery machine distributor" or
 45 "distributor" means a person that distributes or sells
 46 video lottery machines or associated equipment in this

47 state.

48 12. "Video lottery machine establishment" or
49 "establishment" means any establishment owned or
50 managed by an individual, partnership, or corporation

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1 licensed to sell alcoholic beverages for consumption
2 upon the premises as defined in section 123.3.

3 13. "Video lottery machine manufacturer" or
4 "manufacturer" means a person that assembles or
5 produces video lottery machines or associated
6 equipment for sale or use in this state.

7 14. "Video lottery machine operator" or "operator"
8 means a person that places video lottery machines or
9 associated equipment for public use in this state.

10 15. "Service employee" means an employee of a
11 video lottery machine operator certified by the
12 division to perform service, maintenance, and repair
13 on video lottery machines.

14 16. "Ticket" means any tangible evidence issued by
15 the commission to prove participation in a video
16 lottery game.

17 Sec. _____. NEW SECTION. 99G.2 SCOPE OF
18 PROVISIONS.

19 This chapter does not apply to bingo or games of
20 skill or chance authorized under chapter 99B, to the
21 pari-mutuel system of wagering used or intended to be
22 used in connection with the racing of dogs or horses
23 as authorized under chapter 99D, or to gambling games
24 authorized for excursion gambling boats under chapter
25 99F.

26 Sec. _____. NEW SECTION. 99G.3 VIDEO LOTTERY
27 AUTHORIZED.

28 The system of wagering through video lottery
29 machines as provided in this chapter is legal when the
30 wagering is conducted at authorized locations by a
31 licensee as provided in this chapter.

32 Sec. _____. NEW SECTION. 99G.4 POWERS AND DUTIES
33 OF THE ADMINISTRATOR.

34 Subject to policies established and rules adopted
35 by the commission, the administrator shall:

36 1. Supervise and administer the operation of the
37 video lottery in accordance with this chapter.

38 2. Employ all other employees of the video
39 lottery, subject to chapter 19A.

40 3. Enter into contracts for promotional services,
41 data processing, and other technical products,
42 equipment, and services, and facilities as needed to
43 operate the video lottery including, but not limited
44 to, tickets and other services involved in major
45 procurements.

- 46 4. Contract with and license persons for the
47 offering of video lottery games to the public.
48 5. Make demographic studies of video lottery
49 players and studies of reactions of citizens to
50 existing and potential features of the video lottery.

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- 1 6. Require video lottery operators and persons
2 licensed pursuant to this chapter to furnish proof of
3 financial stability or furnish surety in an amount
4 based upon the expected volume of net machine income.
5 7. Provide for separate, distinct, and secure data
6 processing facilities to be used for the reliable
7 operation of the video lottery.
8 8. Examine, or cause to be examined by any agent
9 or representative designated by the administrator, any
10 books, papers, records, or memoranda of a video
11 lottery operator or person licensed pursuant to this
12 chapter for the purpose of ascertaining compliance
13 with this chapter or any rule adopted pursuant to this
14 chapter.
15 9. Issue subpoenas for the attendance of witnesses
16 and subpoenas duces tecum to compel access to or for
17 the production of books, papers, records, or memoranda
18 in accordance with chapter 17A, or to compel the
19 appearance of any of the licensee's employees, for the
20 purpose of ascertaining compliance with this chapter
21 or any rule adopted pursuant to this chapter.
22 10. Administer oaths and take depositions to the
23 same extent and subject to the same limitations as
24 would apply if the deposition was in aid of a civil
25 action in the district court.
26 11. Impose civil penalties not to exceed ten
27 thousand dollars for a first violation and fifteen
28 thousand dollars for a second or subsequent violation
29 of this chapter or any rule adopted pursuant to this
30 chapter. The civil penalties shall be credited to the
31 general fund of the state.
32 12. Make and keep books and records which
33 accurately and fairly reflect each day's transactions,
34 including but not limited to, the distribution and
35 sale of tickets, receipts and expenses, and other
36 financial transactions of the video lottery necessary
37 to ensure accountability.
38 13. Make quarterly financial reports to the
39 commission. The reports shall be based upon generally
40 accepted accounting principles and include a full and
41 complete statement of the video lottery's financial
42 position and operations.
43 14. Make available for inspection by the
44 commission, upon request, all books, records, files,
45 and other information and documents of the video
46 lottery.
47 15. Have an annual audit conducted of all accounts
48 and transactions of the video lottery pursuant to

49 chapter 11.

50 16. Prepare and submit budgets and proposals for

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1 the operation of the video lottery.

2 17. Operate the video lottery so that after the
3 initial funding, it is self-sustaining and self-
4 funded.

5 18. Include in printed promotional materials and
6 information published the payback value of each credit
7 for each video lottery game.

8 19. Make provision for the timely and efficient
9 transfer of funds due from video lottery machine
10 operators and persons licensed pursuant to this
11 chapter to the general fund of the state.

12 20. If reasonably practical when the commission
13 awards a contract or license pursuant to this chapter,
14 the commission shall give preference to a responsible
15 vendor, manufacturer, or distributor in this state if
16 the costs and benefits to the commission are equal to
17 those available from competing vendors manufacturers
18 or distributors.

19 Sec. _____. NEW SECTION. 99G.5 COMPETITIVE BIDDING
20 PROCEDURES.

21 When entering into a contract pursuant to this
22 chapter, the administrator shall use an open and
23 competitive bid process which reflects the best
24 interests of the state. The administrator shall
25 consider all relevant factors including security,
26 competence, experience, timely performance, and
27 maximization of net revenues to the state. Contracts
28 entered into pursuant to this chapter for major
29 procurements are subject to the approval of the
30 commission.

31 Sec. _____. NEW SECTION, 99G.6 INVESTIGATION OF
32 VIDEO LOTTERY VENDOR.

33 Subject to the approval of the commission, the
34 administrator may enter into contracts for the
35 operation and marketing of the video lottery, except
36 that the commission may, by rule, designate classes of
37 contracts other than major procurements which do not
38 require prior approval by the commission. A major
39 procurement shall be the result of competitive bidding
40 with the contract being awarded to the responsible
41 video lottery vendor submitting the lowest and best
42 proposal. However, before a contract for a major
43 procurement is awarded, the division of criminal
44 investigation and bureau of identification of the
45 department of public safety shall conduct a thorough
46 background investigation of the video lottery vendor,
47 any parent or subsidiary corporation of the video
48 lottery vendor, all shareholders holding a five
49 percent or greater interest in the video lottery
50 vendor or in a parent or subsidiary corporation of the

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1 video lottery vendor, and all officers and directors
2 of the video lottery vendor or a parent or subsidiary
3 corporation of the video lottery vendor to whom the
4 contract is to be awarded. The video lottery vendor
5 shall submit to the division of criminal investigation
6 and bureau of identification appropriate investigation
7 authorizations to facilitate this investigation. A
8 contract for a major procurement awarded or entered
9 into by the administrator with an individual or
10 business organization shall require the individual or
11 business organization to establish a permanent office
12 in this state.

13 Sec. _____. NEW SECTION. 99G.7 LICENSE
14 INVESTIGATION.

15 1. An applicant shall not be issued a license
16 under section 99G.18 as a video lottery establishment,
17 machine operator, distributor, or manufacturer, unless
18 the person has completed and signed an application on
19 the form prescribed and published by the commission.
20 The application shall include the full name,
21 residence, date of birth, and other personal
22 identifying information of the applicant that the
23 commission deems necessary. The application shall
24 also indicate if the applicant has any of the
25 following:

- 26 a. A record of conviction of a felony.
27 b. An addiction to alcohol or a controlled
28 substance.
29 c. A history of mental illness.
30 d. A conviction of an offense involving gaming.

31 2. An applicant shall submit pictures,
32 fingerprints, and descriptions of physical
33 characteristics to the commission in the manner
34 prescribed on the application form.

35 3. The commission shall charge the applicant a fee
36 set by the department of public safety, division of
37 criminal investigation and bureau of identification,
38 to defray the costs associated with the search and
39 classification of fingerprints required in subsection
40 2 and background investigations conducted by agents of
41 the division of criminal investigation and bureau of
42 identification. This fee is in addition to any other
43 license fee charged by the commission.

44 4. Before a license is granted, the division of
45 criminal investigation and bureau of identification of
46 the department of public safety shall conduct a
47 thorough background investigation of an applicant for
48 a license as a video lottery establishment, machine
49 manufacturer, distributor, or operator. The applicant
50 shall provide information on a form as required by the

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1 division of criminal investigation and bureau of
2 identification.

3 5. An applicant who knowingly makes a false
4 statement on the application is guilty of an
5 aggravated misdemeanor.

6 6. For the purposes of this section, "applicant"
7 includes each member of a partnership and the board of
8 directors of a corporation.

9 7. a. A licensee shall consent to the search,
10 without a warrant, by agents of the division of
11 criminal investigation and bureau of identification of
12 the department of public safety or commission
13 employees designated by the commission, of the
14 licensee's or holder's person, personal property and
15 effects, and premises which are located in a licensed
16 establishment or principal place of business or
17 adjacent facilities under control of the licensee, in
18 order to inspect or investigate for violations of this
19 chapter or rules adopted by the commission pursuant to
20 this chapter. The department or commission may also
21 obtain administrative search warrants under section
22 808.14.

23 b. However, this subsection does not permit a
24 warrantless inspection of living quarters or sleeping
25 rooms if all of the following are true:

26 (1) The licensee has specifically identified those
27 areas which are to be used as living quarters or
28 sleeping rooms in writing to the commission.

29 (2) Video gaming is not permitted in the living
30 quarters or sleeping rooms, and devices, records, or
31 other items relating to the licensee's gaming
32 operations are not stored, kept, or maintained in the
33 living quarters or sleeping rooms.

34 (3) Alcoholic beverages are not stored, kept, or
35 maintained in the living quarters or sleeping rooms
36 except those legally possessed by the individual
37 occupying the quarters or rooms.

38 c. The commission shall adopt rules to enforce
39 this subsection.

40 Sec. _____. **NEW SECTION. 99G.8 VIDEO LOTTERY**
41 **ESTABLISHMENTS - CONTRACT FEE - QUALIFICATIONS -**
42 **INELIGIBILITY.**

43 1. The administrator shall select as video lottery
44 establishments persons who are licensed pursuant to
45 section 123.3. A person lawfully engaged in
46 nongovernmental business on state property may be
47 selected as a video lottery establishment.

48 2. The administrator shall charge an application
49 fee of twenty-five dollars to a person applying to
50 become a video lottery establishment. All video

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1 lottery establishment contracts awarded under this
2 chapter are renewable annually after issuance unless
3 sooner canceled or terminated. A video lottery
4 establishment contract awarded under this chapter is
5 not transferable or assignable.

6 3. Each video lottery establishment shall be
7 issued a video lottery establishment certificate which
8 shall be conspicuously displayed at the place where
9 the lottery establishment is authorized to conduct a
10 video lottery. Video lottery machines may only be
11 operated at the location stated on the video lottery
12 establishment certificate.

13 4. To be selected as a video lottery
14 establishment, or a video lottery machine distributor,
15 manufacturer, or operator, a person acting as a sole
16 proprietor shall meet all of the following
17 qualifications:

- 18 a. Be at least twenty-one years of age.
- 19 b. Be of good character and reputation in the
20 community.
- 21 c. Have sufficient financial resources to support
22 the activities required to dispense or place and
23 service video lottery machines.
- 24 d. Be current in payment of all taxes, interest,
25 and penalties owed to the state of Iowa, excluding
26 items under formal dispute or appeal pursuant to
27 applicable statutes.

28 5. A person shall not be selected as a video
29 lottery establishment, or machine distributor,
30 manufacturer, or operator, if any of the following
31 apply:

- 32 a. The person has been convicted of a felony in
33 this or any other jurisdiction, unless at least ten
34 years have passed since satisfactory completion of the
35 sentence or probation imposed by the court for each
36 felony.
- 37 b. The person has been found to have violated this
38 chapter or a rule adopted pursuant to this chapter.
- 39 c. The person is a member of the immediate family
40 of and resides with an employee of the commission or
41 of a member of the commission.
- 42 d. The person has knowingly made a false statement
43 of material fact to the commission.

44 6. For a partnership to be selected as a video
45 lottery establishment or a video lottery machine
46 distributor, manufacturer, or operator, the
47 partnership must meet the requirements of subsections
48 4 and 5.

49 7. For a corporation to be selected as a video
50 lottery establishment or a video lottery machine

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1 distributor, manufacturer, or operator, the
2 corporation must meet the requirements of subsection
3 4, and each officer and director and each stockholder
4 who owns ten percent or more of the stock of the
5 corporation must meet the requirements of subsections
6 4 and 5.

7 Sec. _____. NEW SECTION. 99G.9 STATE VIDEO LOTTERY
8 POLICY AND OPERATIONAL RULES.

9 1. The commission shall establish policies for the
10 operation of the state video lottery and shall consult
11 with and direct the administrator relating to the
12 operation of the state video lottery. Major
13 procurements recommended by the administrator are
14 subject to the approval of the commission.

15 2. The commission shall adopt rules pursuant to
16 chapter 17A governing the establishment and operation
17 of a state video lottery as necessary to carry out the
18 purposes of this chapter. The commission shall adopt
19 rules concerning, but not limited to the following:

20 a. The types of video lottery games to be
21 conducted as authorized pursuant to this chapter.

22 b. The manner of payment of prizes to the holders
23 of winning tickets.

24 c. Additional qualifications for the selection of
25 video lottery establishments, and video lottery
26 machine distributors, manufacturers, or operators and
27 the amount of application fees to be paid by each.

28 d. Deadlines for claims for winning tickets by
29 winners of each video lottery game. However, a
30 deadline shall not be for more than one year.

31 e. The mechanical and electronic specifications
32 for each video lottery machine. At a minimum, each
33 video lottery machine shall meet the requirements of
34 section 99G.16.

35 f. Machine security testing and inspection
36 procedures.

37 g. Liability for machine malfunction.

38 h. Machine maintenance and repair.

39 i. Financial responsibility required of persons
40 licensed under this chapter.

41 j. Accounting procedures for net machine income.

42 k. Licensing procedures under this chapter.

43 l. Determination of the state's percentage of net
44 machine income based on varying revenue schedules.

45 m. Other matters necessary or desirable for the
46 efficient or economical operation of the video lottery
47 or for the convenience of the public.

48 3. The commission shall maximize revenues to the
49 state from net machine income. The commission shall
50 establish the state's percentage of net machine income

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1 at twenty percent. The state's percentage of net
2 machine income shall be directly deposited in the
3 general fund of the state.

4 Sec. _____. NEW SECTION. 99G.10 OPERATING AND
5 PRIZE FUND.

6 A state video lottery operating fund is created
7 within the state treasury, into which shall be
8 deposited the state's share of proceeds from the
9 operation of the video lottery, the initial start-up
10 funding authorized by this chapter, interest received
11 on moneys in the video lottery operating fund, and all
12 other fees and moneys collected under this chapter.
13 For the purposes of this section, "net proceeds" are
14 the state's share from operation of video lottery
15 machines. All moneys in the fund created by this
16 section are appropriated for the purposes specified in
17 this section. All funds received by the state video
18 lottery shall be set forth in an informational budget
19 and be annually reviewed by the general assembly. Any
20 disbursement from the video lottery operating fund
21 shall be by authorization of the administrator for any
22 of the following purposes:

23 1. Expenses of the video lottery, which shall
24 include the following: all costs incurred in the
25 operation and administration of the state video
26 lottery; all costs resulting from contracts entered
27 into for the purchase or lease of goods and services
28 needed for operation of the video lottery, including
29 but not limited to, supplies, materials, vouchers,
30 independent studies and surveys, data transmission,
31 advertising, printing, promotion, incentives, public
32 relations, communications, and reimbursement of costs
33 of facilities and services provided by other state
34 agencies.

35 2. Repayment of funds and interest advanced for
36 the start-up of the video lottery.

37 3. Transfers of net revenues to the general fund
38 of the state.

39 Sec. _____. NEW SECTION. 99G.11 NET PROCEEDS TO
40 STATE GENERAL FUND.

41 Net proceeds shall be transferred to the general
42 fund of the state on an annual basis. The commission
43 shall maximize the net proceeds to the state from the
44 video lottery, which shall be transferred to the
45 general fund of the state each fiscal year commencing
46 July 1, 1994. Video lottery expenses incurred in a
47 fiscal year for the video lottery shall not exceed the
48 amount of net proceeds transferred to the general fund
49 of the state. For purposes of this section, "net
50 proceeds" are funds in the state video lottery

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1 operating fund which are not needed for the payment of
2 video lottery expenses.

3 Sec. _____. NEW SECTION. 99G.12 CONFLICTS OF
4 INTEREST.

5 1. A member of the commission, employee of the
6 state video lottery, or a person residing in the same
7 household of a member or employee shall not do any of
8 the following:

9 a. Directly or indirectly, individually, as a
10 member of a partnership or other association, or as a
11 stockholder, director, or officer of a corporation,
12 have an interest in a business which contracts for the
13 operation or promotion of the state video lottery.

14 b. Accept or agree to accept an economic
15 opportunity, gift, loan, gratuity, special discount,
16 favor, hospitality, or service having an aggregate
17 value of one hundred dollars or more in a year from a
18 person or business contracting or seeking to contract
19 with the state to supply materials, tickets, or
20 consulting services for use in the video lottery or
21 from a video lottery establishment, person licensed,
22 or an applicant for a contract or license under this
23 chapter.

24 2. A person contracting or seeking to contract
25 with the state to supply materials, tickets, or
26 consulting services for use in the state video lottery
27 or from a video lottery establishment, person
28 licensed, or an applicant for a contract or license
29 under this chapter shall not offer, pay, give, or make
30 an economic opportunity, gift, loan, gratuity, special
31 discount, favor, hospitality, or service having an
32 aggregate value of one hundred dollars or more in a
33 year to a member of the commission or employee of the
34 state video lottery, or to a person residing in the
35 household of a member or employee.

36 Sec. _____. NEW SECTION. 99G.13 PROHIBITED ACTS
37 AND DEVICES.

38 1. A person convicted of violating this section is
39 guilty of a serious misdemeanor on the first offense
40 and a class "D" felony on the second or a subsequent
41 offense.

42 2. A video lottery operator, employee of a video
43 lottery operator, or any other person who knowingly
44 permits or offers to permit a person who is under the
45 age of twenty-one to play a video lottery machine is
46 guilty of a serious misdemeanor on the first offense
47 and a class "D" felony on the second or a subsequent
48 offense. A ticket which is won by playing a video
49 lottery machine may be given as a gift to a person
50 under the age of twenty-one. A prize won by a person

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1 under the age of twenty-one from a ticket given as a
2 gift shall be paid to the person's parent or legal
3 guardian.

4 3. This section does not prohibit a video lottery
5 operator or an employee of a video lottery
6 establishment from purchasing tickets or from being
7 paid a prize of a winning ticket.

8 4. A person shall not have in the person's
9 possession, custody, or control, or permit to be kept
10 in a place under the person's possession or control, a
11 device that manipulates credits and contains a
12 circuit, meter, or switch capable of removing and
13 recording the removal of credits. A violation of this
14 subsection is a class "D" felony. All devices
15 described in this subsection are declared to be public
16 nuisances. This section does not apply to devices or
17 electronic video game machines licensed pursuant to
18 this chapter.

19 5. A person who, with intent to defraud, falsely
20 makes, alters, forges, passes, or counterfeits a
21 ticket issued by the state video lottery under this
22 chapter is guilty of a class "D" felony.

23 6. A person who tampers with a video lottery
24 machine with intent to interfere with the proper
25 operation of the machine is guilty of a serious
26 misdemeanor.

27 7. A person who with intent to manipulate the
28 outcome, payoff, or operation of a video lottery
29 machine, manipulates the outcome, payoff, or operation
30 of a video lottery machine by physical tampering or
31 any other means is guilty of a class "D" felony.

32 8. A person under the age of twenty-one years
33 shall not play a video lottery machine licensed
34 pursuant to this chapter. A video lottery machine
35 licensed pursuant to this chapter shall not be played
36 except during the legal hours of operation allowed for
37 the on-sale consumption of alcoholic beverages. A
38 violation of this section is a serious misdemeanor.

39 Sec. _____. NEW SECTION. 99G.14 VIDEO LOTTERY
40 MACHINES.

41 Each video lottery machine licensed under this
42 chapter shall:

43 1. Offer only games licensed and authorized by the
44 commission.

45 2. Not have any means of manipulation that affect
46 the random probabilities of winning a video lottery
47 game.

48 3. Have one or more mechanisms that accept coins
49 or cash in the form of bills. The mechanisms shall be
50 designed to prevent obtaining credits without paying

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1 by stringing, slamming, drilling, or other means. If
2 attempts involve physical tampering, the machine shall
3 suspend itself from operation until reset.

4 4. Have nonresettable meters housed in any readily
5 accessible locked machine area that keep a permanent
6 record of all cash inserted into the machine, all cash
7 awards made by the machine's printer, credits played
8 for video lottery games, and credits won by video
9 lottery players.

10 5. Be capable of dispensing a ticket stating the
11 value of the prize for the player at the completion of
12 each video lottery game, the time of day in a twenty-
13 four hour format showing hours and minutes, the date,
14 the machine serial number, the sequential number of
15 the tickets, and an encrypted validation number from
16 which the validity of the prize may be determined.

17 6. Have accounting software that keeps an
18 electronic record which includes, but is not limited
19 to, total cash inserted into the machine, the value of
20 cash tickets claimed by players, the total video
21 lottery credits played and the total video lottery
22 credits awarded by a video lottery game, and the
23 payback percentage of credits played and credits won
24 from each video lottery game.

25 7. Be linked under a central communications system
26 to provide auditing program information as approved by
27 the commission. The communications system shall be
28 installed and operational before any video lottery
29 machine is allowed to operate. The commission shall
30 provide licensed manufacturers applying for licensure
31 of video lottery machines the protocol documentation
32 necessary to enable their machines to communicate with
33 the commission's central computer in providing the
34 auditing program information and controls approved by
35 the commission. The communications system approved by
36 the commission shall not limit participation to only
37 one manufacturer of video lottery machines by either
38 the cost in implementing the necessary program
39 modifications to communicate or the inability to
40 communicate with the central communications system.
41 However, before any bidding process is initiated, the
42 commission shall have approved at least two bidders
43 for any procurement to be awarded. This section does
44 not require a machine which only offers video lottery
45 games to be on-line or in constant communication with
46 a central computer. The video lottery machines shall
47 be capable of reporting the functions and results of
48 their operations as required by rule of the
49 commission. Reports shall include, but are not
50 limited to, the following data:

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- 1 a. Total coins and bills accepted.
- 2 b. Total credits won.
- 3 c. Total credits played.
- 4 d. Total credits redeemed for cash.
- 5 e. Total credits canceled.
- 6 f. Payback percentage.
- 7 g. Machine number.
- 8 h. Establishment number.
- 9 i. Operator number.
- 10 j. Poll date.
- 11 k. State percentage.
- 12 l. Number of times logic cage accessed.
- 13 m. Number of times cash door accessed.
- 14 8. Keep logic boards and software Eproms in
- 15 separate, locked areas within the machine.
- 16 9. Install a surge protector on the line that
- 17 feeds power to the machine.
- 18 10. Have a battery backup or the equivalent for
- 19 electronic meters that is capable of maintaining
- 20 accuracy of all information required for one hundred
- 21 eighty days after power is discontinued from the
- 22 machine.

23 Sec. _____. NEW SECTION. 99G.15 LIMIT ON WAGER AND
24 AWARD — VIDEO LOTTERY MACHINES.

25 A licensed video lottery machine shall not allow
26 more than two dollars to be played on a game or award
27 free games or credits in excess of the value of one
28 hundred twenty-five dollars per credit value of
29 twenty-five cents played. The payback value of one
30 credit shall be at least eighty percent and not more
31 than ninety-five percent of the value of the credit.

32 Sec. _____. NEW SECTION. 99G.16 VIDEO LOTTERY
33 MACHINE LICENSE — PENALTY.

34 Each video lottery machine shall be licensed by the
35 administrator before placement or operation on the
36 premises of a licensed establishment. Each machine
37 shall have the license prominently displayed on it.
38 Any machine which does not display the license
39 required by this section is contraband and a public
40 nuisance subject to confiscation by a law enforcement
41 officer. A violation of this section is a class "D"
42 felony.

43 Sec. _____. NEW SECTION. 99G.17 VIDEO LOTTERY
44 MACHINE EXAMINATION.

45 The administrator shall examine prototypes of video
46 lottery machines and associated equipment of
47 manufacturers seeking a license as required in this
48 chapter. The administrator shall require the
49 manufacturer seeking the examination and approval of a
50 video lottery machine or associated equipment to pay

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1 the anticipated actual costs of the examination in
2 advance and, after the completion of the examination,
3 shall refund overpayments or charge and collect
4 amounts sufficient to reimburse the state video
5 lottery for underpayments of actual costs. The
6 administrator may contract for the examination of
7 video lottery machines and associated equipment as
8 required by this section.

9 Sec. _____. NEW SECTION. 99G.18 VIDEO LOTTERY
10 MACHINE MANUFACTURER, DISTRIBUTOR, OPERATOR, AND
11 ESTABLISHMENT LICENSE.

12 1. Each video lottery machine manufacturer,
13 distributor, operator, and establishment shall be
14 licensed by the administrator before a video lottery
15 machine or associated equipment is manufactured,
16 distributed, sold, or placed for public use in this
17 state. The commission shall adopt, by rule, pursuant
18 to chapter 17A, an annual fee for each license not to
19 exceed the following:

20 a. Video lottery machine manufacturer — five
21 thousand dollars.

22 b. Video lottery machine distributor — five
23 thousand dollars.

24 c. Video lottery machine operator — the greater
25 of one thousand five hundred dollars or one hundred
26 dollars per machine licensed.

27 d. Video lottery establishment — one hundred
28 dollars.

29 2. In addition to the annual license fees, the
30 administrator may charge a one-time license
31 application fee not to exceed fifty dollars. All fees
32 collected pursuant to this section shall be deposited
33 directly to the general fund of the state. All
34 licenses issued by the administrator under this
35 section are renewable annually unless sooner canceled
36 or terminated. A license issued under this section is
37 not transferable or assignable.

38 3. If the administrator is satisfied that this
39 chapter and the rules adopted under this chapter
40 applicable to licensees have been or will be complied
41 with, the administrator shall issue a license for a
42 period of not more than three years to an applicant.

43 Sec. _____. NEW SECTION. 99G.19 MULTIPLE TYPES OF
44 LICENSES PROHIBITED.

45 1. A video lottery machine manufacturer shall not
46 be licensed as a video lottery machine distributor or
47 operator, or own, manage, or control a licensed
48 establishment.

49 2. A video lottery machine distributor shall not
50 be licensed as a video lottery machine manufacturer or

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1 operator, or own, manage, or control a licensed
2 establishment.

3 3. A video lottery machine operator shall not be
4 licensed as a video lottery machine manufacturer or
5 distributor, or own, manage, or control a licensed
6 establishment.

7 4. An owner or manager of a licensed establishment
8 shall not be licensed as a video lottery machine
9 manufacturer, distributor, or operator.

10 Sec. _____. NEW SECTION. 99G.20 SERVICE EMPLOYEE
11 AND REQUIREMENTS.

12 Video lottery machines shall not be placed in
13 operation in the state until training in the service
14 and repair of those machines has been provided as
15 follows:

16 1. A manufacturer or distributor shall provide
17 training in the service and repair of its machine
18 model approved by the administrator.

19 2. The manufacturer or distributor shall provide
20 the training to the operator and its service employees
21 and shall certify to the administrator that the
22 required training has been completed.

23 3. Manufacturers or distributors must provide
24 subsequent training programs to inform operators of
25 new developments in the service and repair of their
26 machines.

27 4. The manufacturer or distributor shall inform
28 the administrator of the names of operators and
29 service employees who attend and successfully complete
30 each training program. The administrator shall issue
31 a certificate to each person successfully completing
32 the training program signifying that the person is
33 certified to service and repair video lottery machines
34 of the particular manufacturer and model.

35 5. The administrator shall provide, and the
36 service employee shall personally possess while
37 servicing or repairing video lottery machines,
38 evidence of certification, and shall present the
39 evidence to law enforcement officials at their
40 request.

41 Sec. _____. NEW SECTION. 99G.21 BACKGROUND
42 INVESTIGATIONS OF VIDEO LOTTERY LICENSEES -
43 ELIGIBILITY REQUIREMENTS.

44 Any person licensed as a video lottery machine
45 manufacturer, distributor, operator, or establishment
46 shall submit to a background investigation as provided
47 in section 99G.7. This includes each partner of a
48 partnership and each director and officer and all
49 stockholders of ten percent or more in a parent or
50 subsidiary corporation of a video lottery machine

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1 manufacturer, distributor, operator, or establishment.
2 A video lottery machine manufacturer or distributor
3 must meet the same requirements of section 99G.8,
4 subsections 4 and 5. A video lottery machine operator
5 must meet the same requirements of section 99G.8,
6 subsections 4 and 5, in addition to being a resident
7 of this state and, if a partnership or corporation,
8 the majority of ownership interest must be held by
9 residents of the state. A video lottery establishment
10 must meet the same requirements of section 99G.8,
11 subsections 4 and 5. The commission may adopt rules
12 pursuant to chapter 17A to establish additional
13 requirements to preserve the integrity and security of
14 the video lottery.

15 Sec. _____. NEW SECTION. 99G.22 PLACEMENT OF VIDEO
16 LOTTERY MACHINES.

17 The placement of video lottery machines in licensed
18 establishments is subject to the rules of the
19 commission adopted pursuant to chapter 17A. Five
20 video lottery machines is the maximum number which may
21 be placed in one licensed establishment.

22 Sec. _____. NEW SECTION. 99G.23 LOCATION PLACEMENT
23 AGREEMENTS.

24 1. A licensed video lottery machine operator shall
25 have a location placement agreement with the licensed
26 establishment providing the following:

27 a. A designation of the location where the video
28 lottery machine is to be placed for use by the public.

29 b. The share and revenue generated from net
30 machine income to be apportioned to the operator and
31 to the licensed establishment.

32 c. A requirement that the video lottery machine be
33 located in the licensed establishment so that an
34 employee of the establishment may observe the machine
35 at all times the establishment is open to the public
36 to assure that persons under twenty-one years of age
37 do not play the machine.

38 2. A copy of the location agreement must be
39 retained by the operator and the licensed
40 establishment and be available for review and
41 inspection by the administrator.

42 3. The location agreement may contain other terms
43 and conditions to which the operator and licensed
44 establishment lawfully agree.

45 Sec. _____. NEW SECTION. 99G.24 VIDEO LOTTERY
46 MACHINE INCOME — PENALTY.

47 1. A licensed operator shall keep accurate records
48 of the revenue generated from each video lottery
49 machine. The director of revenue and finance shall
50 prepare and mail to the licensed operator a statement

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1 reflecting the revenue due under section 99G.9 before
2 the date payment is remitted through the electronic
3 transfer of funds. A licensed operator shall report
4 to the director of revenue and finance and the
5 commission any discrepancies between the director's
6 statement and each of its video lottery machines'
7 mechanical and electronic meter readings. The
8 director of revenue and finance and the commission are
9 not responsible for resolving discrepancies between
10 actual moneys collected and the amount shown on the
11 accounting meters or billing statement. If a
12 discrepancy occurs, the licensed operator shall submit
13 to the director of revenue and finance and the
14 commission the information including, but not limited
15 to, current mechanical meter readings and the audit
16 ticket that contains electronic meter readings
17 generated by the video lottery machines' software as
18 necessary to resolve the discrepancy.

19 2. A licensed operator shall remit to the director
20 of revenue and finance the revenue required to be paid
21 from income derived from the video lottery machines
22 under section 99G.9 within seven days after the
23 fifteenth day of each month and within seven days
24 after the end of each month. If the fifteenth or last
25 day of the month falls on a Saturday, remittance is
26 due the preceding Friday.

27 3. A licensed operator shall remit to the director
28 of revenue and finance the revenue required to be paid
29 under section 99G.9 through the electronic transfer of
30 funds. A licensed operator shall furnish to the
31 director of revenue and finance all information and
32 bank authorizations required to facilitate the timely
33 payment of moneys to the director. A licensed
34 operator shall provide the director of revenue and
35 finance thirty days' advance notice of any proposed
36 account changes to ensure the uninterrupted electronic
37 transfer of funds.

38 4. A licensed operator shall maintain a balance in
39 its account in an amount sufficient to cover the
40 state's share of the revenue required to be paid under
41 section 99G.9. Failure to maintain a balance in the
42 account as required by this subsection shall result in
43 the assessment of an interest penalty of one and one-
44 half percent per month on the unpaid balance. Failure
45 to remit full payment, including interest penalties,
46 prior to the next payment date, may result in device
47 disablement and preventing further play, license
48 suspension or revocation, or the imposition of civil
49 fines, in addition to other penalties as provided by
50 law for nonpayment of moneys owed to the state.

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1 5. A licensed operator shall mail and remit
2 payment of the state's share of revenue required to be
3 paid under section 99G.9 if one of the following
4 events occur:

5 a. The electronic transfer of funds is not
6 operational.

7 b. The video pull-tab machine is incapable of
8 communicating with the central computer.

9 c. Program modifications to the accounting
10 software are necessitated due to recurring accounting
11 discrepancies in the office of the director of revenue
12 and finance. The director of revenue and finance
13 shall notify a licensed operator when remittance by
14 the method specified in this subsection is required.
15 A licensed operator shall report the amount of the
16 revenue per video machine and remit payment for the
17 state's share of the revenue generated from the video
18 lottery machine during the reporting period.

19 6. A video lottery machine operator who falsely
20 reports or fails to report the amount due as required
21 by this section is guilty of a class "D" felony.

22 Sec. _____. Section 22.7, Code Supplement 1993, is
23 amended by adding the following new subsection:

24 NEW SUBSECTION. 31. Applications, credit and
25 security checks of video lottery operators, licensees,
26 and persons seeking or doing business with the state
27 video lottery, and marketing, financial, or sales
28 data, the disclosure of which may be harmful to the
29 competitive position of the state video lottery, its
30 operators, licensees, or persons seeking or doing
31 business with the state video lottery.

32 Sec. _____. Section 99B.6, Code 1993, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 10. Video lottery vouchers may be
35 sold and video lottery machines may be operated in an
36 establishment that serves or sells alcoholic liquor,
37 wine, or beer, for on-premises consumption as defined
38 in section 123.3, if the vouchers or machines are sold
39 or operated pursuant to chapter 99G and rules adopted
40 under chapter 99G.

41 Sec. _____. Section 725.15, Code 1993, is amended to
42 read as follows:

43 725.15 EXCEPTIONS FOR LEGAL GAMBLING.

44 Sections 725.5 to 725.10 and 725.12 do not apply to
45 a game, activity, ticket, or device when lawfully
46 possessed, used, conducted, or participated in
47 pursuant to chapter 99B, 99E, or 99F, or 99G.

48 Sec. _____. EFFECTIVE DATE.

49 1. This Act shall not take effect unless the
50 following proposition is approved by a majority of the

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1 voters of this state at the next general election.
 2 The state commissioner of elections shall submit, not
 3 less than sixty-nine days preceding the next general
 4 election, a certified copy of the following public
 5 measure to the county commissioners of elections to be
 6 placed on the ballot and submitted to the voters of
 7 the state:

8 "Shall additional gambling be allowed in
 9 Iowa?" Yes _____ No _____

10 The public measure shall be submitted to the state
 11 electorate as provided in chapter 49A. If a majority
 12 of the voters of the state voting on the proposition
 13 vote yes for additional gambling in Iowa, this Act
 14 shall take effect January 1 following the general
 15 election. If a majority of the voters vote no, this
 16 Act is void.

17 2. If any provision of this Act is invalid, all
 18 provisions of this Act are void."

19 2. Title page, by striking lines 1 and 2 and
 20 inserting the following: "An Act relating to the
 21 establishment and regulation of video lottery and
 22 video lottery machines, the regulation of pari-mutuel
 23 racetracks by the state racing and gaming commission,
 24 providing penalties for violations, providing for
 25 other properly related matters, and providing".

26 3. By renumbering as necessary.

HALVORSON of Webster

H-5436

1 Amend House File 2376 as follows:

2 1. Page 17, by inserting after line 35 the
 3 following:

4 "A local health care provider or nonprofit health
 5 care organization seeking grant moneys administered by
 6 the department of public health shall provide
 7 documentation that the provider or organization has
 8 coordinated its request for funding with other local
 9 entities providing similar services."

HARPER of Black Hawk

H-5438

1 Amend House File 2415 as follows:

2 1. Page 14, by inserting after line 5 the
 3 following:

4 "Sec. _____. Section 15.108, subsection 9, Code
 5 Supplement 1993, is amended by adding the following
 6 new paragraph:

7 NEW PARAGRAPH. _____. Coordinate the sale of

- 8 advertising in state publications. Receipts from the
 9 sale of advertising shall be retained by the
 10 department and distributed to the agency responsible
 11 for a publication in which advertising is offered.
 12 However, the department of economic development shall
 13 first retain sufficient receipts from the sale of
 14 advertising to offset the costs of an advertising
 15 sales position. Additionally, the department may
 16 retain up to eight percent of the gross advertising
 17 receipts to offset indirect costs incurred by the
 18 department to support the activity."
 19 2. By renumbering as necessary.

METCALF of Polk

H-5441

- 1 Amend House File 2394 as follows:
 2 1. Page 6, by striking line 3 and inserting the
 3 following: "employment in substance abuse facilities
 4 or".
 5 2. Page 6, by striking lines 10 through 13.
 6 3. By renumbering as necessary.

GRUNDBERG of Polk

H-5446

- 1 Amend House File 2399 as follows:
 2 1. Page 3, by striking lines 26 through 29.
 3 2. By renumbering as necessary.

MEYER of Sac

H-5447

- 1 Amend House File 2399 as follows:
 2 1. Page 3, line 32, by inserting after the word
 3 "enforced" the following: ", by the department of
 4 natural resources or the department of agriculture and
 5 land stewardship".
 6 2. Title page, line 4, by striking the word
 7 "date" and inserting the following: "provision".

MEYER of Sac

H-5448

- 1 Amend House File 2179 as follows:
 2 1. Page 1, by striking lines 32 and 33 and
 3 inserting the following:
 4 "Sec. _____. EFFECTIVE DATE.
 5 1. This Act shall not take effect unless the
 6 following proposition is approved by a majority of the
 7 voters of this state at the next general election.
 8 The state commissioner of elections shall submit, not

9 less than sixty-nine days preceding the next general
 10 election, a certified copy of the following public
 11 measure to the county commissioners of elections to be
 12 placed on the ballot and submitted to the voters of
 13 the state:

14 "Shall additional gambling be allowed in
 15 Iowa?" Yes _____ No _____

16 The public measure shall be submitted to the state
 17 electorate as provided in chapter 49A. If a majority
 18 of the voters of the state voting on the proposition
 19 vote yes for additional gambling in Iowa, this Act
 20 shall take effect January 1 following the general
 21 election. If a majority of the voters vote no, this
 22 Act is void.

23 2. If any provision of this Act is invalid, all
 24 provisions of this Act are void."

HALVORSON of Webster

H-5449

1 Amend House File 2360 as follows:

2 1. Page 1, by striking lines 1 through 10 and
 3 inserting the following:

4 "Section 1. Section 321.449, unnumbered paragraph
 5 4, Code Supplement 1993, is amended to read as
 6 follows:

7 Notwithstanding other provisions of this section,
 8 rules adopted under this section for a driver of a
 9 commercial vehicle shall not apply to a driver for a
 10 private carrier farm operation, as defined in section
 11 352.2, or for an agricultural interest, who is not for
 12 hire and who is engaged exclusively in intrastate
 13 commerce, when the driver's commercial vehicle is not
 14 operated more than one hundred miles from the driver's
 15 work reporting location between the farm, as defined
 16 in section 352.2, and another farm; between the farm
 17 and a market for farm products, as defined in section
 18 352.2; or between the farm and an agribusiness
 19 location."

EDDIE of Buena Vista

H-5450

1 Amend Senate File 2097, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by inserting after the word
 4 "employee" the following: ", after obtaining an
 5 altered or falsified identification card in a
 6 reasonable manner,".

7 2. Page 1, line 30, by inserting after the word
 8 "the" the following: "wrongful".

PETERSON of Carroll

H-5451

1 Amend House File 2195 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 404.1, unnumbered paragraph 1,
5 Code 1993, is amended to read as follows:

6 The governing body of a city may, by ordinance,
7 designate an area of the city or the governing body of
8 a county may, by ordinance, designate an area of the
9 county outside the boundaries of a city or designate
10 the entire county for purposes of subsection 5, as a
11 revitalization area, if that area is any of the
12 following:

13 Sec. _____. Section 404.1, Code 1993, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 5. An area that encompasses the
16 entire county only because of the need throughout the
17 entire county for single family housing."

18 2. Page 1, line 21, by inserting after the word
19 "housing" the following: ", or if the area
20 encompasses the entire county, only single family
21 housing would receive the benefits of this chapter".

DAGGETT of Union

H-5461

1 Amend the amendment, H-5333, to House File 2179 as
2 follows:

3 1. Page 5, by inserting after line 13 the
4 following:

5 "Sec. _____. Section 99F.7, subsection 10, Code
6 Supplement 1993, is amended by adding the following
7 new paragraph:

8 NEW PARAGRAPH. d. For an election held pursuant
9 to this section in a county with a population of more
10 than three hundred thousand, the expenditure of funds
11 for and against the ballot proposition is limited to
12 one hundred dollars per person. Within ten days after
13 the board of supervisors announces the date of a
14 special election called pursuant to the section, all
15 individuals or other persons who plan to spend moneys
16 to support passage or rejection of the ballot
17 proposition shall file a petition with the county
18 commissioner of election indicating the amount of
19 money not exceeding one thousand dollars the person
20 plans to spend favoring or opposing the ballot
21 proposition. Each petitioner shall file two reports
22 of the expenditures made supporting or opposing the
23 ballot proposition. The first report shall be filed
24 not earlier than twenty days nor later than fifteen
25 days before the election and shall include the amount

26 of the expenditures made up to the filing date and the
 27 goods or services purchased for the election campaign.
 28 Within sixty days after the date of the election, each
 29 petitioner shall file a final report of campaign
 30 expenditures with the county commissioner of elections
 31 specifying the amount and the goods or services
 32 received from each campaign expenditure since the
 33 filing of the first report and a total of all
 34 expenditures and campaign goods and services purchased
 35 during the entire election campaign. A person who
 36 violates this paragraph by failing to file a campaign
 37 report as required, by knowingly filing a false or
 38 incomplete campaign report, or by spending more to
 39 campaign for or against a ballot proposition than is
 40 authorized pursuant to this paragraph is guilty of a
 41 serious misdemeanor."

FALLON of Polk

H-5467

- 1 Amend House File 2386 as follows:
- 2 1. Page 1, line 13, by striking the figure
- 3 "400,000" and inserting the following: "362,500".
- 4 2. Page 2, by striking lines 5 and 6 and
- 5 inserting the following: "will endanger that person.
- 6 If the person is taken into custody, the peace".
- 7 3. Page 2, line 11, by striking the words "arrest
- 8 or citation" and inserting the following: "taking
- 9 into custody".
- 10 4. Page 2, line 13, by inserting after the word
- 11 "district" the following: ", the superintendent's
- 12 designee,".
- 13 5. Page 2, line 14, by striking the words "arrest
- 14 or citation" and inserting the following: "taking
- 15 into custody".
- 16 6. Page 2, line 21, by striking the words
- 17 "convicted of" and inserting the following:
- 18 "adjudicated delinquent for".
- 19 7. Page 6, line 23, by striking the word
- 20 "arrested" and inserting the following: "taken into
- 21 custody".
- 22 8. Page 6, line 28, by striking the word "arrest"
- 23 and inserting the following: "taking into custody".
- 24 9. Page 6, line 31, by striking the word "arrest"
- 25 and inserting the following: "taking into custody".
- 26 10. By striking page 6, line 34 through page 7,
- 27 line 14.
- 28 11. Page 8, line 2, by inserting after the word
- 29 "district" the following: "or the superintendent's
- 30 designee,".
- 31 12. Page 8, line 3, by striking the words "an
- 32 arrest or citation" and inserting the following: "the

33 child being taken into custody or receiving a
34 citation".

35 13. Page 9, line 8, by striking the word "arrest"
36 and inserting the following: "adjudication of
37 delinquency".

38 14. Page 9, line 12, by striking the word
39 "arrests" and inserting the following: "adjudications
40 of delinquency".

41 15. Page 13, by striking lines 4 through 16.

42 16. Page 13, lines 22 and 23, by striking the
43 words "convicted of" and inserting the following:
44 "adjudicated delinquent for".

45 17. Page 13, line 24, by striking the word
46 "suspended" and inserting the following: "revoked".

47 18. Page 13, by striking lines 25 through 32.

48 19. By striking page 13, line 33, through page
49 14, line 13.

50 20. Page 23, line 7, by striking the figure

Page 2

1 "400,000" and inserting the following: "362,500".

2 21. Page 23, by inserting after line 19 the
3 following:

4 "Sec. _____. APPROPRIATION — TRUANCY AND SCHOOL
5 BEHAVIORAL PROBLEMS. There is appropriated from the
6 general fund of the state to the department of human
7 services for the fiscal year beginning July 1, 1994,
8 and ending June 30, 1995, the following amount, or so
9 much thereof as is necessary, to be used for the
10 purpose designated:

11 For school-based programs addressing truancy and
12 school behavioral problems pursuant to section
13 232.192, subsection 2, as enacted in this Act:

14\$ 200,000

15 Sec. _____. APPROPRIATION — VIOLENCE PREVENTION
16 CURRICULUM. There is appropriated from the general
17 fund of the state to the department of education for
18 the fiscal year beginning July 1, 1994, and ending
19 June 30, 1995, the following amount, or so much
20 thereof as is necessary, to be used for the following
21 purpose:

22 For implementation of a statewide violence
23 prevention program pursuant to section 280.9B, as
24 enacted in this Act:

25\$ 75,000

26 Sec. _____. APPROPRIATION — DISTRICT ASSOCIATE
27 JUDGE. There is appropriated from the general fund of
28 the state to the judicial department for the fiscal
29 year beginning July 1, 1994, and ending June 30, 1995,
30 the following amount, or so much thereof as is
31 necessary, to be used for the purpose designated:

32 For an additional district associate judge to
 33 assist the juvenile court for a judicial district
 34 located in a county with a population over two hundred
 35 twenty-five thousand, including salaries, support,
 36 maintenance, miscellaneous purposes, and for not more
 37 than the following full-time equivalent positions:
 38\$ 140,000
 39FTEs 1.00".
 40 22. By renumbering, relettering, or redesignating
 41 and correcting internal references as necessary.

Committee on Appropriations

H-5468

1 Amend House Concurrent Resolution 110 as follows:
 2 1. Page 1, lines 27 and 28, by striking the words
 3 "of no later than April 1, 1994,".

CORBETT of Linn

H-5469

1 Amend House File 2323 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 "expenses." the following: "Of the amount authorized
 4 to be appropriated for administrative expenses, not
 5 less than \$360,000 of that amount shall be used by the
 6 department for conducting any necessary work required
 7 by federal law to monitor and ensure compliance with
 8 requirements to restrict access of minors to tobacco
 9 products."

BRAMMER of Linn

H-5474

1 Amend House File 2386 as follows:
 2 1. Page 15, by inserting after line 33 the
 3 following:
 4 "Sec. _____. NEW SECTION. 709C.1 SEXUALLY VIOLENT
 5 PREDATOR ACT.
 6 This chapter shall be known as the "Sexually
 7 Violent Predator Act".
 8 Sec. _____. NEW SECTION. 709C.2 DEFINITIONS.
 9 As used in this chapter, unless the context clearly
 10 requires otherwise:
 11 1. "Mental abnormality" means a congenital or
 12 acquired condition affecting the emotional or
 13 volitional capacity which predisposes the person to
 14 the commission of criminal sexual acts in a degree
 15 constituting the person a menace to the health and
 16 safety of others.
 17 2. "Predatory" means acts directed towards
 18 strangers or individuals with whom a relationship has

19 been established or promoted for the primary purpose
20 of victimization.

21 3. "Sexually violent offense" means an act which
22 is at least one of the following:

23 a. A public offense under section 709.2, 709.3,
24 709.4, 709.8, 709.11, 709.12, or 709.14.

25 b. Murder in the first degree or second degree
26 under section 707.2 or 707.3, assault under section
27 708.1, domestic abuse assault under section 708.2A,
28 kidnapping in the first degree or in the second degree
29 under section 710.2 or 710.3, burglary or attempted
30 burglary in the first degree under section 713.3 or
31 713.4, which is determined beyond a reasonable doubt
32 at the time of sentencing or during civil commitment
33 proceedings subsequent to the offense to have been
34 sexually motivated.

35 c. A felony offense under federal law or the law
36 of another state which is equivalent to one of the
37 offenses listed in paragraph "a" or "b".

38 d. A violation of chapter 705 or 706 regarding an
39 offense listed in paragraph "a", "b", or "c".

40 4. "Sexually violent predator" means a person who
41 has been convicted of or charged with a sexually
42 violent offense and who suffers from a mental
43 abnormality or personality disorder which makes the
44 person likely to engage in predatory acts of sexual
45 violence.

46 Sec. _____. NEW SECTION. 709C.3 SEXUALLY VIOLENT
47 PREDATOR PETITION.

48 1. The county attorney or the attorney general at
49 the request of the county attorney, may file a
50 petition alleging that a person is a sexually violent

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1 predator. The petition shall state sufficient facts
2 to support the allegation.

3 2. A petition may be filed in the following
4 circumstances:

5 a. The person has been convicted of, plead guilty
6 to, or been adjudicated delinquent for committing a
7 sexually violent offense.

8 b. The person has been found not guilty of a
9 sexually violent offense by reason of insanity, or has
10 been found incompetent to stand trial for allegedly
11 committing a sexually violent offense.

12 c. The person is within ninety days of release
13 from a facility to which the person was committed
14 pursuant to the determination made in either paragraph
15 "a" or "b".

16 Sec. _____. NEW SECTION. 709C.4 JUDICIAL
17 DETERMINATION — TRANSFER FOR EVALUATION.

18 Upon the filing of a petition under section 709C.3,
 19 if the court determines that probable cause exists to
 20 believe that the person named in the petition is a
 21 sexually violent predator the court shall transfer a
 22 person to an appropriate facility for evaluation as to
 23 whether the person is a sexually violent predator.
 24 The evaluation shall be conducted by a person deemed
 25 to be professionally qualified to conduct the
 26 examination pursuant to rules adopted by the
 27 department of corrections in consultation with the
 28 department of human services and the criminal and
 29 juvenile justice planning division of the department
 30 of human rights.

31 Sec. _____. NEW SECTION. 709C.5 TRIAL - RIGHTS OF
 32 PARTIES.

33 Not later than forty-five days after the filing of
 34 a petition pursuant to section 709C.3, the court shall
 35 conduct a trial to determine whether the person is a
 36 sexually violent predator. At all stages of the
 37 proceedings under this chapter, any person subject to
 38 this chapter shall be entitled to the assistance of
 39 counsel, and if the person is indigent, the court
 40 shall appoint counsel to assist the person. If a
 41 person is subjected to an examination under this
 42 chapter, the person may retain experts or professional
 43 persons to perform an examination on the person's
 44 behalf. The person may be examined by a qualified
 45 expert or professional person of the person's
 46 choosing, and the expert or professional shall have
 47 reasonable access to the person for the purpose of the
 48 examination, as well as to all relevant medical and
 49 psychological records and reports. In the case of a
 50 person who is indigent, the court shall, upon the

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1 person's request, assist the person in obtaining an
 2 expert or professional person to perform an
 3 examination or participate in the trial on the
 4 person's behalf. The person, the county attorney or
 5 the attorney general, or the judge shall have the
 6 right to demand that the trial be before a jury. If
 7 no demand is made, the trial shall be to the court.

8 Sec. _____. NEW SECTION. 709C.6 TRIAL - DETER-
 9 MINATION - COMMITMENT PROCEDURES.

10 1. The court or jury shall determine whether,
 11 beyond a reasonable doubt, the person is a sexually
 12 violent predator. If the state alleges that the prior
 13 sexually violent offense that forms the basis for the
 14 petition for commitment was an act that was sexually
 15 motivated, the state shall prove beyond a reasonable
 16 doubt that the alleged sexually violent act was

17 sexually motivated. If the court or jury determines
18 that the person is a sexually violent predator, the
19 person shall be committed to the custody of the
20 department of human services in a secure facility for
21 control, care, and treatment until such time as the
22 person's mental abnormality of personality disorder
23 has so changed that the person is safe to be at large.
24 This control, care, and treatment shall be provided at
25 a facility operated by the department of human
26 services. If the court or jury does not find beyond a
27 reasonable doubt that the person is a sexually violent
28 predator, the court shall order the person to be
29 released in accordance with the terms of the person's
30 sentence.

31 2. If the person charged with a sexually violent
32 offense has been found incompetent to stand trial, and
33 is about to or has been released and the person's
34 commitment is sought pursuant to subsection 1, the
35 court shall first hear evidence and determine whether
36 the person did commit the act or acts charged if the
37 court did not enter a finding prior to dismissal due
38 to incompetence that the person committed the act or
39 acts charged. The hearing on this issue shall comply
40 with all the procedures specified in this section. In
41 addition, the rules of evidence applicable in criminal
42 cases shall apply, and all constitutional rights
43 available to defendants at criminal trials, other than
44 the right not to be tried while incompetent, shall
45 apply. After hearing evidence on this issue, the
46 court shall make specific findings on whether the
47 person did commit the act charged, the extent to which
48 the person's incompetence or developmental disability
49 affected the outcome of the hearing, including its
50 effect on the person's ability to consult with and

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1 assist counsel and to testify on the person's own
2 behalf, the extent to which the evidence could be
3 reconstructed without the assistance of the person,
4 and the strength of the prosecution's case. If, after
5 the conclusion of the hearing on the issue, the court
6 finds beyond a reasonable doubt that the person did
7 commit the act charged, the court shall enter a final
8 order, appealable by the person, on that issue, and
9 may proceed to consider whether the person should be
10 committed pursuant to this section.

11 Sec. _____. NEW SECTION. 709C.7 ANNUAL
12 EXAMINATIONS.

13 Each person committed under this chapter shall have
14 a current examination of the person's mental condition
15 made at least once every year. The person may retain,

16 or if the person is indigent and so requests, the
17 court may appoint, a qualified expert or a
18 professional person to examine the person, and the
19 expert or professional person shall have access to all
20 records concerning the person. The periodic report
21 shall be provided to the court that committed the
22 person under this chapter.

23 Sec. _____. NEW SECTION. 709C.8 PETITION FOR
24 RELEASE — PROCEDURES.

25 1. If the director of the department of human
26 services determines that the person's mental
27 abnormality or personality disorder has so changed
28 that the person is not likely to engage in predatory
29 acts of sexual violence if released, the director
30 shall authorize the person to petition the court for
31 release. The petition shall be served upon the court
32 and the county attorney. The court, upon receipt of
33 the petition for release, shall order a hearing on the
34 petition to be held not later than forty-five days
35 after the date of service of the petition. The county
36 attorney or the attorney general, if requested by the
37 county, shall represent the state, and shall have the
38 right to have the petitioner examined by an expert or
39 professional person of county attorney's or attorney
40 general's choice. The hearing shall be before a jury
41 if demanded by either the petitioner or the state's
42 counsel. The burden of proof shall be upon the county
43 attorney or attorney general to show beyond a
44 reasonable doubt that the petitioner's mental
45 abnormality or personality disorder remains such that
46 the petitioner is not safe to be at large and that if
47 discharged is likely to engage in predatory acts of
48 sexual violence.

49 2. Nothing contained in this chapter shall
50 prohibit the person from otherwise petitioning the

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1 court for discharge without the approval of the
2 director of the department of human services. The
3 director shall provide the committed person with an
4 annual written notice of the person's right to
5 petition the court for release over the director's
6 objection. The notice shall contain a waiver of
7 rights. The director shall forward the notice and
8 waiver form to the court with the annual report. If
9 the person does not affirmatively waive the right to
10 petition, the court shall set a show cause hearing to
11 determine whether facts exist that warrant a hearing
12 on whether the person's condition has so changed that
13 the person is safe to be at large. The committed
14 person shall have a right to have an attorney

15 represent the person at the show cause hearing but the
16 person is not entitled to be present at the show cause
17 hearing. If the court at the show cause hearing
18 determines that probable cause exists to believe that
19 the person's mental abnormality or personality
20 disorder has so changed that the person is safe to be
21 at large and is not likely to engage in predatory acts
22 of sexual violence if discharged, the court shall set
23 a hearing on the issue. At the hearing the committed
24 person shall be entitled to be present and to the
25 benefit of all constitutional protections that were
26 afforded to the person at the initial commitment
27 proceeding. The county attorney or attorney general
28 shall represent the state and shall have a right to
29 request a jury trial and to have the committed person
30 evaluated by experts chosen by the state. The
31 committed person shall also have the right to have
32 experts evaluate the person on the person's behalf and
33 the court shall appoint an expert if the person is
34 indigent and requests an appointment. The burden of
35 proof at the hearing shall be upon the state to prove
36 beyond a reasonable doubt that the committed person's
37 mental abnormality or personality disorder remains
38 such that the person is not safe to be at large and if
39 released is likely to engage in predatory acts of
40 sexual violence.

41 Sec. _____. NEW SECTION. 709C.9 SUBSEQUENT
42 PETITIONS.

43 Nothing in this chapter shall prohibit a person
44 from filing a petition for discharge pursuant to this
45 chapter. However, if a person has previously filed a
46 petition for discharge without the approval of the
47 director of the department of human services and the
48 court has determined, either upon review of the
49 petition or following a hearing, that the petitioner's
50 petition was frivolous or that the petitioner's

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1 condition had not so changed that the petitioner was
2 safe to be at large, the court shall deny the
3 subsequent petition unless the petition contains facts
4 upon which a court could find that the condition of
5 the petitioner has so changed that a hearing is
6 warranted. Upon receipt of a first or subsequent
7 petition from a committed person without the
8 director's approval, the court shall review the
9 petition and determine if the petition is based upon
10 frivolous grounds and if so shall deny the petition
11 without a hearing.

12 Sec. _____. NEW SECTION. 709C.10 RELEASE OF
13 INFORMATION AUTHORIZED.

14 Notwithstanding any other provision to the
 15 contrary, the director of the department of human
 16 services is authorized to release relevant information
 17 that is necessary to protect the public, concerning a
 18 specific sexually violent predator committed under
 19 this chapter."

20 2. By renumbering as necessary.

DICKINSON of Jackson

H-5483

1 Amend House File 2414 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 8.59, Code Supplement 1993, is
 5 amended to read as follows:

6 8.59 APPROPRIATIONS FREEZE.

7 Notwithstanding contrary provisions of the Code,
 8 the amounts appropriated under the applicable sections
 9 of the Code for fiscal years commencing on or after
 10 July 1, 1993, are limited to those amounts expended
 11 under those sections for the fiscal year commencing
 12 July 1, 1992. If an applicable section appropriates
 13 moneys to be distributed to different recipients and
 14 the operation of this section reduces the total amount
 15 to be distributed under the applicable section, the
 16 moneys shall be prorated among the recipients. As
 17 used in this section, "applicable sections" means the
 18 following sections: 53.50, 229.35, 230.8, 230.11,
 19 405A.8, 411.20, 425.1, ~~425.39~~, 426A.1, 663.44, and
 20 822.5."

21 2. Page 6, by inserting after line 10 the
 22 following:

23 "Sec. 206. Section 422.9, subsection 1, Code 1993,
 24 is amended to read as follows:

25 1. An optional standard deduction, after deduction
 26 of federal income tax, equal to one thousand two
 27 hundred thirty dollars for a married person who files
 28 separately or a single person or equal to three
 29 thousand thirty dollars for a husband and wife who
 30 file a joint return, a surviving spouse, or an
 31 unmarried head of household. The optional standard
 32 deduction shall not exceed the amount remaining after
 33 deduction of the federal income tax. The amount of
 34 the federal income tax deducted shall not exceed the
 35 amount as computed under subsection 2, paragraph "b".

36 Sec. 207. Section 422.9, subsection 2, paragraph
 37 b, Code 1993, is amended by striking the paragraph and
 38 inserting in lieu thereof the following:

39 b. Add the amount of federal income taxes paid or
 40 accrued, as the case may be, for the tax year. Also
 41 add the amount of federal income taxes paid with the

42 federal return or as a result of an adjustment to a
 43 federal return during the tax year for a prior year.
 44 However, the amount of federal income taxes deducted
 45 for the tax year shall not exceed the following
 46 amounts:

47 (1) For single individuals, three hundred twenty-
 48 five thousand dollars.

49 (2) For married persons who file a joint state
 50 income tax return, or who file separately on

Page 2

1 individual returns, or who file separately on a
 2 combined return, five hundred fifty thousand dollars.

3 (3) For an unmarried head of household, four
 4 hundred fifty thousand dollars.

5 However, any additional taxes paid with the federal
 6 return or as a result of an adjustment to a federal
 7 return during tax years ending prior to January 1,
 8 1993, are not subject to the dollar limitation.

9 Subtract the amount of federal income tax refunds
 10 received for the tax year to the extent that the
 11 federal income tax was deducted in a previous year.

12 Married persons who file separate returns or file
 13 separately on combined return forms shall be limited
 14 to a federal income tax deduction for federal income
 15 taxes paid during the tax year not to exceed five
 16 hundred fifty thousand dollars in total for both
 17 spouses. The amount of the federal income tax
 18 deduction shall be divided between each spouse by the
 19 ratio of federal adjusted gross income of each spouse
 20 to total federal adjusted gross income of both spouses
 21 unless they can show that another method more
 22 accurately reflects the amount of federal income tax
 23 to be paid by each.

24 Sec. 506. Section 422.12, subsection 1, paragraph
 25 c, Code 1993, is amended to read as follows:

26 c. For each dependent, an additional fifteen forty
 27 dollars. As used in this section, the term
 28 "dependent" has the same meaning as provided by the
 29 Internal Revenue Code."

30 3. Page 11, by inserting after line 27 the
 31 following:

32 "Sec. 703. Section 425.39, Code Supplement 1993,
 33 is amended to read as follows:

34 425.39 FUND CREATED -- APPROPRIATION -- PRIORITY,
 35 PRORATION.

36 1. The extraordinary property tax credit and
 37 reimbursement fund is created. There is appropriated
 38 annually from the general fund of the state to the
 39 department of revenue and finance to be credited to
 40 the extraordinary property tax credit and

41 reimbursement fund, from funds not otherwise
42 appropriated, an amount sufficient to implement this
43 division twelve million eight hundred thousand
44 dollars.

45 2. If the amount appropriated under subsection 1,
46 as limited by section 8.59, plus any supplemental
47 appropriation made for purposes of this section for a
48 fiscal year is insufficient to pay all claims in full,
49 the director shall pay, in full, all claims to be paid
50 during the fiscal year for reimbursement of rent

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1 constituting property taxes paid or if moneys are
2 insufficient to pay all such claims on a pro rata
3 basis. If the amount of claims for credit for
4 property taxes due to be paid during the fiscal year
5 exceed the amount remaining after payment to renters,
6 the director of revenue and finance shall prorate the
7 payments to the counties for the property tax credit.
8 In order for the director to carry out the
9 requirements of this subsection, notwithstanding any
10 provision to the contrary in this division, claims for
11 reimbursement for rent constituting property taxes
12 paid filed before May 1 of the fiscal year shall be
13 eligible to be paid in full during the fiscal year and
14 those claims filed on or after May 1 of the fiscal
15 year shall be eligible to be paid during the following
16 fiscal year and the director is not required to make
17 payments to counties for the property tax credit
18 before June 15 of the fiscal year."

19 4. Page 17, line 1, by inserting after the figure
20 "15" the following: "and sections 206, 207, and 506".

21 5. Page 17, line 1, by striking the word
22 "applies" and inserting the following: "apply".

23 6. Page 17, by inserting after line 7 the
24 following:

25 "Sec. _____. Section 703 of this Act which amends
26 section 425.39, applies to property tax credit claims
27 for taxes payable on or after July 1, 1994, and to
28 rent reimbursement claims filed on or after January 1,
29 1995."

30 7. By renumbering and correcting internal
31 references as necessary.

BERNAU of Story

H-5484

1 Amend House File 2414 as follows:

2 1. Page 6, by inserting after line 10 the
3 following:

4 "Sec. 106. Section 422.7, Code Supplement 1993, is

- 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 29. For a person who is disabled,
 7 or is fifty-five years of age or older, or is the
 8 surviving spouse of an individual or a survivor having
 9 an insurable interest in an individual who would have
 10 qualified for the exemption under this subsection for
 11 the tax year, subtract, to the extent included, the
 12 total amount of a governmental or other pension,
 13 retirement pay, annuity, or other similar periodic
 14 payment made under a plan maintained or contributed to
 15 by an employer, or maintained and contributed to by a
 16 self-employed person as an employer, up to a maximum
 17 of three thousand dollars for a person who files a
 18 separate state income tax return, and up to a maximum
 19 of six thousand dollars for a husband and wife who
 20 file a joint state income tax return. However, a
 21 surviving spouse who is not disabled or fifty-five
 22 years of age or older can only exclude the amount of
 23 annuities or other similar periodic payments received
 24 as a result of the death of the other spouse.”
 25 2. Page 17, line 1, by inserting after the figure
 26 “15” the following: “and section 106”.
 27 3. Page 17, line 1, by striking the word
 28 “applies” and inserting the following: “apply”.
 29 4. By renumbering and correcting internal
 30 references as necessary.

HANSEN of Woodbury

H—5485

- 1 Amend House File 2414 as follows:
 2 1. Page 6, by inserting after line 10 the
 3 following:
 4 “Sec. _____. Section 422.7, Code Supplement 1993, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 29. For a person who is disabled,
 7 or is fifty-five years of age or older, or is the
 8 surviving spouse of an individual or a survivor having
 9 an insurable interest in an individual who would have
 10 qualified for the exemption under this subsection for
 11 the tax year, subtract, to the extent included, the
 12 total amount of a governmental or other pension,
 13 retirement pay, annuity, or other similar periodic
 14 payment made under a plan maintained or contributed to
 15 by an employer up to a maximum of five thousand
 16 dollars for a person who files a separate state income
 17 tax return for a tax year beginning in the 1994
 18 calendar year, and up to a maximum of ten thousand
 19 dollars for a husband and wife who file a joint state
 20 income tax return for a tax year beginning in the 1994
 21 calendar year. For a tax year beginning in the 1995
 22 calendar year, subtract, to the extent included, the

23 total amount for a person who files a separate state
24 income tax return, up to a maximum of ten thousand
25 dollars, and for a husband and wife who file a joint
26 state income tax return, up to a maximum of twenty
27 thousand dollars. For tax years beginning on or after
28 January 1, 1996, for a person who files a separate
29 state income tax return or for a husband and wife who
30 file a joint state income tax return, subtract, to the
31 extent included, the total amount of a governmental or
32 other pension, retirement pay, annuity, or other
33 similar periodic payment made under a plan maintained
34 or contributed to by an employer. However, a
35 surviving spouse who is not disabled or fifty-five
36 years of age or older can only exclude the amount of
37 annuities or other similar periodic payments received
38 as a result of the death of the other spouse.”
39 2. By renumbering and correcting internal
40 references as necessary.

BERNAU of Story

H-5486

1 Amend House File 2414 as follows:
2 1. Page 10, by inserting after line 13 the
3 following:
4 “Sec. _____. Section 422.73, Code 1993, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 8. Notwithstanding subsection 2,
7 a claim for credit or refund of individual income tax
8 paid for any tax year beginning on or after January 1,
9 1985, and before January 1, 1989, is considered timely
10 if filed with the department on or before April 30,
11 1995, if the taxpayer's claim is the result of the
12 unconstitutional taxation of federal pension benefits
13 based upon the decision in Davis v. Michigan
14 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
15 (1989).
16 A taxpayer entitled to a credit or refund of tax
17 paid under this subsection shall receive the credit or
18 refund within the time frame used for other retired
19 federal employees claiming a credit or refund of tax
20 unlawfully imposed on their federal pensions during
21 the same tax years.”

O'BRIEN of Boone
BERNAU of Story

H-5488

1 Amend House File 2414 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 001. Section 321.109, subsection 1, Code.

5 Supplement 1993, is amended to read as follows:

6 1. a. The annual fee for all motor vehicles
7 including vehicles designated by manufacturers as
8 station wagons, and 1993 and subsequent model years
9 for multipurpose vehicles, except motor trucks, motor
10 homes, ambulances, hearses, motorcycles, motor
11 bicycles, and 1992 and older model years for
12 multipurpose vehicles, shall be equal to one percent
13 of the value as fixed by the department plus forty
14 cents for each one hundred pounds or fraction thereof
15 of weight of vehicle, as fixed by the department. The
16 weight of a motor vehicle, fixed by the department for
17 registration purposes, shall include the weight of a
18 battery, heater, bumpers, spare tire, and wheel.

19 Provided, however, that for

20 b. For any new vehicle purchased in this state by
21 a nonresident for removal to the nonresident's state
22 of residence, the purchaser may make application to
23 the county treasurer in the county of purchase for a
24 transit plate for which a fee of ten dollars shall be
25 paid. And provided, however, that for For any used
26 vehicle held by a registered dealer and not currently
27 registered in this state, or for any vehicle held by
28 an individual and currently registered in this state,
29 when purchased in this state by a nonresident for
30 removal to the nonresident's state of residence, the
31 purchaser may make application to the county treasurer
32 in the county of purchase for a transit plate for
33 which a fee of three dollars shall be paid. The
34 county treasurer shall issue a nontransferable
35 certificate of registration for which no refund shall
36 be allowed; and the transit plates shall be void
37 thirty days after issuance. Such purchaser may apply
38 for a certificate of title by surrendering the
39 manufacturer's or importer's certificate or
40 certificate of title, duly assigned as provided in
41 this chapter. In this event, the treasurer in the
42 county of purchase shall, when satisfied with the
43 genuineness and regularity of the application, and
44 upon payment of a fee of ten dollars, issue a
45 certificate of title in the name and address of the
46 nonresident purchaser delivering the same to the
47 person entitled to the title as provided in this
48 chapter. The provisions of this subsection relating
49 to multipurpose vehicles are effective January 1,
50 1993, for all 1993 and subsequent model years. The

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1 annual registration fee for multipurpose vehicles that
2 are 1992 model years and older shall be in accordance
3 with section 321.124.

4 The annual registration fee for a multipurpose
 5 vehicle with permanently installed equipment
 6 manufactured for and necessary to assist a disabled
 7 person who is either the owner or a member of the
 8 owner's household in entry and exit of the vehicle or
 9 for a multipurpose vehicle if the vehicle's owner or a
 10 member of the vehicle owner's household uses a
 11 wheelchair as the only means of mobility shall be
 12 sixty dollars. For purposes of this unnumbered
 13 paragraph, "uses a wheelchair" does not include use of
 14 a wheelchair due to a temporary injury or medical
 15 condition.

16 Sec. 002. Section 321.124, subsection 3,
 17 unnumbered paragraph 1, Code Supplement 1993, is
 18 amended to read as follows:

19 The annual registration fee for motor homes and
 20 1992 and older model years for multipurpose vehicles
 21 is as follows:

22 Sec. 003. Section 321.124, subsection 3, paragraph
 23 h, Code Supplement 1993, is amended to read as
 24 follows:

25 h. For multipurpose vehicles in accordance with
 26 the following:

27 (1) Two hundred dollars for registration for the
 28 first and second model years.

29 (2) One hundred seventy-five dollars for
 30 registration for the third and fourth model years.

31 (3) One hundred fifty dollars for registration for
 32 the fifth model year.

33 (4) (1) Seventy-five dollars for registration for
 34 the sixth model each year through five model years.

35 (5) (2) Fifty-five dollars for registration for
 36 each succeeding model year.

37 (6) The annual registration fee for a multipurpose
 38 vehicle with permanently installed equipment
 39 manufactured for and necessary to assist a disabled
 40 person who is either the owner or a member of the
 41 owner's household in entry and exit of the vehicle or
 42 for a multipurpose vehicle if the vehicle's owner or a
 43 member of the vehicle owner's household uses a
 44 wheelchair as the only means of mobility shall be
 45 sixty dollars. For purposes of this subparagraph,
 46 "uses a wheelchair" does not include use of a
 47 wheelchair due to a temporary injury or medical
 48 condition.

49 The registration fees required by this lettered
 50 paragraph are applicable to all 1992 and older model

3 that are 1993 and subsequent model years shall be in
4 accordance with section 321.100.

5 For purposes of determining that portion of the
6 annual registration fee which is based upon the value
7 of the multipurpose vehicle, sixty percent of the
8 annual fee is attributable to the value of the
9 vehicle."

10 2. Page 6, by inserting after line 10 the
11 following:

12 "Sec. 401. Section 422.9, subsection 2, paragraphs
13 g and h, Code 1993, are amended by striking the
14 paragraphs."

15 3. Page 8, by inserting after line 8 the
16 following:

17 "Sec. 501. Section 422.35, subsection 15, Code
18 1993, is amended by striking the subsection."

19 4. Page 17, by inserting after line 7 the
20 following:

21 "Sec. _____. Sections 001, 002, 003, 401, and 501 of
22 this Act take effect January 1, 1995, and are
23 applicable to tax years beginning on or after January
24 1, 1995."

25 5. By renumbering and correcting internal
26 references as necessary.

BERNAU of Story

H-5495

1 Amend the amendment, H-5432, to House File 2376, as
2 follows:

3 1. Page 1, line 3, by striking the figure
4 "2,264,457" and inserting the following: "2,294,457".

5 2. Page 1, by inserting after line 5 the
6 following:

7 "_____. Page 6, by striking lines 8 through 11 and
8 inserting the following:

9 "e. Of the funds appropriated in this subsection
10 \$68,046 shall be used for radon program activities."

OSTERBERG of Linn

H-5497

1 Amend House File 2323 as follows:

2 1. Page 1, line 17, by inserting after the word
3 "expenses." the following: "Of the amount authorized
4 to be appropriated for administrative expenses, not
5 less than \$250,000 of that amount shall be used by the
6 department for conducting any necessary work required
7 by federal law to monitor and ensure compliance with
8 requirements to restrict access of minors to tobacco
9 products."

BRAMMER of Linn
CORBETT of Linn

H-5498

1 Amend House File 2341 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 236.5, subsection 2, paragraph
5 d, Code Supplement 1993, is amended to read as
6 follows:

7 d. The awarding of temporary custody of or
8 establishing temporary visitation rights with regard
9 to children under eighteen. In awarding temporary
10 custody or temporary visitation rights, the court
11 shall give primary consideration to the safety of the
12 victim and the children. If the court finds that the
13 safety of the victim or the children will be
14 jeopardized by unsupervised or unrestricted
15 visitation, the court shall condition or restrict
16 visitation as to time, place, duration, or
17 supervision, or deny visitation entirely, as needed to
18 guard the safety of the victim and the children. In
19 awarding temporary custody or temporary visitation
20 rights pursuant to this paragraph, the requirements
21 concerning the consideration of evidence and the
22 rebuttable presumption established in section 598.41,
23 subsection 1, paragraph "b", shall apply. The court
24 shall also investigate whether any other existing
25 orders awarding custody or visitation rights should be
26 modified."

27 2. Page 1, by striking lines 10 through 20 and
28 inserting the following: "of the petition for
29 dissolution. In awarding temporary custody or
30 temporary visitation pursuant to this section, the
31 requirements concerning the consideration of evidence
32 and the rebuttable presumption established in section
33 598.41, subsection 1, paragraph "b", shall apply."

34 3. By striking page 1, line 25 through page 2,
35 line 3 and inserting the following: "interests
36 interest of the child and that the grandparent had
37 established a substantial relationship with the child
38 prior to the filing of the petition. However, in
39 determining whether the grandparent visitation should
40 be granted, the requirements concerning the
41 consideration of evidence and the rebuttable pre-
42 sumption established in section 598.41, subsection 1,
43 paragraph "b", shall apply."

44 4. Page 2, by striking lines 6 through 33 and
45 inserting the following:

46 "1. a. The court, insofar as is reasonable and in
47 the best interest of the child, shall order the
48 custody award, including liberal visitation rights
49 where appropriate, which will assure the child the
50 opportunity for the maximum continuing physical and

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1 emotional contact with both parents after the parents
2 have separated or dissolved the marriage, unless
3 direct physical harm or significant emotional harm to
4 the child, other children, or a parent is likely to
5 result from such contact with one parent, and which
6 will encourage parents to share the rights and
7 responsibilities of raising the child, except as
8 otherwise provided in paragraph "b". The court shall
9 consider the denial by one parent of the child's
10 opportunity for maximum continuing contact with the
11 other parent, without just cause, a significant factor
12 in determining the proper custody arrangement. Unless
13 otherwise ordered by the court in the custody decree,
14 both parents shall have legal access to information
15 concerning the child, including but not limited to
16 medical, educational and law enforcement records.

17 b. (1) As used in this section, unless the
18 context otherwise requires:

19 (a) "Child abuse" means child abuse as defined in
20 section 232.68, subsection 2, paragraph "a", "c", or
21 "e".

22 (b) "Domestic abuse" means domestic abuse as
23 defined in section 236.2.

24 (2) In every proceeding involving the custody of,
25 physical care of, or visitation with a child, the
26 court shall consider evidence of ongoing domestic
27 abuse or ongoing child abuse that is presented to the
28 court. If the occurrence of a pattern of domestic
29 abuse or a pattern of child abuse is established by
30 clear and convincing evidence, there shall be a
31 rebuttable presumption that it is not in the best
32 interest of the child to be placed in the joint or
33 sole physical care or the joint or sole legal custody
34 of the person committing the abuse or to have
35 unsupervised visitation granted to the person
36 committing the abuse. The absence of proof of direct
37 physical harm or the threat of physical harm to a
38 child or children does not, in and of itself, rebut
39 the presumption created in this paragraph once a
40 pattern of domestic abuse or a pattern of child abuse
41 is established. In determining the existence of a
42 pattern of domestic abuse or a pattern of child abuse,
43 the factors considered by the court may include but
44 are not limited to the following:

45 (a) The severity and duration of the domestic
46 abuse or child abuse despite the lack of present overt
47 acts.

48 (b) Present continuing harm or threat of harm from
49 domestic abuse or child abuse.

50 (c) Previous acts of harm or threats of harm from

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- 1 domestic abuse or child abuse."
- 2 5. Page 3, by striking lines 7 through 18 and
- 3 inserting the following: "separate from any action to
- 4 establish paternity. However, in an equity proceeding
- 5 to determine visitation or custody, the requirements
- 6 concerning the consideration of evidence and the
- 7 rebuttable presumption established in section 598.41,
- 8 subsection 1, paragraph "b", shall apply."
- 9 6. By renumbering as necessary.

DODERER of Johnson

H-5501

- 1 Amend House File 2415 as follows:
- 2 1. Page 2, line 34, by striking the figure
- 3 "6,756,086" and inserting the following: "4,922,000".

GILL of Woodbury

H-5503

- 1 Amend House File 2415 as follows:
- 2 1. Page 2, line 34, by striking the figure
- 3 "6,756,086" and inserting the following: "6,656,086".
- 4 2. Page 10, line 28, by striking the figure
- 5 "2,000,000" and inserting the following: "2,100,000".

GILL of Woodbury

H-5504

- 1 Amend House File 2415 as follows:
- 2 1. Page 2, line 34, by striking the figure
- 3 "6,756,086" and inserting the following: "6,256,086".
- 4 2. Page 13, by striking lines 23 through 32 and
- 5 inserting the following:
- 6 "Sec. _____. There is appropriated from the general
- 7 fund of the state to the Iowa finance authority for
- 8 the fiscal year beginning July 1, 1994, and ending
- 9 June 30, 1995, the following amount, or so much
- 10 thereof as is necessary, to be used for the purpose
- 11 designated:
- 12 For deposit in the housing improvement fund created
- 13 in section 16.100 for the purposes of the fund:
- 14\$500,000".

GILL of Woodbury

H-5511

- 1 Amend the amendment, H-5504, to House File 2415 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 14 and
- 4 inserting the following:

- 5 "_____. Page 13, line 32, by striking the figure
6 "300,000" and inserting the following: "500,000".
7 2. By renumbering as necessary.

GILL of Woodbury

H-5513

1 Amend House File 2415 as follows:

2 1. Page 2, by inserting after line 19 the
3 following:

4 "From the moneys appropriated in this lettered
5 paragraph, \$40,000 for the fiscal year beginning July
6 1, 1994, shall be used to match federal funds to
7 design and implement a business development initiative
8 for entrepreneurs with disabilities. The business
9 development division shall develop a program to
10 provide technical and financial assistance to help
11 persons with disabilities to become self-sufficient
12 and create additional employment opportunities by
13 establishing or expanding small business ventures.
14 The division shall enter into an interagency agreement
15 with the division of vocational rehabilitation of the
16 department of education to implement the program. The
17 purpose of the interagency agreement is to strengthen
18 initial placements and long-term successes of
19 individuals with disabilities through self-employment,
20 by combining the business expertise of the department
21 of economic development with the experience of the
22 division of vocational rehabilitation of the
23 department of education in working with people with
24 disabilities. The business development division shall
25 design the program to make the maximum amount of
26 resources expended by the business development and the
27 department of economic development eligible for
28 federal reimbursement."

29 2. Page 14, by inserting after line 5 the
30 following:

31 "Sec. _____. Section 15.241, unnumbered paragraphs
32 1, 2, and 4, Code 1993, are amended to read as
33 follows:

34 A "self-employment loan program account" is
35 established within the strategic investment fund
36 created in section 15.313 to provide funding for the
37 self-employment loan program which is to be conducted
38 in coordination with the job training partnership
39 program and other programs administered under section
40 15.108, subsection 6, paragraph "c". The department
41 may contract with local community action agencies or
42 other local entities in administering the program, and
43 shall work with the department of employment services
44 and the department of human services in developing the
45 program. The department shall cooperate with the

- 46 division of vocational rehabilitation under the
 47 department of education to implement a business
 48 development initiative for entrepreneurs with
 49 disabilities.
 50 The self-employment loan program shall administer a

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- 1 low-interest loan program to provide loans to low-
 2 income persons and persons with disabilities for the
 3 purpose of establishing or expanding small business
 4 ventures. The terms of the loans shall be determined
 5 by the department, but shall not be in excess of ten
 6 thousand dollars to any single applicant or at a rate
 7 to exceed five percent simple interest per annum. The
 8 department shall maintain records of all loans
 9 approved and the effectiveness of those loans in
 10 establishing or expanding small business ventures.
 11 Payments of interest, recaptures of awards, and
 12 repayments of moneys loaned under this program shall
 13 be deposited into the strategic investment fund.
 14 Receipts from loans or grants under the business
 15 development initiative for entrepreneurs with
 16 disabilities may be maintained in a separate account
 17 within the fund."
 18 3. By renumbering, redesignating, and correcting
 19 internal references as necessary.

BAKER of Polk

H-5526

- 1 Amend Senate File 2097, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "employee" the following: ", after obtaining an
 5 altered or falsified identification card in a
 6 reasonable manner,".
 7 2. Page 1, lines 29 and 30, by striking the words
 8 "damages alleged to have resulted from, the" and
 9 inserting the following: "wrongful".

PETERSON of Carroll

H-5531

- 1 Amend House File 2283 as follows:
 2 1. Page 6, by inserting after line 10 the
 3 following:
 4 "Sec. _____. NEW SECTION. 56.14A PLACEMENT OF
 5 POLITICAL SIGNS.
 6 A political sign, with the exception of a
 7 billboard, shall not be placed on any property, other
 8 than private property used as a private residence,
 9 which is located within city boundaries. A political

10 sign may be placed on any private property which is
 11 located outside of city boundaries unless the private
 12 property is used as a public right-of-way. For
 13 purposes of this section, a "political sign" is a sign
 14 that is designed to promote or defeat the nomination
 15 or election of a candidate for public office or the
 16 passage of a constitutional amendment or public
 17 measure. This section shall not be construed to
 18 invalidate other state law or a city ordinance that
 19 places other or greater restrictions on the placement
 20 of political signs."

21 2. By numbering and renumbering as necessary.

CARPENTER of Polk
 HALVORSON of Webster
 HANSON of Delaware

H-5532

1 Amend House File 2369 as follows:

2 1. Page 6, line 21, by striking the word
 3 "reasonable" and inserting the following:
 4 "reasonable".

5 2. Page 7, line 35, by inserting after the word
 6 "cause" the following: "and in good faith as defined
 7 in section 523H.10".

8 3. Page 8, by striking lines 4 through 6 and
 9 inserting the following: "the franchise agreement,
 10 provided that the termination by the franchisor is not
 11 arbitrary or capricious when compared to the actions
 12 of the franchisor in other similar circumstances."

DINKLA of Guthrie
 McCOY of Polk
 METCALF of Polk
 RENKEN of Grundy

H-5533

1 Amend House File 2387 as follows:

2 1. Page 1, line 13, by inserting after the word
 3 "trauma," the following: "which occurs during the
 4 preparation for or participation in a sports
 5 competition or during a physical training program,
 6 sponsored by an educational institution, amateur, or
 7 professional athletic group, or other recognized
 8 organization,".

9 2. Page 1, by striking lines 20 through 25 and
 10 inserting the following:

11 "The practice of an athletic trainer shall be
 12 carried out only under the direction, supervision,
 13 advice, and consent of a licensed physician.

14 The practice of physical reconditioning shall be
 15 carried out under the verbal or written orders of a

16 physician or physician assistant. A physician or
17 physician assistant who gives a verbal order must
18 reduce the order to writing and provide a copy of the
19 order to the athletic trainer within forty-eight hours
20 of the verbal order."

HANSON of Delaware

H-5536

1 Amend Senate File 2192, as passed by the Senate, as
2 follows:

- 3 1. Page 1, by striking lines 8 and 9 and
4 inserting the following: "from the party that
5 subpoenaed the volunteer fire fighter. The
6 compensation".
- 7 2. Page 1, by striking lines 19 through 25.

Committee on Judiciary and Law Enforcement

H-5539

1 Amend House File 2351 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 001. Section 8.59, Code Supplement 1993,
5 is amended to read as follows:

6 8.59 APPROPRIATIONS FREEZE.

7 Notwithstanding contrary provisions of the Code,
8 the amounts appropriated under the applicable sections
9 of the Code for fiscal years commencing on or after
10 July 1, 1993, are limited to those amounts expended
11 under those sections for the fiscal year commencing
12 July 1, 1992. If an applicable section appropriates
13 moneys to be distributed to different recipients and
14 the operation of this section reduces the total amount
15 to be distributed under the applicable section, the
16 moneys shall be prorated among the recipients. As
17 used in this section, "applicable sections" means the
18 following sections: 53.50, 229.35, 230.8, 230.11,
19 405A.8, 411.20, 425-1, 425-39, 426A.1, 663.44, and
20 822.5.

21 Sec. _____. Section 321.109, subsection 1, Code
22 Supplement 1993, is amended to read as follows:

23 1. a. The annual fee for all motor vehicles
24 including vehicles designated by manufacturers as
25 station wagons, and 1993 and subsequent model years
26 for multipurpose vehicles, except motor trucks, motor
27 homes, ambulances, hearses, motorcycles, motor
28 bicycles, and 1992 and older model years for
29 multipurpose vehicles, shall be equal to one percent
30 of the value as fixed by the department plus forty
31 cents for each one hundred pounds or fraction thereof
32 of weight of vehicle, as fixed by the department. The

33 weight of a motor vehicle, fixed by the department for
34 registration purposes, shall include the weight of a
35 battery, heater, bumpers, spare tire, and wheel.
36 ~~Provided, however, that for~~
37 b. For any new vehicle purchased in this state by
38 a nonresident for removal to the nonresident's state
39 of residence, the purchaser may make application to
40 the county treasurer in the county of purchase for a
41 transit plate for which a fee of ten dollars shall be
42 paid. And ~~provided, however, that for~~ For any used
43 vehicle held by a registered dealer and not currently
44 registered in this state, or for any vehicle held by
45 an individual and currently registered in this state,
46 when purchased in this state by a nonresident for
47 removal to the nonresident's state of residence, the
48 purchaser may make application to the county treasurer
49 in the county of purchase for a transit plate for
50 which a fee of three dollars shall be paid. The

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1 county treasurer shall issue a nontransferable
2 certificate of registration for which no refund shall
3 be allowed; and the transit plates shall be void
4 thirty days after issuance. Such purchaser may apply
5 for a certificate of title by surrendering the
6 manufacturer's or importer's certificate or
7 certificate of title, duly assigned as provided in
8 this chapter. In this event, the treasurer in the
9 county of purchase shall, when satisfied with the
10 genuineness and regularity of the application, and
11 upon payment of a fee of ten dollars, issue a
12 certificate of title in the name and address of the
13 nonresident purchaser delivering the same to the
14 person entitled to the title as provided in this
15 chapter. The provisions of this subsection relating
16 to multipurpose vehicles are effective January 1,
17 1993, for all 1993 and subsequent model years. The
18 annual registration fee for multipurpose vehicles that
19 are 1992 model years and older shall be in accordance
20 with section 321.124.

21 The annual registration fee for a multipurpose
22 vehicle with permanently installed equipment
23 manufactured for and necessary to assist a disabled
24 person who is either the owner or a member of the
25 owner's household in entry and exit of the vehicle or
26 for a multipurpose vehicle if the vehicle's owner or a
27 member of the vehicle owner's household uses a
28 wheelchair as the only means of mobility shall be
29 sixty dollars. For purposes of this unnumbered
30 paragraph, "uses a wheelchair" does not include use of
31 a wheelchair due to a temporary injury or medical

32 condition.

33 Sec. _____. Section 321.124, subsection 3,
34 unnumbered paragraph 1, Code Supplement 1993, is
35 amended to read as follows:

36 The annual registration fee for motor homes and
37 1992 and older model years for multipurpose vehicles
38 is as follows:

39 Sec. _____. Section 321.124, subsection 3, paragraph
40 h, Code Supplement 1993, is amended to read as
41 follows:

42 h. For multipurpose vehicles in accordance with
43 the following:

44 (1) Two hundred dollars for registration for the
45 first and second model years.

46 (2) One hundred seventy-five dollars for
47 registration for the third and fourth model years.

48 (3) One hundred fifty dollars for registration for
49 the fifth model year.

50 (4) (1) Seventy-five dollars for registration for

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1 the sixth model each year through five model years.

2 (5) (2) Fifty-five dollars for registration for
3 each succeeding model year.

4 (6) The annual registration fee for a multipurpose
5 vehicle with permanently installed equipment
6 manufactured for and necessary to assist a disabled
7 person who is either the owner or a member of the
8 owner's household in entry and exit of the vehicle or
9 for a multipurpose vehicle if the vehicle's owner or a
10 member of the vehicle owner's household uses a
11 wheelchair as the only means of mobility shall be
12 sixty dollars. For purposes of this subparagraph,
13 "uses a wheelchair" does not include use of a
14 wheelchair due to a temporary injury or medical
15 condition.

16 The registration fees required by this lettered
17 paragraph are applicable to all 1992 and older model
18 years for multipurpose vehicles beginning January 1,
19 1993. The registration fees for multipurpose vehicles
20 that are 1993 and subsequent model years shall be in
21 accordance with section 321.109.

22 For purposes of determining that portion of the
23 annual registration fee which is based upon the value
24 of the multipurpose vehicle, sixty percent of the
25 annual fee is attributable to the value of the
26 vehicle."

27 2. Page 2, by inserting after line 24 the
28 following:

29 "Sec. _____. Section 425.39, Code Supplement 1993,
30 is amended to read as follows:

31 425.39 FUND CREATED — APPROPRIATION — PRIORITY,
32 PRORATION.

33 1. The extraordinary property tax credit and
34 reimbursement fund is created. There is appropriated
35 annually from the general fund of the state to the
36 department of revenue and finance to be credited to
37 the extraordinary property tax credit and
38 reimbursement fund, from funds not otherwise
39 appropriated, an amount sufficient to implement this
40 division pay claims based upon the schedule in section
41 425.23, subsection 1, paragraph "a".

42 2. If the amount appropriated under subsection 1,
43 as limited by section 8.59, plus any supplemental
44 appropriation made for purposes of this section for a
45 fiscal year is insufficient to pay all claims in full,
46 the director shall pay, in full, all claims to be paid
47 during the fiscal year for reimbursement of rent
48 constituting property taxes paid or if moneys are
49 insufficient to pay all such claims on a pro rata
50 basis. If the amount of claims for credit for

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1 property taxes due to be paid during the fiscal year
2 exceed the amount remaining after payment to renters,
3 the director of revenue and finance shall prorate the
4 payments to the counties for the property tax credit.
5 In order for the director to carry out the
6 requirements of this subsection, notwithstanding any
7 provision to the contrary in this division, claims for
8 reimbursement for rent constituting property taxes
9 paid filed before May 1 of the fiscal year shall be
10 eligible to be paid in full during the fiscal year and
11 those claims filed on or after May 1 of the fiscal
12 year shall be eligible to be paid during the following
13 fiscal year and the director is not required to make
14 payments to counties for the property tax credit
15 before June 15 of the fiscal year.

16 Sec. _____. Section 425.40, subsection 1, Code
17 Supplement 1993, is amended to read as follows:

18 1. A low-income tax credit and reimbursement fund
19 is created. There is appropriated annually from the
20 general fund of the state to the department of revenue
21 and finance to be credited to the low-income tax
22 credit and reimbursement fund the sum of ten million
23 dollars to pay claims based upon the schedules in
24 section 425.23, subsection 1, paragraph "b".

25 Sec. _____. Section 453A.6, subsection 1, Code 1993,
26 is amended to read as follows:

27 1. There is imposed, and shall be collected and
28 paid to the department, the following taxes on all
29 cigarettes used or otherwise disposed of in this state

30 for any purpose whatsoever:

31 Class A. On cigarettes weighing not more than
32 three pounds per thousand, eighteen twenty-five mills
33 on each such cigarette.

34 Class B. On cigarettes weighing more than three
35 pounds per thousand, eighteen twenty-five mills on
36 each such cigarette."

37 3. Title page, line 4, by inserting after the
38 word "expenses," the following: "increasing the
39 cigarette tax to fund the property tax homestead
40 credits and reimbursements,".

BRAMMER of Linn

H-5542

1 Amend House File 2369 as follows:

2 1. By striking page 10, line 34, through page 11,
3 line 6.

4 2. Renumber as necessary.

SPENNER of Henry

H-5543

1 Amend House File 2369 as follows:

2 1. Page 11, line 7, by striking the figures and
3 word "523H.6, 523H.11, and 523H.12" and inserting the
4 following: "523H.6 and 523H.11".

SPENNER of Henry

H-5544

1 Amend House File 2369 as follows:

2 1. Page 11, line 7, by striking the figures
3 "523H.6, 523H.11," and inserting the following:
4 "523H.11".

SPENNER of Henry

H-5546

1 Amend House File 2411 as follows:

2 1. Page 3, by striking lines 34 and 35 and
3 inserting the following:
4 "For grants awarded to students pursuant to the
5 Iowa minority academic grants for economic".

RANTS of Woodbury

H-5547

1 Amend the amendment, H-5431, to Senate File 2217,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 12, by inserting after the word

- 5 "enforcement" the following: ", fire department, or
 6 emergency medical services".
 7 2. Page 1, line 20, by inserting after the word
 8 "enforcement" the following: ", fire department, or
 9 emergency medical services".

RENAUD of Polk

H-5550

- 1 Amend House File 2414 as follows:
 2 1. Page 11, by inserting after line 16 the
 3 following:
 4 "Sec. _____. Section 425.26, subsection 8, Code
 5 1993, is amended by striking the subsection."
 6 2. By numbering, renumbering, and correcting
 7 internal references.

DINKLA of Guthrie

H-5551

- 1 Amend House File 2369 as follows:
 2 1. Page 9, by striking lines 5 through 8 and
 3 inserting the following: "franchise agreement, when
 4 the enforcement of the material provision by the
 5 franchisor is not arbitrary or capricious when
 6 compared to the franchisor in other similar
 7 circumstances."

HOLVECK of Polk

H-5552

- 1 Amend House File 2369 as follows:
 2 1. By striking page 10, line 34, through page 11,
 3 line 6.
 4 2. Renumber as necessary.

HOLVECK of Polk

H-5553

- 1 Amend the Committee amendment, H-5439, to Senate
 2 File 2071, as amended, passed, and reprinted by the
 3 Senate, as follows:
 4 1. Page 1, by striking lines 5 and 6 and
 5 inserting the following: "permission. All furbearing
 6 animals so or parts of animals taken as provided in
 7 the section shall be disposed of on the site or shall
 8 be relinquished to a representative of the
 9 commission."

BRUNKHORST of Bremer
 BLACK of Jasper
 KISTLER of Jefferson
 GARMAN of Story

H-5554

- 1 Amend House File 2369 as follows:
- 2 1. By striking page 2, line 2 through page 7,
- 3 line 29.
- 4 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5555

- 1 Amend House File 2369 as follows:
- 2 1. Page 7, by inserting after line 29 the
- 3 following:
- 4 "Sec. _____. Section 523H.6, subsection 1, Code
- 5 1993, is amended to read as follows:
- 6 1. Notwithstanding the terms, provisions, or
- 7 conditions of an agreement or franchise, if a
- 8 franchisor seeks to establish a new outlet, company-
- 9 owned store, or carry-out store within an unreasonable
- 10 proximity of an existing franchisee, the existing
- 11 franchisee, at the option of the franchisor, shall
- 12 have either a right of first refusal with respect to
- 13 the proposed new outlet, company-owned store, or
- 14 carry-out store or a right to compensation for market
- 15 share diverted by the new outlet. For the purposes of
- 16 this section, "unreasonable proximity" as applied to a
- 17 food establishment franchisor or food service
- 18 establishment franchisor, including outlets and carry-
- 19 out stores as defined by section 137A.1, subsection 5,
- 20 and section 137B.2, subsection 6, includes but is not
- 21 limited to the shortest distance as measured by the
- 22 following methods:
- 23 a. A three-mile two-mile radius, using a straight
- 24 line measurement, from the center of an already
- 25 existing franchise.
- 26 b. A circular radius, using a straight line
- 27 measurement, from an existing franchise business which
- 28 comprises a population of thirty twenty thousand or
- 29 greater."
- 30 2. Page 11, line 7, by striking the figures
- 31 "523H.6, 523H.11," and inserting the following:
- 32 "523H.11".
- 33 3. By renumbering as necessary.

MYERS of Johnson
SPENNER of Henry

H-5556

- 1 Amend House File 2411 as follows:
- 2 1. Page 9, line 18, by striking the figure
- 3 "183,343,493" and inserting the following:
- 4 "183,200,000".

- 5 2. Page 13, line 8, by striking the figure
 6 "146,994,613" and inserting the following:
 7 "146,800,000".
 8 3. Page 19, line 33, by striking the word "four"
 9 and inserting the following: "six".

RANTS of Woodbury
 DINKLA of Guthrie
 McCOY of Polk
 MERTZ of Kossuth

H-5558

- 1 Amend the amendment, H-5314, to House File 2369 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 16 and
 4 inserting the following:
 5 "_____. Page 10, by striking lines 25 through 33
 6 and inserting the following:
 7 "Sec. _____. Section 523H.10, Code 1993, is amended
 8 by striking the section and inserting in lieu thereof
 9 the following:
 10 523H.10 DUTY OF GOOD FAITH.
 11 1. A franchise imposes on the parties a duty of
 12 good faith in performance and enforcement of the
 13 franchise agreement. "Good faith" means honesty in
 14 fact and the observance of reasonable commercial
 15 standards of fair dealing in the trade, including,
 16 without limitation, adherence to reasonable commercial
 17 standards with respect to the proposed establishment
 18 of a new outlet, company-owned store, or carry-out
 19 store within the trade area of an existing franchisee.
 20 "Good faith" in the proposed establishment of a new
 21 outlet, company-owned store, or carry-out store within
 22 the trade area of an existing franchisee by a food
 23 establishment franchisor or food service establishment
 24 franchisor, including outlets and carry-out stores as
 25 defined by section 137A.1, subsection 5, and section
 26 137B.2, subsection 6, means not establishing such
 27 outlet, company-owned store, or carry-out store
 28 without first offering the existing franchisee a right
 29 of first refusal for the proposed outlet, company-
 30 owned store, or carry-out store or reasonable
 31 compensation for the loss of market share diverted by
 32 the proposed outlet, company-owned store, or carry-out
 33 store, within the shortest distance as measured by the
 34 following methods:
 35 a. A two-mile radius, using a straight line
 36 measurement, from the center of an already existing
 37 franchise.
 38 b. A circular radius, using a straight line
 39 measurement, from an existing franchise business which
 40 comprises a population of twenty thousand or greater.

41 2. With respect to the right of first refusal, the
42 parties shall in good faith seek to establish a
43 mutually agreeable price and terms. If the parties
44 are unable to agree, each party shall appoint an
45 independent appraiser. If the independent appraisers
46 are unable to agree upon a price and terms, the
47 independent appraisers shall name a third appraiser to
48 determine the price and terms upon which the right of
49 first refusal may be exercised. The determination of
50 the independent appraisers shall be final and binding,

Page 2

1 and subject to judicial review under chapter 679A.

2 3. If the franchisor does not offer a right of
3 first refusal, the franchisor shall compensate
4 existing franchisees for market share diverted by the
5 opening of the new outlet. If the franchisor and the
6 existing franchisees cannot agree upon the proposed
7 amount of such compensation, each party shall appoint
8 an independent appraiser. If the independent
9 appraisers are unable to agree, the independent
10 appraisers shall name a third appraiser who shall
11 establish the level of compensation. The
12 determination of the independent appraiser shall be
13 final and binding, and subject to judicial review
14 under chapter 679A.

15 4. If two or more existing franchisees are
16 protected by the limitations of subsection 1, the
17 remedy of the right of first refusal shall not apply
18 and each existing franchisee shall be entitled to
19 compensation under subsection 3.

20 5. The court may grant a permanent or temporary
21 injunction to prevent injury or threatened injury from
22 a violation or threatened violation of this section.

23 6. The limitations in subsection 1 apply only
24 where a new outlet, company-owned store, or carry-out
25 store, is or has been established after July 1,
26 1992." "

27 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5561

1 Amend the amendment, H-5190, to House File 2351 as
2 follows:

3 1. Page 1, lines 10 and 11, by striking the word
4 and figures "April 30, 1995" and inserting the
5 following: "August 1, 1994".

6 2. Page 1, by striking lines 18 through 21 and
7 inserting the following: "refund within four years.
8 Any claims for refund shall be payable from the

9 federal retirees refund account, to the extent funds
10 are available, as established in section 422.105.

11 Sec. _____. NEW SECTION. 422.105 FEDERAL RETIREES
12 REFUND ACCOUNT.

13 The department shall establish a federal retirees
14 refund account for the purpose of paying the refund
15 claims of federal retirees pursuant to section 422.73,
16 subsection 8. Funds in the account shall be as a
17 result of a line item appropriation. If funds in the
18 account are insufficient to pay all refund claims, the
19 department shall prorate the available funds." "

RANTS of Woodbury

H-5562

1 Amend House File 2411 as follows:

2 1. Page 20, line 20, by inserting after the word
3 "school" the following: "or a consortium of schools".

DAGGETT of Union

H-5563

1 Amend the amendment, H-5486, to House File 2414 as
2 follows:

3 1. Page 1, lines 10 and 11, by striking the word
4 and figures "April 30, 1995" and inserting the
5 following: "August 1, 1994".

6 2. Page 1, by striking lines 18 through 21 and
7 inserting the following: "refund within four years.
8 Any claims for refund shall be payable from the
9 federal retirees refund account, to the extent funds
10 are available, as established in section 422.105.

11 Sec. _____. NEW SECTION. 422.105 FEDERAL RETIREES
12 REFUND ACCOUNT.

13 The department shall establish a federal retirees
14 refund account for the purpose of paying the refund
15 claims of federal retirees pursuant to section 422.73,
16 subsection 8. Funds in the account shall be as a
17 result of a line item appropriation. If funds in the
18 account are insufficient to pay all refund claims, the
19 department shall prorate the available funds." "

RANTS of Woodbury

H-5564

1 Amend Senate File 2074, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 29 the
4 following:

5 "Sec. _____. Section 422.73, Code 1993, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. Notwithstanding subsection 2,

8 a claim for credit or refund of individual income tax
9 paid for any tax year beginning on or after January 1,
10 1985, and before January 1, 1989, is considered timely
11 if filed with the department on or before April 30,
12 1995, if the taxpayer's claim is the result of the
13 unconstitutional taxation of federal pension benefits
14 based upon the decision in Davis v. Michigan
15 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
16 (1989).

17 A taxpayer entitled to a credit or refund of tax
18 paid under this subsection shall receive the credit or
19 refund within the time frame used for other retired
20 federal employees claiming a credit or refund of tax
21 unlawfully imposed on their federal pensions during
22 the same tax years."

23 2. Page 1, by striking line 30 and inserting the
24 following:

25 "Sec. _____. Section 1 of this Act, which amends
26 section 422.8, subsection 2, applies retroactively to
27 January 1, 1994,".

O'BRIEN of Boone

H-5565

1 Amend Senate File 317, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 13.

4 2. By striking page 1, line 25 through page 2,
5 line 17.

6 3. Page 2, line 18, by striking the words "six-
7 month" and inserting the following: "twelve-month".

8 4. Page 2, by striking line 19 and inserting the
9 following: "from July 1, 1994, through June 30, 1995,
10 peace officers".

11 5. By renumbering as necessary.

Committee on Transportation

H-5566

1 Amend House File 2188 as follows:

2 1. Page 1, by inserting after line 29 the
3 following:

4 "Sec. _____. Section 422.73, Code 1993, is amended
5 by adding the following new subsection:

6 **NEW SUBSECTION. 8.** Notwithstanding subsection 2,
7 a claim for credit or refund of individual income tax
8 paid for any tax year beginning on or after January 1,
9 1985, and before January 1, 1989, is considered timely
10 if filed with the department on or before April 30,
11 1995, if the taxpayer's claim is the result of the
12 unconstitutional taxation of federal pension benefits
13 based upon the decision in Davis v. Michigan

14 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
15 (1989).

16 A taxpayer entitled to a credit or refund of tax
17 paid under this subsection shall receive the credit or
18 refund within the time frame used for other retired
19 federal employees claiming a credit or refund of tax
20 unlawfully imposed on their federal pensions during
21 the same tax years."

22 2. Page 1, by striking line 30 and inserting the
23 following:

24 "Sec. 2. Section 1 of this Act, which amends
25 section 422.8, subsection 2, applies retroactively to
26 January 1, 1994,".

O'BRIEN of Boone

H-5567

1 Amend House File 2350 as follows:

2 1. Page 17, line 9, by inserting after the letter
3 "e" the following: ", and shall use, for
4 continuation of the program in the fiscal year
5 commencing July 1, 1994, at least the amount of moneys
6 utilized for the program in the fiscal year commencing
7 July 1, 1990".

8 2. Page 18, line 16, by inserting after the
9 figure "2" the following: ", and shall use, for
10 continuation of the programs in the fiscal year
11 commencing July 1, 1994, at least the amounts of
12 moneys utilized for the programs in the fiscal year
13 commencing July 1, 1990".

VANDE HOEF of Osceola

H-5571

1 Amend House File 2386 as follows:

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

4 "Sec. _____. Section 232.78, subsection 1,
5 unnumbered paragraph 1, Code 1993, is amended to read
6 as follows:

7 The juvenile court may enter an ex parte order
8 directing a peace officer or a juvenile court officer
9 to take custody of a child before or after the filing
10 of a petition under this chapter provided all of the
11 following apply:

12 Sec. _____. Section 232.79, subsection 1, unnumbered
13 paragraph 1, Code 1993, is amended to read as follows:

14 A peace officer or juvenile court officer may take
15 a child into custody or a physician treating a child
16 may keep the child in custody, or a juvenile court
17 officer may authorize a peace officer, physician, or
18 medical security personnel to take a child into

19 custody, without a court order as required under
 20 section 232.78 and without the consent of a parent,
 21 guardian, or custodian provided that both of the
 22 following apply:"
 23 2. By renumbering as necessary.

McNEAL of Hardin
 HAMMOND of Story
 GRUNDBERG of Polk

H-5573

1 Amend Senate File 2222, as amended, passed, and
 2 reprinted by the Senate, as follows:

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

5 "Sec. _____. Section 142B.1, subsection 3, Code
 6 1993, is amended to read as follows:

7 3. "Public place" means any enclosed indoor area
 8 used by the general public or serving as a place of
 9 work containing two hundred fifty or more square feet
 10 of floor space, including, but not limited to, all
 11 restaurants with a seating capacity greater than
 12 fifty, all retail stores, lobbies and malls, offices,
 13 including waiting rooms, and other commercial
 14 establishments; public conveyances with departures,
 15 travel, and destination entirely within this state;
 16 educational facilities; hospitals, clinics, nursing
 17 homes, and other health care and medical facilities;
 18 child care centers, as defined in section 237A.1; and
 19 auditoriums, elevators, theaters, libraries, art
 20 museums, concert halls, indoor arenas, and meeting
 21 rooms. "Public place" does not include a retail store
 22 at which fifty percent or more of the sales result
 23 from the sale of tobacco or tobacco products, the
 24 portion of a retail store where tobacco or tobacco
 25 products are sold, a private, enclosed office occupied
 26 exclusively by smokers even though the office may be
 27 visited by nonsmokers, a room used primarily as the
 28 residence of students or other persons at an
 29 educational facility, a sleeping room in a motel or
 30 hotel, or each resident's room in a health care
 31 facility. The person in custody or control of the
 32 facility shall provide a sufficient number of rooms in
 33 which smoking is not permitted to accommodate all
 34 persons who desire such rooms.

35 Sec. _____. Section 142B.2, subsection 3, unnumbered
 36 paragraph 1, Code 1993, is amended to read as follows:

37 Where smoking areas are designated, existing
 38 physical barriers and existing ventilation systems
 39 shall be used to minimize the toxic effect of smoke in
 40 adjacent nonsmoking areas. In the case of public
 41 places consisting of a single room, the provisions of

42 this law shall be considered met if one side of the
43 room is reserved and posted as a no-smoking area. A
44 smoking area shall only be designated if transmission
45 of environmental tobacco smoke to adjacent areas can
46 be eliminated. No public place other than a bar shall
47 be designated as a smoking area in its entirety. If a
48 bar has within its premises a nonsmoking area, this
49 designation shall be posted on all entrances normally
50 used by the public.

Page 2

1 Sec. _____. Section 142B.2, Code 1993, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 5. The following conditions shall
4 apply to restaurants, as applicable, in order to
5 comply with this chapter:
6 a. A restaurant of any size or seating capacity
7 which designates the restaurant as a no-smoking area
8 in its entirety shall post signs in conspicuous areas
9 both inside and on the exterior of the building which
10 advise patrons of the no-smoking policy of the
11 restaurant.
12 b. A restaurant of any size or seating capacity
13 which offers both smoking and no-smoking areas in
14 accordance with the application of this chapter to
15 other public places shall comply with the requirements
16 under this chapter for a public place.
17 c. A restaurant of any size but with a seating
18 capacity of fewer than fifty seats may designate the
19 restaurant as a smoking-permitted restaurant by
20 designating the restaurant as a smoking area in its
21 entirety. A smoking-permitted restaurant shall post
22 signs, in conspicuous areas both inside and on the
23 exterior of the building, which advise patrons of the
24 smoking-permitted status of the restaurant. A
25 restaurant which is designated as a smoking-permitted
26 restaurant shall also issue a written health warning
27 to prospective and current employees which states that
28 due to the environment of the restaurant, the employee
29 may be working in a hazardous environment.
30 d. A restaurant which is held out to be a bar or a
31 bar may be designated as a smoking area in its
32 entirety. If the bar has within its premises a
33 nonsmoking area, the designation shall be posted on
34 all entrances normally used by the public. If the bar
35 is designated as a smoking area in its entirety, signs
36 designating this status shall be posted both inside
37 and on the exterior of the building. The bar shall
38 also issue a written health warning to prospective and
39 current employees which states that due to the
40 environment of the bar, the employee may be working in

41 a hazardous environment.

42 Sec. _____. Section 142B.4, Code 1993, is amended to
43 read as follows:

44 142B.4 AREAS POSTED.

45 A person having custody or control of a public
46 place or public meeting shall cause signs to be posted
47 within the appropriate areas of the facility advising
48 patrons of smoking and no-smoking areas. In addition
49 the statement "Smoking prohibited except in designated
50 areas" shall be conspicuously posted on all major

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1 entrances to the public place or public meeting. In
2 regard to restaurants, signs shall also be posted in
3 accordance with section 142B.2, subsection 5.

4 Sec. _____. Section 142B.6, unnumbered paragraph 1,
5 Code 1993, is amended to read as follows:

6 A person who smokes in those areas prohibited in
7 section 142B.2, or who violates section 142B.2,
8 142B.3, or 142B.4, shall pay a civil fine pursuant to
9 section 805.8, subsection 11, for each violation.

10 Sec. _____. Section 142B.6, unnumbered paragraph 3,
11 Code 1993, is amended by striking the unnumbered
12 paragraph.

13 Sec. _____. NEW SECTION. 142B.7 ENFORCEMENT.

14 The Iowa department of public health shall adopt
15 rules to enforce this chapter."

16 2. By renumbering as necessary.

BRAMMER of Linn

H-5577

1 Amend House File 2323 as follows:

2 1. Page 17, by inserting after line 20 the
3 following:

4 "Sec. _____. PROCEDURE FOR EXPENDITURE OF ADDITIONAL

5 FEDERAL FUNDS. If other federal grants, receipts, and
6 funds and other nonstate grants, receipts, and funds
7 become available or are awarded which are not
8 available or awarded during the period in which the
9 general assembly is in session, but which require
10 expenditure by the applicable department or agency
11 prior to March 15 of the fiscal year beginning July 1,
12 1994, and ending June 30, 1995, these grants,
13 receipts, and funds are appropriated to the extent
14 necessary, provided that the fiscal committee of the
15 legislative council is notified within thirty days of
16 receipt of the grants, receipts, or funds and the
17 fiscal committee of the legislative council has an
18 opportunity to comment on the expenditure of the
19 grants, receipts, or funds."

20	2. Page 17, line 28, by inserting after the word	
21	"law" the following: ", in the following amounts for	
22	the purposes indicated".	
23	3. Page 17, by inserting after line 28 the	
24	following:	
25	"1. For plant and animal disease and pest control,	
26	grant number 10025:	
27	.....	\$ 670,666
28	2. For assistance for intrastate meat and poultry,	
29	grant number 10475:	
30	.....	\$ 918,839
31	3. For farmers market nutrition program, grant	
32	number 10577:	
33	.....	\$ 320,647
34	4. For soil and water conservation, grant number	
35	10902:	
36	.....	\$ 190,300
37	5. For food and drug — research grants, grant	
38	number 13103:	
39	.....	\$ 166,241
40	6. For surface coal mining regulation, grant	
41	number 15250:	
42	.....	\$ 149,328
43	7. For abandoned mine land reclamation, grant	
44	number 15252:	
45	.....	\$ 2,204,461
46	8. For pesticide enforcement program, grant number	
47	66700:	
48	\$ 599,081
49	9. For pesticide certification program, grant	
50	number 66720:	

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1	\$ 59,050".
2	4. Page 18, line 15, by inserting after the word	
3	"law" the following: ", in the following amounts for	
4	the purposes indicated".	
5	5. Page 18, by inserting after line 15 the	
6	following:	
7	"1. For vocational rehabilitation — FICA, grant	
8	number 13802:	
9	.....	\$ 464,218
10	2. For assistive technology information network,	
11	grant number 84022:	
12	.....	\$ 22,980
13	3. For rehabilitation services — basic support,	
14	grant number 84126:	
15	.....	\$ 4,270,586
16	4. For rehabilitation training, grant number	
17	84129:	
18	.....	\$ 27,073

19	5. For centers for independent living, grant		
20	number 84132:		
21	.....	\$	123,319
22	6. For independent living project, grant number		
23	84169:		
24	.....	\$	49,077
25	7. For older blind, grant number 84177:		
26	.....	\$	194,060
27	8. For supported employment, grant number 84187:		
28	.....	\$	63,626".
29	6. Page 19, line 26, by inserting after the word		
30	"law" the following: ", in the following amounts for		
31	the purposes indicated".		
32	7. Page 19, by inserting after line 26 the		
33	following:		
34	"1. For historic preservation grants-in-aid, grant		
35	number 15904:		
36	.....	\$	490,100
37	2. For promotion of the arts — education, grant		
38	number 45003:		
39	.....	\$	110,200
40	3. For promotion of the arts — federal and state,		
41	grant number 45007:		
42	.....	\$	486,000
43	4. For promotion of the arts — special projects,		
44	grant number 45011:		
45	.....	\$	31,500".
46	8. Page 19, line 34, by inserting after the word		
47	"law" the following: ", in the following amounts for		
48	the purposes indicated".		
49	9. Page 19, by inserting after line 34 the		
50	following:		

Page 3

1	"1. For nutrition program for elderly, grant		
2	number 10570:		
3	.....	\$	2,090,803
4	2. For senior community service employment		
5	program, grant number 17235:		
6	.....	\$	1,008,816
7	3. For prevention of elder abuse, grant number		
8	93041:		
9	.....	\$	54,099
10	4. For preventive health, grant number 93043:		
11	.....	\$	215,025
12	5. For supportive services, grant number 93044:		
13	.....	\$	4,469,202
14	6. For nutrition, grant number 93045:		
15	.....	\$	5,761,049
16	7. For frail elderly, grant number 93046:		
17	.....	\$	90,296".

18 10. Page 20, line 7, by inserting after the word
19 "law" the following: ", in the following amounts for
20 the purposes indicated".
21 11. Page 20, by inserting after line 7 the
22 following:

23 "1. For Trade Expansion Act, grant number 11309:	
24	\$ 295,000
25 2. For child support enforcement, grant number	
26 13783:	
27	\$ 109,068
28 3. For employment statistics, grant number 17002:	
29	\$ 1,400,416
30 4. For research and statistics, grant number	
31 17005:	
32	\$ 95,421
33 5. For labor certification, grant number 17202:	
34	\$ 108,885
35 6. For employment service, grant number 17207:	
36	\$ 11,640,817
37 7. For unemployment insurance grant to state,	
38 grant number 17225:	
39	\$ 19,730,000
40 8. For occupational safety and health, grant	
41 number 17500:	
42	\$ 1,585,286
43 9. For disabled veterans outreach, grant number	
44 17801:	
45	\$ 1,016,101
46 10. For local veterans employment representation,	
47 grant number 17804:	
48	\$ 1,382,805
49 11. For unemployment insurance trust receipts,	
50 grant number 17998:	

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1	\$ 145,000,000".
2 12. Page 20, line 31, by inserting after the word	
3 "law" the following: ", in the following amounts for	
4 the purposes indicated".	
5 13. Page 20, by inserting after line 31 the	
6 following:	
7 "1. For juvenile justice and delinquency	
8 prevention, grant number 16540:	
9	\$ 545,924
10 2. For weatherization assistance, grant number	
11 81042:	
12	\$ 4,452,472
13 3. For client assistance, grant number 84161:	
14	\$ 108,100
15 4. For low-income home energy assistance, grant	
16 number 93568:	

17	.....	\$	25,214,357
18	5. For community services block grant, grant		
19	number 93572:		
20	.....	\$	4,330,117".
21	14. Page 21, line 4, by inserting after the word		
22	"law" the following: " , in the following amounts for		
23	the purposes indicated".		
24	15. Page 21, by inserting after line 4 the		
25	following:		
26	"1. For assistance for intrastate meat and		
27	poultry, grant number 10475:		
28	.....	\$	19,480
29	2. For food and drug — research grants, grant		
30	number 13103:		
31	.....	\$	5,819
32	3. For Title XVIII medicare inspections, grant		
33	number 13773:		
34	.....	\$	2,659,692
35	4. For state medicaid fraud control unit, grant		
36	number 13775:		
37	.....	\$	1,790
38	5. For state medicaid fraud control, grant number		
39	93775:		
40	.....	\$	293,376".
41	16. Page 21, line 34, by inserting after the word		
42	"law" the following: " , in the following amounts for		
43	the purposes indicated".		
44	17. Page 21, by inserting after line 34 the		
45	following:		
46	"1. For forestry incentive program, grant number		
47	10064:		
48	\$	985,000
49	2. For cooperative forestry assistance, grant		
50	number 10664:		

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1	\$	490,000
2	3. For surface coal mining regulation, grant		
3	number 15250:		
4	\$	28,128
5	4. For fish restoration, grant number 15605:		
6	.....	\$	4,715,400
7	5. For wildlife restoration, grant number 15611:		
8	.....	\$	2,300,000
9	6. For rare and endangered species conservation,		
10	grant number 15612:		
11	.....	\$	34,500
12	7. For acquisition, development, and planning,		
13	grant number 15916:		
14	.....	\$	500,000
15	8. For recreation boating safety financial		

16	assistance, grant number 20005:		
17	.....	\$	225,000
18	9. For Clean Lakes Act, grant number 66435:		
19	.....	\$	250,000
20	10. For consolidated environmental programs		
21	support, grant number 66600:		
22	.....	\$	8,091,391
23	11. For energy conservation, grant number 81041:		
24	.....	\$	297,274
25	12. For energy extension service, grant number		
26	81050:		
27	.....	\$	107,860
28	13. For grants for local government, grant number		
29	81052:		
30	.....	\$	323,066".
31	18. Page 22, line 21, by inserting after the word		
32	"law" the following: ", in the following amounts for		
33	the purposes indicated".		
34	19. Page 22, by inserting after line 21 the		
35	following:		
36	"1. For military operations — Army national		
37	guard, grant number 12991:		
38	.....	\$	7,301,305
39	2. For hazardous materials transport, grant number		
40	20703:		
41	.....	\$	146,993
42	3. For population protection planning, grant		
43	number 83211:		
44	.....	\$	254,373
45	4. For emergency management training, grant number		
46	83403:		
47	.....	\$	108,631
48	5. For emergency management assistance, grant		
49	number 83503:		
50	\$	897,619

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1	6. For state and local maintenance and service,		
2	grant number 83504:		
3	\$	52,200
4	7. For state disaster preparedness grants, grant		
5	number 83505:		
6	.....	\$	20,000
7	8. For state and local emergency operation		
8	centers, grant number 83512:		
9	.....	\$	2,100,000
10	9. For disaster assistance, grant number 83516:		
11	.....	\$	6,039,252
12	10. For hazard mitigation, grant number 83519:		
13	.....	\$	430,000".
14	20. Page 23, line 1, by inserting after the word		

15 "law" the following: ", in the following amounts for
16 the purposes indicated".

17 21. Page 23, by inserting after line 1 the
18 following:

19 "1. For agricultural experiment, grant number
20 10203:
21 \$ 3,870,819

22 2. For 1890 land grant colleges, grant number
23 10205:
24 \$ 50,000

25 3. For cooperative extension service, grant number
26 10500:
27 \$ 8,400,000

28 4. For school breakfast program, grant number
29 10553:
30 \$ 10,260

31 5. For school lunch program, grant number 10555:
32 \$ 211,398

33 6. For maternal and child health, grant number
34 13110:
35 \$ 105,435

36 7. For cancer treatment research, grant number
37 13395:
38 \$ 29,776

39 8. For general research, grant number 83500:
40 \$ 207,896,969

41 9. For education of handicapped children, grant
42 number 84009:
43 \$ 20,713

44 10. For handicapped — state grants, grant number
45 84027:
46 \$ 263,417".

47 22. Page 24, line 13, by inserting after the word
48 "law" the following: ", in the following amounts for
49 the purposes indicated".

50 23. Page 24, by inserting after line 13 the

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1 following:

2 "1. For department of housing and urban
3 development, grant number 14000:
4 \$ 19,292

5 2. For department of justice, grant number 16000:
6 \$ 400,000

7 3. For marijuana control, grant number 16580:
8 \$ 58,000

9 4. For state and community highway safety, grant
10 number 20600:
11 \$ 2,191,569".

12 24. Page 24, line 21, by inserting after the word
13 "law" the following: ", in the following amounts for

14 the purposes indicated".

15 25. Page 24, by inserting after line 21 the

16 following:

17 "1. For women, infants, and children, grant number

18 10557:

19 \$ 25,158,507

20 2. For food and drug — research grants, grant

21 number 13103:

22 \$ 12,582

23 3. For primary care services, grant number 13130:

24 \$ 61,148

25 4. For health services — grants and contracts,

26 grant number 13226:

27 \$ 303,756

28 5. For drug abuse research grant, grant number

29 13279:

30 \$ 97,270

31 6. For prevention disability, grant number 13283:

32 \$ 93,747

33 7. For treatment programs, grant number 13902:

34 \$ 242,784

35 8. For health programs for refugees, grant number

36 13987:

37 \$ 36,777

38 9. For alcohol and drug abuse block grant, grant

39 number 13992:

40 \$ 10,983,789

41 10. For radon control, grant number 66032:

42 \$ 261,450

43 11. For toxic substance compliance monitoring,

44 grant number 66701:

45 \$ 200,082

46 12. For asbestos enforcement program, grant number

47 66702:

48 \$ 184,480

49 13. For drug-free schools — communities, grant

50 number 84186:

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1 \$ 1,283,809

2 14. For consumer protection safety, grant number

3 87001:

4 \$ 17,600

5 15. For regional delivery systems, grant number

6 93110:

7 \$ 341,116

8 16. For PB control — elimination, grant number

9 93116:

10 \$ 93,412

11 17. For AIDS prevention project, grant number

12 93118:

13	.....	\$	948,613
14	18. For physician education, grant number 93161:		
15	.....	\$	315,151
16	19. For childhood lead, grant number 93197:		
17	.....	\$	305,672
18	20. For family planning projects, grant number		
19	93217:		
20	.....	\$	517,350
21	21. For immunization program, grant number 93268:		
22	.....	\$	630,370
23	22. For needs assessment grant, grant number		
24	93283:		
25	.....	\$	1,271,862
26	23. For model programs for adolescents, grant		
27	number 93902:		
28	.....	\$	710,408
29	24. For rural health, grant number 93913:		
30	.....	\$	49,489
31	25. For HIV cares grants, grant number 93917:		
32	.....	\$	110,588
33	26. For trauma care, grant number 93953:		
34	.....	\$	164,301
35	27. For preventive health services, grant number		
36	93977:		
37	.....	\$	392,399
38	28. For preventive health blocks, grant number		
39	93991:		
40	.....	\$	1,417,241
41	29. For maternal and child health block grant,		
42	grant number 93994:		
43	.....	\$	6,976,288".
44	26. Page 24, line 29, by inserting after the word		
45	"law" the following: ", in the following amounts for		
46	the purposes indicated".		
47	27. Page 24, by inserting after line 29 the		
48	following:		
49	"1. For food stamps, grant number 10551:		
50	\$	3,843,072

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1	2. For administration expense for food stamps,		
2	grant number 10561:		
3	\$	9,728,338
4	3. For commodity support food program, grant		
5	number 10565:		
6	.....	\$	312,671
7	4. For temporary emergency food assistance, grant		
8	number 10568:		
9	.....	\$	382,000
10	5. For child care planning and development, grant		
11	number 13673:		

12	.....	\$	14,281
13	6. For Title XVIII medicare inspections, grant		
14	number 13773:		
15	.....	\$	100,000
16	7. For foster grandparents program, grant number		
17	72001:		
18	.....	\$	359,097
19	8. For retired senior volunteer program, grant		
20	number 72002:		
21	.....	\$	23,844
22	9. For disaster assistance, grant number 83516:		
23	.....	\$	1,000,000
24	10. For projects with industries, grant number		
25	84128:		
26	.....	\$	462,765
27	11. For mental health, grant number 93125:		
28	.....	\$	105,679
29	12. For mental health training, grant number		
30	93244:		
31	.....	\$	483,849
32	13. For family support payments to states, grant		
33	number 93560:		
34	.....	\$	97,264,216
35	14. For job opportunities and basic skills		
36	training, grant number 93561:		
37	.....	\$	18,089,007
38	15. For child support enforcement, grant number		
39	93563:		
40	.....	\$	19,176,508
41	16. For refugee and entrant assistance, grant		
42	number 93566:		
43	.....	\$	3,787,734
44	17. For child care development block grant, grant		
45	number 93575:		
46	.....	\$	8,115,638
47	18. For developmental disabilities basic support,		
48	grant number 93630:		
49	\$	780,680
50	19. For children's justice, grant number 93643:		

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1	\$	171,347
2	20. For child welfare services, grant number		
3	93645:		
4	\$	4,199,900
5	21. For crisis nursery, grant number 93656:		
6	.....	\$	136,241
7	22. For foster care Title IV-E, grant number		
8	93658:		
9	.....	\$	16,378,702
10	23. For adoption assistance, grant number 93659:		

11	.....	\$	4,092,314
12	24. For social services block grant, grant number		
13	93667:		
14	.....	\$	31,975,889
15	25. For child abuse basic, grant number 93669:		
16	.....	\$	280,024
17	26. For child abuse challenge, grant number 93672:		
18	.....	\$	57,507
19	27. For development of dependent care, grant		
20	number 93673:		
21	.....	\$	50,601
22	28. For Title IV-E independent living, grant		
23	number 93674:		
24	.....	\$	481,440
25	29. For sexually transmitted disease control		
26	program, grant number 93777:		
27	.....	\$	2,387,500
28	30. For medical assistance, grant number 93778:		
29	.....	\$	772,626,577
30	31. For community mental health services, grant		
31	number 93958:		
32	.....	\$2,100,000".	
33	28. Page 25, line 2, by inserting after the word		
34	"law" the following: ", in the following amounts for		
35	the purposes indicated".		
36	29. Page 25, by inserting after line 2 the		
37	following:		
38	"1. For department of agriculture, grant number		
39	10000:		
40	.....	\$	128,580
41	2. For young adult conservation corps, grant		
42	number 10663:		
43	.....	\$	750,000
44	3. For state and local planning, grant number		
45	11305:		
46	.....	\$	50,000
47	4. For procurement office/department of defense,		
48	grant number 12600:		
49	\$	83,000
50	5. For community development block grant state		

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1	program, grant number 14228:		
2	\$	32,115,760
3	6. For national Affordable Housing Act, grant		
4	number 14239:		
5	.....	\$	10,637,714
6	7. For department of labor, grant number 17000:		
7	.....	\$	408,816
8	8. For Job Training Partnership Act, grant number		
9	17250:		

10	.....	\$	28,280,312
11	9. For small business administration tree program,		
12	grant number 59045:		
13	.....	\$	160,000".
14	30. Page 25, line 10, by inserting after the word		
15	"law" the following: ", in the following amounts for		
16	the purposes indicated".		
17	31. Page 25, by inserting after line 10 the		
18	following:		
19	"1. For airport improvement program — federal		
20	aviation administration, grant number 20106:		
21	.....	\$	100,000
22	2. For highway research, plan and construction,		
23	grant number 20205:		
24	.....	\$	281,014,000
25	3. For motor carrier safety assistance, grant		
26	number 20217:		
27	.....	\$	50,000
28	4. For local rail service assistance, grant number		
29	20308:		
30	.....	\$	400,000
31	5. For urban mass transportation, grant number		
32	20507:		
33	.....	\$	2,000,000".
34	32. Page 25, line 17, by inserting after the word		
35	"law" the following: ", in the following amounts for		
36	the purposes indicated".		
37	33. Page 25, by inserting after line 17 the		
38	following:		
39	"1. For school breakfast program, grant number		
40	10553:		
41	.....	\$	1,300,000
42	2. For school lunch program, grant number 10555:		
43	.....	\$	46,500,000
44	3. For special milk program for children, grant		
45	number 10556:		
46	.....	\$	200,000
47	4. For child care food program, grant number		
48	10558:		
49	\$	4,100,000
50	5. For summer food service for children, grant		

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1	number 10559:		
2	\$	300,000
3	6. For administration expenses for child		
4	nutrition, grant number 10560:		
5	.....	\$	1,887,921
6	7. For public telecommunication facilities, grant		
7	number 11550:		
8	.....	\$	45,000

9	8. For vocational rehabilitation — state	
10	supplementary assistance, grant number 13625:	
11	.....	\$ 588,317
12	9. For vocational rehabilitation — FICA, grant	
13	number 13802:	
14	.....	\$ 8,730,100
15	10. For Job Training Partnership Act, grant number	
16	17250:	
17	.....	\$ 178,000
18	11. For mine health and safety, grant number	
19	17600:	
20	.....	\$ 80,000
21	12. For veterans education, grant number 64111:	
22	.....	\$ 183,696
23	13. For asbestos enforcement program, grant number	
24	66702:	
25	.....	\$ 14,850
26	14. For adult education, grant number 84002:	
27	.....	\$ 2,293,233
28	15. For bilingual education, grant number 84003:	
29	.....	\$ 75,000
30	16. For civil rights, grant number 84004:	
31	.....	\$ 307,469
32	17. For education of handicapped children, grant	
33	number 84009:	
34	.....	\$ 600,000
35	18. For E.C.I.A. — chapter 1, grant number 84010:	
36	.....	\$ 45,951,194
37	19. For migrant education, grant number 84011:	
38	.....	\$ 270,991
39	20. For educationally deprived children, grant	
40	number 84012:	
41	.....	\$ 415,512
42	21. For education for neglected — delinquent	
43	children, grant number 84013:	
44	.....	\$ 266,680
45	22. For handicapped education, grant number 84025:	
46	.....	\$ 98,000
47	23. For handicapped — state grants, grant number	
48	84027:	
49	\$ 24,676,416
50	24. For handicapped professional preparation,	

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1	grant number 84029:	
2	\$ 118,000
3	25. For public library services, grant number	
4	84034:	
5	.....	\$ 1,184,117
6	26. For interlibrary cooperation, grant number	
7	84035:	

8	.....	\$	263,812
9	27. For vocational education — state grants,		
10	grant number 84048:		
11	.....	\$	9,676,906
12	28. For vocational education — consumer and		
13	homemaking, grant number 84049:		
14	.....	\$	32,078
15	29. For vocational education — state advisory		
16	councils, grant number 84053:		
17	.....	\$	168,643
18	30. For national diffusion network, grant number		
19	84073:		
20	.....	\$	95,405
21	31. For rehabilitation services — basic support,		
22	grant number 84126:		
23	.....	\$	12,859,978
24	32. For rehabilitation training, grant number		
25	84129:		
26	.....	\$	81,723
27	33. For chapter 2 block grant, grant number 84151:		
28	.....	\$	5,086,312
29	34. For public library construction, grant number		
30	84154:		
31	.....	\$	240,000
32	35. For transition services, grant number 84158:		
33	.....	\$	507,559
34	56. For emergency immigrant education, grant		
35	number 84162:		
36	.....	\$	33,405
37	57. For EESA Title II, grant number 84164:		
38	.....	\$	1,675,321
39	58. For independent living project, grant number		
40	84169:		
41	.....	\$	194,420
42	59. For education of handicapped — incentive,		
43	grant number 84173:		
44	.....	\$	4,337,839
45	60. For education of handicapped — infants and		
46	toddlers, grant number 84181:		
47	\$	1,705,171
48	61. For Byrd scholarship program, grant number		
49	84185:		
50	\$	113,950

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1	62. For drug free schools/communities, grant		
2	number 84186:		
3	\$	4,006,464
4	63. For supported employment, grant number 84187:		
5	.....	\$	268,632
6	64. For homeless youth and children, grant number		

7	84196:		
8	.....	\$	183,607
9	65. For star schools grant, grant number 84203:		
10	.....	\$	1,000,001
11	66. For even start, grant number 84213:		
12	.....	\$	557,824
13	67. For E.C.I.A. capital expense, grant number		
14	84216:		
15	.....	\$	495,884
16	68. For E.C.I.A. state improvements, grant number		
17	84218:		
18	.....	\$	180,000
19	69. For foreign language assistance, grant number		
20	84249:		
21	.....	\$	55,766
22	70. For literacy resource center, grant number		
23	84254:		
24	.....	\$	73,458
25	71. For AIDS prevention project, grant number		
26	93118:		
27	.....	\$	154,738
28	72. For headstart collaborative grant, grant		
29	number 93600:		
30	.....	\$	95,850
31	73. For serve America, grant number 94001:		
32	.....	\$	156,657".
33	34. Page 25, by inserting after line 25 the		
34	following:		
35	"Sec. _____. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE.		
36	Federal grants, receipts, and funds and other nonstate		
37	grants, receipts, and funds, available in whole or in		
38	part for the fiscal year beginning July 1, 1994, and		
39	ending June 30, 1995, are appropriated to the		
40	governor's alliance on substance abuse for the		
41	purposes set forth in the grants, receipts, or		
42	conditions accompanying the receipt of the funds,		
43	unless otherwise provided by law, in the following		
44	amount for the purpose indicated.		
45	For narcotics control assistance, grant number		
46	16579:		
47	.....	\$	6,500,001".
48	35. By renumbering, relettering, or redesignating		
49	and correcting internal references as necessary.		

BRUNKHORST of Bremer

H-5578

- 1 Amend House File 2386 as follows:
- 2 1. Page 17, by inserting after line 5 the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 724.30 RECKLESS USE OF A
- 5 FIREARM.

- 6 A person who recklessly discharges a firearm
 7 commits the following:
 8 1. A class "C" felony if a serious injury or over
 9 one thousand dollars of property damage occurs.
 10 2. A class "D" felony if a bodily injury which is
 11 not a serious injury or property damage of one
 12 thousand dollars or less occurs.
 13 3. An aggravated misdemeanor if no injury to a
 14 person or damage to property occurs."

OLLIE of Clinton

H-5582

- 1 Amend House File 647 as follows:
 2 1. Page 1, line 27, by inserting after the word
 3 "regulation." the following: "Alternative forms of
 4 regulation, if approved by the board, shall include a
 5 provision for earnings sharing."
 6 2. Page 1, line 29, by striking the words
 7 "earnings sharing,".

BRAND of Benton

H-5583

- 1 Amend House File 647 as follows:
 2 1. Page 1, by inserting after line 32 the
 3 following:
 4 "1A. The board shall adopt rules pursuant to
 5 chapter 17A establishing a formula for determining the
 6 amount of excess earnings of the utility under the
 7 approved plan. Of that amount, the utility board
 8 shall require that no less than twenty percent of the
 9 excess earnings identified under such formula be
 10 deposited by the utility into the state communications
 11 fund established in section 18.137 to be used for the
 12 payment of costs associated with Part III."
 13 2. By renumbering and correcting internal
 14 references as necessary.

BRAND of Benton

H-5585

- 1 Amend the amendment, H-5383, to House File 2411 as
 2 follows:
 3 1. Page 1, by striking lines 5 and 6 and
 4 inserting the following:
 5 "_____. By striking page 4, line 24, through page
 6 5, line 3, and inserting the following:
 7 "a. Merged Area I \$ 4,626,291
 8 b. Merged Area II \$ 5,571,802
 9 c. Merged Area III \$ 5,292,346
 10 d. Merged Area IV \$ 2,490,625

11	e.	Merged Area V.....	\$ 5,359,704
12	f.	Merged Area VI.....	\$ 4,990,470
13	g.	Merged Area VII.....	\$ 6,834,908
14	h.	Merged Area IX.....	\$ 8,680,496
15	i.	Merged Area X.....	\$ 13,473,463
16	j.	Merged Area XI.....	\$ 14,454,098
17	k.	Merged Area XII.....	\$ 5,651,988
18	l.	Merged Area XIII.....	\$ 5,851,009
19	m.	Merged Area XIV.....	\$ 2,586,787
20	n.	Merged Area XV.....	\$ 8,082,969
21	o.	Merged Area XVI.....	\$ 4,536,112”
22		2. By renumbering as necessary.	

BRAND of Benton

H-5588

- 1 Amend House File 2398 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 “Section 1. NEW SECTION. 232.5 JUVENILE JUSTICE
- 5 FUND.
- 6 A juvenile justice fund is established as a
- 7 separate fund in the state treasury under the control
- 8 of the department of human services. Funds in the
- 9 juvenile justice fund shall be used to fund juvenile
- 10 justice programs or activities.”
- 11 2. Page 1, line 9, by striking the words “prison
- 12 and jail” and inserting the following: “juvenile
- 13 justice”.
- 14 3. Page 1, line 16, by striking the words “prison
- 15 and jail” and inserting the following: “juvenile
- 16 justice”.
- 17 4. Page 1, line 27, by striking the words “prison
- 18 and jail” and inserting the following: “juvenile
- 19 justice”.
- 20 5. Page 1, line 34, by striking the words “prison
- 21 and jail” and inserting the following: “juvenile
- 22 justice”.
- 23 6. Page 2, line 8, by striking the words “PRISON
- 24 AND JAIL” and inserting the following: “JUVENILE
- 25 JUSTICE”.
- 26 7. Page 2, line 10, by striking the words “prison
- 27 and jail” and inserting the following: “juvenile
- 28 justice”.
- 29 8. By striking page 2, line 28 through page 3,
- 30 line 19 and inserting the following: “contrary,
- 31 proceeds from the surcharge shall be deposited in the
- 32 juvenile justice fund created in section 232.5.”
- 33 9. Title page, by striking lines 2 through 4 and
- 34 inserting the following: “forfeitures and providing
- 35 for the disposition of the proceeds for juvenile
- 36 justice.”

BRAMMER of Linn

H-5591

1 Amend Senate File 2074, as passed by the Senate, as
2 follows:

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

5 "Section 1001. Section 422.7, Code Supplement
6 1993, is amended by adding the following new
7 subsection:

8 NEW SUBSECTION. 29. For a person who is disabled,
9 or is fifty-five years of age or older, or is the
10 surviving spouse of an individual or a survivor having
11 an insurable interest in an individual who would have
12 qualified for the exemption under this subsection for
13 the tax year, subtract, to the extent included, the
14 total amount of a governmental or other pension,
15 retirement pay, annuity, or other similar periodic
16 payment made under a plan maintained or contributed to
17 by an employer, or maintained and contributed to by a
18 self-employed person as an employer, up to a maximum
19 of three thousand dollars for a person who files a
20 separate state income tax return, and up to a maximum
21 of six thousand dollars for a husband and wife who
22 file a joint state income tax return. However, a
23 surviving spouse who is not disabled or fifty-five
24 years of age or older can only exclude the amount of
25 annuities or other similar periodic payments received
26 as a result of the death of the other spouse."

27 2. Page 1, by striking line 30 and inserting the
28 following:

29 "Sec. _____. Section 1 of this Act, which amends
30 section 422.8, subsection 2, applies retroactively to
31 January 1, 1994,".

32 3. Page 1, line 31, by inserting after the word
33 "date." the following: "Section 1001 of this Act
34 takes effect January 1, 1996, for tax years beginning
35 on or after that date."

36 4. Title page, line 2, by inserting after the
37 word "nonresident" the following: "and resident".

HANSEN of Woodbury

H-5592

1 Amend Senate File 2092, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 33, through page 2,
4 line 6.

5 2. Title page, by striking lines 1 and 2 and
6 inserting the following: "An Act relating to the
7 osteopathic forgivable loan program".

NEUHAUSER of Johnson

H-5593

1 Amend Senate File 2057, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 6, by inserting after line 10 the
4 following:

5 "Sec. 106. Section 422.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 29. For a person who is disabled,
8 or is fifty-five years of age or older, or is the
9 surviving spouse of an individual or a survivor having
10 an insurable interest in an individual who would have
11 qualified for the exemption under this subsection for
12 the tax year, subtract, to the extent included, the
13 total amount of a governmental or other pension,
14 retirement pay, annuity, or other similar periodic
15 payment made under a plan maintained or contributed to
16 by an employer, or maintained and contributed to by a
17 self-employed person as an employer, up to a maximum
18 of three thousand dollars for a person who files a
19 separate state income tax return, and up to a maximum
20 of six thousand dollars for a husband and wife who
21 file a joint state income tax return. However, a
22 surviving spouse who is not disabled or fifty-five
23 years of age or older can only exclude the amount of
24 annuities or other similar periodic payments received
25 as a result of the death of the other spouse."

26 2. Page 17, line 3, by inserting after the figure
27 "15" the following: "and section 106".

28 3. Page 17, line 3, by striking the word
29 "applies" and inserting the following: "apply".

30 4. By renumbering and correcting internal
31 references as necessary.

HANSEN of Woodbury

H-5594

1 Amend Senate File 2057, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting after line 13 the
4 following:

5 "Sec. _____. Section 422.73, Code 1993, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. Notwithstanding subsection 2,
8 a claim for credit or refund of individual income tax
9 paid for any tax year beginning on or after January 1,
10 1985, and before January 1, 1989, is considered timely
11 if filed with the department on or before April 30,
12 1995, if the taxpayer's claim is the result of the
13 unconstitutional taxation of federal pension benefits
14 based upon the decision in *Davis v. Michigan*
15 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500

16 (1989).

17 A taxpayer entitled to a credit or refund of tax
18 paid under this subsection shall receive the credit or
19 refund within the time frame used for other retired
20 federal employees claiming a credit or refund of tax
21 unlawfully imposed on their federal pensions during
22 the same tax years."

O'BRIEN of Boone

H-5595

1 Amend House File 467 as follows:

2 1. Page 1, line 8, by inserting after the word
3 "interviews" the following: "every six months".

4 2. Page 1, line 13, by inserting after the word
5 "interviewing" the following: "or receiving
6 information from".

7 3. Page 1, by inserting after line 22 the
8 following:

9 "Sec. _____. Section 232.91, Code 1993, is amended
10 to read as follows:

11 232.91 PRESENCE OF PARENTS, FOSTER PARENTS, AND
12 GUARDIAN AD LITEM AT HEARINGS.

13 Any hearings or proceedings under this division
14 subsequent to the filing of a petition shall not take
15 place without the presence of the child's parent,
16 guardian, custodian, a foster parent who is made a
17 party to the proceeding, or guardian ad litem in
18 accordance with and subject to section 232.38. A
19 parent without custody may petition the court to be
20 made a party to proceedings under this division.

21 A foster parent may petition the court to be made a
22 party to proceedings under this division. Inclusion
23 of a foster parent as a party to the proceedings shall
24 entitle the foster parent to notice and an opportunity
25 to be heard at any hearings or proceedings, but shall
26 not entitle the foster parent to counsel under section
27 232.89."

28 4. Title page, line 1, by inserting after the
29 word "litem" the following: "and the presence and
30 participation of foster parents".

31 5. By renumbering as necessary.

JOCHUM of Dubuque

H-5597

1 Amend Senate File 2057, 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 001. Section 321.109, subsection 1, Code
6 Supplement 1993, is amended to read as follows:

7 1. a. The annual fee for all motor vehicles
8 including vehicles designated by manufacturers as
9 station wagons, and 1993 and subsequent model years
10 for multipurpose vehicles, except motor trucks, motor
11 homes, ambulances, hearses, motorcycles, motor
12 bicycles, and 1992 and older model years for
13 multipurpose vehicles, shall be equal to one percent
14 of the value as fixed by the department plus forty
15 cents for each one hundred pounds or fraction thereof
16 of weight of vehicle, as fixed by the department. The
17 weight of a motor vehicle, fixed by the department for
18 registration purposes, shall include the weight of a
19 battery, heater, bumpers, spare tire, and wheel.
20 Provided, however, that for

21 b. For any new vehicle purchased in this state by
22 a nonresident for removal to the nonresident's state
23 of residence, the purchaser may make application to
24 the county treasurer in the county of purchase for a
25 transit plate for which a fee of ten dollars shall be
26 paid. And provided, however, that for For any used
27 vehicle held by a registered dealer and not currently
28 registered in this state, or for any vehicle held by
29 an individual and currently registered in this state,
30 when purchased in this state by a nonresident for
31 removal to the nonresident's state of residence, the
32 purchaser may make application to the county treasurer
33 in the county of purchase for a transit plate for
34 which a fee of three dollars shall be paid. The
35 county treasurer shall issue a nontransferable
36 certificate of registration for which no refund shall
37 be allowed; and the transit plates shall be void
38 thirty days after issuance. Such purchaser may apply
39 for a certificate of title by surrendering the
40 manufacturer's or importer's certificate or
41 certificate of title, duly assigned as provided in
42 this chapter. In this event, the treasurer in the
43 county of purchase shall, when satisfied with the
44 genuineness and regularity of the application, and
45 upon payment of a fee of ten dollars, issue a
46 certificate of title in the name and address of the
47 nonresident purchaser delivering the same to the
48 person entitled to the title as provided in this
49 chapter. The provisions of this subsection relating
50 to multipurpose vehicles are effective January 1,

Page 2

1 1993, for all 1993 and subsequent model years. The
2 annual registration fee for multipurpose vehicles that
3 are 1992 model years and older shall be in accordance
4 with section 321-124.

5 The annual registration fee for a multipurpose

6 vehicle with permanently installed equipment
 7 manufactured for and necessary to assist a disabled
 8 person who is either the owner or a member of the
 9 owner's household in entry and exit of the vehicle or
 10 for a multipurpose vehicle if the vehicle's owner or a
 11 member of the vehicle owner's household uses a
 12 wheelchair as the only means of mobility shall be
 13 sixty dollars. For purposes of this unnumbered
 14 paragraph, "uses a wheelchair" does not include use of
 15 a wheelchair due to a temporary injury or medical
 16 condition.

17 Sec. 002. Section 321.124, subsection 3,
 18 unnumbered paragraph 1, Code Supplement 1993, is
 19 amended to read as follows:

20 The annual registration fee for motor homes and
 21 1992 and older model years for multipurpose vehicles
 22 is as follows:

23 Sec. 003. Section 321.124, subsection 3, paragraph
 24 h, Code Supplement 1993, is amended to read as
 25 follows:

26 h. For multipurpose vehicles in accordance with
 27 the following:

28 (1) Two hundred dollars for registration for the
 29 first and second model years.

30 (2) One hundred seventy-five dollars for
 31 registration for the third and fourth model years.

32 (3) One hundred fifty dollars for registration for
 33 the fifth model year.

34 (4) (1) Seventy-five dollars for registration for
 35 the sixth model each year through five model years.

36 (5) (2) Fifty-five dollars for registration for
 37 each succeeding model year.

38 (6) The annual registration fee for a multipurpose
 39 vehicle with permanently installed equipment
 40 manufactured for and necessary to assist a disabled
 41 person who is either the owner or a member of the
 42 owner's household in entry and exit of the vehicle or
 43 for a multipurpose vehicle if the vehicle's owner or a
 44 member of the vehicle owner's household uses a
 45 wheelchair as the only means of mobility shall be
 46 sixty dollars. For purposes of this subparagraph,
 47 "uses a wheelchair" does not include use of a
 48 wheelchair due to a temporary injury or medical
 49 condition.

50 The registration fees required by this lettered

Page 3

1 paragraph are applicable to all 1992 and older model
 2 years for multipurpose vehicles beginning January 1,
 3 1993. The registration fees for multipurpose vehicles
 4 that are 1993 and subsequent model years shall be in

5 accordance with section 321.100.

6 For purposes of determining that portion of the
7 annual registration fee which is based upon the value
8 of the multipurpose vehicle, sixty percent of the
9 annual fee is attributable to the value of the
10 vehicle."

11 2. Page 6, by inserting after line 10 the
12 following:

13 "Sec. 401. Section 422.9, subsection 2, paragraphs
14 g and h, Code 1993, are amended by striking the
15 paragraphs."

16 3. Page 8, by inserting after line 8 the
17 following:

18 "Sec. 501. Section 422.35, subsection 15, Code
19 1993, is amended by striking the subsection."

20 4. Page 17, by inserting after line 9 the
21 following:

22 "Sec. _____. Sections 001, 002, 003, 401, and 501 of
23 this Act take effect January 1, 1995, and are
24 applicable to tax years beginning on or after January
25 1, 1995."

26 5. By renumbering and correcting internal
27 references as necessary.

BERNAU of Story

H-5601

1 Amend Senate File 2056, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 25B.2, Code 1993, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 3. If, on or after the effective
8 date of this Act, a state mandate is enacted by the
9 general assembly, or otherwise imposed, on a political
10 subdivision and the state mandate requires a political
11 subdivision to engage in any new activity, to provide
12 any new service, or to provide any service beyond that
13 required by any law enacted prior to the effective
14 date of this Act, and the state does not appropriate
15 moneys to fully fund the cost of the state mandate,
16 the political subdivision is not required to perform
17 the activity or provide the service and the political
18 subdivision shall not be subject to the imposition of
19 any fines or penalties for the failure to comply with
20 the state mandate. However, this subsection does not
21 apply to any requirement imposed on a political
22 subdivision relating to public employee retirement
23 systems under chapters 97B, 410, and 411.

24 For the purposes of this subsection, any
25 requirement originating from the federal government

26 and administered, implemented, or enacted by the
 27 state, or any allocation of federal moneys conditioned
 28 upon enactment of a state law or rule, is not a state
 29 mandate."

30 2. Title page, line 1, by inserting after the
 31 word "to" the following: "state mandates and to".

32 3. By renumbering as necessary.

Committee on Local Government

H-5606

1 Amend Senate File 2057, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 14 the
 4 following:

5 "Sec. 160. Section 453A.42, subsection 5,
 6 paragraph c, Code 1993, is amended to read as follows:

7 c. Either weighs not more than ~~three~~ four pounds
 8 per thousand, irrespective of retail price, or weighs
 9 more than ~~three~~ four pounds per thousand and has a
 10 retail price of not more than ~~two and one-half~~ four
 11 cents per little cigar. For purposes of this
 12 subsection, the retail price is the ordinary retail
 13 price in this state, not including retail sales tax,
 14 use tax, or the tax on little cigars imposed by
 15 section 453A.43."

16 2. Page 17, by inserting after line 9 the
 17 following:

18 "Sec. _____. Section 160 of this Act, being deemed
 19 of immediate importance, takes effect upon enactment."

HANSON of Delaware

H-5607

1 Amend the amendment, H-5594, to Senate File 2057,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, lines 11 and 12, by striking the word
 5 and figures "April 30, 1995" and inserting the
 6 following: "August 1, 1994".

7 2. Page 1, by striking lines 19 through 22 and
 8 inserting the following: "refund within four years.
 9 Any claims for refund shall be payable from the
 10 federal retirees refund account, to the extent funds
 11 are available, as established in section 422.105.

12 Sec. _____. **NEW SECTION. 422.105 FEDERAL RETIREES**
 13 **REFUND ACCOUNT.**

14 The department shall establish a federal retirees
 15 refund account for the purpose of paying the refund
 16 claims of federal retirees pursuant to section 422.73,
 17 subsection 8. Funds in the account shall be as a
 18 result of a line item appropriation. If funds in the
 19 account are insufficient to pay all refund claims, the
 20 department shall prorate the available funds."

RANTS of Woodbury

H-5609

1 Amend House File 2386 as follows:

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

4 "Sec. _____. Section 299.5A, unnumbered paragraph 4,
5 Code 1993, is amended to read as follows:

6 The school district shall be responsible for
7 monitoring any agreements arrived at through
8 mediation. If a parent, guardian, or legal or actual
9 custodian, or the child refuses to engage in mediation
10 or violates a term of the agreement, the matter shall
11 be rereferred to the county attorney for prosecution
12 under section 299.6. The county attorney's office or
13 the mediation service shall require the parent,
14 guardian, or legal or actual custodian and the school
15 to pay a fee to help defray the administrative cost of
16 mediation services. The county attorney's office or
17 the mediation service shall establish a sliding scale
18 of fees to be charged parents, guardians, and legal or
19 actual custodians based upon ability to pay. A
20 parent, guardian, or legal or actual custodian shall
21 not be denied the services of a mediator solely
22 because of inability to pay the fee."

23 2. By renumbering as necessary.

OLLIE of Clinton

H-5610

1 Amend House File 2414 as follows:

2 1. Page 15, by inserting after line 12 the
3 following:

4 "Sec. 160. Section 453A.42, subsection 5,
5 paragraph c, Code 1993, is amended to read as follows:

6 c. Either weighs not more than three four pounds
7 per thousand, irrespective of retail price, or weighs
8 more than three four pounds per thousand and has a
9 retail price of not more than two and one-half four
10 cents per little cigar. For purposes of this
11 subsection, the retail price is the ordinary retail
12 price in this state, not including retail sales tax,
13 use tax, or the tax on little cigars imposed by
14 section 453A.43."

15 2. Page 17, by inserting after line 7 the
16 following:

17 "Sec. _____. Section 160 of this Act, being deemed
18 of immediate importance, takes effect upon enactment."

HANSON of Delaware

H-5612

1 Amend Senate File 2307, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 25 the
4 following:

5 "Sec. _____. Section 633.197, Code 1993, is amended
6 to read as follows:

7 633.197 COMPENSATION.

8 1. Personal representatives shall be allowed such
9 reasonable fees as may be determined by the court for
10 services rendered, but not in excess of the following
11 commissions upon the gross value of the assets of the
12 estate listed in the probate inventory for Iowa
13 inheritance tax purposes, which shall be received as
14 full compensation for all ordinary services:

15 a. For the first one thousand dollars, six
16 percent;

17 b. For the overplus between one and five thousand
18 dollars, four percent;

19 c. For all sums over five thousand dollars, two
20 percent.

21 2. As used in this section, the value of the
22 assets of the estate shall be the total value of all
23 the assets of the estate listed in the probate
24 inventory for Iowa inheritance tax purposes less the
25 total amount of any debts incurred by the decedent."

HALVORSON of Clayton

H-5613

1 Amend the amendment, H-5564, to Senate File 2074,
2 as passed by the Senate as follows:

3 1. Page 1, lines 11 and 12, by striking the word
4 and figures "April 30, 1995" and inserting the
5 following: "August 1, 1994".

6 2. Page 1, by striking lines 19 through 22 and
7 inserting the following: "refund within four years.
8 Any claims for refund shall be payable from the
9 federal retirees refund account, to the extent funds
10 are available, as established in section 422.105.

11 Sec. _____. **NEW SECTION. 422.105 FEDERAL RETIREES**
12 **REFUND ACCOUNT.**

13 The department shall establish a federal retirees
14 refund account for the purpose of paying the refund
15 claims of federal retirees pursuant to section 422.73,
16 subsection 8. Funds in the account shall be as a
17 result of a line item appropriation. If funds in the
18 account are insufficient to pay all refund claims, the
19 department shall prorate the available funds." "

RANTS of Woodbury

H-5614

1 Amend Senate File 2137, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 357.2, Code 1993, is amended
6 to read as follows:

7 357.2 TERRITORY INCLUDED.

8 The benefited water district may include part or
9 all of any incorporated city or cities, together with
10 or without contiguous or noncontiguous territory
11 including cemeteries and all publicly owned land. The
12 boundaries of the district shall be drawn so that an
13 election may be administered within the district." The
14 publicly owned property shall pay and bear its
15 proportionate share of the cost and expense of the
16 water system upon the same basis as privately owned
17 property."

18 2. Page 2, by inserting after line 7 the
19 following:

20 "Sec. _____. Section 357A.2, subsection 1, Code
21 1993, is amended to read as follows:

22 1. The location of the area, describing such area
23 to be served or specifying the area by an attached
24 map. The boundaries of the district shall be drawn so
25 that an election may be administered within the
26 district."

27 3. Title page, line 2, by inserting after the
28 word "district" the following: "and the drawing of
29 water district boundaries".

VANDE HOEF of Osceola

H-5615

1 Amend Senate File 2194, as passed by the Senate, as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "process." the following: "Additionally, the rules
5 adopted by the department for health care facilities
6 which provide services to persons with brain injury
7 shall include recognition, in lieu of inspection by
8 the department, of comparable inspections and
9 inspection findings of the commission on accreditation
10 of rehabilitation facilities, if the department is
11 provided with copies of all requested materials
12 relating to the inspection process."

13 2. Page 1, line 14, by inserting after the word
14 "organizations" the following: "and health care
15 facilities which provide services to persons with
16 brain injury which are accredited by the commission on
17 accreditation of rehabilitation facilities".

18 3. Title page, line 2, by inserting after the
19 word "facilities" the following: "and for health care
20 facilities which provide services to persons with
21 brain injury".

HESTER of Pottawattamie

H-5616

1 Amend the amendment, H-5566, to House File 2188 as
2 follows:

3 1. Page 1, lines 10 and 11, by striking the word
4 and figures "April 30, 1995" and inserting the
5 following: "August 1, 1994".

6 2. Page 1, by striking lines 18 through 21 and
7 inserting the following: "refund within four years.
8 Any claims for refund shall be payable from the
9 federal retirees refund account, to the extent funds
10 are available, as established in section 422.105.

11 Sec. _____. NEW SECTION. 422.105 FEDERAL RETIREES
12 REFUND ACCOUNT.

13 The department shall establish a federal retirees
14 refund account for the purpose of paying the refund
15 claims of federal retirees pursuant to section 422.73,
16 subsection 8. Funds in the account shall be as a
17 result of a line item appropriation. If funds in the
18 account are insufficient to pay all refund claims, the
19 department shall prorate the available funds." "

RANTS of Woodbury

H-5619

1 Amend the amendment, H-5564, to Senate File 2074,
2 as passed by the Senate, as follows:

3 1. Page 1, lines 11 and 12, by striking the word
4 and figures "April 30, 1995" and inserting the
5 following: "August 1, 1994".

6 2. Page 1, by striking lines 19 through 22 and
7 inserting the following: "refund within four years.
8 The amount of credit or refund shall be equally spread
9 over those four years. Any claims for refund shall be
10 payable from the special refund account established in
11 section 422.105.

12 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
13 ACCOUNT.

14 The department shall establish a special refund
15 account for the purpose of paying the refund claims of
16 federal retirees pursuant to section 422.73,
17 subsection 8. There is appropriated annually from the
18 general fund of the state an amount sufficient to pay
19 the refund claims of these federal retirees." "

O'BRIEN of Boone

H-5621

1 Amend House File 2418 as follows:

2 1. Page 5, by inserting after line 6 the
3 following:

4 "Sec. _____. Section 97A.6, subsection 14, paragraph
5 a, subparagraphs (1) and (2), Code 1993, are amended
6 to read as follows:

7 (1) ~~Twenty-five~~ Thirty percent for members
8 receiving a service retirement allowance and for
9 beneficiaries receiving a pension under subsection 9
10 of this section. However, effective July 1, 1990, for
11 members who retired before that date, thirty percent
12 shall be the applicable percentage for members and
13 beneficiaries under this subparagraph.

14 (2) ~~Twenty-five~~ Thirty percent for members with
15 five or more years of membership service 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 2. Page 6, line 22, by striking the word "thirty-
22 five" and inserting the following: "forty-five".

23 3. Page 6, line 27, by striking the word "thirty-
24 five" and inserting the following: "forty-five".

25 4. Page 8, by inserting after line 24 the follow-
26 ing:

27 "Sec. _____. Section 97A.8, subsection 1, Code 1993,
28 is amended by adding the following new paragraph:

29 **NEW PARAGRAPH.** i. (1) Notwithstanding paragraph
30 "g" or other provisions of this chapter, beginning
31 January 1, 1995, member contributions required under
32 paragraph "f" or "h" which are picked up by the
33 department shall be considered employer contributions
34 for federal income tax purposes, and the department
35 shall pick up the member contributions to be made
36 under paragraph "f" or "h" by its employees. The
37 department shall pick up these contributions by
38 reducing the salary of each of its employees covered
39 by this chapter by the amount which each employee is
40 required to contribute under paragraph "f" or "h" and
41 shall certify the amount picked up in lieu of the
42 member contributions to the department of revenue and
43 finance. The department of revenue and finance shall
44 forward the amount of the contributions picked up to
45 the board of trustees for recording and deposit in the
46 pension accumulation fund.

47 (2) Member contributions picked up by the
48 department under subparagraph (1) shall be treated as
49 employer contributions for federal income tax purposes
50 only and for all other purposes of this chapter and

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1 the laws of this state shall be treated as employee
 2 contributions and deemed part of the employee's
 3 earnable compensation or salary."

4 5. Page 37, by inserting after line 7 the
 5 following:

6 "Sec. _____. Section 411.6, subsection 12, paragraph
 7 a, subparagraphs (1) and (2), Code 1993, are amended
 8 to read as follows:

9 (1) ~~Twenty-five~~ Thirty percent for members
 10 receiving a service retirement allowance and for
 11 beneficiaries receiving a pension under subsection 9
 12 of this section. ~~However, effective July 1, 1990, for~~
 13 ~~members who retired before that date, thirty percent~~
 14 ~~shall be the applicable percentage for members and~~
 15 ~~beneficiaries under this subparagraph.~~

16 (2) ~~Twenty-five~~ Thirty percent for members with
 17 five or more years of membership service 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 6. Page 38, line 23, by striking the word
 24 "~~thirty-five~~" and inserting the following: "forty-
 25 five".

26 7. Page 38, line 27, by striking the word
 27 "~~thirty-five~~" and inserting the following: "forty-
 28 five".

29 8. Page 39, line 1, by striking the word "~~thirty-~~
 30 ~~five~~" and inserting the following: "forty-five".

31 9. Page 41, by inserting after line 11 the
 32 following:

33 "Sec. _____. Section 411.8, subsection 1, Code 1993,
 34 is amended by adding the following new paragraph:

35 NEW PARAGRAPH. i. (1) Notwithstanding paragraph
 36 "g" or other provisions of this chapter, beginning
 37 January 1, 1995, member contributions required under
 38 paragraph "f" or "h" which are picked up by the city
 39 shall be considered employer contributions for federal
 40 income tax purposes, and each city shall pick up the
 41 member contributions to be made under paragraph "f" or
 42 "h" by its employees. Each city shall pick up these
 43 contributions by reducing the salary of each of its
 44 employees covered by this chapter by the amount which
 45 each employee is required to contribute under
 46 paragraph "f" or "h" and shall pay the amount picked
 47 up in lieu of the member contributions to the board of
 48 trustees for recording and deposit in the fund.

49 (2) Member contributions picked up by each city
 50 under subparagraph (1) shall be treated as employer

Page 3

1 contributions for federal income tax purposes only and
2 for all other purposes of this chapter and the laws of
3 this state shall be treated as employee contributions
4 and deemed part of the employee's earnable
5 compensation or salary.

6 Sec. _____. Section 422.7, Code Supplement 1993, is
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 29. Add, to the extent not
9 included, the amount of the taxpayer's employee
10 contributions picked up by the taxpayer's employer
11 under chapter 97A or 411. The director shall by rule
12 provide a formula to exclude income, to the extent
13 included, from adjusted gross income amounts added
14 under this subsection which are subsequently returned
15 to the taxpayer as retirement benefits or otherwise."

16 10. Page 50, by striking lines 17 through 28.

17 11. Page 52, by inserting after line 26 the
18 following:

19 "_____. The section of this Act which amends section
20 422.7 by enacting a new subsection 29 takes effect
21 January 1, 1995, and applies to tax years beginning on
22 or after January 1, 1995."

23 12. Title page, line 1, by inserting after the
24 word "systems," the following: "providing for the
25 payment of employee contributions under certain public
26 retirement systems for certain tax purposes,".

27 13. By renumbering and correcting internal
28 references as necessary.

RENAUD of Polk

H-5622

1 Amend House File 2048 as follows:

2 1. Page 1, line 7, by striking the word and
3 figures "April 30, 1995" and inserting the following:
4 "August 1, 1994".

5 2. Page 1, by striking lines 13 through 15 and
6 inserting the following: "next four years. The
7 amount of credit or refund shall be equally spread
8 over those four years. Any claims for refund shall be
9 payable from the special refund account established in
10 section 422.105.

11 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
12 ACCOUNT.

13 The department shall establish a special refund
14 account for the purpose of paying the refund claims of
15 federal retirees pursuant to section 422.73,
16 subsection 8. There is appropriated annually from the
17 general fund of the state an amount sufficient to pay
18 the refund claims of these federal retirees."

O'BRIEN of Boone

H-5623

1 Amend the amendment, H-5566, to House File 2188 as
2 follows:

3 1. Page 1, lines 10 and 11, by striking the word
4 and figures "April 30, 1995" and inserting the
5 following: "August 1, 1994".

6 2. Page 1, by striking lines 18 through 21 and
7 inserting the following: "refund within four years.
8 The amount of credit or refund shall be equally spread
9 over those four years. Any claims for refund shall be
10 payable from the special refund account established in
11 section 422.105.

12 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
13 ACCOUNT.

14 The department shall establish a special refund
15 account for the purpose of paying the refund claims of
16 federal retirees pursuant to section 422.73,
17 subsection 8. There is appropriated annually from the
18 general fund of the state an amount sufficient to pay
19 the refund claims of these federal retirees." "

O'BRIEN of Boone

H-5624

1 Amend the amendment, H-5190, to House File 2351 as
2 follows:

3 1. Page 1, lines 10 and 11, by striking the word
4 and figures "April 30, 1995" and inserting the
5 following: "August 1, 1994".

6 2. Page 1, by striking lines 18 through 21 and
7 inserting the following: "refund within four years.
8 The amount of credit or refund shall be equally spread
9 over those four years. Any claims for refund shall be
10 payable from the special refund account established in
11 section 422.105.

12 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
13 ACCOUNT.

14 The department shall establish a special refund
15 account for the purpose of paying the refund claims of
16 federal retirees pursuant to section 422.73,
17 subsection 8. There is appropriated annually from the
18 general fund of the state an amount sufficient to pay
19 the refund claims of these federal retirees." "

O'BRIEN of Boone

H-5625

1 Amend the amendment, H-5486, to House File 2414 as
2 follows:

3 1. Page 1, lines 10 and 11, by striking the word
4 and figures "April 30, 1995" and inserting the

5 following: "August 1, 1994".

6 2. Page 1, by striking lines 18 through 21 and
7 inserting the following: "refund within four years.
8 The amount of credit or refund shall be equally spread
9 over those four years. Any claims for refund shall be
10 payable from the special refund account established in
11 section 422.105.

12 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
13 ACCOUNT.

14 The department shall establish a special refund
15 account for the purpose of paying the refund claims of
16 federal retirees pursuant to section 422.73,
17 subsection 8. There is appropriated annually from the
18 general fund of the state an amount sufficient to pay
19 the refund claims of these federal retirees." "

O'BRIEN of Boone

H-5626

1 Amend House File 2418 as follows:

2 1. Page 6, by striking lines 19 through 31.

3 2. Page 38, by striking line 21 and inserting the
4 following: "subparagraph (8), Code 1993, is amended
5 to read".

6 3. Page 38, by striking lines 23 through 30.

7 4. Page 39, by striking line 1 and inserting the
8 following: "shall be established at nine and one-
9 tenth percent."

10 5. Page 39, by striking lines 2 through 14 and
11 inserting the following: "However, the system shall
12 increase the member's contribution rate as necessary
13 to cover any increase in cost to the system resulting
14 from statutory changes which are enacted by any
15 session of the general assembly meeting after January
16 1, 1991, if the increase cannot be absorbed within the
17 contribution rates otherwise established pursuant to
18 this paragraph, but subject to a maximum employee
19 contribution rate of eleven and three-tenths percent.
20 After the employee contribution reaches eleven and
21 three-tenths percent, sixty percent of the additional
22 cost of such statutory changes shall be paid by
23 employers under paragraph "c" and forty percent of the
24 additional cost shall be paid by employees under this
25 paragraph."

26 6. By renumbering as necessary.

RENAUD of Polk

H-5629

1 Amend the amendment, H-5594, to Senate File 2057,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, lines 11 and 12, by striking the word
5 and figures "April 30, 1995" and inserting the
6 following: "August 1, 1994".

7 2. Page 1, by striking lines 19 through 22 and
8 inserting the following: "refund within four years.
9 The amount of credit or refund shall be equally spread
10 over those four years. Any claims for refund shall be
11 payable from the special refund account established in
12 section 422.105.

13 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
14 ACCOUNT.

15 The department shall establish a special refund
16 account for the purpose of paying the refund claims of
17 federal retirees pursuant to section 422.73,
18 subsection 8. There is appropriated annually from the
19 general fund of the state an amount sufficient to pay
20 the refund claims of these federal retirees." "

O'BRIEN of Boone

H-5630

1 Amend Senate File 2217, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 35 the
4 following:

5 "Sec. _____. Section 22.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. Personal information
8 contained in state department of transportation
9 records relating to motor vehicle registration, other
10 than commercial motor vehicle records. Personal
11 information includes, but is not limited to the name,
12 address, and telephone number of the owner of the
13 vehicle. However, this subsection does not apply to
14 such personal information which is used by state
15 department of transportation employees or by law
16 enforcement, fire department, or emergency medical
17 services personnel."

18 2. Page 13, by inserting after line 10 the
19 following:

20 "Sec. _____. Section 321.11, Code 1993, is amended by
21 adding the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. However, personal
23 information contained in records relating to motor
24 vehicle registration, other than commercial motor
25 vehicle records, shall be for the confidential use of
26 the department and law enforcement, fire department,
27 and emergency medical services personnel. Personal
28 information includes, but is not limited to the name,
29 address, and telephone number of the owner of the
30 vehicle."

31 3. By renumbering as necessary.

McNEAL of Hardin
SPENNER of Henry
MYERS of Johnson

H-5631

1 Amend House File 2411 as follows:

2 1. Page 19, by inserting after line 35 the
3 following:

4 "Sec. _____. Section 261C.6, unnumbered paragraph 1,
5 Code Supplement 1993, is amended to read as follows:

6 An eligible pupil who has successfully completed
7 and received credit for a course taken at an eligible
8 postsecondary institution may make application to the
9 school district of residence for tuition reimbursement
10 not later than June 15 of the school year in which the
11 postsecondary course credit was received. Not later
12 than June 30 of each year, a A school district shall
13 may pay a tuition reimbursement amount to an eligible
14 postsecondary institution that has enrolled its
15 resident eligible pupils under this chapter. However,
16 if the pupil who enrolls in an eligible postsecondary
17 institution under this chapter qualifies for free or
18 reduced price lunches under the federal National
19 School Lunch Act or the federal Child Nutrition Act of
20 1966, 42 U.S.C. § 1751-1785, the school district shall
21 pay a tuition reimbursement amount not later than June
22 30 to the eligible postsecondary institution that has
23 enrolled its resident eligible pupil under this
24 chapter. For pupils enrolled at the school for the
25 deaf and the Iowa braille and sight saving school, the
26 state board of regents shall pay a tuition
27 reimbursement amount by June 30 of each year. The
28 amount of tuition reimbursement for each separate
29 course shall equal the lesser of:"

30 2. Page 22, by inserting after line 29 the
31 following:

32 "Sec. _____. Section 261C.8, Code Supplement 1993,
33 is repealed."

34 3. By renumbering as necessary.

MEYER of Sac

H-5632

1 Amend House File 647 as follows:

2 1. Page 4, by striking lines 18 through 27.

3 2. Renumber as necessary.

HALVORSON of Webster

H-5638

1 Amend Senate File 2308, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 6 through 16 and
4 inserting the following: "the part. The director may
5 order the party responsible for dumping or depositing,

6 permitting the dumping or depositing, or maintaining
 7 or allowing solid waste to remain in violation of
 8 subsection 1, to clean up the site and dispose of the
 9 waste at an approved sanitary disposal site. The
 10 attorney general shall, on request of".

Committee on Energy and Environmental Protection

H-5639

1 Amend House File 2386 as follows:

2 1. Page 17, by inserting after line 5 the
 3 following:

4 "Sec. _____. NEW SECTION. 724.30 RECKLESS USE OF A
 5 FIREARM.

6 A person who intentionally discharges a firearm in
 7 a reckless manner commits the following:

8 1. A class "C" felony if a serious injury or over
 9 one thousand dollars of property damage occurs.

10 2. A class "D" felony if a bodily injury which is
 11 not a serious injury or property damage of one
 12 thousand dollars or less occurs.

13 3. A simple misdemeanor if no injury to a person
 14 or damage to property occurs."

OLLIE of Clinton
 WEIDMAN of Cass

H-5641

1 Amend House File 2418 as follows:

2 1. Page 8, by inserting after line 24 the
 3 following:

4 "Sec. _____. Section 97A.8, subsection 1, Code 1993,
 5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. i. (1) Notwithstanding paragraph
 7 "g" or other provisions of this chapter, beginning
 8 January 1, following the submission by the board of
 9 trustees of an application to the federal internal
 10 revenue service requesting qualification in accordance
 11 with the requirements of the Internal Revenue Code, as
 12 defined in section 422.3, member contributions
 13 required under paragraph "f" or "h" which are picked
 14 up by the department shall be considered employer
 15 contributions for federal and state income tax
 16 purposes, and the department shall pick up the member
 17 contributions to be made under paragraph "f" or "h" by
 18 its employees. The department shall pick up these
 19 contributions by reducing the salary of each of its
 20 employees covered by this chapter by the amount which
 21 each employee is required to contribute under
 22 paragraph "f" or "h" and shall certify the amount
 23 picked up in lieu of the member contributions to the

24 department of revenue and finance. The department of
 25 revenue and finance shall forward the amount of the
 26 contributions picked up to the board of trustees for
 27 recording and deposit in the pension accumulation
 28 fund.

29 (2) Member contributions picked up by the
 30 department under subparagraph (1) shall be treated as
 31 employer contributions for federal and state income
 32 tax purposes only and for all other purposes of this
 33 chapter shall be treated as employee contributions and
 34 deemed part of the employee's earnable compensation and
 35 salary."

36 2. Page 41, by inserting after line 11 the
 37 following:

38 "Sec. _____. Section 411.8, subsection 1, Code 1993,
 39 is amended by adding the following new paragraph:
 40 NEW PARAGRAPH. i. (1) Notwithstanding paragraph
 41 "g" or other provisions of this chapter, beginning
 42 January 1, following the submission by the board of
 43 trustees of an application to the federal internal
 44 revenue service requesting qualification in accordance
 45 with the requirements of the Internal Revenue Code, as
 46 defined in section 422.3, member contributions
 47 required under paragraph "f" or "h" which are picked
 48 up by the city shall be considered employer
 49 contributions for federal and state income tax
 50 purposes, and each city shall pick up the member

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1 contributions to be made under paragraph "f" or "h" by
 2 its employees. Each city shall pick up these
 3 contributions by reducing the salary of each of its
 4 employees covered by this chapter by the amount which
 5 each employee is required to contribute under
 6 paragraph "f" or "h" and shall pay the amount picked
 7 up in lieu of the member contributions to the board of
 8 trustees for recording and deposit in the fund.

9 (2) Member contributions picked up by each city
 10 under subparagraph (1) shall be treated as employer
 11 contributions for federal and state income tax
 12 purposes only and for all other purposes of this
 13 chapter shall be treated as employee contributions and
 14 deemed part of the employee's earnable compensation or
 15 salary."

16 3. Page 50, by striking lines 17 through 28.

17 4. Title page, line 1, by inserting after the
 18 word "systems," the following: "providing for the
 19 payment of employee contributions under certain public
 20 retirement systems for certain tax purposes,".

21 5. By renumbering as necessary.

GILL of Woodbury
 RENAUD of Polk
 MURPHY of Dubuque
 O'BRIEN of Boone
 BURKE of Marshall

BEATTY of Warren
 RUNNING of Linn
 BERNAU of Story
 GREIG of Emmet
 FOGARTY of Palo Alto

MORELAND of Wapello
 BRAND of Benton
 WEIGEL of Chickasaw
 MUNDIE of Webster
 MCKINNEY of Dallas

HANSEN of Woodbury
 WISE of Lee
 KOENIGS of Mitchell
 McCOY of Polk
 WITT of Black Hawk
 CATALDO of Polk

H-5643

- 1 Amend Senate File 2129, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 19.
- 4 2. Page 3, by striking line 27 and inserting the
- 5 following: "device or on the".
- 6 3. Page 4, by striking lines 25 through 33.
- 7 4. By striking page 5, line 25, through page 6,
- 8 line 21.
- 9 5. Page 7, by striking lines 6 through 13.
- 10 6. By striking page 7, line 30 through page 8,
- 11 line 15.
- 12 7. Title page, by striking lines 1 through 3 and
- 13 inserting the following: "An Act relating to
- 14 handicapped parking."
- 15 8. By renumbering as necessary.

Committee on Transportation

H-5646

- 1 Amend the amendment, H-5406, to House File 647 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "service" the following: ", and to assist all Iowans
- 5 to secure and retain essential communications services
- 6 at reasonable costs".

WISE of Lee
 LUNDBY of Linn

H-5649

- 1 Amend House File 2418 as follows:
- 2 1. Page 33, by inserting before line 1 the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 294.10A PICKUP OF
- 5 TEACHER ASSESSMENTS.
- 6 1. Notwithstanding section 294.9 or other
- 7 provisions of this chapter, beginning January 1, 1995,
- 8 teacher assessments required under section 294.9 which
- 9 are picked up by the employing school district shall
- 10 be considered employer contributions for federal and
- 11 state income tax purposes, and each employing school
- 12 district establishing a pension and annuity retirement
- 13 system pursuant to this chapter shall pick up the
- 14 teacher assessments to be made under section 294.9 by

15 its employees. Each employing school district shall
16 pick up these teacher assessments by reducing the
17 salary of each of the teachers covered by this chapter
18 by the amount which each teacher is required to con-
19 tribute under section 294.9 and shall pay the amount
20 picked up in lieu of the teacher assessments to the
21 board of trustees for recording and deposit in the
22 fund.

23 2. Teacher assessments picked up by each employing
24 school district under subsection 1 shall be treated as
25 employer contributions for federal and state income
26 tax purposes only and for all other purposes of this
27 chapter shall be treated as teacher assessments and
28 deemed part of the teacher's wages or salary."

29 2. Page 52, by inserting after line 26 the
30 following:

31 "_____. The section of this Act which enacts a new
32 section 294.10A takes effect January 1, 1995, and
33 applies to tax years beginning on or after January 1,
34 1995."

35 3. By renumbering as necessary.

McCoy of Polk

H-5654

1 Amend House File 647 as follows:

2 1. Page 2, line 28, by inserting after the word
3 "board." the following: "Prior to approving an
4 increase in the prices for essential communications
5 services pursuant to this section, the board shall
6 evaluate all existing revenues of the utility subject
7 to the board's jurisdiction to the extent provided for
8 in the approved plan."

WISE of Lee

H-5655

1 Amend House File 2418 as follows:

2 1. Page 8, by inserting after line 24 the
3 following:

4 "Sec. _____. Section 97A.8, subsection 1, Code 1993,
5 is amended by adding the following new paragraph:
6 **NEW PARAGRAPH.** i. (1) Notwithstanding paragraph
7 "g" or other provisions of this chapter, beginning
8 January 1, 1995, member contributions required under
9 paragraph "f" or "h" which are picked up by the
10 department shall be considered employer contributions
11 for federal income tax purposes, and the department
12 shall pick up the member contributions to be made
13 under paragraph "f" or "h" by its employees. The
14 department shall pick up these contributions by
15 reducing the salary of each of its employees covered

16 by this chapter by the amount which each employee is
 17 required to contribute under paragraph "f" or "h" and
 18 shall certify the amount picked up in lieu of the
 19 member contributions to the department of revenue and
 20 finance. The department of revenue and finance shall
 21 forward the amount of the contributions picked up to
 22 the board of trustees for recording and deposit in the
 23 pension accumulation fund.

24 (2) Member contributions picked up by the
 25 department under subparagraph (1) shall be treated as
 26 employer contributions for federal income tax purposes
 27 only and for all other purposes of this chapter and
 28 the laws of this state shall be treated as employee
 29 contributions and deemed part of the employee's
 30 earnable compensation or salary."

31 2. Page 8, by inserting after line 24 the
 32 following:

33 "Sec. _____. NEW-SECTION. 97B.11A PICKUP OF
 34 EMPLOYEE CONTRIBUTIONS.

35 1. Notwithstanding section 97B.11 or other
 36 provisions of this chapter, beginning January 1, 1995,
 37 member contributions required under section 97B.11
 38 which are picked up by the employer shall be
 39 considered employer contributions for federal income
 40 tax purposes, and each employer shall pick up the
 41 member contributions to be made under section 97B.11
 42 by its employees. Each employer shall pick up these
 43 contributions by reducing the salary of each of its
 44 employees covered by this chapter by the amount which
 45 each employee is required to contribute under section
 46 97B.11 and shall pay the amount picked up in lieu of
 47 the member contributions as provided in section
 48 97B.14.

49 2. Member contributions picked up by each employer
 50 under subsection 1 shall be treated as employer

Page 2

1 contributions for federal income tax purposes only and
 2 for all other purposes of this chapter and the laws of
 3 this state shall be treated as employee contributions
 4 and deemed part of the employee's wages or salary.

5 Sec. _____. Section 97B.14, Code 1993, is amended to
 6 read as follows:

7 97B.14 CONTRIBUTIONS FORWARDED.

8 Contributions deducted from the wages of the member
 9 or member contributions picked up by the employer
 10 under section 97B.11A and the employer's contribution
 11 shall be forwarded to the department for recording and
 12 deposited with the treasurer of the state to the
 13 credit of the Iowa public employees' retirement fund.
 14 Contributions shall be remitted monthly, if total

15 contributions by both employee and employer amount to
 16 one hundred dollars or more each month, and shall be
 17 otherwise paid in such manner, at such times and under
 18 such conditions, either by copies of payrolls or other
 19 methods necessary or helpful in securing proper
 20 identification of the member, as may be prescribed by
 21 the department."

22 3. Page 41, by inserting after line 11 the
 23 following:

24 "Sec. _____. Section 411.8, subsection 1, Code 1993,
 25 is amended by adding the following new paragraph:

26 NEW PARAGRAPH. i. (1) Notwithstanding paragraph
 27 "g" or other provisions of this chapter, beginning
 28 January 1, 1995, member contributions required under
 29 paragraph "f" or "h" which are picked up by the city
 30 shall be considered employer contributions for federal
 31 income tax purposes, and each city shall pick up the
 32 member contributions to be made under paragraph "f" or
 33 "h" by its employees. Each city shall pick up these
 34 contributions by reducing the salary of each of its
 35 employees covered by this chapter by the amount which
 36 each employee is required to contribute under
 37 paragraph "f" or "h" and shall pay the amount picked
 38 up in lieu of the member contributions to the board of
 39 trustees for recording and deposit in the fund.

40 (2) Member contributions picked up by each city
 41 under subparagraph (1) shall be treated as employer
 42 contributions for federal income tax purposes only and
 43 for all other purposes of this chapter and the laws of
 44 this state shall be treated as employee contributions
 45 and deemed part of the employee's earnable
 46 compensation or salary."

47 4. Page 41, by inserting after line 11 the
 48 following:

49 "Sec. _____. Section 422.7, Code Supplement 1993, is
 50 amended by adding the following new subsection:

Page 3

1 NEW SUBSECTION. 29. Add, to the extent not
 2 included, the amount of the taxpayer's employee
 3 contributions picked up by the taxpayer's employer
 4 under chapter 97A or 411. The director shall by rule
 5 provide a formula to exclude income, to the extent
 6 included, from adjusted gross income amounts added
 7 under this subsection which are subsequently returned
 8 to the taxpayer as retirement benefits or otherwise."

9 5. Page 41, by inserting after line 11 the
 10 following:

11 "Sec. _____. Section 422.7, Code Supplement 1993, is
 12 amended by adding the following new subsection:

13 NEW SUBSECTION. 30. Add, to the extent not

14 included, the amount of the taxpayer's employee
 15 contributions picked up by the taxpayer's employer
 16 under chapter 97B. The director shall by rule provide
 17 a formula to exclude income, to the extent included,
 18 from adjusted gross income amounts added under this
 19 subsection which are subsequently returned to the
 20 taxpayer as retirement benefits or otherwise."

21 6. Page 50, by striking lines 17 through 28.

22 7. Page 52, by inserting after line 26 the
 23 following:

24 "_____. The section of this Act which amends section
 25 422.7 by enacting a new subsection 29 takes effect
 26 January 1, 1995, and applies to tax years beginning on
 27 or after January 1, 1995."

28 8. Page 52, by inserting after line 26 the
 29 following:

30 "_____. The section of this Act which amends section
 31 422.7 by enacting a new subsection 30 takes effect
 32 January 1, 1995, and applies to tax years beginning on
 33 or after January 1, 1995."

34 9. Title page, line 1, by inserting after the
 35 word "systems," the following: "providing for the
 36 payment of employee contributions under certain public
 37 retirement systems for certain tax purposes,".

38 10. By renumbering as necessary.

BERNAU of Story
 NEUHAUSER of Johnson
 COHOON of Des Moines
 OLLIE of Clinton
 NELSON of Pottawattamie
 CONNORS of Polk
 MYERS of Johnson
 O'BRIEN of Boone
 MORELAND of Wapello
 GILL of Woodbury
 BELL of Jasper
 FALLON of Polk
 CATALDO of Polk
 RENAUD of Polk
 HAMMOND of Story
 FOGARTY of Palo Alto
 MUNDIE of Webster
 RUNNING of Linn
 OSTERBERG of Linn
 KOENIGS of Mitchell
 MAY of Worth
 BURKE of Marshall
 HAVERLAND of Polk

DODERER of Johnson
 HENDERSON of Scott
 WISE of Lee
 LARKIN of Lee
 BAKER of Polk
 MURPHY of Dubuque
 MERTZ of Kossuth
 McCOY of Polk
 HANSEN of Woodbury
 BRAND of Benton
 ARNOULD of Scott
 JOCHUM of Dubuque
 WITT of Black Hawk
 HARPER of Black Hawk
 KREIMAN of Davis
 HOLVECK of Polk
 McKINNEY of Dallas
 BEATTY of Warren
 BRAMMER of Linn
 HALVORSON of Webster
 SCHRADER of Marion
 SHOULTZ of Black Hawk
 BLACK of Jasper
 PETERSON of Carroll

H-5656

1 Amend House File 2418 as follows:

2 1. Page 8, by inserting after line 24 the
3 following:

4 "Sec. _____. Section 97A.8, subsection 1, Code 1993,
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. i. (1) Notwithstanding paragraph
7 "g" or other provisions of this chapter, beginning
8 January 1, 1996, member contributions required under
9 paragraph "f" or "h" which are picked up by the
10 department shall be considered employer contributions
11 for federal and state income tax purposes, and the
12 department shall pick up the member contributions to
13 be made under paragraph "f" or "h" by its employees.
14 The department shall pick up these contributions by
15 reducing the salary of each of its employees covered
16 by this chapter by the amount which each employee is
17 required to contribute under paragraph "f" or "h" and
18 shall certify the amount picked up in lieu of the
19 member contributions to the department of revenue and
20 finance. The department of revenue and finance shall
21 forward the amount of the contributions picked up to
22 the board of trustees for recording and deposit in the
23 pension accumulation fund.

24 (2) Member contributions picked up by the
25 department under subparagraph (1) shall be treated as
26 employer contributions for federal and state income
27 tax purposes only and for all other purposes of this
28 chapter shall be treated as employee contributions and
29 deemed part of the employee's earnable compensation or
30 salary."

31 2. Page 8, by inserting after line 24 the
32 following:

33 "Sec. _____. NEW SECTION. 97B.11A PICKUP OF
34 EMPLOYEE CONTRIBUTIONS.

35 1. Notwithstanding section 97B.11 or other
36 provisions of this chapter, beginning January 1, 1996,
37 member contributions required under section 97B.11
38 which are picked up by the employer shall be
39 considered employer contributions for federal and
40 state income tax purposes, and each employer shall
41 pick up the member contributions to be made under
42 section 97B.11 by its employees. Each employer shall
43 pick up these contributions by reducing the salary of
44 each of its employees covered by this chapter by the
45 amount which each employee is required to contribute
46 under section 97B.11 and shall pay the amount picked
47 up in lieu of the member contributions as provided in
48 section 97B.14.

49 2. Member contributions picked up by each employer
50 under subsection 1 shall be treated as employer

Page 2

1 contributions for federal and state income tax
2 purposes only and for all other purposes of this
3 chapter and the laws of this state shall be treated as
4 employee contributions and deemed part of the
5 employee's wages or salary.

6 Sec. _____. Section 97B.14, Code 1993, is amended to
7 read as follows:

8 97B.14 CONTRIBUTIONS FORWARDED.

9 Contributions deducted from the wages of the member
10 or member contributions picked up by the employer
11 under section 97B.11A and the employer's contribution
12 shall be forwarded to the department for recording and
13 deposited with the treasurer of the state to the
14 credit of the Iowa public employees' retirement fund.
15 Contributions shall be remitted monthly, if total
16 contributions by both employee and employer amount to
17 one hundred dollars or more each month, and shall be
18 otherwise paid in such manner, at such times and under
19 such conditions, either by copies of payrolls or other
20 methods necessary or helpful in securing proper
21 identification of the member, as may be prescribed by
22 the department."

23 3. Page 41, by inserting after line 11 the
24 following:

25 "Sec. _____. Section 411.8, subsection 1, Code 1993,
26 is amended by adding the following new paragraph:

27 NEW PARAGRAPH. i. (1) Notwithstanding paragraph
28 "g" or other provisions of this chapter, beginning
29 January 1, 1996, member contributions required under
30 paragraph "f" or "h" which are picked up by the city
31 shall be considered employer contributions for federal
32 and state income tax purposes, and each city shall
33 pick up the member contributions to be made under
34 paragraph "f" or "h" by its employees. Each city
35 shall pick up these contributions by reducing the
36 salary of each of its employees covered by this
37 chapter by the amount which each employee is required
38 to contribute under paragraph "f" or "h" and shall pay
39 the amount picked up in lieu of the member
40 contributions to the board of trustees for recording
41 and deposit in the fund.

42 (2) Member contributions picked up by each city
43 under subparagraph (1) shall be treated as employer
44 contributions for federal and state income tax
45 purposes only and for all other purposes of this
46 chapter shall be treated as employee contributions and
47 deemed part of the employee's earnable compensation or
48 salary."

49 4. Page 50, by striking lines 17 through 28.

50 5. Page 52, by inserting after line 10 the

Page 3

1 following:

2 "_____. The sections of this Act which amend section
3 97A.8, subsection 1, by enacting a new paragraph "i"
4 and amend section 411.8, subsection 1, by enacting a
5 new paragraph "i", take effect January 1, 1996, and
6 apply to tax years beginning on or after January 1,
7 1996."

8 6. Page 52, by inserting after line 26 the
9 following:

10 "_____. The sections of this Act which enact a new
11 section 97B.11A and amend section 97B.14 take effect
12 January 1, 1996, and apply to tax years beginning on
13 or after January 1, 1996."

14 7. Title page, line 1, by inserting after the
15 word "systems," the following: "providing for the
16 payment of employee contributions under certain public
17 retirement systems for certain tax purposes,".

18 8. By renumbering as necessary.

BERNAU of Story

H-5659

1 Amend the amendment, H-5641, to House File 2418 as
2 follows:

3 1. Page 1, by inserting after line 35 the
4 following:

5 "Sec. _____. NEW SECTION. 97B.11A PICKUP OF
6 EMPLOYEE CONTRIBUTIONS.

7 1. Notwithstanding section 97B.11 or other
8 provisions of this chapter, beginning January 1, 1995,
9 member contributions required under section 97B.11
10 which are picked up by the employer shall be
11 considered employer contributions for federal and
12 state income tax purposes, and each employer shall
13 pick up the member contributions to be made under
14 section 97B.11 by its employees. Each employer shall
15 pick up these contributions by reducing the salary of
16 each of its employees covered by this chapter by the
17 amount which each employee is required to contribute
18 under section 97B.11 and shall pay the amount picked
19 up in lieu of the member contributions as provided in
20 section 97B.14.

21 2. Member contributions picked up by each employer
22 under subsection 1 shall be treated as employer
23 contributions for federal and state income tax
24 purposes only and for all other purposes of this
25 chapter and the laws of this state shall be treated as
26 employee contributions and deemed part of the
27 employee's wages or salary.

28 Sec. _____. Section 97B.14, Code 1993, is amended to

29 read as follows:

30 97B.14 CONTRIBUTIONS FORWARDED.

31 Contributions deducted from the wages of the member
 32 or member contributions picked up by the employer
 33 under section 97B.11A and the employer's contribution
 34 shall be forwarded to the department for recording and
 35 deposited with the treasurer of the state to the
 36 credit of the Iowa public employees' retirement fund.
 37 Contributions shall be remitted monthly, if total
 38 contributions by both employee and employer amount to
 39 one hundred dollars or more each month, and shall be
 40 otherwise paid in such manner, at such times and under
 41 such conditions, either by copies of payrolls or other
 42 methods necessary or helpful in securing proper
 43 identification of the member, as may be prescribed by
 44 the department." "

45 2. Page 1, by inserting after line 35 the
 46 following:

47 "_____. Page 33, by inserting before line 1 the
 48 following:

49 "Sec. _____. NEW SECTION. 294.10A PICKUP OF
 50 TEACHER ASSESSMENTS.

Page 2

1 1. Notwithstanding section 294.9 or other
 2 provisions of this chapter, beginning January 1, 1995,
 3 teacher assessments required under section 294.9 which
 4 are picked up by the employing school district shall
 5 be considered employer contributions for federal and
 6 state income tax purposes, and each employing school
 7 district establishing a pension and annuity retirement
 8 system pursuant to this chapter shall pick up the
 9 teacher assessments to be made under section 294.9 by
 10 its employees. Each employing school district shall
 11 pick up these teacher assessments by reducing the
 12 salary of each of the teachers covered by this chapter
 13 by the amount which each teacher is required to con-
 14 tribute under section 294.9 and shall pay the amount
 15 picked up in lieu of the teacher assessments to the
 16 board of trustees for recording and deposit in the
 17 fund.

18 2. Teacher assessments picked up by each employing
 19 school district under subsection 1 shall be treated as
 20 employer contributions for federal and state income
 21 tax purposes only and for all other purposes of this
 22 chapter shall be treated as teacher assessments and
 23 deemed part of the teacher's wages or salary." "

24 3. By renumbering as necessary.

H-5662

- 1 Amend House File 2411 as follows:
- 2 1. Page 13, by inserting after line 21 the
- 3 following:
- 4 "Of the funds appropriated in this lettered
- 5 paragraph, \$25,000 shall be expended for the farm
- 6 safety 4 just kids program located in Earlham, Iowa."

McKINNEY of Dallas

H-5667

- 1 Amend the amendment, H-5656, to House File 2418 as
- 2 follows:
- 3 1. Page 1, line 8, by striking the figure "1996"
- 4 and inserting the following: "1995".
- 5 2. Page 1, line 36, by striking the figure "1996"
- 6 and inserting the following: "1995".
- 7 3. Page 2, line 29, by striking the figure "1996"
- 8 and inserting the following: "1995".
- 9 4. Page 3, line 5, by striking the figure "1996"
- 10 and inserting the following: "1995".
- 11 5. Page 3, line 7, by striking the figure "1996"
- 12 and inserting the following: "1995".
- 13 6. Page 3, line 12, by striking the figure "1996"
- 14 and inserting the following: "1995".
- 15 7. Page 3, line 13, by striking the figure "1996"
- 16 and inserting the following: "1995".

BERNAU of Story

H-5668

- 1 Amend the amendment, H-5656, to House File 2418 as
- 2 follows:
- 3 1. Page 2, by inserting after line 22 the
- 4 following:
- 5 "_____. Page 33, by inserting before line 1 the
- 6 following:
- 7 "Sec. _____. NEW SECTION. 294.10A PICKUP OF
- 8 TEACHER ASSESSMENTS.
- 9 1. Notwithstanding section 294.9 or other
- 10 provisions of this chapter, beginning January 1, 1995,
- 11 teacher assessments required under section 294.9 which
- 12 are picked up by the employing school district shall
- 13 be considered employer contributions for federal and
- 14 state income tax purposes, and each employing school
- 15 district establishing a pension and annuity retirement
- 16 system pursuant to this chapter shall pick up the
- 17 teacher assessments to be made under section 294.9 by
- 18 its employees. Each employing school district shall
- 19 pick up these teacher assessments by reducing the
- 20 salary of each of the teachers covered by this chapter

21 by the amount which each teacher is required to con-
 22 tribute under section 294.9 and shall pay to the board
 23 of trustees the amount picked up in lieu of the
 24 teacher assessments for recording and deposit in the
 25 fund.

26 2. Teacher assessments picked up by each employing
 27 school district under subsection 1 shall be treated as
 28 employer contributions for federal and state income
 29 tax purposes only and for all other purposes of this
 30 chapter shall be treated as teacher assessments and
 31 deemed part of the teacher's wages or salary." "

32 2. Page 3, by inserting after line 13 the
 33 following:

34 "_____. Page 52, by inserting after line 26 the
 35 following:

36 "_____. The section of this Act which enacts a new
 37 section 294.10A takes effect January 1, 1995, and
 38 applies to tax years beginning on or after January 1,
 39 1995." "

40 3. By renumbering as necessary.

BERNAU of Story

H-5669

1 Amend the amendment, H-5655, to House File 2418 as
 2 follows:

3 1. Page 2, by inserting after line 21 the
 4 following:

5 "_____. Page 33, by inserting before line 1 the
 6 following:

7 "Sec. _____. NEW SECTION. 294.10A PICKUP OF
 8 TEACHER ASSESSMENTS.

9 1. Notwithstanding section 294.9 or other
 10 provisions of this chapter, beginning January 1, 1995,
 11 teacher assessments required under section 294.9 which
 12 are picked up by the employing school district shall
 13 be considered employer contributions for federal
 14 income tax purposes, and each employing school
 15 district establishing a pension and annuity retirement
 16 system pursuant to this chapter shall pick up the
 17 teacher assessments to be made under section 294.9 by
 18 its employees. Each employing school district shall
 19 pick up these teacher assessments by reducing the
 20 salary of each of the teachers covered by this chapter
 21 by the amount which each teacher is required to
 22 contribute through assessments under section 294.9 and
 23 shall pay to the board of trustees the amount picked
 24 up in lieu of the teacher assessments for recording
 25 and deposit in the fund.

26 2. Teacher assessments picked up by each employing
 27 school district under subsection 1 shall be treated as
 28 employer contributions for federal income tax purposes

29 only and for all other purposes of this chapter and
 30 the laws of this state shall be treated as teacher
 31 assessments and deemed part of the teacher's wages or
 32 salary." "

33 2. Page 3, by inserting after line 20 the
 34 following:

35 "_____. Page 41, by inserting after line 11 the
 36 following:

37 "Sec. _____. Section 422.7, Code Supplement 1993, is
 38 amended by adding the following new subsection:

39 NEW SUBSECTION. 31. Add, to the extent not
 40 included, the amount of the taxpayer's teacher
 41 assessment picked up by the taxpayer's employing
 42 school district under chapter 294. The director shall
 43 by rule provide a formula to exclude income, to the
 44 extent included, from adjusted gross income amounts
 45 added under this subsection which are subsequently
 46 returned to the taxpayer as retirement benefits or
 47 otherwise." "

48 3. Page 3, by inserting after line 33 the
 49 following:

50 "_____. Page 52, by inserting after line 26 the

Page 2

1 following:

2 "_____. The section of this Act which amends section
 3 422.7 by enacting a new subsection 31 takes effect
 4 January 1, 1995, and applies to tax years beginning on
 5 or after January 1, 1995." "

6 4. By renumbering as necessary.

BERNAU of Story

H-5670

1 Amend the amendment, H-5660, to House File 2418 as
 2 follows:

3 1. Page 2, line 29, by striking the figure "1996"
 4 and inserting the following: "1995".

5 2. Page 5, line 26, by striking the figure "1996"
 6 and inserting the following: "1995".

7 3. Page 6, line 2, by striking the figure "1996"
 8 and inserting the following: "1995".

9 4. Page 6, line 4, by striking the figure "1996"
 10 and inserting the following: "1995".

WEIGEL of Chickasaw
 GILL of Woodbury

H-5671

1 Amend the amendment, H-5660, to House File 2418 as
 2 follows:

3 1. Page 3, by inserting after line 43 the

4 following:

5 "_____. Page 33, by inserting before line 1 the

6 following:

7 "Sec. _____. NEW SECTION. 294.10A PICKUP OF
8 TEACHER ASSESSMENTS.

9 1. Notwithstanding section 294.9 or other
10 provisions of this chapter, beginning January 1, 1996,
11 teacher assessments required under section 294.9 which
12 are picked up by the employing school district shall
13 be considered employer contributions for federal and
14 state income tax purposes, and each employing school
15 district establishing a pension and annuity retirement
16 system pursuant to this chapter shall pick up the
17 teacher assessments to be made under section 294.9 by
18 its employees. Each employing school district shall
19 pick up these teacher assessments by reducing the
20 salary of each of the teachers covered by this chapter
21 by the amount which each teacher is required to con-
22 tribute under section 294.9 and shall pay to the board
23 of trustees the amount picked up in lieu of the
24 teacher assessments for recording and deposit in the
25 fund.

26 2. Teacher assessments picked up by each employing
27 school district under subsection 1 shall be treated as
28 employer contributions for federal and state income
29 tax purposes only and for all other purposes of this
30 chapter shall be treated as teacher assessments and
31 deemed part of the teacher's wages or salary."

32 2. Page 6, by inserting after line 10 the
33 following:

34 "_____. Page 52, by inserting after line 26 the
35 following:

36 "_____. The section of this Act which enacts a new
37 section 294.10A takes effect January 1, 1996, and
38 applies to tax years beginning on or after January 1,
39 1996."

40 3. By renumbering as necessary.

GRUNDBERG of Polk

H-5672

1 Amend the amendment, H-5660, to House File 2418 as
2 follows:

3 1. Page 3, by inserting after line 43 the
4 following:

5 "_____. Page 33, by inserting before line 1 the
6 following:

7 "Sec. _____. NEW SECTION. 294.10A PICKUP OF
8 TEACHER ASSESSMENTS.

9 1. Notwithstanding section 294.9 or other
10 provisions of this chapter, beginning January 1, 1995,
11 teacher assessments required under section 294.9 which

12 are picked up by the employing school district shall
13 be considered employer contributions for federal and
14 state income tax purposes, and each employing school
15 district establishing a pension and annuity retirement
16 system pursuant to this chapter shall pick up the
17 teacher assessments to be made under section 294.9 by
18 its employees. Each employing school district shall
19 pick up these teacher assessments by reducing the
20 salary of each of the teachers covered by this chapter
21 by the amount which each teacher is required to con-
22 tribute under section 294.9 and shall pay to the board
23 of trustees the amount picked up in lieu of the
24 teacher assessments for recording and deposit in the
25 fund.

26 2. Teacher assessments picked up by each employing
27 school district under subsection 1 shall be treated as
28 employer contributions for federal and state income
29 tax purposes only and for all other purposes of this
30 chapter shall be treated as teacher assessments and
31 deemed part of the teacher's wages or salary."

32 2. Page 6, by inserting after line 10 the
33 following:

34 "_____. Page 52, by inserting after line 26 the
35 following:

36 "_____. The section of this Act which enacts a new
37 section 294.10A takes effect January 1, 1995, and
38 applies to tax years beginning on or after January 1,
39 1995."

40 3. By renumbering as necessary.

McCOY of Polk
BERNAU of Story

H-5674

1 Amend the amendment, H-5660, to House File 2418 as
2 follows:

3 1. Page 3, by inserting after line 43 the
4 following:

5 "_____. Page 33, by inserting before line 1 the
6 following:

7 "Sec. _____. NEW SECTION. 294.10A PICKUP OF
8 TEACHER ASSESSMENTS.

9 1. Notwithstanding section 294.9 or other
10 provisions of this chapter, beginning January 1, 1996,
11 teacher assessments required under section 294.9 which
12 are picked up by the employing school district shall
13 be considered employer contributions for federal and
14 state income tax purposes, and each employing school
15 district establishing a pension and annuity retirement
16 system pursuant to this chapter shall pick up the
17 teacher assessments to be made under section 294.9 by
18 its employees. Each employing school district shall

19 pick up these teacher assessments by reducing the
 20 salary of each of the teachers covered by this chapter
 21 by the amount which each teacher is required to con-
 22 tribute under section 294.9 and shall pay to the board
 23 of trustees the amount picked up in lieu of the
 24 teacher assessments for recording and deposit in the
 25 fund.

26 2. Teacher assessments picked up by each employing
 27 school district under subsection 1 shall be treated as
 28 employer contributions for federal and state income
 29 tax purposes only and for all other purposes of this
 30 chapter shall be treated as teacher assessments and
 31 deemed part of the teacher's wages or salary."

32 2. Page 6, by inserting after line 10 the
 33 following:

34 "_____. Page 52, by inserting after line 26 the
 35 following:

36 "_____. The section of this Act which enacts a new
 37 section 294.10A takes effect January 1, 1996, and
 38 applies to tax years beginning on or after January 1,
 39 1996."

40 3. By renumbering as necessary.

McCOY of Polk
 BERNAU of Story

H-5677

1 Amend the amendment, H-5660, to House File 2418 as
 2 follows:

3 1. Page 3, by inserting after line 43 the
 4 following:

5 "_____. Page 12, by inserting after line 25 the
 6 following:

7 "Sec. _____. Section 97B.41, subsection 20,
 8 paragraph a, unnumbered paragraph 2, Code Supplement
 9 1993, is amended to read as follows:

10 Wages for a member of the general assembly means
 11 the total compensation received by a member of the
 12 general assembly, whether paid in the form of per diem
 13 or annual salary, exclusive of expense and travel
 14 allowances paid to a member of the general assembly
 15 except as otherwise provided in this paragraph. Wages
 16 includes per diem payments paid to members of the
 17 general assembly during interim periods between
 18 sessions of the general assembly. Wages also includes
 19 daily allowances to members of the general assembly
 20 for nontravel expenses of office during a session of
 21 the general assembly, but does not include the portion
 22 of the daily allowance which exceeds the maximum
 23 established by law for members from Polk county."

24 2. By renumbering as necessary.

BRUNKHORST of Bremer

H-5678

1 Amend the amendment, H-5660, to House File 2418 as
2 follows:

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

5 "_____. Page 6, by striking lines 19 through 31 and
6 inserting the following:

7 "Sec. _____. Section 97A.8, subsection 1, paragraph
8 f, subparagraph (7), Code 1993, is amended to read as
9 follows:

10 (7) An amount equal to nine and one-tenth percent
11 of each member's compensation from the earnable
12 compensation of the member shall be paid to the
13 pension accumulation fund for the fiscal year period
14 beginning July 1, 1995, through December 31, 1995, and
15 an amount equal to nine and thirty-five hundredths
16 percent of each member's compensation from the
17 earnable compensation of the member shall be paid to
18 the pension accumulation fund for the fiscal period
19 beginning January 1, 1996, through June 30, 1996."

20 2. Page 3, by inserting after line 43 the
21 following:

22 "_____. By striking page 38, line 20 through page
23 39, line 14 and inserting the following:

24 "Sec. _____. Section 411.8, subsection 1, paragraph
25 f, subparagraphs (7) and (8), Code 1993, are amended
26 to read as follows:

27 (7) An amount equal to nine and one-tenth percent
28 of each member's compensation from the earnable
29 compensation of the member shall be paid to the fund
30 for the fiscal year period beginning July 1, 1995,
31 through December 31, 1995, and an amount equal to nine
32 and thirty-five hundredths percent of each member's
33 compensation from the earnable compensation of the
34 member shall be paid to the fund for the fiscal period
35 beginning January 1, 1996, through June 30, 1996.

36 (8) Beginning July 1, 1996, and each fiscal year
37 thereafter, an amount equal to the member's
38 contribution rate times each member's compensation
39 shall be paid to the fund from the earnable
40 compensation of the member. For the purposes of this
41 subparagraph, the member's contribution rate shall be
42 nine and one-tenth thirty-five hundredths percent.
43 However, the system shall increase the member's
44 contribution rate as necessary to cover any increase
45 in cost to the system resulting from statutory changes
46 which are enacted by any session of the general
47 assembly meeting after January 1, 1991, if the
48 increase cannot be absorbed within the contribution
49 rates otherwise established pursuant to this
50 paragraph, but subject to a maximum employee

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1 contribution rate of eleven and three-tenths percent.
 2 The contribution rate increases specified in this Act
 3 pursuant to this chapter and chapter 97A shall be the
 4 only contribution rate increases for these systems
 5 resulting from the statutory changes enacted in this
 6 Act, and shall apply only to the fiscal periods
 7 specified in this Act. After the employee
 8 contribution reaches eleven and three-tenths percent,
 9 sixty percent of the additional cost of such statutory
 10 changes shall be paid by employers under paragraph "c"
 11 and forty percent of the additional cost shall be paid
 12 by employees under this paragraph." "
 13 3. By renumbering as necessary.

RENAUD of Polk

H-5679

1 Amend Senate File 2285, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 4 through 8 and
 4 inserting the following: "means a bank, credit union,
 5 or savings and loan as defined in section 12C.1."
 6 2. Page 1, by striking lines 26 through 29 and
 7 inserting the following: "chapter. Funds The
 8 department of revenue and finance shall transfer
 9 moneys from the fund to the commission for deposit
 10 into an account established by the commission in a
 11 qualified financial institution. The department shall
 12 transfer the moneys as provided in a resolution
 13 adopted by the commission. However, the department is
 14 only required to transfer moneys once during each day
 15 and only during hours when the offices of the state
 16 are open. Moneys deposited in the dairy industry".
 17 3. By striking page 2, line 34 through page 3,
 18 line 3, and inserting the following: "means a bank,
 19 credit union, or savings and loan as defined in
 20 section 12C.1."
 21 4. Page 3, by striking lines 11 through 14 and
 22 inserting the following: "treasurer of state. The
 23 department of revenue and finance shall transfer
 24 moneys from the fund to the executive committee for
 25 deposit into an account established by the executive
 26 committee in a qualified financial institution. The
 27 department shall transfer the moneys as provided in a
 28 resolution adopted by the executive committee.
 29 However, the department is only required to transfer
 30 moneys once during each day and only during hours when
 31 the offices of the state are open. From the moneys".
 32 5. Page 4, by striking lines 30 through 34 and
 33 inserting the following: "means a bank, credit union,

34 or savings and loan as defined in section 12C.1.”
35 6. Page 5, by striking lines 6 through 9, and
36 inserting the following: “of the treasurer of state.
37 The department of revenue and finance shall transfer
38 moneys from the fund to the council for deposit into
39 an account established by the council in a qualified
40 financial institution. The department shall transfer
41 the moneys as provided in a resolution adopted by the
42 council. However, the department is only required to
43 transfer moneys once during each day and only during
44 hours when the offices of the state are open.”
45 7. Page 6, by striking lines 21 through 25, and
46 inserting the following: “means a bank, credit union,
47 or savings and loan as defined in section 12C.1.”
48 8. By striking page 6, line 33, through page 7,
49 line 1, and inserting the following: “turkey
50 account”. The department of revenue and finance shall

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1 transfer moneys from the fund to the council for
2 deposit into an account established by the council in
3 a qualified financial institution. The department
4 shall transfer the moneys as provided in a resolution
5 adopted by the council. However, the department is
6 only required to transfer moneys once during each day
7 and only during hours when the offices of the state
8 are open.”
9 9. Page 8, by striking lines 27 through 31, and
10 inserting the following: “means a bank, credit union,
11 or savings and loan as defined in section 12C.1.”
12 10. Page 9, by inserting after line 18 the
13 following:
14 “An assessment adopted upon the initiation of a
15 promotional order shall be collected during the
16 effective period of the promotional order, and shall
17 be of no force or effect upon termination of the
18 promotional order.”
19 11. Page 9, line 19, by inserting before the word
20 “set” the following: “determine and”.
21 12. Page 9, by striking lines 27 through 29, and
22 inserting the following: “on grading or quality
23 factors. The rate of assessment shall be determined
24 by the board but shall not be changed, once
25 established, during a marketing year. The board shall
26 determine the effective date of a rate change.”
27 13. Page 9, by inserting before line 30 the
28 following:
29 “Sec. _____. Section 185.24, Code 1993, is amended
30 to read as follows:
31 185.24 CANCELLATION TERMINATION OF A PROMOTIONAL
32 ORDER.

33 If a promotional order has been canceled is not
 34 extended as determined by a referendum, and the
 35 secretary and the board shall terminate the
 36 promotional order in an orderly manner as soon as
 37 practicable. After all funds are expended, the board
 38 shall cease to function. Any funds remaining one year
 39 following the termination of a promotional order shall
 40 be disbursed by the board to the Iowa Soybean
 41 Association. However, if a future referendum passes,
 42 the board shall be reorganized by the secretary and
 43 members shall serve out their terms as though there
 44 had been no lapse of time between effective orders.
 45 Sec. _____. Section 185.25, Code 1993, is amended to
 46 read as follows:

47 185.25 EFFECTIVE PERIOD OF PROMOTIONAL ORDER
 48 SPECIAL REFERENDUM — PRODUCER PETITION.

49 An assessment adopted upon the initiation of a
 50 promotional order shall be collected during the

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1 effective period of a promotional order, and shall be
 2 of no force or effect upon termination of a
 3 promotional order. Upon adoption of an initial
 4 promotional order, that promotional order shall be
 5 effective for four years from its effective date and
 6 shall be either extended or terminated as provided in
 7 this section.

8 Upon receipt of a petition not less than one
 9 hundred fifty nor more than two hundred forty days
 10 from a four-year anniversary of the effective date of
 11 an initial promotional order signed within that same
 12 period by a number of producers equal to or greater
 13 than one percent of the number of producers reported
 14 in the most recent United States census of
 15 agriculture, requesting a referendum to determine
 16 whether to extend the assessment promotional order,
 17 the secretary shall call a referendum to be conducted
 18 not earlier than thirty days before the four-year
 19 anniversary date. If the secretary determines that
 20 extension of the assessment promotional order is not
 21 favored by a majority of the producers voting in the
 22 referendum, the secretary and the board shall
 23 terminate the assessment in an orderly manner as soon
 24 as practicable after the determination promotional
 25 order shall be terminated as provided in section
 26 185.24. If the assessment promotional order is
 27 terminated, another referendum shall not be held
 28 within one hundred eighty days. A succeeding
 29 referendum shall be called by the secretary upon the
 30 petition of a number of producers equal to or greater
 31 than one percent of the number of producers reported

32 in the most recent United States census of agriculture
33 requesting a referendum, who shall guarantee the costs
34 of the referendum.

35 If no valid petition is received by the secretary
36 within the time period described above, or if a
37 petition is received but the referendum to extend the
38 assessment promotional order passes, the promotional
39 order shall continue in effect for four additional
40 years from the anniversary of its effective date
41 described above.

42 Sec. _____. NEW SECTION. 185.25A SPECIAL
43 REFERENDUM — REQUEST BY THE BOARD.

44 1. If the assessment rate approved by producers in
45 the most recent referendum election conducted pursuant
46 to this chapter is less than the maximum rate
47 established in section 185.21, the board may request
48 the secretary to call a special referendum at any time
49 prior to the expiration of the promotional order. The
50 referendum shall be conducted as provided in this

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1 chapter for referendum elections.

2 2. Producers shall vote on the question, as
3 determined by the board, of whether to authorize an
4 increase in the assessment rate or whether to
5 authorize an extension of the promotional order and an
6 increase of the assessment rate. The assessment rate
7 shall not exceed the rate established in section
8 185.21.

9 a. If the secretary determines that the question
10 of whether to authorize an increase in the assessment
11 rate is approved in the special referendum, the rate
12 of assessment shall be changed as provided in section
13 185.21.

14 b. If the secretary determines that the question
15 of whether to extend the promotional order at the
16 increased assessment rate is approved in the special
17 referendum, the promotional order shall continue in
18 effect for four additional years from the anniversary
19 of its effective date, and the rate of assessment
20 shall be changed as provided in section 185.21. If
21 the secretary determines that the question has not
22 been approved, the promotional order shall be
23 terminated as provided in section 185.24."

24 14. Page 10, by striking lines 6 through 9, and
25 inserting the following: "be subject to audit by the
26 auditor of state. The department of revenue and
27 finance shall transfer moneys from the fund to the
28 board for deposit into an account established by the
29 board in a qualified financial institution. The
30 department shall transfer the moneys as provided in a

31 resolution adopted by the board. However, the
 32 department is only required to transfer moneys once
 33 during each day and only during hours when the offices
 34 of the state are open. From moneys collected,".

35 15. Page 11, by striking lines 28 through 32, and
 36 inserting the following: "means a bank, credit union,
 37 or savings and loan as defined in section 12C.1."

38 16. Page 12, line 26, by inserting before the
 39 word "set" the following: "determine and".

40 17. Page 12, by striking lines 31 and 32 and
 41 inserting the following: "upon corn marketed in this
 42 state. The rate of the state assessment shall be
 43 determined by the board but shall not be".

44 18. Page 12, line 33, by inserting after the word
 45 "year" the following: "The board shall establish the
 46 effective date of a rate change".

47 19. Page 13, by striking lines 26 through 29, and
 48 inserting the following: "subject to audit by the
 49 auditor of state. The department of revenue and
 50 finance shall transfer moneys from the fund to the

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1 board for deposit into an account established by the
 2 board in a qualified financial institution. The
 3 department shall transfer the moneys as provided in a
 4 resolution adopted by the board. However, the
 5 department is only required to transfer moneys once
 6 during each day and only during hours when the offices
 7 of the state are open. From moneys collected, the".

8 20. Page 14, by striking lines 27 through 31 and
 9 inserting the following: "means a bank, credit union,
 10 or savings and loan as defined in section 12C.1."

11 21. Page 15, by striking lines 6 through 9 and
 12 inserting the following: "egg fund. The department
 13 of revenue and finance shall transfer moneys from the
 14 fund to the council for deposit into an account
 15 established by the council in a qualified financial
 16 institution. The department shall transfer the moneys
 17 as provided in a resolution adopted by the council.
 18 However, the department is only required to transfer
 19 moneys once during each day and only during hours when
 20 the offices of the state are open."

21 22. Page 16, by inserting after line 12 the
 22 following:

23 "Sec. _____. Section 421.31, subsection 2, Code
 24 1993, is amended to read as follows:

25 2. PREAUDIT SYSTEM. To establish and fix a
 26 reasonable imprest cash fund for each state department
 27 and institution for disbursement purposes where
 28 needed. These revolving funds shall be reimbursed
 29 only upon vouchers approved by the director. It is

30 the purpose of this subsection to establish a preaudit
 31 system of settling all claims against the state, but
 32 the preaudit system is not applicable to any of the
 33 institutions following:

34 a. Institutions under the control of the state
 35 board of regents, or to the

36 b. The state fair board as established in chapter
 37 173.

38 c. The Iowa dairy industry commission as
 39 established in chapter 179, the Iowa beef cattle
 40 producers association as established in chapter 181,
 41 the Iowa pork producers council as established in
 42 chapter 183A, the Iowa turkey marketing council as
 43 established in chapter 184A, the Iowa soybean
 44 promotion board as established in chapter 185, the
 45 Iowa corn promotion board as established in chapter
 46 185C, and the Iowa egg council as established in
 47 chapter 196A.

48 Sec. _____. Section 421.31, Code 1993, is amended by
 49 adding the following new subsection:

50 NEW SUBSECTION. 6A. ENTITIES REPRESENTING

Page 6

1 AGRICULTURAL PRODUCERS. To control the financial
 2 operations of the Iowa dairy industry commission as
 3 provided in chapter 179, the Iowa beef cattle
 4 producers association as provided in chapter 181, the
 5 Iowa pork producers council as provided in chapter
 6 183A, the Iowa turkey marketing council as provided in
 7 chapter 184A, the Iowa soybean promotion board as
 8 provided in chapter 185, the Iowa corn promotion board
 9 as provided in chapter 185C, and the Iowa egg council
 10 as provided in chapter 196A."

11 23. Page 16, by striking lines 15 and 16.

12 24. Title page, lines 3 and 4, by striking the
 13 words "assessments, and providing an effective date"
 14 and inserting the following: "assessments".

Committee on Agriculture

H-5681

1 Amend the amendment, H-5660, to House File 2418 as
 2 follows:

3 1. By striking page 2, line 25 through page 3,
 4 line 1, and inserting the following:

5 "Sec. _____. Section 97A.8, subsection 1, Code 1993,
 6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. i. (1) Notwithstanding paragraph
 8 "g" or other provisions of this chapter, beginning
 9 January 1, 1995, member contributions required under
 10 paragraph "f" or "h" which are picked up by the

11 department shall be considered employer contributions
 12 for federal income tax purposes, and the department
 13 shall pick up the member contributions to be made
 14 under paragraph "f" or "h" by its employees. The
 15 department shall pick up these contributions by
 16 reducing the salary of each of its employees covered
 17 by this chapter by the amount which each employee is
 18 required to contribute under paragraph "f" or "h" and
 19 shall certify the amount picked up in lieu of the
 20 member contributions to the department of revenue and
 21 finance. The department of revenue and finance shall
 22 forward the amount of the contributions picked up to
 23 the board of trustees for recording and deposit in the
 24 pension accumulation fund.

25 (2) Member contributions picked up by the
 26 department under subparagraph (1) shall be treated as
 27 employer contributions for federal income tax purposes
 28 only and for all other purposes of this chapter and
 29 the laws of this state shall be treated as employee
 30 contributions and deemed part of the employee's
 31 earnable compensation or salary." "

32 2. Page 3, by striking lines 4 through 26 and
 33 inserting the following:

34 "Sec. _____. NEW SECTION. 97B.11A PICKUP OF
 35 EMPLOYEE CONTRIBUTIONS.

36 1. Notwithstanding section 97B.11 or other
 37 provisions of this chapter, beginning January 1, 1995,
 38 member contributions required under section 97B.11
 39 which are picked up by the employer shall be
 40 considered employer contributions for federal income
 41 tax purposes, and each employer shall pick up the
 42 member contributions to be made under section 97B.11
 43 by its employees. Each employer shall pick up these
 44 contributions by reducing the salary of each of its
 45 employees covered by this chapter by the amount which
 46 each employee is required to contribute under section
 47 97B.11 and shall pay the amount picked up in lieu of
 48 the member contributions as provided in section
 49 97B.14.

50 2. Member contributions picked up by each employer

Page 2

1 under subsection 1 shall be treated as employer
 2 contributions for federal income tax purposes only and
 3 for all other purposes of this chapter and the laws of
 4 this state shall be treated as employee contributions
 5 and deemed part of the employee's wages or salary."

6 3. Page 5, by striking lines 22 through 45 and
 7 inserting the following:

8 "Sec. _____. Section 411.8, subsection 1, Code 1993,
 9 is amended by adding the following new paragraph:

10 NEW PARAGRAPH. i. (1) Notwithstanding paragraph
 11 "g" or other provisions of this chapter, beginning
 12 January 1, 1995, member contributions required under
 13 paragraph "f" or "h" which are picked up by the city
 14 shall be considered employer contributions for federal
 15 income tax purposes, and each city shall pick up the
 16 member contributions to be made under paragraph "f" or
 17 "h" by its employees. Each city shall pick up these
 18 contributions by reducing the salary of each of its
 19 employees covered by this chapter by the amount which
 20 each employee is required to contribute under
 21 paragraph "f" or "h" and shall pay the amount picked
 22 up in lieu of the member contributions to the board of
 23 trustees for recording and deposit in the fund.

24 (2) Member contributions picked up by each city
 25 under subparagraph (1) shall be treated as employer
 26 contributions for federal income tax purposes only and
 27 for all other purposes of this chapter and the laws of
 28 this state shall be treated as employee contributions
 29 and deemed part of the employee's earnable
 30 compensation or salary.

31 Sec. _____. Section 422.7, Code Supplement 1993, is
 32 amended by adding the following new subsection:

33 NEW SUBSECTION. 29. Add, to the extent not
 34 included, the amount of the taxpayer's employee
 35 contributions picked up by the taxpayer's employer
 36 under chapter 97A or 411. The director shall by rule
 37 provide a formula to exclude income, to the extent
 38 included, from adjusted gross income amounts added
 39 under this subsection which are subsequently returned
 40 to the taxpayer as retirement benefits or otherwise."

41 4. Page 5, by inserting before line 46 the
 42 following:

43 "_____. Page 41, by inserting before line 12 the
 44 following:

45 "Sec. _____. Section 422.7, Code Supplement 1993, is
 46 amended by adding the following new subsection:

47 NEW SUBSECTION. 30. Add, to the extent not
 48 included, the amount of the taxpayer's employee
 49 contributions picked up by the taxpayer's employer
 50 under chapter 97B. The director shall by rule provide

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1 a formula to exclude income, to the extent included,
 2 from adjusted gross income amounts added under this
 3 subsection which are subsequently returned to the
 4 taxpayer as retirement benefits or otherwise."

5 5. By striking page 5, line 47 through page 6,
 6 line 4, and inserting the following:

7 "_____. Page 52, by inserting after line 26 the
 8 following:

9 "_____. The section of this Act which amends section
 10 422.7 by enacting a new subsection 29 takes effect
 11 January 1, 1995, and applies to tax years beginning on
 12 or after January 1, 1995." "

13 6. Page 6, by striking lines 7 through 10 and
 14 inserting the following:

15 "_____. The section of this Act which amends
 16 section 422.7 by enacting a new subsection 30 takes
 17 effect January 1, 1995, and applies to tax years
 18 beginning on or after January 1, 1995." "

19 7. By renumbering as necessary.

OSTERBERG of Linn

H-5682

1 Amend House File 2394 as follows:

2 1. Page 10, line 24, by inserting after the
 3 figure "728.14," the following: "subsection 1,".

4 2. Page 10, by striking lines 26 through 28.

5 3. Page 11, by striking lines 26 through 30.

Committee on Appropriations

H-5683

1 Amend the amendment, H-5633, to House File 2418 as
 2 follows:

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

5 "_____. Page 46, by striking line 21 and inserting
 6 the following: "REPORT - INDEPENDENT STUDY."

7 _____. Page 47, by inserting after line 15 the
 8 following:

9 "_____. The department of personnel shall use not
 10 more than one hundred thousand dollars of the moneys
 11 in the Iowa public employees' retirement fund
 12 established in section 97B.7 to contract with a
 13 consultant, after the issuance of a request for
 14 proposals, to conduct an outside, independent study of
 15 the Iowa public employees' retirement system. The
 16 study shall include, but is not limited to, the
 17 following:

18 a. A comparison of the Iowa public employees'
 19 retirement system to other public retirement systems
 20 within the state and nationwide.

21 b. An examination of the basic purpose and
 22 philosophy of the system.

23 c. A study of the adequacy of employee and
 24 employer contributions and the level of funding of the
 25 system.

26 d. A comparison of the benefits to the benefits of
 27 other public retirement systems.

28 e. An examination of the administration of the

29 system.

30 The consultant shall file a report with the
 31 department of personnel, the general assembly, and the
 32 governor on or before February 1, 1995." "

33 2. By renumbering as necessary.

JOCHUM of Dubuque

H-5685

1 Amend Senate File 2245, as passed by the Senate, as
 2 follows:

3 1. Page 1, by striking lines 11 through 14 and
 4 inserting the following: "However, upon notification
 5 of the contested case proceeding, the health service
 6 provider shall send one itemized written bill to the
 7 employee and to the workers' compensation carrier or
 8 self-insured employer responsible for coverage of the
 9 employee. The workers' compensation carrier or self-
 10 insured employer shall immediately pay for the
 11 treatment of the employee's injury or condition as if
 12 the claim had arisen out of and in the course of that
 13 employee's employment. If the claim is subsequently
 14 determined not to have arisen out of and in the course
 15 of employment by the commissioner, the workers'
 16 compensation carrier or self-insured employer shall be
 17 entitled to recover any payments made for treatment of
 18 the employee's injury or condition from the employee
 19 or from any policy of health and accident insurance or
 20 other health benefit plan that covers the employee."

PLASIER of Sioux

H-5687

1 Amend House File 2057 as follows:

2 1. Page 1, line 7, by striking the word "valid".

3 2. Page 1, by striking line 8 and inserting the
 4 following: "petition signed by qualified electors of
 5 the city equal in number to not less than twenty-five
 6 percent of the persons who voted at the last preceding
 7 city election."

8 3. Page 1, line 16, by inserting after the word
 9 "contracts" the following: "and granting of
 10 franchises pursuant to section 364.2".

Committee on Local Government

H-5689

1 Amend Senate File 2096, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 1, line 6, by inserting after the word
 4 "property" the following: "within two years from the
 5 date the assessment of damages for the condemned
 6 property was final".

Committee on Local Government

H-5690

1 Amend Senate File 2220, 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 692.8, unnumbered paragraphs 1
6 and 2, Code 1993, are amended to read as follows:

7 Intelligence data contained in the files of the
8 department of public safety or a criminal justice
9 agency may be placed within a computer data storage
10 system, provided that access to the computer data
11 storage system is restricted to authorized employees
12 of the department or criminal justice agency and the
13 computer data storage system is not intereconnected
14 with any other computer, computer system, or
15 communication facility outside of the department or
16 agency and cannot be accessed by persons outside of
17 the department or agency.

18 Intelligence data in the files of the department
19 may be disseminated only to a peace officer, criminal
20 justice agency, or state or federal regulatory agency,
21 and only if the department is satisfied that the need
22 to know and the intended use are in furtherance of a
23 reasonable law enforcement or criminal investigative
24 purpose. Whenever intelligence data relating to a
25 defendant for the purpose of sentencing has been
26 provided a court, the court shall inform the defendant
27 or the defendant's attorney that it is in possession
28 of such data and shall, upon request of the defendant
29 or the defendant's attorney, permit examination of
30 such data.

31 Intelligence data in the files of the department
32 may be disseminated upon request to designated tribal
33 officials, tribal gaming commission members, or tribal
34 regulatory agency members of a federally recognized
35 Indian tribe engaged in gaming within the state, who
36 are directly responsible for authorizing gaming
37 background investigations or licensing pursuant to the
38 Iowa gaming compact only if the department is
39 satisfied that the intended use of the data is
40 directly related to the tribal gaming background
41 investigations or licensing and the tribe seeking the
42 data has enacted an Indian gaming compact with the
43 state which is consistent with departmental policies
44 and rules, which specifically includes provisions for
45 the dissemination, redissemination, and
46 confidentiality of the data consistent with the
47 statutes and rules governing intelligence data, and
48 which provides for penalties that are consistent with
49 the statutes and rules governing intelligence data.
50 Notwithstanding any state provision regarding

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1 intelligence data, dissemination and redissemination
 2 of criminal intelligence information that is governed
 3 by federal law shall comply with all applicable
 4 federal law provisions."

5 2. Title page, by striking lines 1 and 2 and
 6 inserting the following: "An Act relating to access
 7 to criminal intelligence information and providing an
 8 effective date."

Committee on Judiciary and Law Enforcement

H-5691

1 Amend Senate File 2094, as passed by the Senate, as
 2 follows:

3 1. Page 1, by striking lines 1 through 26.

4 2. Page 1, by striking lines 29 through 34 and
 5 inserting the following:

6 "5. Joint legal custody does not require, but may
 7 include, joint physical care. When the court
 8 determines such action would be in the best interest
 9 of the child, physical care may be given to one joint
 10 legal custodial parent and not to the other. If one
 11 joint legal custodial parent is awarded".

12 3. Page 2, by striking line 8, and inserting the
 13 following: "extracurricular activities, and".

Committee on Judiciary and Law Enforcement

H-5695

1 Amend House File 2411 as follows:

2 1. Page 9, by inserting after line 34 the
 3 following:

4 "It is the intent of the general assembly that the
 5 university of Iowa's office of health services develop
 6 a plan to encourage and maintain substantive
 7 relationships with the Iowa community health centers
 8 as a component of the primary health care initiative
 9 in the college of medicine. The objective of the plan
 10 shall be to assist Iowa community health centers to
 11 recruit and retain adequate numbers of primary care
 12 physicians. The office of health services shall
 13 submit a report on the plan to the general assembly by
 14 January 15, 1995."

HARPER of Black Hawk

H-5696

1 Amend House File 2411 as follows:

2 1. Page 18, line 7, by striking the figure

3 "1,041,120" and inserting the following: "1,041,283".

4 2. Page 18, line 31, by striking the figure

5 "702,626" and inserting the following: "1,041,283".

HARPER of Black Hawk

H-5702

1 Amend Senate File 2229, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 28 the

4 following:

5 "The department of general services shall study and
6 recommend to the general assembly energy conservation

7 methods or projects which, if implemented, will reduce

8 utility costs within the state capitol complex. The

9 recommendations shall be submitted to the speaker of

10 the house of representatives and the president of the

11 senate not later than January 15, 1995."

MURPHY of Dubuque

H-5710

1 Amend Senate File 2300 as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the

4 following:

5 "Section 1. Section 455B.301A, subsection 1, Code

6 1993, is amended to read as follows:

7 1. The protection of the health, safety, and

8 welfare of Iowans and the protection of the

9 environment require the safe and sanitary disposal of

10 solid wastes. An effective and efficient solid waste

11 disposal program protects the environment and the

12 public, and provides the most practical and beneficial

13 use of the material and energy values of solid waste.

14 While recognizing the continuing necessity for the

15 existence of landfills, alternative methods of

16 managing solid waste and a reduction in the reliance

17 upon land disposal of solid waste are encouraged. In

18 the promotion of these goals, the following waste

19 management hierarchy in descending order of

20 preference, is established as the solid waste

21 management policy of the state:

22 a. Volume reduction at the source.

23 b. Recycling and reuse.

24 c. Combustion with energy recovery and refuse-

25 derived fuel.

26 d. Combustion for volume reduction.

27 e. Disposal in sanitary landfills.

28 c. Other approved techniques of solid waste

29 management including, but not limited to, combustion

30 with energy recovery, combustion for waste disposal,

31 and disposal in sanitary landfills."

32 2. Page 1, by striking lines 5 through 7 and
 33 inserting the following: "of this subsection,
 34 "special waste" means any industrial process waste,
 35 pollution control waste, or toxic waste which presents
 36 a threat to human health or the environment or a waste
 37 with inherent properties which make the disposal of
 38 the waste in a sanitary landfill difficult to manage.
 39 Special waste does not include domestic, office,
 40 commercial, medical, or industrial waste that does not
 41 require special handling or limitations on its
 42 disposal."

43 3. Page 3, by inserting after line 7 the
 44 following: "If the request for certified approval
 45 from the entity which filed the comprehensive plan
 46 governing the originating service area is denied, the
 47 person seeking to remove and deposit the solid waste
 48 may appeal the denial to the commission. An appeal to
 49 the commission under this subsection shall be
 50 conducted as a contested case under chapter 17A."

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1 4. Page 3, lines 8 and 9, by striking the words
 2 ", a county attorney, or a city attorney,".

3 5. Page 3, line 12, by striking the words "or
 4 criminal".

5 6. Page 3, by striking lines 25 through 35 and
 6 inserting the following: "per ton through July 1,
 7 1992. A city, county, or private agency which files a
 8 comprehensive plan to operate a sanitary landfill
 9 under section 455B.306 and which accepts solid waste
 10 from a service area not included in but contiguous to
 11 the service area included in the comprehensive plan,
 12 shall charge a tonnage fee for the disposal of that
 13 solid waste which is at least the amount of the
 14 current tonnage fee charged by the sanitary landfill
 15 representing the receiving service area or the
 16 sanitary landfill representing the service area from
 17 which the solid waste originated, whichever amount is
 18 greater. A".

19 7. Page 4, by striking lines 5 through 8 and
 20 inserting the following: "percent of the fee
 21 otherwise established in this section. The additional
 22 fee charged and the moneys collected shall be used in
 23 accordance with section 455E.11, subsection 2,
 24 paragraph "a", subparagraph (11), subparagraph
 25 subdivision (b)."

26 8. By renumbering as necessary.

H-5712

- 1 Amend House File 2418 as follows:
2 1. Page 12, line 14, by inserting after the word
3 "year," the following: "and during the applicable
4 period the member is not employed by a school
5 corporation."

JOCHUM of Dubuque
WISE of Lee

H-5714

- 1 Amend Senate File 336, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 26 through 28 and
4 inserting the following: "course by achieving a
5 passing grade. If educational assistance is provided
6 for an accredited postsecondary course, the amount of
7 assistance shall be based upon the grade obtained by
8 the state employee, using the following scale:
9 (1) One hundred percent reimbursement, if the
10 state employee receives the equivalent of an "A"
11 letter grade, or if the course is taken on a pass-fail
12 basis and the state employee passes the course.
13 (2) Seventy-five percent reimbursement, if the
14 state employee receives the equivalent of a "B" letter
15 grade.
16 (3) Fifty percent reimbursement, if the state
17 employee receives the equivalent of a "C" letter
18 grade.
19 (4) Twenty-five percent reimbursement, if the
20 state employee receives the equivalent of a "D" letter
21 grade.
22 For the purposes of this subsection, letter grades
23 or the equivalents of letter grades which include
24 pluses and minuses shall be reimbursed at the same
25 percentage as the grades to which the pluses and
26 minuses are attached. The department of personnel
27 shall adopt rules to provide for reimbursement rates
28 for grading systems which are not based upon letter
29 grades which are consistent with the purposes of this
30 subsection and the reimbursement scale established in
31 this subsection.
32 If educational assistance is provided in advance of
33 the completion of the accredited postsecondary course,
34 and the amount of assistance provided exceeds the
35 amount of assistance the state employee would be
36 entitled to receive pursuant to this subsection and
37 rules adopted by the department of personnel, the
38 state".

JOCHUM of Dubuque

H-5716

- 1 Amend House File 647 as follows:
 2 1. Page 3, by inserting after line 6 the
 3 following:
 4 "g. Provisions for investment in and modernization
 5 of the utility's telecommunications infrastructure."

WISE of Lee
 NELSON of Pottawattamie
 PETERSON of Carroll
 RENAUD of Polk
 JOCHUM of Dubuque

H-5717

- 1 Amend Senate File 100, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 30, by inserting after the word
 4 "Code" the following: "Supplement".
 5 2. Page 4, by inserting after line 8 the
 6 following:
 7 "6. The practice of social work does not include
 8 those activities performed by public employees who are
 9 in nonsupervisory positions. However, the practice of
 10 social work does include those employees of facilities
 11 licensed under chapter 347."
 12 3. Page 4, by striking line 32.
 13 4. Page 4, by inserting after line 35 the
 14 following:
 15 "b. ALTERNATIVE LICENSING, BACHELOR SOCIAL WORKER.
 16 An applicant for a license as a bachelor social
 17 worker shall present evidence satisfactory to the
 18 board that the applicant:
 19 (1) Possesses a bachelor's degree from an
 20 accredited college or university approved by the
 21 board.
 22 (2) Has taken and passed additional undergraduate
 23 courses related to the skills and knowledge required
 24 in the practice of social work, if required by the
 25 board.
 26 (3) Has passed an examination which shall be
 27 comparable to those used in other states for the
 28 licensure of bachelor level social workers as selected
 29 by the board.
 30 (4) Will conduct all professional activities as a
 31 bachelor social worker in accordance with the
 32 standards for professional conduct established by the
 33 board.
 34 (5) Has been employed in a social work setting as
 35 defined by the board by rule adopted pursuant to
 36 chapter 17A for at least four thousand hours prior to
 37 taking the examination given by the board.

38 An applicant who does not satisfy the requirements
 39 of subparagraphs (1), (2), and (3) may obtain a
 40 temporary license for a period of five years, during
 41 which time the applicant must complete the
 42 requirements set forth by the board."

43 5. Page 5, by striking line 7.

44 6. Page 7, line 3, by striking the figure "1995"
 45 and inserting the following: "1996".

46 7. Page 7, by striking line 14 and inserting the
 47 following: "hours of employment experience in a
 48 social work setting as defined by the board by rule
 49 adopted pursuant to chapter 17A."

50 8. Page 7, by striking line 28 and inserting the

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1 following: "of employment experience in a social work
 2 setting as defined by the board by rule adopted
 3 pursuant to chapter 17A."

4 9. Page 7, by striking lines 31 and 32 and
 5 inserting the following: "satisfactory to the board
 6 that the applicant possesses a valid license to".

7 10. Page 7, line 34, by striking the figure
 8 "1993" and inserting the following: "1994".

9 11. By striking page 7, line 35 through page 8,
 10 line 4.

11 12. Page 8, line 26, by striking the figure
 12 "1995" and inserting the following: "1996".

13 13. By renumbering and relettering as necessary.

Committee on State Government

H-5719

1 Amend the amendment, H-5694, to Senate File 2229,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, lines 11 and 12, by striking the word
 5 and figures "April 30, 1995" and inserting the
 6 following: "August 1, 1994".

7 2. Page 1, by striking lines 19 through 22 and
 8 inserting the following: "refund within four years.
 9 The amount of credit or refund shall be equally spread
 10 over those four years. Any claims for refund shall be
 11 payable from the special refund account established in
 12 section 422.105.

13 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
 14 ACCOUNT.

15 The department shall establish a special refund
 16 account for the purpose of paying the refund claims of
 17 federal retirees pursuant to section 422.73,
 18 subsection 8. There is appropriated annually from the
 19 general fund of the state an amount sufficient to pay
 20 the refund claims of these federal retirees."

H-5723

1 Amend House File 2386 as follows:

2 1. Page 1, by inserting after line 24 the
3 following:

4 "Sec. _____. Section 123.3, subsection 19, Code
5 Supplement 1993, is amended to read as follows:

6 19. "Legal age" means nineteen twenty-one years of
7 age or more.

8 Sec. _____. Section 123.47, Code 1993, is amended to
9 read as follows:

10 123.47 PERSONS UNDER THE AGE OF EIGHTEEN.

11 A person shall not sell, give, or otherwise supply
12 alcoholic liquor, wine, or beer to any person knowing
13 or having reasonable cause to believe that person to
14 be under the age of eighteen, and a person or persons
15 under the age of eighteen shall not individually or
16 jointly have alcoholic liquor, wine, or beer in their
17 possession or control; except in the case of liquor,
18 wine, or beer given or dispensed to a person under the
19 age of eighteen within a private home and with the
20 knowledge, presence, and consent of the parent or
21 guardian for beverage or medicinal purposes or as
22 administered to the person by either a physician or
23 dentist for medicinal purposes and except to the
24 extent that a person under the age of eighteen may
25 handle alcoholic beverages, wine, and beer during the
26 regular course of the person's employment by a liquor
27 control licensee, or wine or beer permittee under this
28 chapter.

29 Sec. _____. Section 123.47A, subsection 1, Code
30 1993, is amended to read as follows:

31 1. A person shall not sell, give, or otherwise
32 supply alcoholic liquor, wine, or beer to any person
33 knowing or having reasonable cause to believe that the
34 person is age eighteen, nineteen, or twenty. A person
35 age eighteen, nineteen, or twenty shall not purchase
36 or possess alcoholic liquor, wine, or beer. However,
37 a person age eighteen, nineteen, or twenty may possess
38 alcoholic liquor, wine, or beer given to the person
39 within a private home with the knowledge, presence,
40 and consent of the person's parent or guardian, and a
41 person age eighteen, nineteen, or twenty may handle
42 alcoholic liquor, wine, and beer during the course of
43 the person's employment by a liquor control licensee,
44 or wine or beer permittee. A person, other than a
45 licensee or permittee, who commits a first offense
46 under this section commits a scheduled violation of
47 section 805.8, subsection 10. A person, other than a
48 licensee or permittee, who commits a second or
49 subsequent violation of this section, commits a simple
50 misdemeanor. A licensee or permittee who violates

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1 this section with respect to a person who is age
 2 nineteen or twenty is guilty of a simple misdemeanor
 3 punishable by a fine of not more than fifty dollars.
 4 The penalty provided under this section against a
 5 licensee or permittee who violates this section with
 6 respect to a person who is age nineteen or twenty is
 7 the only penalty which shall be imposed against a
 8 licensee or permittee who violates this section. A
 9 licensee or permittee who violates this section with
 10 respect to a person who is age eighteen commits a
 11 simple misdemeanor, and is subject to the criminal and
 12 civil penalties provided pursuant to sections 123.49
 13 and 123.50 with respect to selling, giving, or
 14 otherwise supplying alcoholic beverages, liquor, wine,
 15 or beer to persons under legal age.”
 16 2. By renumbering as necessary.

WEIDMAN of Cass

H-5724

1 Amend Senate File 2300, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 4, by inserting before line 9 the
 4 following:
 5 “Sec. _____. Section 455B.310, Code Supplement 1993,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 11. Notwithstanding the tonnage
 8 fee schedule imposed under subsection 2, a planning
 9 area which meets the July 1, 1994, waste volume
 10 reduction and recycling goal pursuant to section
 11 455D.3 shall retain an additional fifty cents of the
 12 tonnage fee as provided in section 455D.3.”
 13 2. By striking page 5, line 23 through page 7,
 14 line 9 and inserting the following:
 15 “A planning area that meets the July 1, 1994,
 16 twenty-five percent goal, as determined by the
 17 department as of July 1, 1995, shall retain an
 18 additional fifty cents from that portion of the
 19 tonnage fees allocated to landfill alternative grants
 20 pursuant to section 455E.11, subsection 2, paragraph
 21 “a”, subparagraph (9).”
 22 3. Page 7, line 21, by inserting after the word
 23 and figure “subsection 18.” the following: “However,
 24 the amount allocated under this subparagraph shall be
 25 reduced by fifty cents per ton for each planning area
 26 that meets the waste volume reduction and recycling
 27 goals pursuant to section 455D.3.”
 28 4. By renumbering as necessary.

RAFFERTY of Scott

H-5726

1 Amend Senate File 2277, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 123.47B, Code 1993, is amended
6 to read as follows:

7 123.47B PARENTAL AND SCHOOL NOTIFICATION – PERSONS
8 UNDER EIGHTEEN YEARS OF AGE.

9 A peace officer shall make a reasonable effort to
10 identify a person under the age of eighteen discovered
11 to be in possession of alcoholic liquor, wine, or beer
12 in violation of section 123.47 and if the person is
13 not referred to juvenile court, the law enforcement
14 agency of which the peace officer is an employee shall
15 make a reasonable attempt to notify the person's
16 custodial parent or legal guardian of such possession,
17 whether or not the person is arrested or a citation is
18 issued pursuant to section 805.16, unless the officer
19 has reasonable grounds to believe that such
20 notification is not in the best interests of the
21 person or will endanger that person. If the person is
22 arrested or issued a citation pursuant to section
23 805.16, the peace officer may make a reasonable effort
24 to identify the elementary or secondary school the
25 person attends, if any, and to notify the
26 superintendent of the school district, the
27 superintendent's designee, or the authorities in
28 charge of the nonpublic school of the arrest or
29 citation. A juvenile court officer may also notify
30 the superintendent of the school district or the
31 authorities in charge of the nonpublic school which
32 the child attends of the arrest or citation. A
33 reasonable attempt to notify the person includes but
34 is not limited to a telephone call or notice by first
35 class mail.

36 Sec. _____. Section 124.415, Code 1993, is amended
37 to read as follows:

38 124.415 PARENTAL AND SCHOOL NOTIFICATION – PERSONS UNDER
39 EIGHTEEN YEARS OF AGE.

40 A peace officer shall make a reasonable effort to
41 identify a person under the age of eighteen discovered
42 to be in possession of a controlled substance,
43 counterfeit substance, or simulated controlled
44 substance in violation of this chapter, and if the
45 person is not referred to juvenile court the law
46 enforcement agency of which the peace officer is an
47 employee shall make a reasonable attempt to notify the
48 person's custodial parent or legal guardian of such
49 possession, whether or not the person is arrested,
50 unless the officer has reasonable grounds to believe

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1 that such notification is not in the best interests of
2 the person or will endanger that person. If the
3 person is arrested, the peace officer may make a
4 reasonable effort to identify the elementary or
5 secondary school the person attends, if any, and to
6 notify the superintendent of the school district, the
7 superintendent's designee, or the authorities in
8 charge of the nonpublic school of the arrest. A
9 juvenile court officer may also notify the
10 superintendent of the school district, the
11 superintendent's designee, or the authorities in
12 charge of the nonpublic school of the arrest. A
13 reasonable attempt to notify the person includes but
14 is not limited to a telephone call or notice by first
15 class mail.

16 Sec. _____. Section 232.28, subsection 3, Code 1993,
17 is amended by adding the following new paragraph:
18 NEW PARAGRAPH. f. Notify the superintendent of
19 the school district or the authorities in charge of
20 the nonpublic school which the child attends of an
21 arrest or citation involving alcohol or controlled
22 substance possession, as provided in sections 123.47B
23 and 124.415.

24 Sec. _____. Section 232.147, Code Supplement 1993,
25 is amended by adding the following new subsection:
26 NEW SUBSECTION. 9. A juvenile court officer or
27 law enforcement agency may disclose the name of the
28 child and an arrest or citation involving alcohol or
29 controlled substance possession to the superintendent
30 of the school district, the superintendent's designee,
31 or the authorities in charge of the nonpublic school
32 which the child attends, as provided in sections
33 123.47B and 124.415 or past arrests or citations
34 involving alcohol or controlled substance possession
35 or indictable offenses committed by the child. A
36 school official or employee who discloses information
37 received under this subsection in violation of section
38 232.151 shall be subject to disciplinary action,
39 including but not limited to reprimand, suspension, or
40 termination.

41 Sec. _____. Section 235A.15, subsection 2, paragraph
42 c, Code Supplement 1993, is amended by adding the
43 following new subparagraph:
44 NEW SUBPARAGRAPH. (11) To a superintendent or
45 personnel administrator of a school corporation only
46 regarding founded child abuse information concerning a
47 person employed or being considered for employment by
48 the school corporation. Information provided under
49 this paragraph shall only be provided verbally to the
50 superintendent or personnel administrator."

Page 3

1 2. Page 1, line 11, by striking the word "one-
2 half" and inserting the following: "one".

3 3. Page 1, by inserting after line 11 the
4 following:

5 "Sec. _____. NEW SECTION. 256.11C CHARACTER
6 EDUCATION POLICY — PILOT PROGRAM.

7 1. It is the policy of the general assembly that
8 Iowa's schools be the best and safest possible. To
9 that end, each school is encouraged to instill the
10 highest character and academic excellence in each
11 student, in close cooperation with the student's
12 parents, and with input from the community and
13 educators.

14 Schools should make every effort, formally and
15 informally, to stress character qualities that will
16 maintain a safe and orderly learning environment, and
17 that will ultimately equip students to be model
18 citizens. These qualities include but are not limited
19 to honesty; responsibility; respect and care for the
20 person and property of others; self-discipline;
21 understanding of, respect for, and obedience to law
22 and citizenship; courage, initiative, commitment, and
23 perseverance; kindness, compassion, service, and
24 loyalty; fairness, moderation, and patience; and the
25 dignity and necessity of hard work.

26 The department of education shall assist schools in
27 accessing financial and curricular resources to
28 implement programs stressing these character
29 qualities. Schools are encouraged to use their
30 existing resources to implement programs stressing
31 these qualities.

32 2. The department of education shall establish a
33 character education pilot program to evaluate methods
34 for incorporating positive character qualities into
35 all levels of the existing educational program.

36 3. The program shall involve up to four school
37 districts or area education agencies, contingent upon
38 an appropriation or other sources of funding, and
39 competitive applications. The program may provide for
40 the utilization of phase III funds in the
41 establishment of the program. A character education
42 pilot program is a comprehensive school transformation
43 program under section 294A.14. Successful applicants
44 shall present programs meeting at least the following
45 criteria:

46 a. The character education program extends through
47 at least eight consecutive grade levels.

48 b. The character education program is approved by
49 the local board of education and developed in
50 conjunction with an advisory group appointed by the

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1 local board. The advisory group must meet the
2 requirements set forth in section 280.12, subsection
3 2.

4 c. The primary goal of the program is to have
5 students commit to a positive set of values that are
6 consistent with some or all of those values listed in
7 subsection 1 and in the students' community, and to
8 consistently act upon those values.

9 d. The program includes adequate staff development
10 activities to ensure that instructional and
11 administrative staff are sufficiently familiar with
12 both the concepts and the instructional methodology of
13 the program.

14 e. The program includes an ongoing communication
15 strategy to inform and receive feedback from parents
16 and other community members regarding the content and
17 operation of the character education program.

18 f. The program includes strategies to report on
19 program success using some indicators that the primary
20 program goals are being achieved.

21 Information regarding individual student progress
22 shall only be reported to the parents of each student,
23 and shall not be the basis for any decision regarding
24 educational placement, promotion, or retention.

25 4. The department of education shall report to the
26 state board and to the general assembly regarding the
27 success of any pilot programs prior to the completion
28 of the third year of a program.

29 Sec. _____. Section 279.9, Code 1993, is amended to
30 read as follows:

31 279.9 USE OF TOBACCO.

32 Sueh The rules shall prohibit the use of tobacco
33 and the use or possession of alcoholic liquor, wine,
34 or beer or any controlled substance as defined in
35 section 124.101, subsection 5, by any student of such
36 the schools and the board may suspend or expel any a
37 student for any a violation of sueh a rule under this
38 section. Upon the request of school officials of a
39 school to which the student seeks to transfer or has
40 transferred, school officials of the sending school
41 shall provide an accurate record of any suspension and
42 expulsion actions taken, and the basis for those
43 actions taken, against the student under this section
44 and sections 280.19A, 282.3, 282.4, 282.5, 287.3, and
45 287.4. The designated representative shall disclose
46 this information only to those school employees whose
47 duties require them to be involved with the student.
48 For purposes of this subsection, "school employees"
49 means persons employed by a nonpublic school, school
50 district, or any area education agency staff member

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1 who provides services to a school or school district.
 2 Sec. _____. Section 280.19A, Code 1993, is amended
 3 by adding the following new unnumbered paragraph:
 4 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 5 22.7, subsection 1, records kept regarding a student
 6 who has participated in a program under this section
 7 shall be requested by school officials of a public or
 8 nonpublic receiving school in which the student seeks
 9 to enroll, and shall be provided by the sending
 10 school. A school official who receives information
 11 under this section shall disclose this information
 12 only to those school officials and employees whose
 13 duties require them to be involved with the student.
 14 A school official or employee who discloses
 15 information received under this section in violation
 16 of this paragraph shall be subject to disciplinary
 17 action, including but not limited to reprimand,
 18 suspension, or termination. "School officials and
 19 employees" means those officials and persons employed
 20 by a nonpublic school or public school district, and
 21 area education agency staff members who provide
 22 services to schools or school districts.
 23 Sec. _____. Section 280.21, Code 1993, is amended by
 24 adding the following new unnumbered paragraphs:
 25 NEW UNNUMBERED PARAGRAPH. A school employee who
 26 comes into physical contact with a student shall be
 27 immune from civil or criminal liability as a result of
 28 the physical contact, if the physical contact was made
 29 in the course of the school employee's employment,
 30 appropriate under the circumstances, and if the
 31 physical contact was made for any of the following
 32 purposes:
 33 1. To encourage, support, or restrain the student.
 34 2. To protect a school employee, the student, or
 35 other students.
 36 3. To obtain the possession of a weapon or other
 37 dangerous object within a student's control.
 38 4. To protect property.
 39 5. To quell a disturbance or prevent an act that
 40 threatens physical harm to any person.
 41 6. To remove a disruptive student from class,
 42 school transportation, or any area of the school
 43 premises or from school-sponsored activities off the
 44 school premises.
 45 7. To prevent a student from the self-infliction
 46 of harm.
 47 8. In self-defense.
 48 NEW UNNUMBERED PARAGRAPH. To prevail in a civil
 49 action brought under this section, the party bringing
 50 the action must prove by clear and convincing evidence

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1 that the school employee was not acting in the course
2 of employment, or was acting in a way which was not
3 appropriate under the circumstances, that the school
4 employee is not immunized for the act under this
5 section, and that a violation of this section
6 occurred. To prevail in a criminal action, the state
7 must prove beyond a reasonable doubt that the school
8 employee was not acting in the course of employment,
9 or was acting in a way which was not appropriate under
10 the circumstances. For purposes of this section,
11 "school employee" means a person employed by a
12 nonpublic school or school district, or any area
13 education agency staff member who provides services to
14 a school or school district.

15 Sec. _____. NEW SECTION. 280.21A LEAVE -- EPISODE
16 OF VIOLENCE.

17 1. A school employee who, in the course of
18 employment, suffers a personal injury causing
19 temporary total disability, or a permanent partial or
20 total disability, resulting from an episode of
21 violence toward that employee or as a result of an
22 employee's action under section 280.21B, for which
23 workers' compensation under chapter 85 is payable,
24 shall be entitled to receive workers' compensation,
25 which the district shall supplement in order for the
26 employee to receive full salary and benefits for the
27 shortest of the following periods:

- 28 a. One year from the date of the disability.
29 b. The period during which the employee is
30 disabled and incapable of employment.

31 During the period described in paragraph "a" or
32 "b", the school employee shall not be required to use
33 accumulated sick leave or vacation.

34 2. The school district may require the employee,
35 as a condition of receiving benefits under this
36 section, to provide a signed statement that justifies
37 the use of this leave and, if medical attention is
38 required, a certificate from a licensed physician that
39 states the nature and duration of the leave.

40 3. For purposes of this section, "school employee"
41 means a person employed by a nonpublic school or
42 school district, or any area education agency staff
43 member who provides services to a school or school
44 district.

45 Sec. _____. NEW SECTION. 280.21B INTERVENTION IN
46 ALTERCATIONS.

47 A school employee may intervene in a fight or
48 physical struggle that takes place in the presence of
49 the employee in a school building, on school grounds,
50 or at a school-sponsored function off school grounds

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1 and regardless of whether the fight is among students
2 or other individuals. The employee may use reasonable
3 force as defined in section 704.1. An employee who
4 takes action under this section in the course of
5 employment shall have the same immunity as provided
6 under section 280.21, unless the employee's action was
7 not appropriate under the circumstances. For purposes
8 of this section, "school employee" means a person
9 employed by a nonpublic school or school district, or
10 any area education agency staff member who provides
11 services to a school or school district.

12 Sec. _____. Section 282.4, Code 1993, is amended to
13 read as follows:

14 282.4 EXPULSION — DISMISSAL.

15 The board may, by a majority vote, expel any pupil
16 from school for a violation of the regulations or
17 rules established by the board, or when the presence
18 of the pupil is detrimental to the best interests of
19 the school; and it. The board may confer upon any
20 teacher, principal, or superintendent the power
21 temporarily to dismiss a pupil, notice of such
22 dismissal being at once given in writing to the
23 president of the board.

24 A pupil who, following a local school board
25 hearing, is found to have committed an assault, as
26 defined under section 708.1, against a school
27 employee, shall be expelled from school and a report
28 of the action of findings and action of the board
29 shall be filed with the juvenile court in accordance
30 with section 232.28, subsection 1, in the case of a
31 juvenile, or filed with the county attorney, in the
32 case of a pupil who is eighteen years of age or older,
33 unless the student shows good cause, on the basis of
34 individual facts and circumstances, that a less severe
35 consequence is more appropriate. For purposes of this
36 section, "school employee" means a person employed by
37 a nonpublic school or school district, or any area
38 education agency staff member who provides services to
39 a school or school district.

40 Sec. _____. Section 282.18, subsection 16, Code
41 Supplement 1993, is amended to read as follows:

42 16. If a pupil, for which whom a request to
43 transfer has been filed with a district, has been
44 suspended or expelled in the district, the child pupil
45 shall not be permitted to transfer until the pupil has
46 been reinstated in the sending district. Once the
47 child pupil has been reinstated, however, the child
48 pupil shall be permitted to transfer in the same
49 manner as if the child pupil had not been suspended or
50 expelled by the sending district. If a child pupil,

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1 for whom a request to transfer has been filed with a
2 district, is expelled in the district, the child pupil
3 shall be permitted to transfer to a receiving district
4 under this section if the child pupil applies for and
5 is reinstated in the sending district. However, if
6 the child pupil applies for reinstatement but is not
7 reinstated in the sending district, the receiving
8 district may deny the request to transfer. The parent
9 or guardian of the child pupil shall be permitted to
10 appeal the decision of the receiving district to the
11 director of the department of education. If the
12 director rules in favor of permitting the transfer,
13 the child pupil shall be permitted to transfer, but
14 the transfer shall be conditioned upon the expiration
15 of the expulsion period without the student pupil
16 incurring a new violation.

17 Sec. _____. NEW SECTION. 287.4 DISCLOSURE OF
18 INFORMATION.

19 Notwithstanding section 22.7, subsection 1, records
20 kept under this chapter shall be made available to the
21 designated representative of a school district in
22 which a pupil subject to an action under this chapter
23 attends. The designated representative shall disclose
24 this information only to those personnel whose duties
25 require them to be involved with the pupil.

26 Sec. _____. Section 321.236, subsection 2, Code
27 1993, is amended to read as follows:

28 2. Regulating traffic, including traffic on public
29 school driveways and parking lots, by means of police
30 officers or traffic-control signals.

31 Sec. _____. Section 808A.1, subsection 1, paragraph
32 d, Code 1993, is amended to read as follows:

33 d. A school locker, desk, or other facility or
34 space issued or assigned to, or chosen by, the student
35 for the storage of personal belongings of any kind,
36 which the student locks or is permitted to lock.
37 School officials may conduct periodic inspections of
38 all school lockers provided the student is given the
39 opportunity to be present during the inspection.
40 However, the school district shall provide notice to
41 the students, at least twenty four hours prior to the
42 inspection, of the date and time of the inspection in
43 the school's rules or policy at the time of enrollment
44 each school year that a student's locker is subject to
45 inspection at any time during the course of the school
46 year, and that the evidence obtained directly or
47 indirectly as a result of an inspection may be
48 admissible in a criminal proceeding against the
49 student.

50 Sec. _____. PLACEMENT OF EXPELLED STUDENTS. The

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- 1 area education agencies shall, in cooperation with
- 2 local school districts, identify programs and
- 3 resources available within the state to meet the
- 4 educational and assessment needs on a full-time basis
- 5 of public and nonpublic students who have been
- 6 expelled. The area education agencies shall submit
- 7 the findings and any related recommendations in a
- 8 report to the general assembly by January 1, 1995."
- 9 4. Title page, line 1, by inserting after the
- 10 word "schools" the following: "and safe schools".
- 11 5. By renumbering as necessary.

Committee on Education

H-5729

- 1 Amend the amendment, H-5694, to Senate File 2229,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 19 through 22 and
- 5 inserting the following: "refund within four years.
- 6 The amount of credit or refund shall be equally spread
- 7 over those four years. Any claims for refund shall be
- 8 payable from the special refund account established in
- 9 section 422.105. The department shall state on the
- 10 actual tax form for the next four tax years a notice
- 11 that federal retirees may be entitled to a credit or
- 12 refund under the provisions of this subsection.
- 13 Sec. _____ NEW SECTION. 422.105 SPECIAL REFUND
- 14 ACCOUNT.
- 15 The department shall establish a special refund
- 16 account for the purpose of paying the refund claims of
- 17 federal retirees pursuant to section 422.73,
- 18 subsection 8. There is appropriated annually from the
- 19 general fund of the state an amount sufficient to pay
- 20 the refund claims of these federal retirees."

HENDERSON of Scott

H-5732

- 1 Amend Senate File 2267, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 6, line 32, through page 7,
- 4 line 9, and inserting the following: "effective date
- 5 of this Act."

Committee on Human Resources

H-5733

- 1 Amend Senate File 2293, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 9, by striking the word
 4 "metaphyseal" and inserting the following:
 5 "metaphysial".
 6 2. Page 1, line 22, by striking the words "the
 7 same" and inserting the following: "a".

Committee on Judiciary and Law Enforcement

H-5734

- 1 Amend House File 2398 as follows:
 2 1. Page 2, line 34, by inserting after the word
 3 "construction" the following: "and maintenance".
 4 2. Page 3, line 12, by inserting after the word
 5 "construction" the following: "and maintenance".

WEIDMAN of Cass

H-5738

- 1 Amend the amendment, H-5709, to Senate File 2250,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 8 the
 5 following:
 6 "_____. This section only applies if the department
 7 of human services requests a hearing on its own motion
 8 in the district court in the county where the person
 9 resides, prior to the attachment of a lien, to
 10 establish that the person has obtained benefits
 11 inappropriately from the department of human services
 12 through false, misleading, incomplete, or inaccurate
 13 information submitted by the person in connection with
 14 the application for or receipt of benefits and if the
 15 court enters an order finding the person to have
 16 inappropriately obtained benefits under this section.
 17 The department of human services shall pay all costs
 18 associated with the hearing if the person is not found
 19 to have inappropriately obtained benefits from the
 20 department."
 21 2. By renumbering and correcting internal
 22 references as necessary.

BURKE of Marshall

H-5740

- 1 Amend the amendment, H-5618, to House File 2358 as
 2 follows:
 3 1. Page 1, line 5, by striking the words "or
 4 motorized bicycle" and inserting the following: "
 5 motorized bicycle, or bicycle".
 6 2. Page 1, line 7, by inserting after the word
 7 "vehicle" the following: "or bicycle".
 8 3. Page 1, line 18, by striking the words "or

9 motorized bicycle" and inserting the following: "
 10 motorized bicycle, or bicycle".
 11 4. Page 1, line 42, by inserting after the word
 12 "motorcycle" the following: "and bicycle".

BLODGETT of Cerro Gordo

H-5743

1 Amend House File 647 as follows:
 2 1. Page 3, by inserting after line 6 the
 3 following:
 4 "_____. A plan for the deployment of a broadband
 5 network throughout the utility's service territory to
 6 be completed no later than January 1, 2010. The
 7 broadband network shall be deployed in a manner to
 8 permit the connection of all customers of the utility.
 9 The board, prior to the approval of such deployment
 10 plan, shall determine that the plan provides for the
 11 balanced deployment of the network between urban and
 12 rural areas of the state."
 13 2. By relettering as necessary.

BRAND of Benton

H-5747

1 Amend House File 2184, 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. 238.16A PREFERENCE AND
 6 CONSIDERATIONS IN PLACEMENT.
 7 1. Preference shall be given, by child-placing
 8 agencies which place children for adoption or foster
 9 care, to placement of a child with a relative of the
 10 child, if the relative is a qualified placement and if
 11 placement with the relative is in the best interest of
 12 the child.
 13 2. Child-placing agencies which place children for
 14 adoption shall consider the preference of an adoptive
 15 applicant for placement of a child with the same
 16 racial and cultural identity as the adoptive parent
 17 applicant. Lack of availability of a qualified
 18 adoptive parent placement with the same racial and
 19 cultural identity as the child, however, shall not
 20 preclude placement of the child with an otherwise
 21 qualified adoptive parent placement if the placement
 22 is in the best interest of the child.
 23 Sec. 2. Section 600.8, Code 1993, is amended by
 24 adding the following new subsection:
 25 NEW SUBSECTION. 13. Preference shall be given, by
 26 an investigator, to placement of a child with a
 27 relative of the child, if the relative is a qualified

28 placement and if placement with the relative is in the
29 best interest of the child.

30 An investigator shall consider the preference of an
31 adoption petitioner for placement of a child with the
32 same racial and cultural identity as the adoption
33 petitioner. Lack of availability of a qualified
34 adoptive petitioner with the same racial and cultural
35 identity as the child, however, shall not preclude
36 placement of the child with an otherwise qualified
37 adoptive petitioner if the placement is in the best
38 interest of the child.

39 Sec. 3. Section 600.13, Code 1993, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 1A. Preference shall be given, by
42 the court, to placement of a child with a relative of
43 the child, if the relative is a qualified placement
44 and if placement with the relative is in the best
45 interest of the child.

46 The court shall consider the preference of an
47 adoption petitioner for placement of a child with the
48 same racial and cultural identity as the adoption
49 petitioner. Lack of availability of a qualified
50 adoptive petitioner with the same racial and cultural

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1 identity as the child, however, shall not preclude
2 placement of the child with an otherwise qualified
3 adoptive petitioner if the placement is in the best
4 interest of the child."

Senate Amendment

H—5750

1 Amend House File 2332 a follows:

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

4 "Sec. _____. NEW SECTION. 18.134A DISPOSITION OF
5 NETWORK — APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

6 Notwithstanding any provision to the contrary, the
7 Iowa communications network board or the department of
8 general services shall not sell, lease, or otherwise
9 dispose of Part I, II, or III without prior
10 authorization by a constitutional majority of each
11 house of the general assembly and approval by the
12 governor. The board shall develop the request or
13 requests for proposals which are necessary for the
14 sale of Parts I, II, and III which are owned by the
15 state. Such request or requests shall be delivered to
16 the general assembly no later than January 1, 1995,
17 for review and approval. The request or requests for
18 proposals developed for the sale of Parts I, II, and

19 III which are owned by the state shall provide, at a
20 minimum, the following:

21 1. Guaranteed access and use to all current
22 authorized users whether such users are currently
23 connected to or utilizing the network. The access
24 guaranteed under this subsection shall assure such
25 capacity for video, data, and voice requirements as
26 provided in the request for proposals developed by the
27 department of general services for the installation
28 and maintenance of Part III connections of the Iowa
29 communications network, and dated November 3, 1993.

30 2. Guaranteed access and use for operations
31 related to an agency of the federal government whose
32 activities are directly related to the activities at
33 facilities under the control of the armory board
34 appointed pursuant to section 29A.57."

35 2. Title page, line 2, by inserting after the
36 word "agencies" the following: ", and providing for
37 the development of request for proposals".

38 3. By renumbering as necessary.

IVERSON of Wright
MILLAGE of Scott

H-5751

1 Amend House File 2411 as follows:

2 1. Page 19, by inserting after line 28 the
3 following:

4 "Sec. _____. Section 257.11, subsection 5,
5 unnumbered paragraph 2, Code Supplement 1993, is
6 amended to read as follows:

7 If a district was receiving additional weighting
8 for superintendent sharing or administrator sharing
9 under section 442.39, subsection 4, Code 1989, the
10 district shall continue to be assigned additional
11 weighting for superintendent sharing or administrator
12 sharing by the school budget review committee under
13 this subsection so that the district is assigned the
14 additional weighting for sharing for a total period of
15 five ten years."

16 2. By renumbering and correcting internal
17 references as necessary.

DICKINSON of Jackson

H-5752

1 Amend Senate File 2094, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 232.2, subsection 22, Code
6 Supplement 1993, is amended by adding the following

- 7 new unnumbered paragraph:
 8 **NEW UNNUMBERED PARAGRAPH.** Unless otherwise
 9 enlarged or circumscribed by a court or juvenile court
 10 having jurisdiction over the child or by operation of
 11 law, the duties of a guardian ad litem with respect to
 12 a child shall include the following:
- 13 a. Conducting in-person interviews with the child
 14 and each parent, guardian, or other person having
 15 custody of the child.
 - 16 b. Visiting the home, residence, or both home and
 17 residence of the child and any prospective home or
 18 residence of the child.
 - 19 c. Interviewing any person providing medical,
 20 social, educational, or other services to the child.
 - 21 d. Obtaining first-hand knowledge, if possible, of
 22 the facts, circumstances, and parties involved in the
 23 matter in which the person is appointed guardian ad
 24 litem.
 - 25 e. Attending any hearings in the matter in which
 26 the person is appointed as the guardian ad litem.
 27 Persons who are guardians ad litem for a child
 28 shall not also be the attorney for any party, other
 29 than the child, in any proceeding involving or
 30 regarding the child."
- 31 2. Title page, line 2, by inserting after the
 32 word "marriage" the following: "and the duties of
 33 guardians ad litem in juvenile matters".
 34 3. By renumbering as necessary.

DODERER of Johnson

H-5755

- 1 Amend Senate File 2282, as passed by the Senate, as
 2 follows:
- 3 1. Page 23, by inserting after line 17 the
 4 following:
 5 "Sec. _____. Section 513B.10, subsection 3,
 6 paragraph a, unnumbered paragraph 1, Code Supplement
 7 1993, is amended to read as follows:
 8 The plan shall not deny, exclude, or limit
 9 benefits for a covered individual for losses incurred
 10 more than ~~twelve~~ six months following the effective
 11 date of the individual's coverage due to a preexisting
 12 condition. A health benefit plan shall not define a
 13 preexisting condition more restrictively than the
 14 following:
 15 Sec. _____. Section 513B.37, subsection 1, paragraph
 16 a, Code Supplement 1993, is amended to read as
 17 follows:
 18 a. What benefits or direct pay requirements must
 19 be minimally included in a basic or standard benefit
 20 coverage policy or subscription contract.

- 21 Sec. _____. Section 513B.38, Code Supplement 1993,
 22 is amended by adding the following new subsection:
 23 NEW SUBSECTION. 4. Upon the determination of the
 24 commissioner pursuant to section 513B.37, subsection
 25 1, paragraph "a", to include expanded preventative
 26 care services and mental health and substance abuse
 27 treatment coverage, the commissioner shall do all of
 28 the following:
 29 a. Adopt by rule, with all due diligence,
 30 requirements for the provision of expanded coverage
 31 for benefits for expanded preventative care services.
 32 b. Adopt by rule, with all due diligence,
 33 requirements for the provision of coverage for
 34 benefits for mental health and substance abuse
 35 services, which shall be on the same terms and
 36 conditions as such coverage is provided for other
 37 illnesses and diseases."
 38 2. Renumber as necessary.

HAMMOND of Story

H-5756

- 1 Amend Senate File 2282, as passed by the Senate, as
 2 follows:
 3 1. Page 23, by inserting after line 17 the fol-
 4 lowing:
 5 "Sec. _____. Section 513B.2, subsection 12,
 6 unnumbered paragraph 1, Code Supplement 1993, is
 7 amended to read as follows:
 8 "Late enrollee" means an eligible employee or
 9 dependent who requests enrollment in a health benefit
 10 plan of a small employer following the initial
 11 enrollment period for which such individual is
 12 entitled to enroll under the terms of the health
 13 benefit plan, provided the initial enrollment period
 14 is a period of at least thirty one hundred eighty
 15 days. An eligible employee or dependent shall not be
 16 considered a late enrollee if any of the following
 17 apply:
 18 Sec. _____. Section 513B.2, subsection 12, paragraph
 19 a, subparagraph (3), Code Supplement 1993, is amended
 20 to read as follows:
 21 (3) The individual requests enrollment within
 22 thirty one hundred eighty days after termination of
 23 the qualifying previous coverage.
 24 Sec. _____. Section 513B.2, subsection 12, paragraph
 25 c, Code Supplement 1993, is amended to read as
 26 follows:
 27 c. A court has ordered that coverage be provided
 28 for a spouse or minor or dependent child under a
 29 covered employee's health benefit plan and the request
 30 for enrollment is made within thirty one hundred
 31 eighty days after issuance of the court order."
 32 2. Renumber as necessary.

MURPHY of Dubuque

H-5757

- 1 Amend House File 647 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 34A.2, subsection 6, paragraph
 5 e, unnumbered paragraph 2, Code Supplement 1993, is
 6 amended to read as follows:
 7 Costs are limited to nonrecurring and recurring
 8 costs directly attributable to the provision of 911
 9 emergency telephone communication service and may
 10 include costs for portable and vehicle radios,
 11 communication towers, and other radios and equipment
 12 permanently located at the public safety answering
 13 point. Costs do not include expenditures for any
 14 other purpose, and specifically exclude costs
 15 attributable to other emergency services or
 16 expenditures for buildings or personnel, except for
 17 the costs of personnel for database management and
 18 personnel directly associated with addressing."
 19 2. By renumbering as necessary.

DICKINSON of Jackson

H-5758

- 1 Amend House File 647 as follows:
 2 1. Page 1, line 25, by striking the word
 3 "utilities" and inserting the following: "telephone
 4 utilities with fewer than five hundred thousand access
 5 lines".

BERNAU of Story

H-5759

- 1 Amend House File 647 as follows:
 2 1. Page 2, by striking lines 27 and 28, and
 3 inserting the following:
 4 "a. That prices shall not be increased for
 5 essential communications services."

BRAND of Benton

H-5760

- 1 Amend Senate File 2217, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 13, by inserting after line 10 the
 4 following:
 5 "Sec. _____. Section 515D.4, subsection 5, Code
 6 1993, is amended to read as follows:
 7 5. The named insured or any operator who either
 8 resides in the same household or customarily operates
 9 an automobile insured under the policy has that

10 person's driver's license suspended or revoked during
 11 the policy term or, if the policy is a renewal, during
 12 its term or the one hundred eighty days immediately
 13 preceding its effective date. Notice of cancellation,
 14 for reasons stated in this subsection, shall include a
 15 copy of the driving record of the named insured or any
 16 operator who either resides in the same household or
 17 customarily operates an automobile insured under the
 18 policy whose driver's license was suspended or
 19 revoked.

20 Sec. _____. Section 515D.7, Code 1993, is amended by
 21 adding the following new unnumbered paragraph after
 22 unnumbered paragraph 2:

23 **NEW UNNUMBERED PARAGRAPH.** When intent not to renew
 24 is based upon revocation or suspension of the
 25 insured's driver's license, notice under this section
 26 shall include a copy of the insured's driving record.

27 Sec. _____. Section 516B.3, Code 1993, is amended by
 28 adding the following new subsection:

29 **NEW SUBSECTION. 3.** If an insurer refuses to issue
 30 a policy based upon the driving record of the person
 31 seeking automobile liability insurance, the insurer
 32 shall include in the letter of denial a copy of the
 33 person's driving record upon which the denial was
 34 based."

35 2. Title page, line 6, by inserting after the
 36 word "project" the following: "and automobile
 37 liability insurance".

38 3. By renumbering as necessary.

OSTERBERG of Linn

H-5761

1 Amend House File 647 as follows:

2 1. Page 2, line 3, by inserting after the word
 3 "utility" the following: ", except as provided in
 4 this subsection".

5 2. Page 2, line 8, by inserting after the word
 6 "utility." the following: "A refund or rate
 7 adjustment which results from a case pending on the
 8 effective date of this Act shall not be affected as a
 9 result of the implementation, existence, or approval
 10 of a plan for an alternative form of regulation."

BRAND of Benton
 OSTERBERG of Linn
 WEIGEL of Chickasaw

H-5764

1 Amend the amendment, H-5467, to House File 2386, as
 2 follows:

3 1. Page 2, line 39, by striking the figure "1.00"
 4 and inserting the following: "2.75".

McNEAL of Hardin

H-5765

- 1 Amend House File 2411 as follows:
- 2 1. Page 19, by inserting after line 28 the
- 3 following:
- 4 "Sec. _____. Section 257.11, subsection 5, Code
- 5 Supplement 1993, is amended to read as follows:
- 6 5. SHARED SUPERINTENDENTS. For the budget years
- 7 beginning July 1, 1991, and July 1, 1992, pupils
- 8 enrolled in a school district in which the
- 9 superintendent is employed jointly under section
- 10 280.15 or under section 273.7A, are assigned a
- 11 weighting of one plus an additional portion of one for
- 12 the superintendent who is jointly employed times the
- 13 percent of the superintendent's time in which the
- 14 superintendent is employed in the school district.
- 15 However, the total additional weighting assigned under
- 16 this subsection for a budget year for a school
- 17 district shall not exceed seven and one-half and the
- 18 total additional weighting added cumulatively to the
- 19 enrollment of school districts sharing a
- 20 superintendent shall not exceed twelve and one-half.
- 21 The assignment of additional weighting to a school
- 22 district shall continue for a period of five ten
- 23 years. If the school district reorganizes during that
- 24 five-year period, the assignment of the additional
- 25 weighting shall be transferred to the reorganized
- 26 district until the expiration of the five-year period.
- 27 If a district was receiving additional weighting
- 28 for superintendent sharing or administrator sharing
- 29 under section 442.39, subsection 4, Code 1989, the
- 30 district shall continue to be assigned additional
- 31 weighting for superintendent sharing or administrator
- 32 sharing by the school budget review committee under
- 33 this subsection so that the district is assigned the
- 34 additional weighting for sharing for a total period of
- 35 five ten years."
- 36 2. By renumbering and correcting internal
- 37 references as necessary.

DICKINSON of Jackson

H-5767

- 1 Amend the amendment, H-5039, to House File 647 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "_____. Page 1, by inserting before line 1 the
- 6 following:
- 7 "Section 1. Section 476.1, unnumbered paragraph 4,
- 8 Code 1993, is amended to read as follows:
- 9 Mutual telephone companies in which at least fifty

10 percent of the users are owners, co-operative
 11 telephone corporations or associations, telephone
 12 companies having less than fifteen five hundred
 13 thousand customers and less than fifteen five hundred
 14 thousand access lines, municipally owned utilities,
 15 and unincorporated villages which own their own
 16 distribution systems are not subject to the rate
 17 regulation provided for in this chapter."

18 _____. Page 1, line 25, by inserting after the word
 19 "services" the following: "with more than five
 20 hundred thousand access lines"."

21 2. Page 1, by inserting after line 21 the
 22 following:

23 _____. Page 4, by inserting after line 27 the
 24 following:

25 "Sec. _____. NEW SECTION. 18.137A LOCAL EXCHANGE
 26 COMPANIES - IMPACT REPORT.

27 The Iowa communications network board, if
 28 established, or other governing body designated to
 29 oversee the Iowa communications network, shall
 30 annually, in consultation with the utilities board,
 31 submit a written report to the general assembly on or
 32 before February 1 of each year which shall evaluate
 33 and review the impact of the Iowa communications
 34 network on local exchange companies in this state and
 35 on the services such companies provide. The utilities
 36 board shall cooperate with the network board or other
 37 governing body in the development of the written
 38 report." "

39 3. By renumbering as necessary.

GILL of Woodbury

H-5769

1 Amend the amendment, H-5630, to Senate File 2217,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 3 through 17.

5 2. Page 1, by striking lines 22 through 30 and
 6 inserting the following:

7 "NEW UNNUMBERED PARAGRAPH. However, the
 8 department, prior to releasing any information
 9 pursuant to this section, shall obtain and keep on
 10 file the requester's name and address and a
 11 description of the information requested."

NEUHAUSER of Johnson
 BEATTY of Warren
 HARPER of Black Hawk
 OLLIE of Clinton
 HENDERSON of Scott
 WITT of Black Hawk

H-5770

- 1 Amend the amendment, H-5431, to Senate File 2217,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 12.
 5 2. Page 1, by striking lines 17 through 20 and
 6 inserting the following:
 7 "NEW UNNUMBERED PARAGRAPH. However, the
 8 department, prior to releasing any information
 9 pursuant to this section, shall obtain and keep on
 10 file the requester's name and address and a
 11 description of the information requested."

NEUHAUSER of Johnson
 HARPER of Black Hawk
 WITT of Black Hawk
 NELSON of Pottawattamie

BEATTY of Warren
 OLLIE of Clinton
 HENDERSON of Scott
 LARKIN of Lee

H-5771

- 1 Amend the amendment, H-5039, to House File 647 as
 2 follows:
 3 1. Page 1, line 15, by inserting after the word
 4 "utility." the following: "However, a plan for
 5 alternative regulation shall not be approved or
 6 implemented for a period longer than five years
 7 without being renewed. The consumer advocate and the
 8 utility participating under the plan shall have a
 9 reasonable opportunity to request a rate adjustment
 10 pursuant to section 476.3, subsection 2, and section
 11 476.6 at any time within one year of the expiration of
 12 the approved time period for a plan for alternative
 13 regulation."

OSTERBERG of Linn

H-5772

- 1 Amend the amendment, H-5406, to House File 647 as
 2 follows:
 3 1. Page 1, line 5, by striking the word
 4 "consider" and inserting the following: "adopt and
 5 implement".

OSTERBERG of Linn

H-5773

- 1 Amend the amendment, H-5406, to House File 647, as
 2 follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "service." the following: "The board shall conduct a
 5 study to determine the percentage of low-income
 6 households which do not have access to telephone

7 service. If the board determines that more than five
8 percent of such households do not have access to
9 telephone service, the board shall develop and
10 implement methods to assure such access. For purposes
11 of this subsection, "low-income household" means a
12 household with resources which do not exceed one
13 hundred fifty percent of the federal poverty level as
14 published annually in the federal register by the
15 United States department of health and human
16 services."

OSTERBERG of Linn

H-5774

- 1 Amend the amendment, H-5039, to House File 647 as
2 follows:
3 1. Page 1, by striking lines 2 and 3.
4 2. By renumbering as necessary.

HOLVECK of Polk

H-5775

- 1 Amend the amendment, H-5654, to House File 647, as
2 follows:
3 1. Page 1, line 6, by inserting after the word
4 "revenues" the following: "and costs".

BRAND of Benton

H-5776

- 1 Amend the amendment, H-5405, to House File 647, as
2 follows:
3 1. Page 1, lines 4 and 5, by striking the words
4 "Except as provided in section 476.3, subsection 2,
5 nothing" and inserting the following: "Nothing".
6 2. Page 1, line 15, by inserting after the word
7 "services." the following: "The consumer advocate may
8 also file a petition with the board alleging that a
9 utility's rates are excessive and request a hearing
10 pursuant to section 476.3, subsection 2, and section
11 476.6."
12 3. Page 1, by inserting after line 15 the
13 following:
14 " _____ Page 4, by striking lines 18 through 27.
15 _____ Renumber as necessary."
16 4. Renumber as necessary.

HOLVECK of Polk

H-5778

- 1 Amend House File 2011, 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 912.6, subsections 2 and 4,
 6 Code Supplement 1993, are amended to read as follows:
 7 2. Loss of income from work the victim would have
 8 performed and for which the victim would have received
 9 remuneration if the victim had not been injured not to
 10 exceed ~~two~~ four thousand dollars.
 11 4. Reasonable funeral and burial expenses not to
 12 exceed ~~two five~~ five thousand five hundred dollars."
 13 2. Title page, by striking lines 1 and 2 and
 14 inserting the following: "An Act relating to victim
 15 compensation for loss of income and funeral and burial
 16 expenses."

Senate Amendment

H-5779

- 1 Amend the amendment, H-5039, to House File 647, as
 2 follows:
 3 1. Page 1, by striking line 7 and inserting the
 4 following:
 5 "_____. Page 1, line 32, by inserting after the
 6 word "utility." the following: "The rules shall
 7 provide that a utility participating under a plan of
 8 alternative regulation shall receive no share of any
 9 increased earnings which result solely from a
 10 reduction in the number of employees." "

HOLVECK of Polk

H-5780

- 1 Amend the amendment, H-5039, to House File 647 as
 2 follows:
 3 1. Page 1, by inserting after line 15 the
 4 following:
 5 "_____. Page 2, by inserting before line 11 the
 6 following:
 7 "_____. The board may approve the operation of a
 8 telephone utility under a plan for alternative
 9 regulation if the board finds, after notice and an
 10 opportunity for evidentiary hearing, all of the
 11 following:
 12 a. Operation under a plan for alternative
 13 regulation is necessary to achieve operating
 14 efficiencies which could not otherwise be achieved.
 15 b. Operation under a plan for alternative
 16 regulation is likely to provide lower rates to
 17 customers for communications services that would not
 18 be possible under traditional rate base and rate of
 19 return regulation.
 20 c. Operation under a plan for alternative

21 regulation will not result in the degradation of the
22 quality or availability of communications services.

23 These findings may be made as part of a contested
24 case determining the reasonableness of a utility's
25 rates." "

26 2. Renumber as necessary.

HOLVECK of Polk

H-5781

1 Amend the amendment, H-5039, to House File 647, as
2 follows:

3 1. Page 1, by striking lines 14 and 15, and
4 inserting the following:

5 "_____. Page 2, by striking lines 9 and 10 and
6 inserting the following:

7 "3. All local exchange telephone utilities shall
8 participate in alternative regulation for a minimum of
9 two years, unless participation is otherwise
10 terminated pursuant to this subsection. In the event
11 of exceptional and unforeseeable circumstances, the
12 utility or the consumer advocate may request that the
13 board terminate participation in alternative
14 regulation for the utility." "

15 2. By renumbering as necessary.

HOLVECK of Polk

H-5782

1 Amend the amendment, H-5039, to House File 647 as
2 follows:

3 1. Page 1, by striking line 7 and inserting the
4 following:

5 "_____. Page 1, line 32, by inserting after the
6 word "utility." the following: "The rules shall
7 provide that a utility participating under a plan of
8 alternative regulation shall receive no share of any
9 increased earnings which result from a reduction in
10 the number of employees." "

HOLVECK of Polk

H-5783

1 Amend the amendment, H-5039, to House File 647 as
2 follows:

3 1. Page 1, by striking lines 14 and 15 and
4 inserting the following:

5 "_____. Page 2, by inserting after line 8 the
6 following:

7 "_____. If a utility's earnings under a plan for
8 alternative regulation are above a level set by the
9 board by rule, the board shall require the utility to

- 10 revise its rates downward so that its earnings do not
- 11 exceed the rate of return authorized under alternative
- 12 regulation, plus a portion of the increased earnings
- 13 subject to division which are attributable to the
- 14 preceding year's operation." "
- 15 2. By renumbering as necessary.

HOLVECK of Polk
OSTERBERG of Linn

H-5787

- 1 Amend the amendment, H-5695, to House File 2411 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word
- 4 "services" and inserting the following: "sciences".
- 5 2. Page 1, line 12, by striking the word
- 6 "services" and inserting the following: "sciences".

HARPER of Black Hawk

H-5792

- 1 Amend the amendment, H-5039, to House File 647 as
- 2 follows:
- 3 1. Page 1, by striking lines 14 and 15 and
- 4 inserting the following:
- 5 "_____. Page 2, by striking lines 2 through 5 and
- 6 inserting the following: "utility. If the board
- 7 modifies the proposed"."
- 8 2. By renumbering as necessary.

BRAND of Benton

H-5793

- 1 Amend the amendment, H-5039, to House File 647, as
- 2 follows:
- 3 1. Page 1, by striking lines 14 and 15 and
- 4 inserting the following:
- 5 "_____. Page 2, by inserting after line 8 the
- 6 following:
- 7 "_____. Before a rate-regulated public utility
- 8 furnishing communications services can operate under a
- 9 plan for alternative regulation or renew such plan,
- 10 the consumer advocate may file a petition under
- 11 section 476.3, subsection 2. The consumer advocate
- 12 shall indicate whether a complaint will be filed no
- 13 later than ninety days after the utility requests
- 14 permission to operate under a plan for alternative
- 15 regulation under subsection 2. If the consumer
- 16 advocate indicates an intent to file a petition, the
- 17 consumer advocate shall have an additional ninety days
- 18 to file such petition. A refund or rate adjustment to
- 19 the customers of such utility which results from a

20 petition filed by the consumer advocate, shall not be
 21 affected as a result of the implementation of
 22 existence of a plan for alternative regulation."

23 _____ Page 2, by striking lines 27 and 28, and
 24 inserting the following:

25 "a. That prices shall not be increased for
 26 essential communications services." "

27 2. Page 1, by inserting after line 21 the
 28 following:

29 "_____ Page 4, line 27, by inserting after the
 30 figure "476.30A" the following: ", except as
 31 otherwise provided in section 476.30A".

32 3. By renumbering as necessary.

BRAND of Benton

H-5794

1 Amend the amendment, H-5556, to House File 2411 as
 2 follows:

3 1. Page 1, line 4, by striking the figure
 4 "183,200,000" and inserting the following:
 5 "183,343,493".

6 2. Page 1, line 7, by striking the figure
 7 "146,800,000" and inserting the following:
 8 "146,994,613".

9 3. Page 1, line 9, by striking the word "six" and
 10 inserting the following: "four".

HAMMOND of Story
 DODERER of Johnson
 BERNAU of Story
 WITT of Black Hawk

H-5796

1 Amend the amendment, H-5715, to Senate File 2282,
 2 as passed by the Senate, as follows:

3 1. Page 3, lines 12 and 13, by striking the words
 4 "age, geographic area, family composition," and
 5 inserting the following: "family composition".

HARPER of Black Hawk
 NELSON of Pottawattamie
 WEIGEL of Chickasaw

H-5799

1 Amend the amendment, H-5715, to Senate File 2282,
 2 as passed by the Senate, as follows:

3 1. Page 3, line 31, by striking the word "Sec."
 4 and inserting the following:

5 "Sec. _____ UNIVERSAL COVERAGE - DUTIES OF
 6 GENERAL ASSEMBLY.

7 1. The general assembly shall provide for

8 universal health care benefit coverage by no later
9 than January 1, 1998.

10 a. Coverage shall include, at a minimum, all of
11 the following benefits:

12 (1) Preventative health services.

13 (2) Hospital services.

14 (3) Physician services.

15 (4) Services provided by other licensed providers,
16 including essential community providers.

17 (5) Long-term care, including home care aide
18 services and community-based services.

19 (6) Prescriptions and biologicals.

20 (7) Dental.

21 (8) Mental health and substance abuse services,
22 which shall be provided the same as benefits for
23 physical illness.

24 b. The general assembly shall do all of the
25 following:

26 (1) Develop budget and expenditure targets for
27 health care spending.

28 (2) Establish limits on insurance administrative
29 costs.

30 (3) Review single payor, managed competition, and
31 other structures for administering health benefit
32 coverages.

33 (4) Develop other health cost containment
34 mechanisms that ensure accessibility to quality,
35 affordable health care by all Iowans.

36 Additionally, the general assembly shall examine
37 and evaluate, as part of the study of health care cost
38 containment, the benefits of establishing a single
39 mandatory, nonprofit health insurance purchasing
40 cooperative for all Iowans, granted the authority to
41 negotiate premium limits with insurers and managed
42 care plans.

43 c. The general assembly shall develop a fair and
44 appropriate financing mechanism for providing the
45 comprehensive set of such benefits included as
46 provided in paragraph "a", which may include a level
47 of contribution by each employer, and the
48 identification of additional funding sources
49 sufficient to allow for the development of sliding
50 scale subsidies for businesses with low-wage workers,

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1 self-employed individuals, and other persons.

2 Sec."

3 2. By renumbering as necessary.

H-5800

1 Amend House File 2386 as follows:

2 1. Page 15, by inserting after line 24 the
3 following:

4 "Sec. _____. Section 692.8, unnumbered paragraph 1,
5 Code 1993, is amended to read as follows:

6 Intelligence data contained in the files of the
7 department of public safety or a criminal justice
8 agency may be placed within a computer data storage
9 system, provided that access to the computer data
10 storage system is restricted to authorized employees
11 of the department or criminal justice agency and the
12 computer data storage system is not intereconnected
13 with any other computer, computer system, or
14 communication facility outside of the department or
15 agency and cannot be accessed by persons outside of
16 the department or agency. The department shall adopt
17 rules to implement this paragraph."

18 2. Page 23, line 12, by striking the word "shall"
19 and inserting the following: "may".

20 3. By renumbering as necessary.

MARTIN of Scott

H-5801

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. _____. Section 515D.4, subsection 5, Code
6 1993, is amended to read as follows:

7 5. The named insured or any operator who either
8 resides in the same household or customarily operates
9 an automobile insured under the policy has that
10 person's driver's license suspended or revoked during
11 the policy term or, if the policy is a renewal, during
12 its term or the one hundred eighty days immediately
13 preceding its effective date. Notice of cancellation,
14 for reasons stated in this subsection, shall include a
15 copy of the driving record of the named insured or any
16 operator who either resides in the same household or
17 customarily operates an automobile insured under the
18 policy whose driver's license was suspended or
19 revoked.

20 Sec. _____. Section 515D.7, Code 1993, is amended by
21 adding the following new unnumbered paragraph after
22 unnumbered paragraph 2:

23 NEW UNNUMBERED PARAGRAPH. When intent not to renew
24 is based upon revocation or suspension of the
25 insured's driver's license, notice under this section
26 shall include a copy of the insured's driving record.

27 Sec. _____. Section 516B.3, Code 1993, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 3. If an insurer refuses to issue
30 a policy based upon the driving record of the person
31 seeking automobile liability insurance, the insurer
32 shall include in the letter of denial a copy of the
33 person's driving record upon which the denial was
34 based."

35 2. Title page, line 1, by striking the words "to
36 provide for the destruction of" and inserting the
37 following: "relating to".

38 3. Title page, line 2, by inserting after the
39 word "records" the following: "concerning inclusion
40 of driving records in notices relating to denial,
41 cancellation, or renewal of automobile liability
42 insurance, and concerning destruction of certain
43 records".

44 4. By renumbering as necessary.

OSTERBERG of Linn

H-5803

1 Amend House File 2411 as follows:

2 1. Page 1, line 8, by inserting before the word
3 "For" the following: "a."

4 2. Page 1, by inserting after line 17 the
5 following:

6 "b. For the purposes of establishing a character
7 education pilot program to evaluate methods for
8 incorporating positive character qualities into all
9 levels of the existing educational program:

10\$ 54,429

11 The program established by the department of
12 education shall involve up to four school districts or
13 area education agencies and grants shall be awarded on
14 a competitive basis. A grant awarded under this
15 paragraph requires a local dollar-for-dollar match.
16 The program may provide for the utilization of phase
17 III funds by the local district in the establishment
18 of the program. A character education pilot program
19 is a comprehensive school transformation program under
20 section 294A.14. Successful applicants shall present
21 programs meeting at least the following criteria:

22 (1) The character education program extends
23 through at least eight consecutive grade levels.

24 (2) The character education program is approved by
25 the local board of education and developed in
26 conjunction with an advisory group appointed by the
27 local board. The advisory group must meet the
28 requirements set forth in section 280.12, subsection
29 2.

30 (3) The primary goal of the program is to have

31 schools stress character qualities that will maintain
32 a safe and orderly learning environment, and that will
33 ultimately equip students to be model citizens. These
34 qualities may include, but are not limited to,
35 honesty; responsibility; respect and care for the
36 person and property of others; self-discipline;
37 understanding of, respect for, and obedience to law
38 and citizenship; courage, initiative, commitment, and
39 perseverance; kindness, compassion, service, and
40 loyalty; fairness, moderation, and patience; and the
41 dignity and necessity of hard work.

42 (4) The program includes adequate staff
43 development activities to ensure that instructional
44 and administrative staffs are sufficiently familiar
45 with both the concepts and the instructional
46 methodology of the program.

47 (5) The program includes an ongoing communication
48 strategy to inform and receive feedback from parents
49 and other community members regarding the content and
50 operation of the character education program.

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1 (6) The program includes strategies to report on
2 program success using some indicators that the primary
3 program goals are being achieved.

4 Information regarding individual student progress
5 shall only be reported to the parents of each student,
6 and shall not be the basis for any decision regarding
7 educational placement, promotion, or retention.

8 The department of education shall report to the
9 state board of education and to the general assembly
10 regarding the success of any pilot programs by January
11 1, 1996."

12 3. Page 4, line 11, by striking the figure
13 "1,850,600" and inserting the following: "1,796,171".

HURLEY of Fayette
GRUBBS of Scott
MERTZ of Kossuth

H-5804

1 Amend the amendment, H-5715, to Senate File 2282,
2 as passed by the Senate, as follows:

3 1. Page 3, by striking lines 15 through 18 and
4 inserting the following: "approval of the
5 commissioner."

GILL of Woodbury

H-5805

1 Amend the amendment, H-5715, to Senate File 2282,
2 as passed by the Senate as follows:

3 1. Page 3, line 28, by striking the word

4 "rating." and inserting the following: "rating.

5 Sec. _____. NEW SECTION. 514I.1 NONPROFIT HEALTH
6 INSURANCE PURCHASING COOPERATIVES.

7 1. The commissioner of insurance shall adopt rules
8 and a licensing procedure for authorizing the
9 establishment of a nonprofit health insurance
10 purchasing cooperative. The rules shall include, at a
11 minimum, all of the following:

12 a. Procedures to sanction voluntary agreements
13 between competitors within the service region of a
14 nonprofit health insurance purchasing cooperative,
15 upon a finding by the commissioner that the agreement
16 will improve the quality of, access to, or
17 affordability of health care, but which agreement
18 might be a violation of antitrust laws if undertaken
19 without government direction and approval.

20 b. Procedures to assure ongoing supervision of
21 contracts sanctioned under this subsection, in order
22 to assure that the contracts do in fact improve health
23 care quality, access, or affordability. Approval may
24 be withdrawn on a prospective basis at the discretion
25 of the commissioner if necessary to improve health
26 care quality, access, and affordability.

27 c. A requirement to review the plan of operation
28 of a nonprofit health insurance purchasing
29 cooperative, and standards for approval or disapproval
30 of a plan.

31 d. A requirement that a plan of operation include
32 guaranteed access and rating practices no more
33 restrictive than those required of competitors within
34 a market segment, such as small group health insurers
35 regulated under chapter 513B, or individual or large
36 group insurers regulated under chapter 514A or 514D.
37 The commissioner shall regulate all health plans and
38 nonprofit health insurance purchasing cooperatives to
39 assure that to the greatest extent possible all health
40 insurance or health benefit marketing channels within
41 a market segment are subject to the same rules of
42 access, underwriting, risk spreading, and rate
43 regulation.

44 e. A requirement that the nonprofit health
45 insurance purchasing cooperative be governed by a
46 board of directors consisting of twelve members,
47 including seven members who are consumers.

48 f. A requirement that the members of the board of
49 directors be free of conflicts of interest and that
50 the members of the board file an annual financial

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1 disclosure report with the commissioner.

2 g. A requirement that the board of directors
3 conduct all meetings of the board pursuant to chapter
4 21.

5 h. A requirement that the nonprofit health
6 insurance purchasing cooperative shall have a consumer
7 ombudsman whose exclusive duties shall be to assist
8 and advocate for subscribers enrolled in the
9 cooperative.

10 i. An annual report to be submitted to the general
11 assembly no later than February 1, describing the
12 operations of all nonprofit health insurance
13 purchasing cooperatives, and permitting review of the
14 success of nonprofit health insurance purchasing
15 cooperatives in furthering the goals of improved
16 health care quality, access, or affordability. The
17 report shall include any recommendations on whether
18 additional nonprofit health insurance purchasing
19 cooperatives should be established.

20 2. This section does not prevent the development
21 of any other health insurance or pooled purchasing
22 arrangements otherwise permitted by law.

23 3. This section and rules adopted pursuant to this
24 section are intended to provide immunity from federal
25 antitrust law under the state action doctrine
26 exemption." "

27 2. By renumbering as necessary.

JOCHUM of Dubuque

H-5806

1 Amend the Senate amendment, H-5746, to House File
2 181 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 19 and 20.

5 2. Page 1, line 21, by striking the word "c." and
6 inserting the following: "b."

7 3. Page 1, by striking lines 29 through 33.

8 4. By striking page 1, line 41 through page 2,
9 line 13.

SPENNER of Henry

H-5807

1 Amend the amendment, H-5548, to Senate File 2217,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 19 the
5 following:

6 "_____. Page 12, by inserting after line 35 the

7 following:

8 "Sec. _____, Section 29A.14, subsection 1, Code

9 1993, is amended to read as follows:

10 1. The adjutant general may operate or lease any
11 of the national guard facilities at Camp Dodge. Any
12 Except as provided in section 29A.80, income or
13 revenue derived from the operation or leasing shall be
14 deposited with the treasurer of state and credited to
15 the national guard facilities improvement fund. The
16 balance in the national guard facilities improvement
17 fund is limited to a maximum of two million dollars.
18 Any amount exceeding the limit shall be credited to
19 the general fund of the state.

20 Sec. _____, NEW SECTION. 29A.80 BILLETING AND
21 RECREATION FUND.

22 1. A national guard billeting and recreation fund
23 is established as a separate fund within the state
24 treasury. The fund shall consist of revenues and
25 rebates generated through the operation of billeting
26 and recreation activities at Camp Dodge and the moneys
27 in the fund shall be used for those purposes. These
28 revenues and rebates include, but are not limited to,
29 the leisure travel rebate program, the pay telephone
30 usage rebate program, a portion of the funds generated
31 through the recycling efforts of the Iowa national
32 guard, revenue generated by the post exchange, revenue
33 generated by officially sanctioned child care
34 activities, fees collected from the rental of
35 transient officer and enlisted quarters and in the
36 operation and upkeep of the Camp Dodge fitness center,
37 and other moneys determined by the adjutant general to
38 be appropriate for inclusion in the fund.

39 2. A billeting and recreation committee is created
40 to oversee the use of billeting and recreation fund
41 moneys. The adjutant general shall appoint members of
42 the committee. At least one member of the committee
43 shall be the state comptroller of the department of
44 public defense or a member of the comptroller's staff,
45 who shall serve as the treasurer of the fund.

46 3. The billeting and recreation committee may
47 employ personnel to support and operate the Camp Dodge
48 fitness center and to administer the transient officer
49 and enlisted quarters. Such personnel shall be
50 supervised by the billeting and recreation committee

Page 2

1 or the committee's appointed representative." "

2 2. By renumbering as necessary.

H-5808

1 Amend Senate File 2094 as passed by the Senate as
2 follows:

3 1. Page 2, line 1, by inserting after the word
4 "child." the following: "If both joint legal
5 custodial parents are awarded joint physical care, the
6 parents shall establish one permanent home for the
7 child and each parent shall reside with the child, on
8 an alternating and temporary basis, in the home of the
9 child."

DICKINSON of Jackson

H-5809

1 Amend the amendment, H-3692, to House File 647 as
2 follows:

3 1. Page 1, lines 4 and 5, by striking the words
4 "Charge more than twenty-five cents for a call made
5 from" and inserting the following: "Provide for use
6 of".

7 2. Page 1, line 6, by inserting after the word
8 "company" the following: "which does not provide
9 change to a consumer who deposits more than the amount
10 to be charged for using such phone".

GILL of Woodbury

H-5810

1 Amend the amendment, H-5643, to Senate File 2129,
2 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, by striking line 3, and inserting the
5 following:

6 "_____. Page 1, by striking lines 12 through 14 and
7 inserting the following: "simple notice of a fifty
8 dollar fine for the first violation, a seventy-five
9 dollar fine for the second violation, and a one
10 hundred dollar fine for a third or subsequent
11 violation, payable to the city clerk or clerk of the
12 district".

13 _____ Page 2, line 18, by inserting after the word
14 "application." the following: "The department shall
15 adopt rules pursuant to chapter 17A providing for a
16 method for renewal of five-year handicapped
17 identification devices."

18 _____ Page 3, line 14, by inserting after the word
19 "device" the following: ", but only during the time
20 period in which the person is providing the
21 transportation service for the handicapped or
22 elderly".

23 _____ Page 3, line 25, by striking the words "Any

24 person" and inserting the following: "Any person An
25 applicant."

26 2. Page 1, by striking lines 7 and 8 and inserting
27 the following:

28 "_____. Page 5, by striking line 28.

29 _____ Page 5, line 30, by inserting after the word
30 "device" the following: ", when parked in a
31 handicapped parking space."

32 _____ Page 6, by striking lines 7 through 10 and
33 inserting the following: "person, as an operator or
34 passenger; or by a motor vehicle in violation of the
35 rules".

36 _____ Page 6, by striking lines 17 through 21 and
37 inserting the following: "805.8. Proof The penalty,
38 upon proof of conviction of two or more violations
39 involving improper use of a handicapped identification
40 device is grounds for revocation by the court or the
41 department of the holder's privilege to possess or use
42 the device."

43 3. A peace officer as designated in section 801.4,
44 subsection 11, shall have the authority to and shall
45 enforce the provisions of this section on public and
46 private property."

47 3. Page 1, by striking lines 10 and 11 and
48 inserting the following:

49 "_____. Page 7, line 27, by inserting after the
50 words "the device." the following: "The fine for

Page 2

1 improper use of a handicapped identification device is
2 fifty dollars for the first violation, seventy-five
3 dollars for the second violation, and one hundred
4 dollars for a third or subsequent violation."

5 _____ Page 8, by striking lines 14 and 15 and
6 inserting the following: "scheduled fine is fifty
7 dollars for the first violation, seventy-five dollars
8 for the second violation, and one hundred dollars for
9 a third or subsequent violation."

10 4. Page 1, line 14, by inserting after the word
11 "parking" the following: "and providing penalties".

12 5. By renumbering as necessary.

HURLEY of Fayette

H-5811

1 Amend House File 2411 as follows:

2 1. Page 20, line 14, by inserting after the word
3 "paragraph," the following: "for the fiscal year
4 beginning July 1, 1994, and ending June 30, 1995."

5 2. Page 20, by striking lines 17 through 21 and
6 inserting the following: "July 1, 1993, and two

7 hundred thousand dollars shall be granted to each of
8 two schools that qualify for grants under subsection
9 3. During the fiscal period beginning July 1, 1995,
10 and ending June 30, 1998, of the funds allocated in
11 this paragraph, two hundred thousand dollars shall be
12 granted to the two schools that received grants under
13 subsection 3 during the fiscal year beginning July 1,
14 1994, and two hundred thousand dollars shall be
15 granted to each of two schools that qualify for grants
16 under subsection 3. Subject to the".

KREIMAN of Davis

H-5812

1 Amend the amendment, H-5715, to Senate File 2282,
2 as passed by the Senate, as follows:
3 1. Page 3, line 24, by striking the word "may"
4 and inserting the following: "shall".

HAMMOND of Story
HAVERLAND of Polk

H-5817

1 Amend Senate File 2256, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, lines 13 and 14, by striking the words
4 "department of human services located in the county or
5 city in which the dependents reside" and inserting the
6 following: "clerk of the district court or, for cases
7 in which services are being provided pursuant to
8 chapter 252B, to the collection services center".
9 2. Page 4, line 16, by inserting after the word
10 "court" the following: "or administrative".
11 3. Page 4, by inserting after line 31, the
12 following:
13 "Sec. _____. Section 905.12, subsection 1, Code
14 1993, is amended to read as follows:
15 1. An amount the resident may be legally obligated
16 to pay for the support of dependents, which shall be
17 paid to the dependents directly or through the
18 department of human services in the county in which
19 the dependents reside clerk of the district court or,
20 for cases in which services are being provided
21 pursuant to chapter 252B, to the collection services
22 center. For the purpose of this subsection, "legally
23 obligated" means under a court or administrative
24 order."
25 4. By numbering and renumbering as necessary.

MILLAGE of Scott

H-5819

- 1 Amend the amendment, H-5715, to Senate File 2282,
 2 as passed by the Senate, as follows:
 3 1. Page 2, by striking lines 6 and 7, and
 4 inserting the following: "minimum, access to health
 5 insurance. The employer shall satisfy this
 6 requirement by enrolling in a health insurance
 7 purchasing cooperative licensed to do business in this
 8 state, if one is available. The employer may also
 9 offer, and, if a health insurance purchasing
 10 cooperative is not available, satisfy the requirement
 11 of this section by offering".

HAVERLAND of Polk

H-5820

- 1 Amend the amendment, H-5715, to Senate File 2282,
 2 as passed by the Senate, as follows:
 3 1. Page 2, line 6, by inserting after the word
 4 "insurance." the following:
 5 "The rules shall provide that a managed care health
 6 plan or indemnity plan with a limited provider network
 7 shall provide patients direct access to providers
 8 licensed under chapter 148, 150, 150A, or 151. Access
 9 to such provider shall not be made conditional upon a
 10 referral by a provider licensed under another chapter.
 11 Referral to a specialist may be conditioned upon
 12 referral by a primary care provider licensed under the
 13 same chapter. Access to a class of providers licensed
 14 under one chapter shall not be subject to a copayment,
 15 deductible, or premium rate different than provided
 16 for access to a class of providers licensed under
 17 another chapter. Access to a specialist may be
 18 subject to a different copayment or deductible than
 19 access to a primary care provider. Access to a
 20 nonparticipating provider may be restricted; may be
 21 subject to different copayments, deductibles, or
 22 premium rates; or may be excluded. For purposes of
 23 this section, "managed care health plan or indemnity
 24 plan with a limited provider network" means a health
 25 maintenance organization, accountable health plan,
 26 preferred provider organization, exclusive provider
 27 organization, point of service plan, or similar health
 28 plan."

SCHRADER of Marion
BERNAU of Story

H-5824

- 1 Amend Senate File 2038, 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 22.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. Personal information
8 contained in state department of transportation
9 records relating to motor vehicle registration, other
10 than commercial motor vehicle records. Personal
11 information includes, but is not limited to the name,
12 address, and telephone number of the owner of the
13 vehicle. However, this subsection does not apply to
14 such personal information which is used by state
15 department of transportation employees, by law
16 enforcement, fire department, or emergency medical
17 services personnel, or by any group certified by a
18 local law enforcement agency for the purpose of
19 reporting possible criminal activity. The state
20 department of transportation shall establish
21 procedures for release of the information and for
22 groups to be certified by a local law enforcement
23 agency as being authorized to request personal
24 information for the purpose of reporting criminal
25 activity.

26 Sec. 2. Section 321.11, Code 1993, is amended by
27 adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. However, personal
29 information contained in records relating to motor
30 vehicle registration, other than commercial motor
31 vehicle records, shall be for the confidential use of
32 the department; law enforcement, fire department, and
33 emergency medical services personnel; and any person
34 designated by a group certified by a local law
35 enforcement agency for the purpose of reporting
36 possible criminal activity. Personal information
37 includes, but is not limited to the name, address, and
38 telephone number of the owner of the vehicle. The
39 department shall establish procedures for release of
40 the information and for groups to be certified by a
41 local law enforcement agency as being authorized to
42 request personal information for the purpose of
43 reporting criminal activity."

44 2. Title page, line 1, by striking the words "the
45 destruction of".

46 3. Title page, line 2, by inserting after the
47 word "records" the following: "by providing for the
48 confidentiality of certain records and for destroying
49 certain records".

50 4. By renumbering as necessary.

H-5825

- 1 Amend House File 647 as follows:
 2 1. Page 2, by inserting before line 11 the
 3 following:
 4 "_____. The board may approve the operation of a
 5 telephone utility under a plan for alternative
 6 regulation if the board finds, after notice and an
 7 opportunity for evidentiary hearing, all of the
 8 following:
 9 a. Operation under a plan for alternative
 10 regulation is necessary to achieve operating
 11 efficiencies which could not otherwise be achieved.
 12 b. Operation under a plan for alternative
 13 regulation is likely to provide lower rates to
 14 customers for communications services that would not
 15 be possible under traditional rate base and rate of
 16 return regulation.
 17 c. Operation under a plan for alternative
 18 regulation will not result in the degradation of the
 19 quality or availability of communications services.
 20 These findings may be made as part of a contested
 21 case determining the reasonableness of a utility's
 22 rates."
 23 2. Renumber as necessary.

HOLVECK of Polk

H-5827

- 1 Amend House File 647 as follows:
 2 1. Page 1, line 30, by inserting after the word
 3 "these." the following: "The rules shall provide that
 4 a utility participating under a plan of alternative
 5 regulation shall receive no share of any increased
 6 earnings which result from a reduction in the number
 7 of employees."

HOLVECK of Polk

H-5828

- 1 Amend House File 647 as follows:
 2 1. Page 2, by inserting before line 11 the
 3 following:
 4 "_____. All local exchange telephone utilities shall
 5 participate in alternative regulation for a minimum of
 6 two years, unless participation is otherwise
 7 terminated pursuant to this subsection. In the event
 8 of exceptional and unforeseeable circumstances, the
 9 utility or the consumer advocate may request that the
 10 board terminate participation in alternative
 11 regulation for the utility."
 12 2. By renumbering as necessary.

HOLVECK of Polk

H-5829

1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. _____. Section 515D.4, subsection 5,
6 unnumbered paragraph 1, Code 1993, is amended to read
7 as follows:

8 5. The named insured or any operator who either
9 resides in the same household or customarily operates
10 an automobile insured under the policy has that
11 person's driver's license suspended or revoked during
12 the policy term or, if the policy is a renewal, during
13 its term or the one hundred eighty days immediately
14 preceding its effective date. Notice of cancellation,
15 for reasons stated in this subsection, shall include a
16 copy of the driving record of the named insured or any
17 operator who either resides in the same household or
18 customarily operates an automobile insured under the
19 policy whose driver's license was suspended or
20 revoked.

21 Sec. _____. Section 515D.7, Code 1993, is amended by
22 adding the following new unnumbered paragraphs after
23 unnumbered paragraph 2:

24 **NEW UNNUMBERED PARAGRAPH.** When intent not to renew
25 is based upon revocation or suspension of the
26 insured's driver's license, notice under this section
27 shall include a copy of the insured's driving record.

28 **NEW UNNUMBERED PARAGRAPH.** An intent to renew made
29 contingent upon acceptance of a significant change in
30 the insured's insurance coverage or rates based in
31 part on the insured's driving record shall constitute
32 an intent not to renew for purposes of requiring
33 notice as provided in this section and the notice
34 shall include a copy of the insured's driving record.

35 Sec. _____. Section 516B.3, Code 1993, is amended by
36 adding the following new subsection:

37 **NEW SUBSECTION. 3.** If an insurer refuses to issue
38 a policy based upon the driving record of the person
39 seeking automobile liability insurance, the insurer
40 shall include in the letter of denial a copy of the
41 person's driving record upon which the denial was
42 based."

43 2. Title page, line 1, by striking the words "to
44 provide for the destruction of" and inserting the
45 following: "relating to".

46 3. Title page, line 2, by inserting after the
47 word "records" the following: "concerning inclusion
48 of driving records in notices relating to denial,
49 cancellation, or renewal of automobile liability
50 insurance, and concerning destruction of certain

Page 2

- 1 records".
 2 4. By renumbering as necessary.

OSTERBERG of Linn
 GRIES of Crawford

H-5831

- 1 Amend House File 647 as follows:
 2 1. Page 2, by inserting before line 11 the
 3 following:
 4 "_____. If a utility's earnings under a plan for
 5 alternative regulation are above a level set by the
 6 board by rule, the board shall require the utility to
 7 revise its rates downward so that its earnings do not
 8 exceed the rate of return authorized under alternative
 9 regulation, plus a portion of the increased earnings
 10 subject to division which are attributable to the
 11 preceding year's operation."
 12 2. By renumbering as necessary.

HOLVECK of Polk
 OSTERBERG of Linn

H-5832

- 1 Amend House File 647 as follows:
 2 1. Page 1, line 30, by inserting after the word
 3 "these." the following: "The rules shall provide that
 4 a utility participating under a plan of alternative
 5 regulation shall receive no share of any increased
 6 earnings which result solely from a reduction in the
 7 number of employees."

HOLVECK of Polk

H-5841

- 1 Amend House File 647 as follows:
 2 1. Page 2, by inserting before line 11 the
 3 following:
 4 "_____. Before a rate-regulated public utility
 5 furnishing communications services can operate under a
 6 plan for alternative regulation or renew such plan,
 7 the consumer advocate may file a petition under
 8 section 476.3, subsection 2. The consumer advocate
 9 shall indicate whether a complaint will be filed no
 10 later than ninety days after the utility requests
 11 permission to operate under a plan for alternative
 12 regulation under subsection 2. If the consumer
 13 advocate indicates an intent to file a petition, the
 14 consumer advocate shall have an additional ninety days
 15 to file such petition. A refund or rate adjustment to

16 the customers of such utility which results from a
 17 petition filed by the consumer advocate, shall not be
 18 affected as a result of the implementation of
 19 existence of a plan for alternative regulation."

20 2. Page 2, by striking lines 27 and 28, and
 21 inserting the following:

22 "a. That prices shall not be increased for
 23 essential communications services."

24 "3. Page 4, line 27, by inserting after the
 25 figure "476.30A" the following: ", except as
 26 otherwise provided in section 476.30A"."

27 4. By renumbering as necessary.

BRAND of Benton

H-5846

1 Amend Senate File 2038, 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 321.11, Code 1993, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. However, the department,
 8 prior to releasing any information pursuant to this
 9 section, shall obtain and keep on file the requester's
 10 name and address and a description of the information
 11 requested."

12 2. Title page, line 1, by striking the words "to
 13 provide for the destruction of" and inserting the
 14 following: "relating to".

15 3. Title page, line 2, by inserting after the
 16 word "records" the following: "by providing for the
 17 release of certain records and for destroying certain
 18 records".

19 4. By renumbering as necessary.

NEUHAUSER of Johnson
 HARPER of Black Hawk
 HENDERSON of Scott
 NELSON of Pottawattamie

BEATTY of Warren
 OLLIE of Clinton
 WITT of Black Hawk
 LARKIN of Lee

H-5847

1 Amend the amendment, H-5803, to House File 2411 as
 2 follows:

3 1. Page 1, by inserting after line 5 the follow-
 4 ing:

5 "The department of education shall conduct a study
 6 of the methods by which the school districts in this
 7 state address dyslexia and related reading disorders,
 8 and shall evaluate the availability and effectiveness
 9 of programs for dyslexia and related reading
 10 disorders. The study shall include, but is not

11 limited to, the identification of, the methods used to
 12 teach, and the remediation of persons with dyslexia
 13 and related reading disorders. The department shall
 14 report the results of the study and evaluation, along
 15 with any recommendations, to the general assembly by
 16 March 15, 1996. Notwithstanding section 8.33, up to
 17 \$25,000 of the remaining or unexpended educational
 18 excellence funds under section 294A.25 in the fiscal
 19 year ending June 30, 1995, shall be available for use
 20 by the department for purposes of conducting this
 21 study.” ”

BRAND of Benton

H—5849

1 Amend the amendment, H—5622, to House File 2048 as
 2 follows:

3 1. Page 1, by striking lines 2 through 18 and
 4 inserting the following:

5 “_____. Page 1, by striking lines 1 through 15 and
 6 inserting the following:

7 “Section 1. Section 422.73, Code 1993, is amended
 8 by adding the following new subsection:

9 **NEW SUBSECTION. 8.** Notwithstanding subsection 2,
 10 a claim for credit or refund of individual income tax
 11 paid for any tax year beginning on or after January 1,
 12 1985, and before January 1, 1989, is considered timely
 13 if filed with the department on or before April 30,
 14 1995, if the taxpayer's claim is the result of the
 15 unconstitutional taxation of federal pension benefits
 16 based upon the decision in *Davis v. Michigan*
 17 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 18 (1989).

19 A taxpayer entitled to a credit or refund of tax
 20 paid under this subsection shall receive the credit or
 21 refund within four years. The amount of credit or
 22 refund shall be equally spread over those four years.
 23 Any claims for refund shall be payable from the
 24 special refund account established in section 422.105.
 25 The department shall state on the actual tax form for
 26 the next four tax years a notice that federal retirees
 27 may be entitled to a credit or refund under the
 28 provisions of this subsection.

29 **Sec. _____.** **NEW SECTION. 422.105 SPECIAL REFUND**
 30 **ACCOUNT.**

31 The department shall establish a special refund
 32 account for the purpose of paying the refund claims of
 33 federal retirees pursuant to section 422.73,
 34 subsection 8. Beginning with the fiscal year
 35 beginning July 1, 1994, there is appropriated annually
 36 from the general fund of the state an amount
 37 sufficient to pay the refund claims of these federal
 38 retirees.” ”

O'BRIEN of Boone
 HENDERSON of Scott

H-5850

- 1 Amend the amendment, H-5803, to House File 2411 as
 2 follows:
 3 1. Page 1, by inserting after line 3 the
 4 following:
 5 "_____. Page 1, by inserting after line 12 the
 6 following:
 7 "The state board of education shall not adopt new
 8 rules involving special education during the fiscal
 9 year beginning July 1, 1994, and ending June 30,
 10 1995." "
 11 2. By renumbering as necessary.

MURPHY of Dubuque
 NELSON of Pottawattamie
 HARPER of Black Hawk
 JOCHUM of Dubuque
 WITT of Black Hawk

H-5851

- 1 Amend the amendment, H-5566, to House File 2188, as
 2 follows:
 3 1. Page 1, by striking lines 2 through 21 and
 4 inserting the following:
 5 "_____. Page 1, by inserting after line 29 the
 6 following:
 7 "Sec. _____. Section 422.73, Code 1993, is amended
 8 by adding the following new subsection:
 9 NEW SUBSECTION. 8. Notwithstanding subsection 2,
 10 a claim for credit or refund of individual income tax
 11 paid for any tax year beginning on or after January 1,
 12 1985, and before January 1, 1989, is considered timely
 13 if filed with the department on or before April 30,
 14 1995, if the taxpayer's claim is the result of the
 15 unconstitutional taxation of federal pension benefits
 16 based upon the decision in Davis v. Michigan
 17 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 18 (1989).
 19 A taxpayer entitled to a credit or refund of tax
 20 paid under this subsection shall receive the credit or
 21 refund within four years. The amount of credit or
 22 refund shall be equally spread over those four years.
 23 Any claims for refund shall be payable from the
 24 special refund account established in section 422.105.
 25 The department shall state on the actual tax form for
 26 the next four tax years a notice that federal retirees
 27 may be entitled to a credit or refund under the
 28 provisions of this subsection.
 29 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
 30 ACCOUNT.
 31 The department shall establish a special refund

32 account for the purpose of paying the refund claims of
 33 federal retirees pursuant to section 422.73,
 34 subsection 8. Beginning with the fiscal year
 35 beginning July 1, 1994, there is appropriated annually
 36 from the general fund of the state an amount
 37 sufficient to pay the refund claims of these federal
 38 retirees.” ”

O'BRIEN of Boone
 HENDERSON of Scott

H-5852

1 Amend the amendment, H-5190, to House File 2351, as
 2 follows:
 3 1. Page 1, by striking lines 2 through 21 and
 4 inserting the following:
 5 “_____. Page 2, by inserting after line 24 the
 6 following:
 7 “Sec. _____. Section 422.73, Code 1993, is amended
 8 by adding the following new subsection:
 9 NEW SUBSECTION. 8. Notwithstanding subsection 2,
 10 a claim for credit or refund of individual income tax
 11 paid for any tax year beginning on or after January 1,
 12 1985, and before January 1, 1989, is considered timely
 13 if filed with the department on or before April 30,
 14 1995, if the taxpayer's claim is the result of the
 15 unconstitutional taxation of federal pension benefits
 16 based upon the decision in Davis v. Michigan
 17 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 18 (1989).
 19 A taxpayer entitled to a credit or refund of tax
 20 paid under this subsection shall receive the credit or
 21 refund within four years. The amount of credit or
 22 refund shall be equally spread over those four years.
 23 Any claims for refund shall be payable from the
 24 special refund account established in section 422.105.
 25 The department shall state on the actual tax form for
 26 the next four tax years a notice that federal retirees
 27 may be entitled to a credit or refund under the
 28 provisions of this subsection.
 29 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
 30 ACCOUNT.
 31 The department shall establish a special refund
 32 account for the purpose of paying the refund claims of
 33 federal retirees pursuant to section 422.73,
 34 subsection 8. Beginning with the fiscal year
 35 beginning July 1, 1994, there is appropriated annually
 36 from the general fund of the state an amount
 37 sufficient to pay the refund claims of these federal
 38 retirees.” ”

O'BRIEN of Boone
 HENDERSON of Scott

H-5853

1 Amend the amendment, H-5486, to House File 2414, as
2 follows:

3 1. Page 1, by striking lines 2 through 21 and
4 inserting the following:

5 "_____. Page 10, by inserting after line 13 the
6 following:

7 "Sec. _____. Section 422.73, Code 1993, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 8. Notwithstanding subsection 2,
10 a claim for credit or refund of individual income tax
11 paid for any tax year beginning on or after January 1,
12 1985, and before January 1, 1989, is considered timely
13 if filed with the department on or before April 30,
14 1995, if the taxpayer's claim is the result of the
15 unconstitutional taxation of federal pension benefits
16 based upon the decision in Davis v. Michigan
17 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
18 (1989).

19 A taxpayer entitled to a credit or refund of tax
20 paid under this subsection shall receive the credit or
21 refund within four years. The amount of credit or
22 refund shall be equally spread over those four years.
23 Any claims for refund shall be payable from the
24 special refund account established in section 422.105.
25 The department shall state on the actual tax form for
26 the next four tax years a notice that federal retirees
27 may be entitled to a credit or refund under the
28 provisions of this subsection.

29 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
30 ACCOUNT.

31 The department shall establish a special refund
32 account for the purpose of paying the refund claims of
33 federal retirees pursuant to section 422.73,
34 subsection 8. Beginning with the fiscal year
35 beginning July 1, 1994, there is appropriated annually
36 from the general fund of the state an amount
37 sufficient to pay the refund claims of these federal
38 retirees." "

O'BRIEN of Boone
HENDERSON of Scott

H-5854

1 Amend the amendment, H-5594, to Senate File 2057,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 22 and
5 inserting the following:

6 "_____. Page 10, by inserting after line 13 the
7 following:

8 "Sec. _____. Section 422.73, Code 1993, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 8. Notwithstanding subsection 2,
 11 a claim for credit or refund of individual income tax
 12 paid for any tax year beginning on or after January 1,
 13 1985, and before January 1, 1989, is considered timely
 14 if filed with the department on or before April 30,
 15 1995, if the taxpayer's claim is the result of the
 16 unconstitutional taxation of federal pension benefits
 17 based upon the decision in Davis v. Michigan
 18 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 19 (1989).

20 A taxpayer entitled to a credit or refund of tax
 21 paid under this subsection shall receive the credit or
 22 refund within four years. The amount of credit or
 23 refund shall be equally spread over those four years.
 24 Any claims for refund shall be payable from the
 25 special refund account established in section 422.105.
 26 The department shall state on the actual tax form for
 27 the next four tax years a notice that federal retirees
 28 may be entitled to a credit or refund under the
 29 provisions of this subsection.

30 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
 31 ACCOUNT.

32 The department shall establish a special refund
 33 account for the purpose of paying the refund claims of
 34 federal retirees pursuant to section 422.73,
 35 subsection 8. Beginning with the fiscal year
 36 beginning July 1, 1994, there is appropriated annually
 37 from the general fund of the state an amount
 38 sufficient to pay the refund claims of these federal
 39 retirees." "

O'BRIEN of Boone
 HENDERSON of Scott

H-5855

1 Amend the amendment, H-5564, to Senate File 2074,
 2 as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 22 and
 4 inserting the following:
 5 "_____. Page 1, by inserting after line 29 the
 6 following:
 7 "Sec. _____. Section 422.73, Code 1993, is amended
 8 by adding the following new subsection:
 9 NEW SUBSECTION. 8. Notwithstanding subsection 2,
 10 a claim for credit or refund of individual income tax
 11 paid for any tax year beginning on or after January 1,
 12 1985, and before January 1, 1989, is considered timely
 13 if filed with the department on or before April 30,
 14 1995, if the taxpayer's claim is the result of the
 15 unconstitutional taxation of federal pension benefits

16 based upon the decision in Davis v. Michigan
 17 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 18 (1989).

19 A taxpayer entitled to a credit or refund of tax
 20 paid under this subsection shall receive the credit or
 21 refund within four years. The amount of credit or
 22 refund shall be equally spread over those four years.
 23 Any claims for refund shall be payable from the
 24 special refund account established in section 422.105.
 25 The department shall state on the actual tax form for
 26 the next four tax years a notice that federal retirees
 27 may be entitled to a credit or refund under the
 28 provisions of this subsection.

29 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
 30 ACCOUNT.

31 The department shall establish a special refund
 32 account for the purpose of paying the refund claims of
 33 federal retirees pursuant to section 422.73,
 34 subsection 8. Beginning with the fiscal year
 35 beginning July 1, 1994, there is appropriated annually
 36 from the general fund of the state an amount
 37 sufficient to pay the refund claims of these federal
 38 retirees.””

O'BRIEN of Boone
 HENDERSON of Scott

H-5857

1 Amend the amendment, H-5811, to House File 2411 as
 2 follows:
 3 1. Page 1, line 12, by inserting after the word
 4 “to” the following: “each of”.

KREIMAN of Davis

H-5858

1 Amend the amendment, H-5575, to House File 2411 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 “_____. Page 5, by inserting after line 3 the
 6 following:
 7 “It is the intent of the general assembly that
 8 Merged Area X and Merged Area XIII shall not proceed
 9 with the implementation of dental hygiene programs.””

MILLAGE of Scott

H-5861

1 Amend House File 2411 as follows:
 2 1. Page 20, line 6, by inserting after the word
 3 “bills.” the following: “However, the board shall

4 prohibit the institutions from charging interest on
5 the delinquent bills of students enrolled in the
6 institutions."

GRUBBS of Scott

H-5863

1 Amend the amendment, H-5556, to House File 2411 as
2 follows:
3 1. Page 1, by striking lines 2 through 7.
4 2. By renumbering as necessary.

MURPHY of Dubuque
JOCHUM of Dubuque
RUNNING of Linn
BEATTY of Warren

H-5867

1 Amend the amendment, H-5823, to House File 2411 as
2 follows:
3 1. Page 1, by inserting after line 3 the
4 following:
5 "_____. Page 18, line 25, by striking the figure
6 "207,469" and inserting the following: "237,469"."
7 2. Page 1, by inserting after line 5 the
8 following:
9 "_____. Page 18, by inserting after line 32 the
10 following:
11 "From the moneys appropriated in this subsection,
12 \$30,000, for the fiscal year beginning July 1, 1994,
13 and ending June 30, 1995, shall be expended for
14 purposes of the regional conferences and statewide
15 caucus on arts and cultural enhancement.""
16 3. Page 1, by inserting after line 15 the
17 following:
18 "_____. Page 19, by inserting after line 28 the
19 following:
20 "Sec. _____. Notwithstanding section 303C.6,
21 subsection 3, for the fiscal year beginning July 1,
22 1994, and ending June 30, 1995, the department of
23 cultural affairs may charge a reasonable attendance
24 fee to help defray the costs of making arrangements
25 for and conducting the conferences and the caucus.""
26 4. By renumbering as necessary.

BRAND of Benton

H-5868

1 Amend the amendment, H-5382, to House File 2411 as
2 follows:
3 1. Page 1, by striking lines 5 and 6 and
4 inserting the following:

5 "_____. Page 13, by striking lines 33 and 34 and
 6 inserting the following: "full-time equivalent
 7 positions:
 8\$555,331"."

HALVORSON of Webster

H-5869

1 Amend the amendment, H-5824, as amended, passed,
 2 and reprinted by the Senate, as follows:
 3 1. Page 1, line 17, by inserting after the word
 4 "personnel," the following: "members of the press."
 5 2. Page 1, line 33, by inserting after the word
 6 "personnel;" the following: "members of the press;"

O'BRIEN of Boone

H-5870

1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 2, line 11, by striking the figure
 4 "3,700,175" and inserting the following: "3,715,675".
 5 2. Page 2, line 12, by striking the figure
 6 "121.00" and inserting the following: "122.50".
 7 3. Page 2, by inserting after line 12 the
 8 following:
 9 "Of the moneys appropriated and the FTEs allocated
 10 pursuant to this lettered paragraph, an additional
 11 \$15,000 and 1.5 additional FTEs shall be allocated for
 12 purposes of supporting meat and poultry inspections as
 13 provided in chapter 189A."

SCHRADER of Marion

H-5873

1 Amend the amendment, H-5562, to House File 2411 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "_____. Page 20, line 6, by inserting after the
 6 word "bills." the following: "However, the board
 7 shall prohibit the institutions from charging interest
 8 on late tuition payments if financial aid payments to
 9 students enrolled in the institutions are delayed by
 10 the lending institution."
 11 2. By renumbering as necessary.

GRUBBS of Scott

H-5875

1 Amend House File 2337 as follows:
 2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 15.203, Code 1993, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 6. The agricultural products
7 advisory council shall conduct the final evaluation
8 and selection of applicants for assistance under the
9 renewable fuel coproduct enhancement program, as
10 provided in section 159A.8.

11 Sec. 2. Section 15.318, Code 1993, is amended by
12 adding the following new subsections:

13 NEW SUBSECTION. 16. The capacity of the proposed
14 project to create products by adding value to
15 agricultural commodities.

16 NEW SUBSECTION. 17. The degree to which the
17 proposed project relies upon agricultural or value-
18 added research conducted at a college or university.

19 Sec. 3. Section 18.115, subsection 5, Code
20 Supplement 1993, is amended to read as follows:

21 5. Of all new passenger vehicles and light pickup
22 trucks purchased by the state vehicle dispatcher,
23 institutions under the control of the state board of
24 regents, community colleges, and any other state
25 agency purchasing such new vehicles and trucks,
26 beginning July 1, 1992, a minimum of five percent, and
27 beginning July 1, 1994, a minimum of ten percent of
28 all such vehicles and trucks purchased shall be
29 equipped with engines which utilize alternative
30 methods of propulsion including but not limited to
31 those propelled by flexible fuels, compressed any of
32 the following:

33 a. A flexible fuel, which is any of the following:

34 (1) A fuel blended with not more than fifteen
35 percent gasoline and at least eighty-five percent
36 ethanol.

37 (2) A fuel which is a mixture of diesel fuel and
38 processed soybean oil. At least twenty percent of the
39 mixed fuel by volume must be processed soybean oil.

40 (3) A renewable fuel approved by the office of
41 renewable fuel pursuant to section 159A.2.

42 b. Compressed natural gas, propane,

43 c. Propane gas solar.

44 d. Solar energy, or electricity.

45 e. Electricity. For the purpose of this

46 subsection, "flexible fuels" means fuels which are
47 blended with eighty-five percent ethanol and fifteen
48 percent gasoline.

49 PARAGRAPH DIVIDED. The provisions of this
50 subsection do not apply to such vehicles and trucks

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1 purchased and directly used for the following
2 purposes: law enforcement, or off-road maintenance
3 work, or work vehicles used to pull loaded trailers.
4 This subsection also does not apply to school
5 corporations, with the exceptions of those designated
6 above.

7 PARAGRAPH DIVIDED. It is the intent of the general
8 assembly that the members of the midwest energy
9 compact promote the development and purchase of motor
10 vehicles equipped with engines which utilize
11 alternative methods of propulsion.

12 Sec. 4. Section 159A.2, subsection 5, Code 1993,
13 is amended to read as follows:

14 5. "Renewable fuel" means an energy source derived
15 from an organic compound, including a photosynthate,
16 which may be used to power an engine. A renewable
17 fuel includes but is not limited to ethanol or
18 soydiesel fuel.

19 Sec. 5. Section 159A.2, subsection 6, Code 1993,
20 is amended by adding the following new paragraph:

21 NEW PARAGRAPH. c. The research or development of
22 a process that directly or indirectly impacts the
23 economic viability of agricultural grain processing
24 facilities, which produce renewable fuel.

25 Sec. 6. Section 159A.2, Code 1993, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 7. "Soydiesel fuel" means a fuel
28 which is a mixture of diesel fuel and processed
29 soybean oil, if at least twenty percent of the mixed
30 fuel by volume is processed soybean oil.

31 Sec. 7. Section 159A.3, subsection 1, paragraphs a
32 through f, Code 1993, are amended to read as follows:

33 a. The price competitiveness of the renewable
34 fuel.

35 b. The degree to which obstacles that inhibit the
36 production capacity and, expansion, or supply of the
37 renewable fuel may be overcome.

38 c. The ease and safety of transporting and storing
39 the renewable fuel.

40 d. The degree to which the renewable fuel is
41 currently developed for ready transfer to current
42 engine technology.

43 e. The degree to which the renewable fuel is
44 environmentally protective.

45 f. The degree to which the renewable fuel provides
46 economic development opportunities.

47 Sec. 8. Section 159A.3, subsection 2, Code 1993,
48 is amended by adding the following new paragraph:

49 NEW PARAGRAPH. k. Approval of a renewable fuel
50 which may be used as a flexible fuel powering a motor

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1 vehicle required to be purchased by state agencies.

2 Sec. 9. Section 159A.3, subsections 3 and 5, Code
3 1993, are amended to read as follows:

4 3. A The chief purpose of the office is to further
5 the production and consumption of ethanol renewable
6 fuel in this state. The office shall be the primary
7 state agency charged with the responsibility to
8 promote public consumption of ethanol renewable fuel.

9 5. The office and state entities, including the
10 department, the committee, the Iowa department of
11 economic development, the state department of
12 transportation, the department of natural resources,
13 state board of regents' institutions, and the Wallace
14 technology transfer foundation of Iowa, shall
15 cooperate to implement this section.

16 Sec. 10. Section 159A.3, Code 1993, is amended by
17 adding the following new subsections:

18 NEW SUBSECTION. 6. The department of natural
19 resources shall cooperate with the office in order to
20 ensure that a proposed renewable fuel processing
21 facility or an applicant participating in the
22 renewable fuel coproduct enhancement program complies
23 with all applicable environmental regulations in an
24 expeditious manner. The department of natural
25 resources shall assign a staff person who shall give
26 the highest priority to providing the assistance.

27 NEW SUBSECTION. 7. Iowa state university,
28 including the Iowa state university cooperative
29 extension service, shall cooperate with the office in
30 order to assist renewable fuel processing facilities
31 and users of a renewable fuel coproduct, including
32 livestock or poultry feed. The assistance shall
33 include providing nutrition and livestock management
34 advice.

35 Sec. 11. Section 159A.4, subsection 1, Code 1993,
36 is amended by adding the following new paragraph after
37 paragraph h and relettering the subsequent paragraphs:

38 NEW PARAGRAPH. i. A person representing the Iowa
39 soybean association.

40 Sec. 12. Section 159A.4, subsection 1, unnumbered
41 paragraph 2, Code 1993, is amended to read as follows:

42 The governor shall appoint persons who shall be
43 confirmed by the senate, pursuant to section 2.32, to
44 serve as voting members of the committee. However,
45 the secretary of agriculture shall appoint the person
46 representing the department of agriculture and land
47 stewardship, the director of the Iowa department of
48 economic development shall appoint the person
49 representing that department, the director of the
50 state department of transportation shall appoint the

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1 person representing that department, and the director
2 of the department of natural resources shall appoint
3 the person representing that department. The governor
4 may make appointments of persons representing
5 organizations listed under paragraphs "g" and "h"
6 through "i" from a list of candidates which shall be
7 provided by the organization upon request by the
8 governor.

9 Sec. 13. Section 159A.5, subsection 5, paragraph
10 e, Code Supplement 1993, is amended to read as
11 follows:

12 e. Review the distribution of ethanol production
13 incentive payments to qualified persons and comment on
14 applications for assistance under the renewable fuel
15 coproduct enhancement program, pursuant to section
16 159A.8.

17 Sec. 14. Section 159A.7, Code Supplement 1993, is
18 amended to read as follows:

19 159A.7 RENEWABLE FUEL FUND.

20 1. A renewable fuel fund is created in the state
21 treasury under the control of the office of renewable
22 fuel. The fund is composed of moneys accepted by the
23 office. Moneys in the fund shall be deposited into
24 the renewable fuel activities account or the ethanol
25 production incentive renewable fuel coproduct
26 enhancement account. The fund may include moneys
27 appropriated by the general assembly, and other moneys
28 available to and obtained or accepted by the office,
29 including moneys from the United States, other states
30 in the union, foreign nations, state agencies,
31 political subdivisions, and private sources.

32 Moneys in the fund shall be used only to administer
33 carry out the provisions of this chapter.

34 2. Moneys in the renewable fuel activities account
35 shall be allocated at the beginning of each fiscal
36 year as follows:

37 a. Up to forty percent may be dedicated to support
38 promotion and advertising of ethanol fuel.

39 b. Up to thirty percent may be dedicated to
40 support research at the university of Iowa.

41 c. Up to thirty percent may be dedicated to
42 support research at Iowa state university of science
43 and technology.

44 d. The Moneys in the fund shall be used to support
45 the renewable fuel coproduct enhancement program as
46 established in section 159A.8 and renewable fuel
47 promotion and research programs as established
48 pursuant to section 159A.9. Any remaining balance
49 shall be used by the office to support other projects
50 or programs renewable fuel activities developed by the

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1 office.

2 3. Moneys shall be deposited in the ethanol
3 production incentive account fund as provided in
4 section 423.24. One Not percent more than fifteen
5 thousand dollars of the moneys deposited in the
6 renewable fuel activities account during each quarter
7 as provided in section 423.24 shall be allocated to
8 the department for administration of the office.
9 Remaining moneys shall be allocated to provide
10 financial incentives to support the increased
11 production of ethanol derived from an organic
12 compound, including a photosynthate, as provided in
13 section 159A.8.

14 4. Moneys in the fund are subject to an annual
15 audit by the auditor of state. The fund is subject to
16 warrants by the director of revenue and finance, drawn
17 upon the written requisition of the coordinator.

18 5. In administering the fund, the office may do
19 all of the following:

20 a. Contract, sue and be sued, and adopt procedures
21 necessary to administer this section. However, the
22 office shall not in any manner, directly or
23 indirectly, pledge the credit of the state.

24 b. Authorize payment from the accounts, from
25 income received by investment of moneys in the fund,
26 fund for administrative costs, commissions, attorney
27 and accountant fees, and other reasonable expenses
28 related to and necessary for administering the
29 accounts fund.

30 6. Section 8.33 does not apply to moneys in the
31 renewable fuel activities account fund. Income
32 received by investment of moneys in the account fund
33 shall remain in that account the fund. Moneys
34 appropriated for a state fiscal year to the ethanol
35 production incentive account which remain unobligated
36 and unencumbered on July 31 of the following state
37 fiscal year shall be credited to the road use tax fund
38 as provided in section 423.24.

39 Sec. 15. Section 159A.8, Code 1993, is amended by
40 striking the section, and inserting in lieu thereof
41 the following:

42 159A.8 RENEWABLE FUEL COPRODUCT ENHANCEMENT
43 PROGRAM.

44 1. A renewable fuel coproduct enhancement program
45 is established. The department shall adopt rules
46 pursuant to chapter 17A to implement the program. The
47 program shall be administered by the office.

48 2. The purpose of the program is to stimulate the
49 growth in the state's renewable fuel industry by
50 increasing the demand for renewable fuel coproducts,

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1 including livestock feeds. Financial assistance shall
2 be in the form of a grant, loans, or loan guarantees,
3 as determined by the office. The office shall not
4 award an amount greater than thirty percent of total
5 costs of a project. The financial assistance shall be
6 awarded to assist any of the following:

7 a. The construction, expansion, or purchase of
8 facilities used to further process or handle renewable
9 fuel coproducts, including the drying and packaging of
10 livestock feeds.

11 b. The development of a distribution system
12 principally used for transporting a renewable fuel
13 coproduct from a renewable fuel processing facility to
14 a person who uses the coproduct, which may include a
15 livestock feeding operation.

16 3. A person is eligible to apply for assistance
17 under this section, if the person satisfies the
18 following requirements:

19 a. The proposed project would result in a new
20 enterprise which would operate in the state and within
21 close proximity to a renewable fuel processing
22 facility.

23 b. The application is made in a manner and
24 according to procedures required by the office.

25 c. The person submits a business plan which
26 demonstrates managerial and technical expertise.

27 4. An eligible proposal shall be based on the
28 following criteria:

29 a. The feasibility of the proposal to be a viable
30 enterprise.

31 b. The level of need in the area to be served by
32 the proposal. The level of need shall be supported by
33 commitments made to participate in the project by a
34 person who uses the coproduct, including a livestock
35 feeding operation.

36 c. The proportion of moneys to be contributed to
37 the project.

38 Special consideration shall be given to proposals
39 that are managed by an organized group of livestock
40 producers that may be organized as a cooperative
41 association pursuant to chapter 497, 498, or 499.

42 5. The office shall grant financial assistance
43 following a competitive selection process. The
44 process shall include review and comment by the
45 committee. The final evaluation and selection shall
46 be made by the agricultural products advisory council,
47 established pursuant to section 15.203. The council
48 shall not approve an application for assistance under
49 this section to refinance an existing loan or to
50 finance an existing enterprise.

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1 6. The office shall prepare and submit by January
 2 1 of each year an annual status report regarding the
 3 progress of activities under this section. The report
 4 shall be delivered to the secretary of the senate and
 5 the chief clerk of the house; the legislative service
 6 bureau; the chairpersons and ranking members of the
 7 senate standing committee on agriculture; the senate
 8 standing committee on small business, economic
 9 development and tourism; the house of representatives
 10 standing committee on agriculture; and the house of
 11 representatives standing committee on small business,
 12 economic development and trade.

13 Sec. 16. NEW SECTION. 159A.9 RENEWABLE FUEL
 14 PROMOTION AND RESEARCH PROGRAM.

15 1. The office shall establish renewable fuel
 16 programs to encourage the increased utilization of
 17 agricultural commodities produced in this state, by
 18 supporting the increased consumption of renewable
 19 fuel.

20 2. The office shall allocate moneys in the
 21 renewable fuel activities account of the fund to
 22 support research and promotion. Moneys in the account
 23 shall be allocated during each fiscal year as follows:

24 a. At least forty percent shall be dedicated to
 25 support the promotion and advertising of renewable
 26 fuel.

27 b. Up to thirty percent shall be dedicated to
 28 support research at colleges and universities,
 29 including the university of Iowa, Iowa state
 30 university of science and technology, and the
 31 university of northern Iowa.

32 Sec. 17. Section 214A.16, Code 1993, is amended to
 33 read as follows:

34 214A.16 NOTICE OF BLENDED FUEL — DECAL.

35 All motor vehicle fuel kept, offered, or exposed
 36 for sale, or sold at retail containing over one
 37 percent ethanol, methanol, or any combination of
 38 oxygenate octane enhancers shall be identified as
 39 "with" either "ethanol", "methanol",
 40 "ethanol/methanol", or similar wording on a decal.
 41 All diesel fuel kept, offered, or exposed for sale, or
 42 sold at retail containing over one percent soybean oil
 43 by volume shall be identified as "with soydiesel" or
 44 similar wording on a decal. The design and location
 45 of the decals may shall be prescribed by rules adopted
 46 by the department. The department shall adopt the
 47 rules to be effective by January 1, 1995. A decal
 48 identifying a renewable fuel shall be consistent with
 49 standards adopted pursuant to section 159A.6. If
 50 Until the department does not establish establishes

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1 standards for a decal relating to a specific oxygenate
2 octane enhancer decals, the wording shall be on a
3 white adhesive decal with black letters at least one-
4 half inch high and at least one-quarter inch wide
5 placed between thirty and forty inches above the
6 driveway level on the front sides of any container or
7 pump from which the motor fuel is sold. The
8 department may approve an application to place a decal
9 in a special location on a pump or container or use a
10 decal with special lettering or colors, if the decal
11 appears clear and conspicuous to the consumer. The
12 application shall be made in writing pursuant to
13 procedures adopted by the department. Designs for a
14 decal identifying a renewable fuel shall be consistent
15 with standards adopted pursuant to section 159A.6.

16 Sec. 18. Section 216B.3, subsection 16, Code
17 Supplement 1993, is amended to read as follows:

18 16. a. A motor vehicle purchased by the
19 commission shall not operate on gasoline other than
20 gasoline blended with at least ten percent ethanol. A
21 state issued credit card used to purchase gasoline
22 shall not be valid to purchase gasoline other than
23 gasoline blended with at least ten percent ethanol.
24 The motor vehicle shall also be affixed with a
25 brightly visible sticker which notifies the traveling
26 public that the motor vehicle is being operated on
27 gasoline blended with ethanol. However, the sticker
28 is not required to be affixed to an unmarked vehicle
29 used for purposes of providing law enforcement or
30 security.

31 b. Of all new passenger vehicles and light pickup
32 trucks purchased by the commission, a minimum of ten
33 percent of all such vehicles and trucks purchased
34 shall be equipped with engines which utilize
35 alternative methods of propulsion, including but not
36 limited to any of the following:

37 (1) A flexible fuel which is either of the
38 following:

39 (a) A fuel blended with not more than fifteen
40 percent gasoline and at least eighty-five percent
41 ethanol.

42 (b) A fuel which is a mixture of diesel fuel and
43 processed soybean oil. At least twenty percent of the
44 mixed fuel by volume must be processed soybean oil.

45 (c) A renewable fuel approved by the office of
46 renewable fuel pursuant to section 159A.3.

47 (2) Compressed natural gas.

48 (3) Propane gas.

49 (4) Solar energy.

50 (5) Electricity.

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1 The provisions of this paragraph "b" do not apply
 2 to vehicles and trucks purchased and directly used for
 3 law enforcement or off-road maintenance work.

4 Sec. 19. Section 260C.19A, Code Supplement 1993,
 5 is amended to read as follows:

6 260C.19A MOTOR VEHICLES REQUIRED TO OPERATE ON
 7 ETHANOL-BLENDED GASOLINE ALTERNATIVE FUELS.

8 1. A motor vehicle purchased by or used under the
 9 direction of the board of directors to provide
 10 services to a merged area shall not, on or after
 11 January 1, 1993, operate on gasoline other than
 12 gasoline blended with at least ten percent ethanol.
 13 The motor vehicle shall also be affixed with a
 14 brightly visible sticker which notifies the traveling
 15 public that the motor vehicle is being operated on
 16 gasoline blended with ethanol. However, the sticker
 17 is not required to be affixed to an unmarked vehicle
 18 used for purposes of providing law enforcement or
 19 security.

20 2. Of all new passenger vehicles and light pickup
 21 trucks purchased by or under the direction of the
 22 board of directors to provide services to a merged
 23 area, a minimum of ten percent of all such vehicles
 24 and trucks purchased shall be equipped with engines
 25 which utilize alternative methods of propulsion,
 26 including but not limited to any of the following:

27 a. A flexible fuel which is either of the
 28 following:

29 (1) A fuel blended with not more than fifteen
 30 percent gasoline and at least eighty-five percent
 31 ethanol.

32 (2) A fuel which is a mixture of diesel fuel and
 33 processed soybean oil. At least twenty percent of the
 34 mixed fuel by volume must be processed soybean oil.

35 (3) A renewable fuel approved by the office of
 36 renewable fuel pursuant to section 159A.3.

37 b. Compressed natural gas.

38 c. Propane gas.

39 d. Solar energy.

40 e. Electricity.

41 The provisions of this subsection do not apply to
 42 vehicles and trucks purchased and directly used for
 43 law enforcement or off-road maintenance work.

44 Sec. 20. Section 262.25A, Code Supplement 1993, is
 45 amended by adding the following new subsection:

46 NEW SUBSECTION. 3. Of all new passenger vehicles
 47 and light pickup trucks purchased by or under the
 48 direction of the state board of regents to provide
 49 services to a merged area, a minimum of ten percent of
 50 all such vehicles and trucks purchased shall be

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1 equipped with engines which utilize alternative
2 methods of propulsion, including but not limited to
3 any of the following:

4 a. A flexible fuel which is either of the
5 following:

6 (1) A fuel blended with not more than fifteen
7 percent gasoline and at least eighty-five percent
8 ethanol.

9 (2) A fuel which is a mixture of processed soybean
10 oil and diesel fuel. At least twenty percent of the
11 fuel by volume must be processed soybean oil.

12 (3) A renewable fuel approved by the office of
13 renewable fuel pursuant to section 159A.3.

14 b. Compressed natural gas.

15 c. Propane gas.

16 d. Solar energy.

17 e. Electricity.

18 The provisions of this subsection do not apply to
19 vehicles and trucks purchased and directly used for
20 law enforcement or off-road maintenance work.

21 Sec. 21. Section 307.21, Code Supplement 1993, is
22 amended by adding the following new subsection:

23 NEW SUBSECTION. 4A. Of all new passenger vehicles
24 and light pickup trucks purchased by the
25 administrator, a minimum of ten percent of all such
26 vehicles and trucks purchased shall be equipped with
27 engines which utilize alternative methods of
28 propulsion, including but not limited to any of the
29 following:

30 a. A flexible fuel which is either of the
31 following:

32 (1) A fuel blended with not more than fifteen
33 percent gasoline and at least eighty-five percent
34 ethanol.

35 (2) A fuel which is a mixture of processed soybean
36 oil and diesel fuel. At least twenty percent of the
37 fuel by volume must be processed soybean oil.

38 (3) A renewable fuel approved by the office of
39 renewable fuel pursuant to section 159A.3.

40 b. Compressed natural gas.

41 c. Propane gas.

42 d. Solar energy.

43 e. Electricity.

44 The provisions of this subsection do not apply to
45 vehicles and trucks purchased and directly used for
46 law enforcement or off-road maintenance work.

47 Sec. 22. Section 423.24, subsection 1, paragraph
48 b, Code Supplement 1993, is amended to read as
49 follows:

50 b. Beginning on July 1, 1993, three and one-half

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1 percent of the revenue, not to exceed one million
 2 dollars per quarter, of the revenue derived from the
 3 use tax on motor vehicles, trailers, and motor vehicle
 4 accessories and equipment as collected pursuant to
 5 section 423.7;

6 (1) Three and one-half percent of the revenue, not
 7 to exceed nine hundred twenty-five thousand dollars
 8 per quarter, shall be deposited in the ethanol
 9 production incentive renewable fuel coproduct
 10 enhancement account of the renewable fuel fund created
 11 in section 159A.7.

12 (2) One-half of one percent of the revenue, not to
 13 exceed seventy-five thousand dollars per quarter,
 14 shall be deposited in the renewable fuel activities
 15 account of the renewable fuel fund created in section
 16 159A.7.

17 **PARAGRAPH DIVIDED.** Moneys deposited according to
 18 this paragraph are a continuing appropriation for
 19 expenditure under section 159A.8 section 159A.7.
 20 Moneys deposited during a state fiscal year to the
 21 ethanol production incentive account which remain
 22 unobligated and unenumbered on July 31 of the
 23 following state fiscal year shall be credited to the
 24 road use tax fund as provided in this section.

25 **Sec. 23. NEW SECTION. 904.312A MOTOR VEHICLES.**

26 1. A motor vehicle purchased by the department
 27 shall not operate on gasoline other than gasoline
 28 blended with at least ten percent ethanol. A state-
 29 issued credit card used to purchase gasoline shall not
 30 be valid to purchase gasoline other than gasoline
 31 blended with at least ten percent ethanol. The motor
 32 vehicle shall also be affixed with a brightly visible
 33 sticker which notifies the traveling public that the
 34 motor vehicle is being operated on gasoline blended
 35 with ethanol. However, the sticker is not required to
 36 be affixed to an unmarked vehicle used for purposes of
 37 providing law enforcement or security.

38 2. Of all new passenger vehicles and light pickup
 39 trucks purchased by the department, a minimum of ten
 40 percent of all such vehicles and trucks purchased
 41 shall be equipped with engines which utilize
 42 alternative methods of propulsion, including but not
 43 limited to any of the following:

44 a. A flexible fuel which is either of the
 45 following:

46 (1) A fuel blended with not more than fifteen
 47 percent gasoline and at least eighty-five percent
 48 ethanol.

49 (2) A fuel which is a mixture of diesel fuel and
 50 processed soybean oil. At least twenty percent of the

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1 mixed fuel by volume must be processed soybean oil.

2 (3) A renewable fuel approved by the office of
3 renewable fuel pursuant to section 159A.3.

4 b. Compressed natural gas.

5 c. Propane gas.

6 d. Solar energy.

7 e. Electricity.

8 The provisions of this subsection do not apply to
9 vehicles and trucks purchased and directly used for
10 law enforcement or off-road maintenance work.

11 Sec. 24. SOYDIESEL DEMONSTRATION PROJECTS.

12 1. There is appropriated from the renewable fuel
13 coproduct enhancement account of the renewable fuel
14 fund created in section 159A.7 for the fiscal year
15 beginning July 1, 1993, and ending June 30, 1994, the
16 following amount, or so much thereof as is necessary,
17 to be used for the purpose designated:

18 For purposes of conducting soydiesel demonstration
19 projects administered by state agencies under the
20 oversight of the renewable fuel advisory committee:

21\$ 100,000

22 2. a. The office of renewable fuel shall allocate
23 a portion of the moneys to the state department of
24 transportation and the department of general services
25 which shall conduct soydiesel demonstration projects
26 using diesel vehicles. Each vehicle shall operate
27 using soydiesel fuel for at least 20,000 miles. The
28 projects shall be conducted under the oversight of the
29 renewable fuel advisory committee.

30 b. The office shall allocate the remaining moneys
31 to the state department of transportation to assist
32 governmental bodies which seek to operate public
33 transit vehicles using a mixture of diesel fuel and
34 soybean oil. The department shall expend the moneys
35 on a dollar-for-dollar matching basis with
36 contributions from a nonstate source in order to
37 support one or more special project operation
38 assistance grants that demonstrate the use of
39 soydiesel fuel in one or more public transit vehicles.
40 All awards received by a governmental body shall be
41 used directly to subsidize the operation of public
42 transit vehicles using fuel which contains a mixture
43 of diesel fuel and soybean oil.

44 3. The state department of transportation and the
45 department of general services shall evaluate the
46 performance of vehicles operating on soydiesel fuel,
47 including the rate of repairs on the vehicles and
48 comments of persons operating and maintaining the
49 vehicles. The departments shall submit findings and
50 recommendations to the renewable fuel advisory

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- 1 committee which shall submit a report to the general
 2 assembly, not later than March 1, 1995.
- 3 4. Moneys appropriated pursuant to this section
 4 which remain unexpended or unobligated on June 30,
 5 1994, shall continue to be available to support the
 6 demonstration project and shall not revert pursuant to
 7 section 8.33.
- 8 Sec. 25. REPEAL. 1992 Iowa Acts, chapter 1099,
 9 section 11, is repealed.
- 10 Sec. 26. EFFECTIVE DATE. This Act, being deemed
 11 of immediate importance, takes effect upon enactment.”
- 12 2. Title page, by striking lines 2 and 3 and
 13 inserting the following: “revitalization, by
 14 providing for renewable fuel, providing for programs
 15 and moneys.”.

SCHRADER of Marion

H-5881

- 1 Amend House File 2418 as follows:
- 2 1. Page 52, by inserting after line 26 the
 3 following:
- 4 “Sec. _____. CONTINGENT EFFECTIVENESS.
- 5 1. As used in this section, unless the context
 6 otherwise requires, “income tax purposes” means any of
 7 the following:
- 8 a. Federal income tax purposes.
 9 b. State income tax purposes.
 10 c. Both federal and state income tax purposes.
- 11 2. Any provisions of this Act which amend section
 12 97A.8, subsection 1, paragraph “f”, subparagraph (6)
 13 or (7), to increase member contributions pursuant to
 14 chapter 97A, shall take effect if and only if this Act
 15 contains provisions which provide for the department
 16 of public safety to pick up member contributions
 17 required under section 97A.8, subsection 1, paragraphs
 18 “f” and “h”, in a manner which provides for
 19 consideration of the contributions picked up by the
 20 department as employer contributions for income tax
 21 purposes on or before the date on which the increase
 22 in member contributions would be applicable.
- 23 3. Any provisions of this Act which amend section
 24 411.8, subsection 1, paragraph “f”, subparagraph (6),
 25 (7), or (8), to increase member contributions pursuant
 26 to chapter 411, shall take effect if and only if this
 27 Act contains provisions which provide for a city to
 28 pick up member contributions required under section
 29 411.8, subsection 1, paragraphs “f” and “h”, in a
 30 manner which provides for consideration of the
 31 contributions picked up by the city as employer

- 32 contributions for income tax purposes on or before the
 33 date on which the increase in member contributions
 34 would be applicable."
 35 2. By renumbering as necessary.

RENAUD of Polk

H-5882

- 1 Amend Senate File 2295, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking line 28 and inserting the
 4 following: "PROGRAM - GAP COVERAGE."
 5 2. Page 2, by striking lines 9 through 24 and
 6 inserting the following: "Iowa by offering gap
 7 coverage. The division may require that a notice of
 8 settlement be filed as a condition to offering gap
 9 coverage."
 10 3. Page 2, by inserting after line 30 the
 11 following:
 12 "Sec. _____. Section 535.8, subsection 2, paragraph
 13 b, subparagraph (3), Code 1993, is amended to read as
 14 follows:
 15 (3) Attorney's opinions, if such opinion is
 16 prepared by the borrower's attorney.
 17 Sec. _____. Section 535.8, subsection 2, paragraph
 18 b, Code 1993, is amended by adding the following new
 19 unnumbered paragraph:
 20 **NEW UNNUMBERED PARAGRAPH.** The lender shall not
 21 charge the borrower, either directly or indirectly,
 22 for the cost incurred by the lender in connection with
 23 a commercial title insurance policy. If a lender
 24 violates this paragraph the borrower is entitled to
 25 recover any actual damages plus the costs paid by the
 26 borrower, plus attorney fees incurred in an action
 27 necessary to effect recovery."
 28 4. By renumbering as necessary.

MILLAGE of Scott

H-5885

- 1 Amend House File 2386, as follows:
 2 1. Page 23, by inserting after line 19 the
 3 following:
 4 "Sec. _____. **NEW JUVENILE PROGRAM PROHIBITED.**
 5 Unless specifically authorized by an enactment of the
 6 general assembly, the department of human services
 7 shall not issue a request for proposals, enter into a
 8 lease-purchase contract, agree to a purchase of
 9 service contract, or take any other action which would
 10 utilize moneys appropriated in this Act for the
 11 creation of a new highly structured residential
 12 program for juveniles who are adjudicated delinquent."
 13 2. By renumbering as necessary.

McNEAL of Hardin
BRAMMER of Linn

H-5893

1 Amend Senate File 216, as passed by the Senate as
2 follows:

3 1. Page 5, by inserting after line 23 the
4 following:

5 "Sec. _____. Section 476.26, Code 1993, is amended
6 to read as follows:

7 476.26 EFFECT OF INCORPORATION, ANNEXATION OR
8 CONSOLIDATION.

9 The inclusion by incorporation, consolidation, or
10 annexation of any facilities or service area of an
11 electric utility within the boundaries of any city
12 shall not by such inclusion impair or affect in any
13 respect the rights of the electric utility to continue
14 to provide electric utility service and to extend
15 service to prospective customers in accordance with
16 the provisions of this division, except that in the
17 instance of annexation by a city into undeveloped
18 areas, it is presumed to be in the public interest for
19 the city, if the city operates an electric utility, to
20 provide electric utility service to the annexed area."

21 2. Title page, line 2, by inserting after the
22 word "services" the following: "and electric service
23 areas".

DICKINSON of Jackson

H-5894

1 Amend Senate File 2157, as passed by the Senate as
2 follows:

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

5 "Section 1. Section 476.26, Code 1993, is amended
6 to read as follows:

7 476.26 EFFECT OF INCORPORATION, ANNEXATION OR
8 CONSOLIDATION.

9 The inclusion by incorporation, consolidation, or
10 annexation of any facilities or service area of an
11 electric utility within the boundaries of any city
12 shall not by such inclusion impair or affect in any
13 respect the rights of the electric utility to continue
14 to provide electric utility service and to extend
15 service to prospective customers in accordance with
16 the provisions of this division, except that in the
17 instance of annexation by a city into undeveloped
18 areas, it is presumed to be in the public interest for
19 the city, if the city operates an electric utility, to
20 provide electric utility service to the annexed area."

21 2. Title page, line 1, by inserting after the
22 word "franchises" the following: "and electric
23 services areas".

DICKINSON of Jackson

H-5902

- 1 Amend the Senate amendment, H-5746, to House File
2 181, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 29 through 33.
5 2. By striking page 1, line 41, through page 2,
6 line 13.

SPENNER of Henry

H-5903

- 1 Amend House File 2351 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 001. NEW SECTION. 135.110 SMOKING
5 CESSATION FUND.
6 There is created in the Iowa department of public
7 health a "smoking cessation fund" from which the
8 moneys deposited from the cigarette and little cigar
9 tax as provided in section 453A.35 shall be used by
10 the department as follows:
11 1. Sixty percent shall be used for the patch
12 therapy and smoking cessation program.
13 2. Twenty percent to be used for law enforcement
14 efforts to prevent the illegal access to cigarettes,
15 little cigars, and tobacco products by minors.
16 3. Ten percent to be used for public education to
17 make the public, especially minors, more aware of the
18 dangers of smoking, including secondary smoke.
19 4. Ten percent to be made available as grants to
20 assist local units of government for local
21 initiatives."
22 2. Page 2, by inserting after line 24 the
23 following:
24 "Sec. 115. Section 453A.6, subsection 1, Code
25 1993, is amended to read as follows:
26 1. There is imposed, and shall be collected and
27 paid to the department, the following taxes on all
28 cigarettes used or otherwise disposed of in this state
29 for any purpose whatsoever:
30 Class A. On cigarettes weighing not more than
31 three pounds per thousand, eighteen and one-half mills
32 on each such cigarette.
33 Class B. On cigarettes weighing more than three
34 pounds per thousand, eighteen and one-half mills on
35 each such cigarette.
36 Sec. 116. Section 453A.35, Code 1993, is amended
37 to read as follows:
38 453A.35 TAX AND FEES PAID TO GENERAL FUND AND
39 SMOKING CESSATION FUND.

40 The proceeds derived from the sale of stamps and
 41 the payment of taxes, fees and penalties provided for
 42 under this chapter, and the permit fees received from
 43 all permits issued by the department, shall be
 44 credited to the general fund of the state. However,
 45 the proceeds derived from one-half mill of the tax on
 46 class A and class B cigarettes shall be deposited into
 47 the smoking cessation fund established in section
 48 135.110 in the Iowa department of public health to be
 49 used as provided in that section. All permit fees
 50 provided for in this chapter and collected by cities

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1 in the issuance of permits granted by the cities shall
 2 be paid to the treasurer of the city where the permit
 3 is effective, or to another city officer as designated
 4 by the council, and credited to the general fund of
 5 the city. Permit fees so collected by counties shall
 6 be paid to the county treasurer.

7 Sec. _____. Sections 115 and 116 of this Act take
 8 effect May 1, 1994."

9 3. Title page, line 4, by inserting after the
 10 word "expenses," the following: "increasing the state
 11 cigarette and little cigar tax for purpose of public
 12 health,".

BRAMMER of Linn

H-5904

1 Amend House File 2414 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 001. NEW SECTION. 135.110 SMOKING
 5 CESSATION FUND.

6 There is created in the Iowa department of public
 7 health a "smoking cessation fund" from which the
 8 moneys deposited from the cigarette and little cigar
 9 tax as provided in section 453A.35 shall be used by
 10 the department as follows:

11 1. Sixty percent shall be used for the patch
 12 therapy and smoking cessation program.

13 2. Twenty percent to be used for law enforcement
 14 efforts to prevent the illegal access to cigarettes,
 15 little cigars, and tobacco products by minors.

16 3. Ten percent to be used for public education to
 17 make the public, especially minors, more aware of the
 18 dangers of smoking, including secondary smoke.

19 4. Ten percent to be made available as grants to
 20 assist local units of government for local
 21 initiatives."

22 2. Page 15, by inserting after line 10 the
23 following:

24 "Sec. 115. Section 453A.6, subsection 1, Code
25 1993, is amended to read as follows:

26 1. There is imposed, and shall be collected and
27 paid to the department, the following taxes on all
28 cigarettes used or otherwise disposed of in this state
29 for any purpose whatsoever:

30 Class A. On cigarettes weighing not more than
31 three pounds per thousand, eighteen and one-half mills
32 on each such cigarette.

33 Class B. On cigarettes weighing more than three
34 pounds per thousand, eighteen and one-half mills on
35 each such cigarette."

36 3. Page 15, by inserting after line 12 the
37 following:

38 "Sec. 116. Section 453A.35, Code 1993, is amended
39 to read as follows:

40 453A.35 TAX AND FEES PAID TO GENERAL FUND AND
41 SMOKING CESSATION FUND.

42 The proceeds derived from the sale of stamps and
43 the payment of taxes, fees and penalties provided for
44 under this chapter, and the permit fees received from
45 all permits issued by the department, shall be
46 credited to the general fund of the state. However,
47 the proceeds derived from one-half mill of the tax on
48 class A and class B cigarettes shall be deposited into
49 the smoking cessation fund established in section
50 135.110 in the Iowa department of public health to be

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1 used as provided in that section. All permit fees
2 provided for in this chapter and collected by cities
3 in the issuance of permits granted by the cities shall
4 be paid to the treasurer of the city where the permit
5 is effective, or to another city officer as designated
6 by the council, and credited to the general fund of
7 the city. Permit fees so collected by counties shall
8 be paid to the county treasurer."

9 4. Page 16, by inserting after line 27 the
10 following:

11 "Sec. _____. Sections 115 and 116 of this Act take
12 effect May 1, 1994."

13 5. Title page, line 3, by inserting after the
14 word "claims," the following: "increasing the state
15 cigarette and little cigar tax for purpose of public
16 health".

H-5906

- 1 Amend the amendment, H-5690, to Senate File 2220,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking line 4 and inserting the
- 5 following: "federal law provisions."
- 6 Sec. _____. EFFECTIVE DATE. This Act, being deemed
- 7 of immediate importance, takes effect upon enactment."
- 8 2. By renumbering as necessary.

McNEAL of Hardin

H-5915

- 1 Amend the amendment, H-5894, to Senate File 2157,
- 2 as passed by the Senate as follows:
- 3 1. Page 1, line 17, by striking the words
- 4 "annexation by a city into".
- 5 2. Page 1, line 18, by inserting after the word
- 6 "areas" the following: "within city boundaries".
- 7 3. Page 1, line 20, by striking the word
- 8 "annexed".

DICKINSON of Jackson

H-5916

- 1 Amend House File 2386 as follows:
- 2 1. Page 15, by striking lines 13 through 24.
- 3 2. Page 16, by inserting after line 2 the
- 4 following:
- 5 "Sec. _____. Section 723A.2, Code 1993, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. Criminal intelligence
- 8 data under section 692.1 may include relevant
- 9 information pertaining to the person's association or
- 10 affiliation with a criminal street gang."
- 11 3. Page 23, line 12, by striking the word "shall"
- 12 and inserting the following: "may".
- 13 4. By renumbering as necessary.

MARTIN of Scott

H-5917

- 1 Amend the amendment, H-5467, to House File 2386 as
- 2 follows:
- 3 1. Page 1, by striking lines 26 and 27 and
- 4 inserting the following:
- 5 "_____. Page 7, by inserting after line 33 the
- 6 following:
- 7 "Sec. _____. Section 232.19, Code 1993, is amended
- 8 by adding the following new subsection:
- 9 NEW SUBSECTION. 4. Notwithstanding any other

10 provision of this chapter, a child shall not be placed
 11 in detention, or in a secure facility as part of a
 12 dispositional order under section 232.52 for a
 13 violation by that child of section 299.8.” ”

14 2. Page 1, by striking line 41.

15 3. Page 1, by striking line 47.

16 4. Page 1, by inserting after line 49 the
 17 following:

18 “_____. Page 15, line 4, by inserting after the
 19 figure “11.” the following: “Failure to pay the civil
 20 penalty imposed for a violation of section 453A.2,
 21 subsection 2, is a simple misdemeanor punishable as a
 22 scheduled violation under section 805.8, subsection
 23 11.”

24 _____. Page 17, by striking lines 13 through 16 and
 25 inserting the following: “subsection 6, shall not be
 26 imposed. If the civil fine is not paid in a timely
 27 manner, a citation shall be issued for the violation
 28 in the manner provided in section 804.1. The
 29 complainant shall not be charged a filing fee.”

30 For failing to pay the civil penalty under section
 31 453A.2, the scheduled fine is twenty-five dollars.
 32 The complainant shall not be charged a filing fee.”

McNEAL of Hardin

H-5921

1 Amend House File 2386 as follows:

2 1. Page 4, line 22, by inserting after the word
 3 “school,” the following: “vocational school, public
 4 or private community college, college, or
 5 university.”

6 2. Page 4, line 23, by inserting after the word
 7 “park,” the following: “public swimming pool, public
 8 or private youth center, or on a marked school bus.”

9 3. Page 4, line 35, by inserting after the word
 10 “school,” the following: “vocational school, public
 11 or private community college, college, or
 12 university.”

13 4. Page 5, line 1, by inserting after the word
 14 “park,” the following: “public swimming pool, public
 15 or private youth center, or on a marked school bus.”

16 5. Page 5, line 18, by inserting after the word
 17 “school,” the following: “vocational school, public
 18 or private community college, college, or
 19 university.”

20 6. Page 5, line 19, by inserting after the word
 21 “park,” the following: “public swimming pool, public
 22 or private youth center, or on a marked school bus.”

McCOY of Polk

H-5922

- 1 Amend House File 2386 as follows:
 2 1. Page 4, by inserting after line 25 the
 3 following:
 4 "A person convicted of a second or subsequent
 5 violation of this section shall be sentenced to an
 6 additional period of confinement of five years. The
 7 judge may, at the judge's discretion, also impose a
 8 fine of up to ten thousand dollars. A person paroled
 9 or placed on probation for a violation of this section
 10 shall be committed to the supervision of the
 11 appropriate judicial district department of
 12 correctional services' community-based correctional
 13 program.
 14 Notwithstanding any other provision regarding the
 15 distribution of fines, moneys received from the fine
 16 imposed under this section shall be distributed by the
 17 clerk of the district court to the county in which the
 18 violation occurred and used to fund substance abuse
 19 prevention and treatment programs."

McCOY of Polk

H-5923

- 1 Amend the amendment, H-5724, to Senate File 2300,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 13 and 14 and
 5 inserting the following:
 6 "_____. Page 5, by inserting after line 27 the
 7 following:"
 8 2. By renumbering as necessary.

HENDERSON of Scott

H-5924

- 1 Amend Senate File 2300, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 2, by inserting after line 26 the
 4 following:
 5 "Sec. _____. Section 455B.305, Code 1993, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 7. The director shall not issue a
 8 permit for a sanitary disposal project if the proposed
 9 site of the project is located within one mile of an
 10 existing or proposed site of a state park or
 11 recreation area that is or will be used by at least
 12 twenty thousand persons per year."
 13 2. By renumbering as necessary.

HENDERSON of Scott

H-5936

1 Amend House File 2418 as follows:

2 1. Page 6, by striking lines 22 through 26 and
3 inserting the following:

4 "(6) An amount equal to eight and one-tenth
5 percent of each member's compensation from the
6 earnable compensation of the member shall be paid to
7 the pension accumulation fund for the fiscal year
8 period beginning July 1, 1994, through December 31,
9 1994, and an amount equal to eight and thirty-five
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 period
13 beginning January 1, 1995, through June 30, 1995."

14 2. Page 8, by inserting after line 24 the
15 following:

16 "Sec. _____. Section 97A.8, subsection 1, Code 1993,
17 is amended by adding the following new paragraph:
18 **NEW PARAGRAPH.** i. (1) Notwithstanding paragraph
19 "g" or other provisions of this chapter, beginning
20 January 1, 1995, member contributions required under
21 paragraph "f" or "h" which are picked up by the
22 department shall be considered employer contributions
23 for federal and state income tax purposes, and the
24 department shall pick up the member contributions to
25 be made under paragraph "f" or "h" by its employees.
26 The department shall pick up these contributions by
27 reducing the salary of each of its employees covered
28 by this chapter by the amount which each employee is
29 required to contribute under paragraph "f" or "h" and
30 shall certify the amount picked up in lieu of the
31 member contributions to the department of revenue and
32 finance. The department of revenue and finance shall
33 forward the amount of the contributions picked up to
34 the board of trustees for recording and deposit in the
35 pension accumulation fund.

36 (2) Member contributions picked up by the
37 department under subparagraph (1) shall be treated as
38 employer contributions for federal and state income
39 tax purposes only and for all other purposes of this
40 chapter shall be treated as employee contributions and
41 deemed part of the employee's earnable compensation or
42 salary."

43 3. Page 8, by inserting after line 24 the
44 following:

45 "Sec. _____. **NEW SECTION.** 97B.11A PICKUP OF
46 **EMPLOYEE CONTRIBUTIONS.**

47 1. Notwithstanding section 97B.11 or other
48 provisions of this chapter, beginning January 1, 1995,
49 member contributions required under section 97B.11
50 which are picked up by the employer shall be

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1 considered employer contributions for federal income
2 tax purposes, and each employer shall pick up the
3 member contributions to be made under section 97B.11
4 by its employees. Each employer shall pick up these
5 contributions by reducing the salary of each of its
6 employees covered by this chapter by the amount which
7 each employee is required to contribute under section
8 97B.11 and shall pay the amount picked up in lieu of
9 the member contributions as provided in section
10 97B.14.

11 2. Member contributions picked up by each employer
12 under subsection 1 shall be treated as employer
13 contributions for federal income tax purposes only and
14 for all other purposes of this chapter and the laws of
15 this state shall be treated as employee contributions
16 and deemed part of the employee's wages or salary.

17 Sec. _____. Section 97B.14, Code 1993, is amended to
18 read as follows:

19 97B.14 CONTRIBUTIONS FORWARDED.

20 Contributions deducted from the wages of the member
21 or member contributions picked up by the employer
22 under section 97B.11A and the employer's contribution
23 shall be forwarded to the department for recording and
24 deposited with the treasurer of the state to the
25 credit of the Iowa public employees' retirement fund.
26 Contributions shall be remitted monthly, if total
27 contributions by both employee and employer amount to
28 one hundred dollars or more each month, and shall be
29 otherwise paid in such manner, at such times and under
30 such conditions, either by copies of payrolls or other
31 methods necessary or helpful in securing proper
32 identification of the member, as may be prescribed by
33 the department."

34 4. Page 33, by inserting before line 1 the
35 following:

36 "Sec. _____. NEW SECTION. 294.10A PICKUP OF
37 TEACHER ASSESSMENTS.

38 1. Notwithstanding section 294.9 or other
39 provisions of this chapter, beginning January 1,
40 following submission by the board of trustees of an
41 application to the federal internal revenue service
42 requesting qualification in accordance with the
43 requirements of the Internal Revenue Code, as defined
44 in section 422.3, teacher assessments required under
45 section 294.9 which are picked up by the employing
46 school district shall be considered employer
47 contributions for federal income tax purposes, and
48 each employing school district establishing a pension
49 and annuity retirement system pursuant to this chapter
50 shall pick up the teacher assessments to be made under

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1 section 294.9 by its employees. Each employing school
2 district shall pick up these teacher assessments by
3 reducing the salary of each of the teachers covered by
4 this chapter by the amount which each teacher is
5 required to contribute through assessments under
6 section 294.9 and shall pay to the board of trustees
7 the amount picked up in lieu of the teacher
8 assessments for recording and deposit in the fund.

9 2. Teacher assessments picked up by each employing
10 school district under subsection 1 shall be treated as
11 employer contributions for federal income tax purposes
12 only and for all other purposes of this chapter and
13 the laws of this state shall be treated as teacher
14 assessments and deemed part of the teacher's wages or
15 salary."

16 5. Page 38, by striking lines 23 through 26 and
17 inserting the following:

18 "(6) An amount equal to eight and one-tenth
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 period beginning July 1,
22 1994, through December 31, 1994, and an amount equal
23 to eight and thirty-five hundredths percent of each
24 member's compensation from the earnable compensation
25 of the member shall be paid to the fund for the fiscal
26 period beginning January 1, 1995, through June 30,
27 1995."

28 6. Page 39, line 9, by inserting after the word
29 "percent." the following:

30 "The contribution rate increases specified in this
31 Act pursuant to this chapter and chapter 97A shall be
32 the only member contribution rate increases for these
33 systems resulting from the statutory changes enacted
34 in this Act, and shall apply only to the fiscal
35 periods specified in this Act."

36 7. Page 41, by inserting after line 11 the
37 following:

38 "Sec. _____. Section 411.8, subsection 1, Code 1993,
39 is amended by adding the following new paragraph:
40 **NEW PARAGRAPH.** i. (1) Notwithstanding paragraph
41 "g" or other provisions of this chapter, beginning
42 January 1, 1995, member contributions required under
43 paragraph "f" or "h" which are picked up by the city
44 shall be considered employer contributions for federal
45 and state income tax purposes, and each city shall
46 pick up the member contributions to be made under
47 paragraph "f" or "h" by its employees. Each city
48 shall pick up these contributions by reducing the
49 salary of each of its employees covered by this
50 chapter by the amount which each employee is required

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1 to contribute under paragraph "f" or "h" and shall pay
2 the amount picked up in lieu of the member
3 contributions to the board of trustees for recording
4 and deposit in the fund.

5 (2) Member contributions picked up by each city
6 under subparagraph (1) shall be treated as employer
7 contributions for federal and state income tax
8 purposes only and for all other purposes of this
9 chapter shall be treated as employee contributions and
10 deemed part of the employee's earnable compensation or
11 salary."

12 8. Page 41, by inserting after line 11 the
13 following:

14 "Sec. _____. Section 422.7, Code Supplement 1993, is
15 amended by adding the following new subsection:

16 NEW SUBSECTION. 30. Add, to the extent not
17 included, the amount of the taxpayer's employee
18 contributions picked up by the taxpayer's employer
19 under chapter 97B. The director shall by rule provide
20 a formula to exclude income, to the extent included,
21 from adjusted gross income amounts added under this
22 subsection which are subsequently returned to the
23 taxpayer as retirement benefits or otherwise."

24 9. Page 41, by inserting after line 11 the
25 following:

26 "Sec. _____. Section 422.7, Code Supplement 1993, is
27 amended by adding the following new subsection:

28 NEW SUBSECTION. 31. Add, to the extent not
29 included, the amount of the taxpayer's teacher
30 assessment picked up by the taxpayer's employing
31 school district under chapter 294. The director shall
32 by rule provide a formula to exclude income, to the
33 extent included, from adjusted gross income amounts
34 added under this subsection which are subsequently
35 returned to the taxpayer as retirement benefits or
36 otherwise."

37 10. Page 50, by striking lines 17 through 28.

38 11. Page 52, by inserting after line 10 the
39 following:

40 "_____. The sections of this Act which amend section
41 97A.8, subsection 1, by enacting a new paragraph "i"
42 and amend section 411.8, subsection 1, by enacting a
43 new paragraph "i", take effect January 1, 1995, and
44 apply to tax years beginning on or after January 1,
45 1995."

46 12. Page 52, by inserting after line 26 the
47 following:

48 "_____. The section of this Act which amends section
49 422.7 by enacting a new subsection 30 takes effect
50 January 1, 1995, and applies to tax years beginning on

Page 5

- 1 or after January 1, 1995."
- 2 13. Title page, line 1, by inserting after the
- 3 word "systems," the following: "providing for the
- 4 payment of employee contributions under certain public
- 5 retirement systems for certain tax purposes,".
- 6 14. By renumbering as necessary.

RENAUD of Polk

H-5937

- 1 Amend House File 2269 as follows:
- 2 1. Page 2, by inserting after line 28 the
- 3 following:
- 4 "d. For transfer or deposit into the secondary
- 5 road fund pursuant to section 331.429, subsection 1,
- 6 paragraphs "a" and "b", solely to avoid a reduction in
- 7 the allotment of farm-to-market road funds under
- 8 section 312.2, subsection 8."
- 9 2. Page 2, line 29, by striking the letter "d."
- 10 and inserting the following: "e."
- 11 3. Page 4, line 7, by striking the letter "d","
- 12 and inserting the following: "e",".
- 13 4. By renumbering and correcting internal
- 14 references as necessary.

HANSEN of Woodbury

H-5938

- 1 Amend House File 2269 as follows:
- 2 1. Page 4, by inserting after line 25 the
- 3 following:
- 4 "(5) Need to increase the amount transferred to
- 5 the secondary road fund from the amount transferred in
- 6 the previous fiscal year solely to avoid a reduction
- 7 in the allotment of farm-to-market road funds under
- 8 section 312.2, subsection 8."
- 9 2. By renumbering and correcting internal
- 10 references as necessary.

HANSEN of Woodbury

H-5948

- 1 Amend House File 2386 as follows:
- 2 1. Page 4, by inserting before line 26 the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 124.401B POSSESSION OF
- 5 CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY -
- 6 ADDITIONAL PENALTY.
- 7 In addition to any other penalties provided in this
- 8 chapter or another chapter, a person who unlawfully

9 possesses a substance listed in schedule I, II, or
 10 III, or a simulated controlled substance represented
 11 to be a controlled substance classified in schedule I,
 12 II, or III, in or on, or within one thousand feet of
 13 the real property comprising a public or private
 14 elementary, secondary or vocational school, public or
 15 private community college, college, or university,
 16 public park, public swimming pool, public or private
 17 youth center, or on a marked school bus, shall be
 18 sentenced to one hundred hours of community service
 19 work for a public agency or a nonprofit charitable
 20 organization. The court shall provide the offender
 21 with a written statement of the terms and monitoring
 22 provisions of the community service."

23 2. By renumbering as necessary.

McCOY of Polk

H-5951

1 Amend Senate File 2313, as amended, passed, and re-
 2 printed by the Senate, as follows:

3 1. Page 25, line 5, by inserting after the word
 4 "section," the following: "up to".

5 2. Page 25, line 9, by inserting after the word
 6 "businesses." the following: "The department of human
 7 services shall work in cooperation with the Iowa
 8 department of public health in developing criteria for
 9 the awarding of and in the awarding of grants under
 10 this subsection."

11 3. Page 26, by inserting after line 1 the
 12 following:

13 "Of the moneys allocated in this subsection,
 14 \$60,000 shall be transferred to the Iowa department of
 15 public health for creation and maintenance of the
 16 termination of pregnancy reporting registry created
 17 pursuant to section 144.29A. Grants shall only be
 18 awarded under this subsection following establishment
 19 and implementation of the registry."

20 4. Page 45, by inserting after line 25 the
 21 following:

22 "Sec. _____. **NEW SECTION. 144.29A TERMINATION OF**
 23 **PREGNANCY REPORTING.**

24 1. A health care provider who identifies a
 25 spontaneous termination of pregnancy or who induces a
 26 termination of pregnancy shall file with the
 27 department a report for each termination within thirty
 28 days of the occurrence. The report shall contain all
 29 of the following information with respect to each
 30 termination:

31 a. Health care provider number.

32 b. Health facility number.

33 c. Patient number.

- 34 d. The state of residence and, if this state, the
35 county of residence of the patient.
- 36 e. Race of the patient.
- 37 f. Age of the patient.
- 38 g. Marital status of the patient.
- 39 h. Educational level of the patient.
- 40 i. Month and year in which the termination
41 occurred.
- 42 j. The number of weeks since the patient's last
43 menstrual period.
- 44 k. Complications, if any.
- 45 l. Cause of termination, if known.
- 46 2. The information shall be collected in a manner
47 which the department shall specify by rule, pursuant
48 to chapter 17A, and which ensures the anonymity of the
49 patient who experiences a termination of pregnancy,
50 the health care provider who identifies or induces a

Page 2

- 1 termination of pregnancy, and the hospital, clinic, or
2 other health facility in which a termination of
3 pregnancy is identified or induced. The department
4 shall publish annually demographic summaries of the
5 information obtained pursuant to this section, except
6 that the department shall not disclose any information
7 obtained pursuant to this section which reveals the
8 identity of any patient, health care provider, or
9 hospital, clinic, or other health facility, and shall
10 ensure anonymity in the following ways:
- 11 a. The department may use information concerning
12 the patient number or concerning the identity of a
13 specific reporting hospital, clinic, or other health
14 facility only for purposes of information collection.
15 The department shall not reproduce this information
16 for any purpose, and shall not extrapolate this
17 information for any purposes other than for use in
18 annually publishing the demographic summary under this
19 section.
- 20 b. The department shall immediately destroy all
21 reports submitted after information is extrapolated
22 from the reports for use in annually publishing the
23 demographic summary under this section."
- 24 5. By renumbering as necessary.

BODDICKER of Cedar

H-5957

- 1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, line 28, by striking the words "
4 ORIGINATION FEE ESTABLISHED".

- 5 2. By striking page 1, line 29 through page 2,
6 line 1.
7 3. Page 2, by striking lines 13 through 24.
8 4. By renumbering as necessary.

GRUNDBERG of Polk

H-5960

- 1 Amend the amendment, H-5467, to House File 2386 as
2 follows:
3 1. Page 1, by striking lines 26 and 27 and
4 inserting the following:
5 "_____. Page 7, by inserting after line 33 the
6 following:
7 "Sec. _____. Section 232.19, Code 1993, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 4. Notwithstanding any other
10 provision of this chapter, a child shall not be placed
11 in detention, or in a secure facility as part of a
12 dispositional order under section 232.52 for a
13 violation by that child of section 299.8."
14 2. Page 1, by striking line 41.
15 3. Page 1, by striking line 47.
16 4. Page 1, by inserting after line 49 the
17 following:
18 "_____. Page 15, line 4, by inserting after the
19 figure "11." the following: "Failure to pay the civil
20 penalty imposed for a violation of section 453A.2,
21 subsection 2, is a simple misdemeanor punishable as a
22 scheduled violation under section 805.8, subsection
23 11.
24 _____. Page 17, by striking lines 13 through 16 and
25 inserting the following: "subsection 6, shall not be
26 imposed. If the civil fine assessed for a violation
27 of section 142B.6 is not paid in a timely manner, a
28 citation shall be issued for the violation in the
29 manner provided in section 804.1. However, a person
30 under age eighteen shall not be detained in a secure
31 facility for failure to pay the civil penalty. The
32 complainant shall not be charged a filing fee.
33 For failing to pay the civil penalty under section
34 453A.2, subsection 2, the scheduled fine is twenty-
35 five dollars. Failure to pay the fine shall not
36 result in the person being detained in a secure
37 facility. The complainant shall not be charged a
38 filing fee."

McNEAL of Hardin

H-5962

- 1 Amend the amendment, H-5882, to Senate File 2295,
2 as amended, passed, and reprinted by the Senate as

3 follows:

4 1. Page 1, lines 7 through 9, by striking the
5 words "The division may require that a notice of
6 settlement be filed as a condition to offering gap
7 coverage."

GRUNDBERG of Polk

H-5963

1 Amend Senate File 100 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by striking lines 17 through 19 and
4 inserting the following:

5 "This chapter does not apply to social workers
6 employed by facilities licensed pursuant to chapter
7 135B or 135C or to students of social work whose
8 activities are conducted within a course of
9 professional education in social work."

VANDE HOEF of Osceola
DINKLA of Guthrie
MERTZ of Kossuth
HOUSER of Pottawattamie
FOGARTY of Palo Alto
MURPHY of Dubuque

H-5964

1 Amend Senate File 2033 as passed by the Senate as
2 follows:

3 1. Page 1, by inserting after line 9 the
4 following:

5 "The department shall determine by April 30, 1994,
6 if moneys appropriated in this section will remain
7 unexpended at the close of the fiscal year. If the
8 department determines that moneys will remain
9 unexpended, not more than \$150,000 shall be
10 transferred from this appropriation to the
11 appropriation in this Act for community-based programs
12 and used to pay unreimbursed claims for family
13 planning services provided in the fiscal year ending
14 June 30, 1994."

HAMMOND of Story
FALLON of Polk
DODERER of Johnson
BERNAU of Story

H-5972

1 Amend Senate File 2200, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 4 through 9 and
4 inserting the following: "district in financing the

5 general obligation bonds to be issued, the board of
6 directors of the school district may choose to impose
7 the bond levy prior to issuance of the bonds. If the
8 board so chooses, the ballot shall state that if the
9 bond authorization is approved the board of directors
10 shall impose the bond levy for a specified number of
11 years prior to the issuance of the".

12 2. Page 1, by striking lines 28 through 33 and
13 inserting the following: "district in financing the
14 school bonds to be issued for purposes of subsection 1
15 or 2, the board of directors of the school district
16 may choose to impose the bond levy prior to issuance
17 of the bonds. If the board so chooses, the ballot
18 shall state that if the bond authorization is approved
19 the board of directors shall impose the bond levy for
20 a specified number of years prior to".

Committee on Ways and Means

H-5974

1 Amend Senate File 2211, as passed by the Senate, as
2 follows:

3 1. Page 1, line 2, by inserting after the word
4 "ASSISTANTS" the following: "AND LICENSED NURSE
5 ANESTHETISTS".

6 2. Page 1, line 7, by inserting after the figure
7 "148C," the following: "or provided by a nurse
8 anesthetist licensed pursuant to chapters 147 and
9 152,".

10 3. Page 1, line 8, by inserting after the word
11 "license" the following: "or the licensed nurse
12 anesthetist's license".

13 4. Page 1, line 15, by inserting after the word
14 "assistant" the following: "or a licensed nurse
15 anesthetist".

16 5. Page 1, line 18, by inserting after the word
17 "services" the following: "or nurse anesthetist
18 services".

19 6. Title page, line 1, by inserting after the
20 word "assistants" the following: "and licensed nurse
21 anesthetists".

22 7. Title page, line 3, by inserting after the
23 word "assistants" the following: "and licensed nurse
24 anesthetists".

LUNDBY of Linn
HAMMOND of Story

H-5975

1 Amend Senate File 2211, as passed by the Senate, as
2 follows:

3 1. Page 1, line 2, by inserting after the word

4 "ASSISTANTS" the following: "AND LICENSED
5 PODIATRISTS".

6 2. Page 1, line 7, by inserting after the figure
7 "148C," the following: "or provided by a podiatrist
8 licensed pursuant to chapters 147 and 149,".

9 3. Page 1, line 8, by inserting after the word
10 "license" the following: "or the licensed
11 podiatrist's license".

12 4. Page 1, line 15, by inserting after the word
13 "assistant" the following: "or a licensed
14 podiatrist".

15 5. Page 1, line 18, by inserting after the word
16 "services" the following: "or podiatrist services".

17 6. Title page, line 1, by inserting after the
18 word "assistants" the following: "and licensed
19 podiatrists".

20 7. Title page, line 3, by inserting after the
21 word "assistants" the following: "and licensed
22 podiatrists".

LUNDBY of Linn
HAMMOND of Story

H-5976

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 30 the
4 following:

5 "Sec. _____. Section 527.8, subsection 1, Code 1993,
6 is amended to read as follows:

7 1. As a condition of exercising the privilege of
8 utilizing a satellite terminal, a financial
9 institution is liable to each of its customers for all
10 losses incurred by the customer as a result of the
11 transmission or recording of electronic impulses as a
12 part of a transaction not authorized by the customer
13 or to which the customer was not a party. However, if
14 the financial institution has provided the customer
15 with an access device for engaging in a transaction at
16 a satellite terminal which is unique to the customer,
17 and losses are incurred by the customer as a result of
18 the theft, loss or other compromise of that access
19 device, the liability of the financial institution
20 pursuant to this section shall not include the first
21 fifty dollars of any losses incurred prior to the time
22 the customer notifies the financial institution of the
23 theft, loss or compromise except that the financial
24 institution shall have no liability if the losses are
25 a result of the customer's fraudulent acts or
26 omissions the financial institution and the customer
27 shall be liable as provided in 15 U.S.C. §1693q."

28 2. Title page, line 4, by inserting after the

- 29 word "programs" the following: ", and affecting the
 30 liability of certain institutions and individuals with
 31 respect to certain transactions".
 32 3. Renumber as necessary.

RAFFERTY of Scott

H-5977

- 1 Amend House File 647 as follows:
 2 1. Page 3, by inserting after line 34 the
 3 following:
 4 "_____. Disconnect 911 or E911 service provided to a
 5 person upon that person's failure to pay charges due
 6 to the participating utility for providing service to
 7 the person if the person's income is less than or
 8 equal to one hundred fifty percent of the federal
 9 poverty level as reported annually in the federal
 10 register by the United States department of health and
 11 human services, or if the person is sixty years of age
 12 or older. This subsection does not prohibit the
 13 disconnection of other services for which amounts are
 14 due and payment is not made."
 15 2. By renumbering as necessary.

HOLVECK of Polk

H-5978

- 1 Amend House File 2414 as follows:
 2 1. Page 6, by inserting after line 21 the
 3 following:
 4 "Sec. _____. Section 422.16, subsection 1, Code
 5 1993, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. For the purposes of this
 8 subsection, state income tax at the rate of six
 9 percent shall be withheld from supplemental wages of
 10 employees in those circumstances in which the employer
 11 treats the supplemental wages as wholly separate from
 12 regular wages for purposes of withholding and federal
 13 income tax is withheld from the supplemental wages
 14 under section 3402(g) of the Internal Revenue Code."
 15 2. By renumbering as necessary.

MILLAGE of Scott

H-5979

- 1 Amend the amendment, H-5951, to Senate File 2313,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by inserting after line 23 the
 5 following:
 6 "Sec. _____. Section 144.52, Code 1993, is amended

7 by adding the following new subsection:
8 NEW SUBSECTION. 7. Willfully and knowingly uses
9 the information collected pursuant to section 144.29A
10 to harm or intimidate patients or providers or
11 releases information not in accordance with section
12 144.29A, subsection 2, paragraph "a"."

HARPER of Black Hawk

H-5983

1 Amend the amendment, H-5745, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting before line 13 the
5 following:
6 "_____. Page 3, line 6, by striking the figure
7 "5,146,655" and inserting the following: "5,376,655".
8 _____. Page 3, line 7, by striking the figure
9 "159.30" and inserting the following: "167.80"."
10 2. Page 1, line 39, by striking the figure
11 "300,000" and inserting the following: "70,000".

WEIGEL of Chickasaw
BRAND of Benton

H-5996

1 Amend Senate File 2096, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 11, by striking the words "The
4 condemner" and inserting the following: "If the
5 condemner seeks to dispose of condemned real property
6 within ten years from the date the assessment of
7 damages for the condemned property was final, the
8 condemner".
9 2. Page 1, by inserting after line 23 the
10 following:
11 "_____. a. If the condemner seeks to dispose of
12 condemned real property after ten years from the date
13 the assessment of damages for the condemned property
14 was final, the condemner shall notify the prior owner
15 of the real property condemned in writing of the
16 condemner's intent to dispose of the real property and
17 shall allow the prior owner twenty days from the date
18 the notice is served to agree in writing to consider
19 purchasing the property at its fair market value and
20 to pay for the appraisal of the property. The notice
21 from the condemner shall inform the prior owner that
22 the prior owner shall retain the option, even after
23 the prior owner agrees in writing to consider
24 purchasing the property, to decide to purchase the
25 property at its fair market value for sixty days
26 following a final determination of the property's fair

- 27 market value by an appraiser prior to the condemner
 28 offering the real property for sale to the general
 29 public as otherwise provided by law.
- 30 b. If the prior owner elects to agree to consider
 31 purchasing the real property as provided in paragraph
 32 "a", the condemner shall provide for the appraisal of
 33 the property at the prior owner's expense. The
 34 appraised value of the property shall be deemed the
 35 fair market value of the property and the
 36 determination of this value by the appraiser is final.
 37 Once the appraisal is completed, the condemner shall
 38 give the prior owner written notice of the fair market
 39 value of the property and shall permit the prior owner
 40 sixty days from the date the notice is given to
 41 purchase the property at its fair market value. The
 42 notices sent by the condemner as provided in this
 43 subsection shall be filed with the office of the
 44 recorder in the county where the property is located."
- 45 3. Page 1, line 25, by striking the words and
 46 figure "in subsection 2" and inserting the following:
 47 "pursuant to this section".
- 48 4. Page 1, by inserting after line 32 the
 49 following:
 50 "_____. If the prior owner of the condemned property

Page 2

- 1 is a nonresident of this state, or if the prior
 2 owner's residence is unknown, the notice required by
 3 the condemner pursuant to this section shall be
 4 published in some newspaper of the county and of
 5 general circulation in the county, once each week for
 6 at least four successive weeks. The date of the
 7 fourth publication of the notice shall be deemed the
 8 date the notice is served for purposes of this
 9 section."
- 10 5. By renumbering as necessary.

IVERSON of Wright

H-5999

- 1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 8 the
 4 following:
 5 "200. a. If a family investment program recipient
 6 is part of a two-parent family and one parent in the
 7 family is not complying with program requirements, the
 8 family size used to compute the amount of the
 9 recipient's assistance grant under the program may be
 10 reduced by one family member but shall not be further
 11 reduced due to the noncompliance.

12 b. If the department reduces or proposes to reduce
 13 a recipient's assistance grant under the program or to
 14 eliminate the recipient from the program, due to the
 15 recipient's lack of compliance with program
 16 requirements, the recipient may contest the reduction
 17 or proposed reduction or elimination once in an
 18 evidentiary hearing held in accordance with the
 19 provisions of chapter 17A. The recipient may only
 20 initiate the contested case within thirty days of the
 21 date of any one of the following events:

22 (1) Notice of the grant reduction or proposed
 23 reduction.

24 (2) Implementation of a grant reduction.

25 (3) Notice of an action to eliminate the
 26 recipient's participation in the program."

27 2. Page 47, by inserting after line 9 the
 28 following:

29 "_____ Section 1, subsection 200, relating to
 30 family investment program grants."

31 3. By renumbering as necessary.

BRAND of Benton

H-6001

1 Amend the amendment, H-5950, to Senate File 2234,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 3, by inserting after line 50 the
 5 following:

6 "_____ Page 6, by inserting after line 30 the
 7 following:

8 "Sec. 160. Section 282.18, subsections 8, 10, and
 9 11, Code Supplement 1993, are amended to read as
 10 follows:

11 8. a. A pupil participating in open enrollment
 12 shall be counted, for state school foundation aid
 13 purposes, in the pupil's district of residence. A
 14 pupil's residence, for purposes of this section, means
 15 a residence under section 282.1. The board of
 16 directors of the district of residence shall pay to
 17 the receiving district the lower district cost per
 18 pupil of the two districts amount determined pursuant
 19 to paragraph "b", plus any moneys received for the
 20 pupil as a result of non-English speaking weighting
 21 under section 280.4, subsection 4, for each school
 22 year. The district of residence shall also transmit
 23 the phase III moneys allocated to the district for the
 24 full-time equivalent attendance of the pupil, who is
 25 the subject of the request, to the receiving district
 26 specified in the request for transfer.

27 b. The resident district shall pay to the
 28 receiving district eighty percent of the lower

29 district cost per pupil of the two districts.
 30 However, if the amount which equals twenty percent of
 31 the lower district cost per pupil of the two districts
 32 for all pupils participating in open enrollment
 33 exceeds an amount equal to the product of fifty
 34 dollars multiplied by the actual number of pupils
 35 remaining in the resident district, such excess amount
 36 shall be paid to the receiving district. The total
 37 amount paid by the district of residence under this
 38 paragraph shall not exceed one hundred percent of the
 39 lower district cost per pupil of the two districts for
 40 all pupils participating in open enrollment.
 41 10. If a parent or guardian of a child, who is
 42 participating in open enrollment under this section,
 43 moves to a different school district during the course
 44 of either district's academic year, the child's first
 45 district of residence shall be responsible for payment
 46 of the cost per pupil plus weightings amount specified
 47 in subsection 8 or special education costs to the
 48 receiving school district for the balance of the
 49 school year in which the move took place. The new
 50 district of residence shall be responsible for the

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1 payments during succeeding years.
 2 If a request to transfer is due to a change in
 3 family residence, change in the state in which the
 4 family residence is located, a change in a child's
 5 parents' marital status, a guardianship proceeding,
 6 placement in foster care, adoption, participation in a
 7 foreign exchange program, or participation in a
 8 substance abuse or mental health treatment program,
 9 and the child, who is the subject of the request, is
 10 not currently using any provision of open enrollment,
 11 the parent or guardian of the child shall have the
 12 option to have the child remain in the child's
 13 original district of residence under open enrollment
 14 with no interruption in the child's educational
 15 program. If a parent or guardian exercises this
 16 option, the child's new district of residence is not
 17 required to pay the lower of the two district costs
 18 per pupil amount specified in subsection 8 or other
 19 costs to the receiving district until the start of the
 20 first full year of enrollment of the child.
 21 Quarterly payments shall be made to the receiving
 22 district.
 23 If the transfer of a pupil from one district to
 24 another results in a transfer from one area education
 25 agency to another, the sending district shall forward
 26 a copy of the request to the sending district's area
 27 education agency. The receiving district shall

28 forward a copy of the request to the receiving
29 district's area education agency. Any moneys received
30 by the area education agency of the sending district
31 for the pupil who is the subject of the request shall
32 be forwarded to the receiving district's area
33 education agency.

34 A district of residence may apply to the school
35 budget review committee if a student was not included
36 in the resident district's enrollment count during the
37 fall of the year preceding the student's transfer
38 under open enrollment.

39 11. Notwithstanding section 285.1 relating to
40 transportation of nonresident pupils, the parent or
41 guardian is responsible for transporting the pupil
42 without reimbursement to and from a point on a regular
43 school bus route of the receiving district. However,
44 a receiving district may send school vehicles into the
45 district of residence of the pupil using the open
46 enrollment option under this section, for the purpose
47 of transporting the pupil to and from school in the
48 receiving district, if the boards of both the sending
49 and receiving districts agree to this arrangement. If
50 the pupil meets the economic eligibility requirements

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1 established by the department and state board of
2 education, the sending district is responsible for
3 providing transportation or paying the pro rata cost
4 of the transportation to a parent or guardian for
5 transporting the pupil to and from a point on a
6 regular school bus route of a contiguous receiving
7 district unless the cost of providing transportation
8 or the pro rata cost of the transportation to a parent
9 or guardian exceeds the average transportation cost
10 per pupil transported for the previous school year in
11 the district. If the cost exceeds the average
12 transportation cost per pupil transported for the
13 previous school year, the sending district shall only
14 be responsible for that average per pupil amount. A
15 sending district which provides transportation for a
16 pupil to a contiguous receiving district under this
17 subsection may withhold from the district cost per
18 pupil amount specified in subsection 8, that is to be
19 paid to the receiving district, an amount which
20 represents the average or pro rata cost per pupil for
21 transportation, whichever is less."

22 _____ Page 10, by inserting after line 32 the
23 following:

24 "Sec. _____. Section 160 of this Act applies to
25 school budget years beginning on or after July 1,
26 1994." "

H-6002

- 1 Amend Senate File 2313, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 8 the
- 4 following:
- 5 "_____. The department shall consolidate the
- 6 individual planning and agreement provisions of the
- 7 family investment program and the family development
- 8 and self-sufficiency grant program to eliminate
- 9 duplication by providing that if a recipient is
- 10 participating in the grant program, the recipient's
- 11 family investment agreement shall be developed or
- 12 revised by the grant program worker."
- 13 2. By renumbering as necessary.

BRAND of Benton

H-6003

- 1 Amend Senate File 2211, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 2, by inserting after the word
- 4 "ASSISTANTS" the following: "AND LICENSED ADVANCED
- 5 REGISTERED NURSE PRACTITIONERS".
- 6 2. Page 1, line 7, by inserting after the figure
- 7 "148C," the following: "or provided by an advanced
- 8 registered nurse practitioner licensed pursuant to
- 9 chapters 147 and 152,".
- 10 3. Page 1, line 8, by inserting after the word
- 11 "license" the following: "or the licensed advanced
- 12 registered nurse practitioner's license".
- 13 4. Page 1, line 15, by inserting after the word
- 14 "assistant" the following: "or a licensed advanced
- 15 registered nurse practitioner".
- 16 5. Page 1, line 18, by inserting after the word
- 17 "services" the following: "or advanced registered
- 18 nurse practitioner services".
- 19 6. Title page, line 1, by inserting after the
- 20 word "assistants" the following: "and licensed
- 21 advanced registered nurse practitioners".
- 22 7. Title page, line 3, by inserting after the
- 23 word "assistants" the following: "and licensed
- 24 advanced registered nurse practitioners".

LUNDBY of Linn
HAMMOND of Story

H-6005

- 1 Amend Senate File 2313, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 8, by inserting before line 24 the
- 4 following:

- 5 "_____. The department shall adopt rules pursuant to
 6 chapter 17A to pay for lung transplants for recipients
 7 of medical assistance, notwithstanding any limitation
 8 on payments to only nonexperimental procedures."
 9 2. By renumbering as necessary.

HOLVECK of Polk
 HAMMOND of Story
 McKINNEY of Dallas

H-6009

- 1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 8, by inserting before line 24 the
 4 following:
 5 "_____. The department shall develop a listing of
 6 organ transplants to be covered by medical assistance.
 7 The listing shall be developed based upon a review of
 8 insurance industry standards and practice methods and
 9 procedures; one-year, two-year, and three-year
 10 survival rates; and best available practices and
 11 research. Following development of the listing,
 12 coverage shall be determined by medical necessity.
 13 The department shall review, at least quarterly, the
 14 current listing of organ transplants to be covered by
 15 medical assistance. The experimental nature of a
 16 procedure shall not preclude medical assistance
 17 coverage if the procedure is deemed to be necessary,
 18 based upon the condition of the recipient."
 19 2. By renumbering as necessary.

HOLVECK of Polk
 HAMMOND of Story
 McKINNEY of Dallas

H-6011

- 1 Amend House File 592, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 7 through 31 and
 4 inserting the following: "of education pursuant to
 5 the statewide plan outlined in the federal Act and the
 6 code of federal regulations."

Senate Amendment

H-6014

- 1 Amend Senate File 2300, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 2, line 34, by inserting after the word
 4 "waste" the following: "unless the diversion of the
 5 solid waste has been provided for in a chapter 28E
 6 agreement".

7 2. Page 3, line 7, by inserting after the word
 8 "area" the following: "or unless acceptance of the
 9 solid waste has been provided for in the receiving
 10 entity's chapter 28E agreement".

GIPP of Winneshiek

H-6018

1 Amend the amendment, H-5745, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 48 the
 5 following:
 6 "_____. Page 23, line 11, by striking the words
 7 "the proposal or" and inserting the following: "or
 8 deny the proposal or may adopt".
 9 _____. Page 23, by striking lines 13 through 16 and
 10 inserting the following: "the purposes of this
 11 chapter." "
 12 2. Page 3, line 49, by striking the figure "8"
 13 and inserting the following: "17".
 14 3. By renumbering as necessary.

SHOULTZ of Black Hawk

H-6019

1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 15, by inserting after line 35 the
 4 following:
 5 "Notwithstanding 1993 Iowa Acts, chapter 180,
 6 section 17, if, for the fiscal year beginning July 1,
 7 1993, and ending June 30, 1994, more than \$39,400,000
 8 is transferred from the lottery fund to the general
 9 fund pursuant to 1993 Iowa Acts, chapter 180, section
 10 17, and after moneys not transferred to the general
 11 fund are appropriated from the lottery fund as
 12 provided in 1993 Iowa Acts, chapter 180, the first
 13 \$280,000 shall be transferred from the lottery fund to
 14 the air contaminant source fund created in section
 15 455B.133B for use in the fiscal year beginning July 1,
 16 1994, and ending June 30, 1995, of which all moneys
 17 shall be expended as provided in this section."
 18 2. Page 27, by inserting before line 5 the
 19 following:
 20 "Sec. _____. EFFECTIVE DATE. Section 21 of this
 21 Act, being deemed of immediate importance, takes
 22 effect upon enactment."
 23 3. Title page, line 3, by inserting after the
 24 word "fees" the following: "and an effective date".

SHOULTZ of Black Hawk

H-6024

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 9, line 20, by striking the figure "2."

4 2. Page 9, line 21, by striking the word
5 "section" and inserting the following: "subsection".

6 3. Page 9, by inserting after line 30 the
7 following:

8 "2. There is appropriated from the state fish and
9 game fund to the department of natural resources for
10 the fiscal year beginning July 1, 1994, and ending
11 June 30, 1995, the amount required to match moneys on
12 a dollar-for-dollar basis with moneys expended
13 pursuant to section 456A.16, for the purposes
14 specified in that section."

OSTERBERG of Linn

H-6033

1 Amend the House amendment, H-6023, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 28 the
5 following:

6 "_____, Page 23, by inserting after line 7 the
7 following:

8 "Sec. _____ NEW SECTION. 331.302A CONFINEMENT
9 FEEDING OPERATIONS.

10 If the department of natural resources adopts rules
11 affecting confinement feeding operations, the board of
12 supervisors in the county where the operation is
13 located may enforce the rules, pursuant to this
14 section. The board must deliver a notice to the
15 department, stating that an operation may be in
16 violation of department rules. The board shall de-
17 liver the notice only after approval of the action by
18 resolution. The notice shall be in writing and shall
19 state the location of the operation, the name and
20 address of the owner, and an explanation of the
21 possible violation. The board may inform the de-
22 partment that the board reserves its right to enforce
23 the rules as provided in this section, if the
24 department fails to initiate an enforcement action or
25 continue an enforcement action which results in an
26 administrative hearing or a settlement of the case.
27 The county may begin enforcement proceedings after
28 fourteen calendar days following delivery of the
29 notice, unless the department commences and maintains
30 active enforcement of its rules. Once the county
31 begins an enforcement action, it shall be the party in
32 interest in the case and have sole authority and

33 responsibility to carry out the action. The county
 34 may refer any case to the attorney general. The
 35 department of natural resources may assume the
 36 enforcement action from the county. However, if the
 37 department assumes the enforcement action, the
 38 department shall be required to resolve the action.
 39 The county shall bring the enforcement action
 40 according to the same procedures used for a county
 41 infraction as provided in section 331.307. However,
 42 the civil penalty may be for any amount that could be
 43 assessed by the department. The department shall
 44 reimburse the county for fifty percent of the costs
 45 incurred by the county in enforcing the action." "

46 2. By renumbering as necessary.

McNEAL of Hardin

H-6034

1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 23, by inserting after line 7 the
 4 following:
 5 "Sec. _____. NEW SECTION. 331.302A CONFINEMENT
 6 FEEDING OPERATIONS.
 7 If the department of natural resources adopts rules
 8 affecting confinement feeding operations, the board of
 9 supervisors in the county where the operation is
 10 located may enforce the rules, pursuant to this
 11 section. The board must deliver a notice to the
 12 department, stating that an operation may be in
 13 violation of department rules. The board shall de-
 14 liver the notice only after approval of the action by
 15 resolution. The notice shall be in writing and shall
 16 state the location of the operation, the name and
 17 address of the owner, and an explanation of the
 18 possible violation. The board may inform the de-
 19 partment that the board reserves its right to enforce
 20 the rules as provided in this section, if the
 21 department fails to initiate an enforcement action or
 22 continue an enforcement action which results in an
 23 administrative hearing or a settlement of the case.
 24 The county may begin enforcement proceedings after
 25 fourteen calendar days following delivery of the
 26 notice, unless the department commences and maintains
 27 active enforcement of its rules. Once the county
 28 begins an enforcement action, it shall be the party in
 29 interest in the case and have sole authority and
 30 responsibility to carry out the action. The county
 31 may refer any case to the attorney general. The
 32 department of natural resources may assume the
 33 enforcement action from the county. However, if the
 34 department assumes the enforcement action, the

35 department shall be required to resolve the action.
 36 The county shall bring the enforcement action
 37 according to the same procedures used for a county
 38 infraction as provided in section 331.307. However,
 39 the civil penalty may be for any amount that could be
 40 assessed by the department. The department shall
 41 reimburse the county for fifty percent of the costs
 42 incurred by the county in enforcing the action.”
 43 2. By renumbering as necessary.

McNEAL of Hardin

H-6038

1 Amend Senate File 2300, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking page 5, line 23 through page 7,
 4 line 9 and inserting the following:

5 “a. By October 31, 1994, a planning area shall
 6 submit to the department, a solid waste abatement
 7 table which is updated through June 30, 1994. By
 8 April 1, 1995, the department shall report to the
 9 general assembly on the progress that has been made by
 10 each planning area on attainment of the July 1, 1994,
 11 twenty-five percent goal.

12 If the department determines that a planning area
 13 has failed to meet the July 1, 1994, twenty-five
 14 percent goal, the planning area shall, at a minimum,
 15 implement the solid waste management techniques as
 16 listed in subsection 4. Evidence of implementation of
 17 the solid waste management techniques shall be
 18 documented in subsequent comprehensive plans submitted
 19 to the department.

20 b. By October 31, 2000, a planning area shall
 21 submit to the department, a solid waste abatement
 22 table which is updated through June 30, 2000. By
 23 April 1, 2001, the department shall report to the
 24 general assembly on the progress that has been made by
 25 each planning area on attainment of the July 1, 2000,
 26 fifty percent goal.

27 If the department determines that a planning area
 28 has met or exceeded the July 1, 2000, fifty percent
 29 goal, the planning area shall retain an additional one
 30 dollar from that portion of the tonnage fees allocated
 31 to landfill alternative grants pursuant to section
 32 455E.11, subsection 2, paragraph “a”, subparagraph
 33 (9).

34 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning
 35 area that fails to meet the twenty-five percent goal
 36 shall implement the following solid waste management
 37 techniques:

38 a. Remit one dollar per ton to the department, as
 39 of July 1, 1995. The funds shall be deposited in the

40 solid waste account under section 455E.11, subsection
 41 2, paragraph "a", to be used in accordance with
 42 section 455E.11, subsection 2, paragraph "a",
 43 subparagraph (9). Moneys under this paragraph shall
 44 be remitted until such time as evidence of attainment
 45 of the twenty-five percent goal is documented in
 46 subsequent comprehensive plans submitted to the
 47 department.

48 b. Notify the public of the planning area's
 49 failure to meet the waste volume reduction goals of
 50 this section, utilizing standard language developed by

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1 the department for that purpose.

2 c. Develop draft ordinances which shall be used by
 3 local governments for establishing collection fees
 4 that are based on volume or on the number of
 5 containers used for disposal by residents.

6 d. Conduct an educational and promotional program
 7 to inform citizens of the manner and benefits of
 8 reducing, reusing, and recycling materials and the
 9 procurement of products made with recycled content.
 10 The program shall include the following:

11 (1) Targeted waste reduction and recycling
 12 education for residents, including multifamily
 13 dwelling complexes having five or more units.

14 (2) An intensive one day seminar for the
 15 commercial sector regarding the benefits of and
 16 opportunities for waste reduction and recycling.

17 (3) Promotion of recycling through targeted
 18 community and media events.

19 (4) Recycling notification and education packets
 20 to all new residential, commercial, and institutional
 21 collection service customers that include, at a
 22 minimum, the manner of preparation of materials for
 23 collection, and the reasons for separation of
 24 materials for recycling."

25 2. By renumbering as necessary.

GIPP of Winneshiek

H-6042

1 Amend the amendment, H-5715, to Senate File 2282,
 2 as passed by the Senate as follows:

3 1. Page 3, line 28, by striking the word
 4 "rating." and inserting the following: "rating.
 5 Sec. _____. NEW SECTION. 514L1 NONPROFIT HEALTH
 6 INSURANCE PURCHASING COOPERATIVES.

7 1. The commissioner of insurance shall adopt rules
 8 and a licensing procedure for authorizing the
 9 establishment of nonprofit health insurance purchasing

10 cooperatives. The rules shall include, at a minimum,
11 all of the following:

12 a. Procedures to sanction voluntary agreements
13 between competitors within the service region of a
14 nonprofit health insurance purchasing cooperative,
15 upon a finding by the commissioner that the agreement
16 will improve the quality of, access to, or
17 affordability of health care, but which agreement
18 might be a violation of antitrust laws if undertaken
19 without government direction and approval.

20 b. Procedures to assure ongoing supervision of
21 contracts sanctioned under this subsection, in order
22 to assure that the contracts do in fact improve health
23 care quality, access, or affordability. Approval may
24 be withdrawn on a prospective basis at the discretion
25 of the commissioner if necessary to improve health
26 care quality, access, and affordability.

27 c. A requirement to review the plan of operation
28 of a nonprofit health insurance purchasing
29 cooperative, and standards for approval or disapproval
30 of a plan.

31 d. A requirement that a plan of operation include
32 guaranteed access and rating practices no more
33 restrictive than those required of competitors within
34 a market segment, such as small group health insurers
35 regulated under chapter 513B, or individual or large
36 group insurers regulated under chapter 514A or 514D.
37 The commissioner shall regulate all health plans and
38 nonprofit health insurance purchasing cooperatives to
39 assure that to the greatest extent possible all health
40 insurance or health benefit marketing channels within
41 a market segment are subject to the same rules of
42 access, underwriting, risk spreading, and rate
43 regulation.

44 e. A requirement that a nonprofit health insurance
45 purchasing cooperative be governed by a board of
46 directors consisting of twelve members, including
47 seven members who are consumers.

48 f. A requirement that the members of the board of
49 directors be free of conflicts of interest and that
50 the members of the board file an annual financial

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1 disclosure report with the commissioner.

2 g. A requirement that the board of directors
3 conduct all meetings of the board pursuant to chapter
4 21.

5 h. A requirement that a nonprofit health insurance
6 purchasing cooperative shall have a consumer ombudsman
7 whose exclusive duties shall be to assist and advocate
8 for subscribers enrolled in the cooperative.

9 i. An annual report to be submitted to the general
10 assembly no later than February 1, describing the
11 operations of all nonprofit health insurance
12 purchasing cooperatives, and permitting review of the
13 success of nonprofit health insurance purchasing
14 cooperatives in furthering the goals of improved
15 health care quality, access, or affordability. The
16 report shall include any recommendations on whether
17 additional nonprofit health insurance purchasing
18 cooperatives should be established.

19 2. This section does not prevent the development
20 of any other health insurance or pooled purchasing
21 arrangements otherwise permitted by law.

22 3. This section and rules adopted pursuant to this
23 section are intended to provide immunity from federal
24 antitrust law under the state action doctrine
25 exemption." "

26 2. By renumbering as necessary.

JOCHUM of Dubuque

H-6043

1 Amend the amendment, H-5717, to Senate File 100, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 25, by inserting after the word
5 "board." the following: "An applicant who possesses a
6 bachelor's degree in psychology, human services, or
7 behavioral sciences from an accredited college or
8 university approved by the board, and who has
9 completed an internship or field experience of at
10 least two hundred hours supervised by a professional
11 licensed in psychology, human services, behavioral
12 sciences, or social work shall be exempt from the
13 requirements of this subparagraph."

FALLON of Polk

H-6045

1 Amend the amendment, H-6024, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 14 and inserting
5 following: "relating to the control of purple
6 loosestrife (*lythrum salicaria*). Of the amount
7 appropriated in this section, one-half of the moneys
8 shall be allocated to the department of plant
9 pathology at Iowa State university of science and
10 technology for purposes of conducting a survey
11 regarding the level of infestation of purple
12 loosestrife in this state. Iowa state university
13 shall study methods to biologically control the

14 expansion of the plant. One-half of the moneys shall
 15 be allocated to county boards of supervisors applying
 16 to the department for a share of the amount. A board
 17 receiving assistance under this subsection shall
 18 cooperate with the county weed commissioner to develop
 19 a plan to combat severe infestations of purple
 20 loosestrife by using biological control methods." "
 21 2. By renumbering as necessary.

MEYER of Sac
 EDDIE of Buena Vista

H-6067

1 Amend Senate File 2266, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 670.5, Code 1993, is amended
 6 by striking the section and inserting in lieu thereof
 7 the following:
 8 670.5 LIMITATIONS OF ACTIONS.
 9 Every person who claims damages from a municipality
 10 or an officer, employee, or agent of a municipality
 11 for or on account of a wrongful death, loss, or injury
 12 within the scope of section 670.2 or 670.8 or under
 13 common law, shall commence an action with the
 14 applicable period of limitations specified in chapter
 15 614."

HURLEY of Fayette

H-6070

1 Amend the amendment, H-5721, to Senate File 2311,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 49.
 5 2. Page 2, line 1, by inserting after the word
 6 "person" the following: "admitted or".
 7 3. Page 2, line 2, by striking the word "program"
 8 and inserting the following: "service".
 9 4. Page 2, by inserting after line 2 the
 10 following:
 11 "_____. Page 1, line 23, by inserting after the
 12 word "settlement" the following: "or a payment for a
 13 community-based service."
 14 5. Page 2, line 6, by striking the word "program"
 15 and inserting the following: "service".
 16 6. Page 2, by striking lines 7 through 42.
 17 7. Page 2, line 44, by striking the word
 18 "program" and inserting the following: "service".
 19 8. Page 2, by inserting after line 45 the
 20 following:

- 21 "_____. Page 3, line 9, by inserting after the word
 22 "settlement" the following: "or a payment for a
 23 community-based service."
 24 9. Page 2, line 47, by striking the word
 25 "program" and inserting the following: "service".

HOUSER of Pottawattamie
 GRUNDBERG of Polk

H-6071

- 1 Amend the amendment, H-5717, to Senate File 100, as
 2 amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, line 9, by inserting after the word
 5 "positions" the following: "or by employees of
 6 facilities licensed under chapter 135B or 135C".

VANDE HOEF of Osceola

H-6072

- 1 Amend the amendment, H-5878, to Senate File 2033,
 2 as passed by the Senate, as follows:
 3 1. Page 1, line 30, by striking the figure
 4 "317,058,555" and inserting the following:
 5 "320,658,555".
 6 2. By striking page 2, line 40 through page 3,
 7 line 2.
 8 3. By renumbering as necessary.

CORBETT of Linn

H-6080

- 1 Amend House File 2351 as follows:
 2 1. Page 2, by inserting after line 6 the
 3 following:
 4 "Sec. 510. Section 422.16, subsection 1, Code
 5 1993, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. For the purposes of this
 8 subsection, state income tax at the rate of six
 9 percent shall be withheld from supplemental wages of
 10 employees in those circumstances in which the employer
 11 treats the supplemental wages as wholly separate from
 12 regular wages for purposes of withholding and federal
 13 income tax is withheld from the supplemental wages
 14 under section 3402(g) of the Internal Revenue Code."
 15 2. Page 2, line 28, by inserting after the figure
 16 "4," the following: "510,".
 17 3. By renumbering as necessary.

MILLAGE of Scott

H-6081

- 1 Amend the amendment, H-5264, to House File 2351 as
2 follows:
3 1. Page 2, by inserting before line 7 the
4 following:
5 "Sec. 610. Section 422.16, subsection 1, Code
6 1993, is amended by adding the following new
7 unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. For the purposes of this
9 subsection, state income tax at the rate of six
10 percent shall be withheld from supplemental wages of
11 employees in those circumstances in which the employer
12 treats the supplemental wages as wholly separate from
13 regular wages for purposes of withholding and federal
14 income tax is withheld from the supplemental wages
15 under section 3402(g) of the Internal Revenue Code."
16 2. Page 3, line 8, by inserting after the figure
17 "4," the following: "610,".
18 3. By renumbering as necessary.

MILLAGE of Scott

H-6082

- 1 Amend the Senate amendment, H-6037, to House File
2 2410, 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, line 3, by striking line 3, and
7 inserting the following:
8 "144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK --
9 BIRTH CERTIFICATES."
10 _____. Page 2, by inserting after line 14 the
11 following:
12 "Sec. _____. Section 144.43, subsection 1, Code
13 1993, is amended to read as follows:
14 1. A record of birth if that birth did not occur
15 out of wedlock.
16 Sec. _____. Section 144.44, Code 1993, is amended to
17 read as follows:
18 144.44 PERMITS FOR RESEARCH.
19 The department may permit access to vital
20 statistics by professional genealogists and
21 historians, and may authorize the disclosure of data
22 contained in vital statistics records when deemed
23 essential for bona fide research purposes which are
24 not for private gain. Information in vital statistics
25 records indicating that a birth occurred out of
26 wedlock shall not be disclosed except as provided by
27 regulation or upon order of a district court. The
28 department shall adopt rules which establish the

29 parameters for access to and authorized disclosure of
 30 vital statistics and data contained in vital
 31 statistics records relating to birth and adoption
 32 records under this section."

33 _____. Page 4, line 26, by striking the word
 34 "subsection" and inserting the following:
 35 "subsections".

36 _____. Page 4, by inserting after line 28 the
 37 following:

38 "NEW SUBSECTION. 6A. "Putative father" means a
 39 man who is alleged to be or who claims to be the
 40 biological father of a child born to a woman to whom
 41 the man is not married at the time of the birth of the
 42 child."

43 _____. Page 5, by striking line 20 and inserting
 44 the following: "putative father."

45 _____. Page 6, by striking lines 19 and 20 and
 46 inserting the following:

47 "c. A statement from the putative father that the
 48 putative father is the father of the child."

49 _____. Page 6, by striking lines 23 and 24 and
 50 inserting the following:

Page 2

1 "e. The signatures of the mother and putative
 2 father."

3 _____. Page 6, by striking line 26 and inserting
 4 the following: "putative father."

5 _____. Page 6, by striking lines 27 and 28 and
 6 inserting the following:

7 "g. The addresses of the mother and putative
 8 father, as available."

9 _____. Page 7, line 22, by striking the word
 10 "alleged" and inserting the following: "putative"."

11 2. Page 1, by striking lines 12 through 36 and
 12 inserting the following:

13 "_____. Page 37, by striking lines 13 and 14 and
 14 inserting the following:

15 "a. Labor or services rendered by an employee or
 16 contractor to the payor of income."

17 _____. Page 37, by striking lines 19 through 21 and
 18 inserting the following:

19 "2. "Contractor" means a natural person who is an
 20 independent contractor, including an independent
 21 trucking owner or operator eighteen years of age or
 22 older, who performs labor in this state to whom a
 23 payor of income makes payments which are not subject
 24 to withholding and for whom the payor of income is
 25 required by the internal revenue service to complete a
 26 1099-MISC form."

27 _____. Page 37, by striking lines 26 and 27 and

28 inserting the following:

29 "b. The first day that an employee or a contractor
30 reports to work or performs labor or services".

31 _____ Page 38, by striking lines 11 through 15.

32 _____ Page 38, by striking line 18 and inserting

33 the following: "who engages a contractor for"."

34 3. Page 1, by striking lines 43 and 44 and

35 inserting the following:

36 "_____. Page 39, by striking lines 31 and 32 and

37 inserting the following:

38 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS --
39 PENALTY."

40 _____ Page 40, by striking lines 2 through 21 and

41 inserting the following: "contractor, shall report

42 all of the following the contractor to the registry.

43 Payors of income shall report to the registry within

44 ten fifteen days of hiring or rehiring of a contractor

45 the date the contractor performs services which meet

46 the requirements for the filing of and which require a

47 payor of income to prepare a 1099-MISC form for the

48 contractor. The payor of income is not required to

49 report contractors with whom the payor of income

50 establishes subsequent agreements to perform services.

Page 3

1 The report submitted to the registry shall contain all
2 of the following:

3 a. The name, address, and federal identification
4 number of the payor of income.

5 b. The contractor's name, address, social security
6 number, and if known, the contractor's date of
7 birth." "

8 4. Page 6, by inserting after line 45 the
9 following:

10 "11. This section applies to any action to
11 overcome paternity, including any paternity
12 determination made prior to the effective date of this
13 section of this Act, with the exception of the
14 following actions:

15 a. The action to overcome paternity, based upon
16 grounds that the established father is not the
17 biological father, was previously dismissed, whether
18 or not the dismissal was due to the expiration of the
19 statute of limitations period for bringing the action.

20 b. The action to relieve the established father of
21 any future support obligation, based upon the grounds
22 that the established father is not the biological
23 father, was previously dismissed, whether or not the
24 dismissal was due to the expiration of the statute of
25 limitations period for bringing the action."

26 5. Page 6, by striking lines 46 through 49.

27 6. By renumbering as necessary.

H-6086

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 9, by striking lines 3 through 5 and
5 inserting the following: "offense. If the comparison
6 is negative the fingerprint card and other copies of
7 the fingerprints taken shall be immediately destroyed.
8 If the".

9 2. Page 9, by striking lines 13 through 15 and
10 inserting the following: "are taken. If the child is
11 not referred to the court, the fingerprint card and
12 copies of the fingerprints shall be immediately
13 destroyed."

KREIMAN of Davis

H-6087

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 8, line 5, by striking the word
5 "citation" and inserting the following: "an informal
6 adjustment".

7 2. Page 8, line 11, by striking the word
8 "citations" and inserting the following: "informal
9 adjustments".

KREIMAN of Davis

H-6090

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 19, by striking lines 19 through 29.
5 2. By renumbering as necessary.

KREIMAN of Davis

H-6092

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 8, by striking lines 32 through 38 and
5 inserting the following: "simple misdemeanor.
6 However, fingerprint and photograph files of a child
7 who enters into an informal adjustment or consent
8 decree shall be retained only if the child is notified
9 at the time of entering into the informal adjustment
10 or consent decree that the files will be permanently
11 retained by the criminal justice agency. The criminal
12 justice".

KREIMAN of Davis

H-6098

- 1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 9, by striking lines 3 through 7 and
5 inserting the following: "offense. If the comparison
6 is negative the fingerprint card and other copies of
7 the fingerprints taken shall be immediately destroyed.
8 If the comparison is positive and the child is
9 referred to the court, the fingerprint card and other
10 copies of".
11 2. Page 9, by striking lines 13 through 15 and
12 inserting the following: "are taken. If the child is
13 not referred to the court, the fingerprint card and
14 copies of the fingerprints shall be immediately
15 destroyed."

McKINNEY of Dallas

H-6100

- 1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 6, by striking lines 8 through 28.
5 2. By renumbering as necessary.

KREIMAN of Davis

H-6101

- 1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 8, line 32, by inserting after the word
5 "simple" the following: "or serious".
6 2. Page 9, by striking lines 45 through 47 and
7 inserting the following: "been adjudicated a
8 delinquent nor convicted of committing an aggravated
9 misdemeanor or a felony after reaching sixteen years
10 of age convicted of a public offense."

KREIMAN of Davis

H-6102

- 1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 9, by striking lines 16 through 22 and
5 inserting the following:
6 "4. Fingerprint and photograph files of children
7 shall be kept separate from those of adults. Copies
8 of fingerprints and photographs of a child shall not

9 be placed in any data storage system established and
 10 maintained by the department of public safety pursuant
 11 to chapter 692, or in any federal depository for
 12 fingerprints."

13 2. Page 9, line 23, by striking the figures "5 4"
 14 and inserting the following: "5".

15 3. Page 9, line 29, by striking the figures "6 5"
 16 and inserting the following: "6".

McKINNEY of Dallas

H-6106

1 Amend the amendment, H-6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:

4 1. Page 7, by striking lines 5 through 26 and
 5 inserting the following:

6 "Sec. _____. Section 232.45A, subsection 2, Code
 7 1993, is amended to read as follows:

8 2. Once a child sixteen years of age or older has
 9 been waived to and convicted of an aggravated
 10 misdemeanor committed against a person or a forcible
 11 felony or a felony violation of section 124.401 or
 12 chapter 707 by the district court, all criminal
 13 proceedings against the child for any forcible felony
 14 or a felony violation of section 124.401 or chapter
 15 707 aggravated misdemeanor or felony occurring
 16 subsequent to the date of the conviction of the child
 17 shall begin in district court, notwithstanding
 18 sections 232.8 and 232.45. A copy of the findings
 19 required by section 232.45, subsection 8, shall be
 20 made a part of the record in the district court
 21 proceedings.

22 Sec. _____. Section 232.45A, subsection 3, Code
 23 1993, is amended to read as follows:

24 3. If proceedings against a child for an
 25 aggravated misdemeanor committed against a person or a
 26 forcible felony or a felony violation of section
 27 124.401 or chapter 707 who has previously been waived
 28 to and convicted of such an offense by the district
 29 court are mistakenly begun in the juvenile court, the
 30 matter shall be transferred to district court upon the
 31 discovery of the prior waiver and conviction,
 32 notwithstanding sections 232.8 and 232.45."

33 2. By renumbering as necessary.

KREIMAN of Davis

H-6108

1 Amend the amendment, H-6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. By striking page 1, line 5 through page 2,
5 line 12, and inserting the following:

6 "Section 1. Section 123.3, subsection 19, Code
7 Supplement 1993, is amended to read as follows:

8 19. "Legal age" means nineteen twenty-one years of
9 age or more.

10 Sec. _____. Section 123.47, Code 1993, is amended to
11 read as follows:

12 123.47 PERSONS UNDER THE AGE OF EIGHTEEN.

13 A person shall not sell, give, or otherwise supply
14 alcoholic liquor, wine, or beer to any person knowing
15 or having reasonable cause to believe that person to
16 be under the age of eighteen, and a person or persons
17 under the age of eighteen shall not purchase or
18 attempt to purchase, or individually or jointly have
19 alcoholic liquor, wine, or beer in their possession or
20 control; except in the case of liquor, wine, or beer
21 given or dispensed to a person under the age of
22 eighteen within a private home and with the knowledge,
23 presence, and consent of the parent or guardian for
24 beverage or medicinal purposes or as administered to
25 the person by either a physician or dentist for
26 medicinal purposes and except to the extent that a
27 person under the age of eighteen may handle alcoholic
28 beverages, wine, and beer during the regular course of
29 the person's employment by a liquor control licensee,
30 or wine or beer permittee under this chapter. A
31 person, other than a licensee or permittee, who
32 violates this section regarding the purchase of
33 alcoholic liquor, wine, or beer shall pay a twenty-
34 five dollar penalty.

35 Sec. _____. Section 123.47A, subsection 1, Code
36 1993, is amended to read as follows:

37 1. A person shall not sell, give, or otherwise
38 supply alcoholic liquor, wine, or beer to any person
39 knowing or having reasonable cause to believe that the
40 person is age eighteen, nineteen, or twenty. A person
41 age eighteen, nineteen, or twenty shall not purchase
42 or possess alcoholic liquor, wine, or beer. However,
43 a person age eighteen, nineteen, or twenty may possess
44 alcoholic liquor, wine, or beer given to the person
45 within a private home with the knowledge, presence,
46 and consent of the person's parent or guardian, and a
47 person age eighteen, nineteen, or twenty may handle
48 alcoholic liquor, wine, and beer during the course of
49 the person's employment by a liquor control licensee,
50 or wine or beer permittee. A person, other than a

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1 licensee or permittee, who commits a first offense
2 under this section commits a scheduled violation of

3 section 805.8, subsection 10. A person, other than a
 4 licensee or permittee, who commits a second or
 5 subsequent violation of this section, commits a simple
 6 misdemeanor. A licensee or permittee who violates
 7 this section with respect to a person who is age
 8 nineteen or twenty is guilty of a simple misdemeanor
 9 punishable by a fine of not more than fifty dollars.
 10 The penalty provided under this section against a
 11 licensee or permittee who violates this section with
 12 respect to a person who is age nineteen or twenty is
 13 the only penalty which shall be imposed against a
 14 licensee or permittee who violates this section. A
 15 licensee or permittee who violates this section with
 16 respect to a person who is age eighteen commits a
 17 simple misdemeanor, and is subject to the criminal and
 18 civil penalties provided pursuant to sections 123.49
 19 and 123.50 with respect to selling, giving, or
 20 otherwise supplying alcoholic beverages, liquor, wine,
 21 or beer to persons under legal age.

22 Sec. _____. Section 123.49, subsection 2, paragraph
 23 h, Code 1993, is amended to read as follows:

24 h. Sell, give, or otherwise supply any alcoholic
 25 beverage, wine, or beer to any person, knowing or
 26 having reasonable cause to believe the person to be
 27 failing to exercise reasonable care to ascertain
 28 whether the person is under legal age, or permit any
 29 person, knowing or having reasonable cause to believe
 30 the person to be failing to exercise reasonable care
 31 to ascertain whether the person is under legal age, to
 32 consume any alcoholic beverage, wine, or beer.

33 Sec. _____. Section 123.50, subsection 1, Code
 34 Supplement 1993, is amended to read as follows:

35 1. Any person who violates any of the provisions
 36 of section 123.49, except subsection 2, paragraph "h",
 37 shall be guilty of a simple misdemeanor. A person who
 38 violates section 123.49, subsection 2, paragraph "h",
 39 commits a simple misdemeanor punishable as a scheduled
 40 violation under section 805.8, subsection 10,
 41 paragraph "b".

42 2. Page 14, by inserting after line 4 the
 43 following:

44 "Sec. _____. Section 805.8, subsection 10, Code
 45 Supplement 1993, is amended to read as follows:

46 10. ALCOHOLIC BEVERAGE VIOLATIONS.

47 a. For violations of section 123.47A, which
 48 constitute first offenses as provided in that section,
 49 the scheduled fine is fifteen dollars.

50 b. For violations of section 123.49, subsection 2,

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1 paragraph "h", the scheduled fine is one hundred
 2 dollars."

3 3. By renumbering as necessary.

H-6111

1 Amend House File 2424 as follows:

2 1. Page 4, by inserting after line 18 the
3 following:

4 "Sec. _____ DRIVER'S LICENSE CLEARANCE PILOT
5 PROJECT.

6 1. As used in this section, unless the context
7 otherwise requires:

8 a. "Department" means the state department of
9 transportation.

10 b. "Driver's license" means a commercial driver's
11 license as defined in section 321.1 or any
12 classification of driver's license specified in
13 section 321.189.

14 2. The state department of transportation, in
15 consultation and cooperation with the department of
16 human services and the department of revenue and
17 finance as well as other applicable state agencies,
18 shall establish a driver's license clearance pilot
19 project. The state department of transportation shall
20 adopt rules pertaining to the pilot project which
21 shall specify the county or counties to be included in
22 the pilot project.

23 3. In those counties included within the pilot
24 project, notwithstanding any provision of chapter 321
25 or any other provision of law to the contrary, the
26 department shall refuse to issue a driver's license or
27 renew a driver's license to an applicant if the
28 department knows that the applicant has a delinquent
29 account, charge, fee, loan, or other indebtedness owed
30 to or being collected by the state, from information
31 provided pursuant to section 421.17, unless the
32 applicant has made arrangements for the payment of the
33 debt with the agency, which is owed or is collecting
34 the debt, to the satisfaction of the agency. An
35 applicant may contest this action by requesting a
36 contested case proceeding from the agency that
37 referred the debt for collection pursuant to section
38 421.17.

39 4. The department may issue temporary permits to
40 applicants who are denied a driver's license pursuant
41 to this section, and shall adopt rules pertaining to
42 the issuance of temporary permits, including
43 guidelines with respect to the duration of temporary
44 permits. The department shall also adopt rules
45 pertaining to special considerations for applicants
46 who require a vehicle for employment purposes.

47 5. The department shall utilize the records system
48 maintained pursuant to section 321.31, subsection 1,
49 to implement the pilot project. In addition,
50 notwithstanding the confidentiality provisions of

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1 chapter 252B, chapter 422, or any other provision of
 2 state law pertaining to the confidentiality of
 3 records, the department of human services and the
 4 department of revenue and finance may exchange
 5 information with the department for the purposes of
 6 the pilot project.

7 6. The department shall adopt rules in such a
 8 manner so that the pilot project shall commence
 9 January 1, 1995. The department shall terminate the
 10 pilot project January 1, 1996, and submit a report to
 11 the governor and the general assembly on or before
 12 April 1, 1996, detailing the operation of the pilot
 13 project. The report shall include information
 14 pertaining to amounts collected as a result of the
 15 pilot project."

16 2. By renumbering as necessary.

DODERER of Johnson
 HANSON of Delaware

H-6121

1 Amend the amendment, H-6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 3, line 48, by inserting after the word
 5 "park," the following: "public swimming pool, or
 6 public or private youth center."

7 2. Page 4, line 12, by inserting after the word
 8 "park," the following: "public swimming pool, or
 9 public or private youth center."

10 3. Page 4, line 32, by inserting after the word
 11 "park," the following: "public swimming pool, or
 12 public or private youth center."

LARSON of Linn

H-6125

1 Amend Senate File 2300, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 7 the
 4 following:

5 "This subsection does not apply to coal combustion
 6 waste or foundry sand."

GREIG of Emmet
 GIPP of Winneshiek
 TYRRELL of Iowa
 MARTIN of Scott

H-6126

1 Amend Senate File 2314, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 12, by inserting after line 31 the
4 following:

5 "Sec. _____. SOIL CONSERVATION TECHNICIANS. If, for
6 the fiscal year beginning July 1, 1993, and ending
7 June 30, 1994, state revenues are \$123,000 or more
8 than the estimate provided on December 15, 1993, by
9 the revenue estimating conference as provided in
10 section 8.22A, there is appropriated an additional
11 \$123,000 from the general fund of the state to the
12 soil conservation division of the department of
13 agriculture and land stewardship, for use in the
14 fiscal year beginning July 1, 1994, and ending June
15 30, 1995, of which all moneys shall be allocated to
16 support five additional full-time equivalent positions
17 within the soil conservation division who shall serve
18 as soil conservation technicians."

WEIGEL of Chickasaw

H-6129

1 Amend the amendment, H-6057, to Senate File 2319,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 12, by inserting after line 21 the
5 following:

6 "Sec. _____. Section 602.1508, Code 1993, is amended
7 to read as follows:

8 602.1508 COMPENSATION OF ASSOCIATE JUVENILE
9 JUDGES, ASSOCIATE PROBATE JUDGES, SPECIAL MASTERS, AND
10 REFEREES.

11 Referees Associate juvenile judges, associate
12 probate judges, referees, and other persons referred
13 to in section 602.6602 shall receive a salary or other
14 compensation as set by the supreme court. Associate
15 juvenile judges and associate probate judges shall be
16 entitled to the number of vacation days allowed for
17 associate district judges."

18 2. By renumbering as necessary.

JOCHUM of Dubuque

H-6131

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 17, line 38 through page 20,
5 line 5.

6 2. Page 20, by inserting before line 6 the

- 7 following:
 8 "Sec. _____. Section 427B.17, Code Supplement 1993,
 9 is amended by adding the following new subsection:
 10 NEW SUBSECTION. 8. Property acquired or initially
 11 leased on or after January 1, 1995, and prior to
 12 January 1, 1997, shall not be assessed for taxation in
 13 the 1995 and 1996 calendar years."
 14 3. Page 22, by striking lines 26 through 28.
 15 4. By renumbering as necessary.

GILL of Woodbury

H-6132

- 1 Amend the amendment, H-6057, to Senate File 2319,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 14, by striking lines 5 through 24.
 5 2. By renumbering as necessary.

DODERER of Johnson
MYERS of Johnson

H-6133

- 1 Amend the amendment, H-5718, to Senate File 2223,
 2 as passed by the Senate, as follows:
 3 1. Page 2, by inserting after line 40, the
 4 following:
 5 "_____. Page 5, line 10, by striking the word
 6 "Registration" and inserting the following: "Except
 7 as otherwise provided in section 48A.9A,
 8 registration".
 9 _____. Page 5, by inserting after line 34 the
 10 following:
 11 "Sec. _____. NEW SECTION. 48A.9A ELECTION DAY
 12 REGISTRATION.
 13 1. An eligible elector may register to vote and
 14 vote on the day of the election by appearing in person
 15 at the polling place for the precinct in which the
 16 eligible elector resides, by completing a voter
 17 registration form, making an oath in the form
 18 prescribed by the secretary of state, and providing
 19 proof of residence. An eligible elector may prove
 20 residence for purposes of voter registration by
 21 meeting one of the following requirements:
 22 a. Showing a driver's license or nonoperator's
 23 identification card issued pursuant to section 321.189
 24 or 321.190, respectively.
 25 b. Showing any document approved as proper
 26 identification by the secretary of state by rule.
 27 c. Showing one of the following:
 28 (1) A current valid student identification card
 29 from a postsecondary school in Iowa if a list of

30 students from that school has been prepared under
31 section 48A.23 and certified to the county
32 commissioner in the manner prescribed by the secretary
33 of state by rule.

34 (2) A current student fee statement that contains
35 the student's valid address in the precinct together
36 with a picture identification card.

37 d. Having a registered voter who resides in the
38 precinct sign an oath in the presence of the election
39 official vouching that the voter personally knows that
40 the eligible elector is a resident of the precinct. A
41 voter who has been vouched for on election day shall
42 not sign a proof of residence oath vouching for any
43 other eligible elector on that election day.

44 2. Registration at the polling place on election
45 day shall be conducted by the election official. The
46 election official who registers an individual at the
47 polling place on election day shall not handle that
48 voter's ballot at any time before the opening of the
49 ballot box after the voting ends. Registration forms
50 and oath forms shall be available at each polling

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1 place. If an eligible elector who registers to vote
2 on election day proves residence by oath of a
3 registered voter, the form containing the oath shall
4 be attached to the elector's voter registration form
5 until the elector's address is verified by the county
6 commissioner. The election official responsible for
7 election day registration shall initial each completed
8 voter registration form.

9 Voter registration forms completed on election day
10 shall be forwarded to the county commissioner who
11 shall add the name of each voter to the registration
12 list unless the information forwarded is inadequate
13 for the commissioner to make a determination that the
14 elector is qualified to vote. In such case, the
15 commissioner shall send an acknowledgement to the
16 eligible elector pursuant to section 48A.26,
17 subsection 3. A voter registration form completed on
18 election day shall not be found inadequate solely
19 because the registered voter who provided proof of
20 residence was ineligible to do so.

21 3. The commissioner shall provide each precinct
22 with an accurate precinct map to assist the election
23 official in determining whether an address is located
24 in that precinct.

25 4. The election official responsible for election
26 day registration shall keep a record of the number of
27 persons who attempt to register to vote on election
28 day but who cannot provide proof of residence as

29 required by this section. The record shall be
30 forwarded to the county commissioner with the election
31 returns for that precinct."

32 _____. Page 6, line 2, by inserting after the word
33 "form" the following: ", and proof of identification
34 if the registered voter submits the voter registration
35 form at the polling place on the day of the
36 election,".

37 _____. Page 6, by striking line 3 and inserting the
38 following: "commissioner in order to vote in that
39 county."

40 2. Page 3, by inserting after line 26 the
41 following:

42 "_____. Page 15, by inserting before line 13 the
43 following:

44 "3. Postsecondary schools that enroll students
45 accepting state or federal financial aid may provide
46 each full-time student a student identification card
47 that contains the enrolling student's photograph and
48 name. Postsecondary schools that enroll students
49 accepting state or federal financial aid may prepare a
50 list of students currently enrolled in the school and

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1 residing in the school's housing or within ten miles
2 of the school's campus. The list shall include each
3 student's current address. The list shall be
4 certified and sent to the appropriate county
5 commissioner for use in election day registration as
6 provided in section 48A.9A." "

7 3. By renumbering and correcting internal
8 references as necessary.

BEATTY of Warren

H-6136

1 Amend Senate File 2314, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 12, by inserting after line 31 the
4 following:

5 "Sec. _____. SOIL CONSERVATION TECHNICIANS. If, for
6 the fiscal year beginning July 1, 1993, and ending
7 June 30, 1994, state revenues are \$334,000 or more
8 than the estimate provided on December 15, 1993, by
9 the revenue estimating conference as provided in
10 section 8.22A, there is appropriated an additional
11 \$123,000 from the general fund of the state to the
12 soil conservation division of the department of
13 agriculture and land stewardship, for use in the
14 fiscal year beginning July 1, 1994, and ending June
15 30, 1995, of which all moneys shall be allocated to
16 support five additional full-time equivalent positions
17 within the soil conservation division who shall serve
18 as soil conservation technicians."

WEIGEL of Chickasaw

H-6146

1 Amend the Senate amendment, H-6054, to House File
2 2377, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 30 the
5 following:

6 "_____. Page 4, by inserting before line 14 the
7 following:

8 "Sec. _____. NEW SECTION. 146A.1 NOTIFICATION OF
9 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -
10 REQUIREMENTS - EXCEPTIONS - CRIMINAL PENALTY.

11 1. A person shall not perform an abortion on a
12 pregnant minor until at least forty-eight hours' prior
13 notification is provided to a parent of the minor.

14 2. The person who will perform the abortion shall
15 provide notification in person or by mailing the
16 notification by restricted certified mail to the
17 parent of the minor at the usual place of abode of the
18 parent. For the purposes of delivery by restricted
19 certified mail, the time of delivery is deemed to
20 occur at twelve o'clock noon on the next day on which
21 regular mail delivery takes place, subsequent to the
22 mailing.

23 3. For the purposes of this section, unless the
24 context otherwise requires:

25 a. "Abortion" means an abortion as defined in
26 chapter 146.

27 b. "Court" means the juvenile court.

28 c. "Medical emergency" means a condition that,
29 based on a physician's clinical judgment, so
30 complicates the medical condition of a pregnant minor
31 as to necessitate the immediate abortion of the
32 minor's pregnancy to avert the minor's death, or for
33 which a delay will create risk of substantial and
34 irreversible impairment of a major bodily function.

35 d. "Minor" means minor as defined in chapter 599.

36 e. "Parent" means one parent of the pregnant minor
37 or the pregnant minor's guardian or custodian.

38 4. Notification shall not be required under this
39 section if any of the following conditions apply:

40 a. The attending physician certifies that a
41 medical emergency existed. The attending physician
42 shall certify in writing the basis for the medical
43 judgment that a medical emergency existed and shall
44 make written certification available to a parent of
45 the minor prior to the abortion, if possible. If it
46 is not possible to provide a parent of the minor with
47 written certification prior to the abortion, the
48 physician shall provide the written certification to a
49 parent of the minor within twelve hours following the
50 performance of the abortion unless paragraph "b", "c",

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1 or "d" is applicable.

2 b. The abortion is authorized in writing by a
3 parent entitled to notification.

4 c. The pregnant minor declares that the pregnant
5 minor is a victim of child abuse pursuant to section
6 232.68, the person responsible for the care of the
7 child is a parent of the child, and the abuse has been
8 reported pursuant to the procedures prescribed in
9 chapter 232, division III, part 2, or a parent of the
10 child is named in a report of founded child abuse.
11 The department of human services shall maintain
12 confidentiality under chapter 232 regarding the
13 minor's pregnancy and abortion, if an abortion is
14 obtained.

15 d. The pregnant minor elects not to allow
16 notification of the pregnant minor's parent and a
17 court authorizes waiver of the notification
18 requirement following completion of the proceedings
19 prescribed under subsection 5.

20 5. If a pregnant minor objects to the notification
21 of a parent prior to the performance of an abortion on
22 the pregnant minor, the pregnant minor may petition
23 the court to authorize waiver of the notification
24 requirement pursuant to this section in accordance
25 with the following procedures:

26 a. The court shall ensure that the minor is
27 provided with assistance in preparing and filing the
28 petition for waiver of notification and shall ensure
29 that the minor's identity remains confidential.

30 b. The minor may participate in the court
31 proceedings on the minor's own behalf and the court
32 may appoint a guardian ad litem for the minor. The
33 court shall advise the minor of the minor's right to
34 court-appointed legal counsel, and shall, upon the
35 minor's request, provide the minor with court-
36 appointed legal counsel, at no cost to the minor.

37 c. The court proceedings shall be conducted in a
38 manner which protects the anonymity of the minor and
39 all court documents pertaining to the proceedings
40 shall remain confidential. Only the minor, the
41 minor's guardian ad litem, the minor's legal counsel,
42 and persons whose presence is specifically requested
43 by the minor, by the minor's guardian ad litem, or by
44 the minor's legal counsel may attend the hearing on
45 the petition.

46 d. The court proceedings under this section shall
47 be given precedence over other pending matters to
48 ensure that the court reaches a decision
49 expeditiously.

50 e. Upon petition and following an appropriate

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1 hearing, the court shall waive the notification
2 requirements if the court determines either of the
3 following:

4 (1) That the minor is mature and capable of
5 providing informed consent for the performance of an
6 abortion.

7 (2) That the minor is not mature, or does not
8 claim to be mature, but that notification is not in
9 the best interest of the minor.

10 f. The court shall issue specific factual findings
11 and legal conclusions, in writing, to support the
12 decision.

13 g. Upon conclusion of the hearing, the court shall
14 immediately issue a written order which shall be
15 provided immediately to the minor, the minor's
16 guardian ad litem, the minor's legal counsel, or any
17 other person designated by the minor to receive the
18 order.

19 h. An expedited, anonymous, confidential appeal
20 shall be available to a minor for whom the court
21 denies a petition for waiver of notification. An
22 order granting the minor's application for waiver of
23 notification is not subject to appeal. Access to the
24 appellate courts for the purpose of an appeal under
25 this section shall be provided to a minor twenty-four
26 hours a day, seven days a week.

27 i. The supreme court shall prescribe rules to
28 ensure that the proceedings under this section are
29 performed in an expeditious, anonymous, and
30 confidential manner.

31 j. A minor who chooses to utilize the waiver of
32 notification procedures under this subsection shall
33 not be required to pay a fee at any level of the
34 proceedings.

35 k. A person performing an abortion on a minor
36 under this chapter may inform the parent of the minor
37 of any necessary treatment resulting from
38 complications of the abortion procedure if, in the
39 judgment of the person, failure to inform the parent
40 would seriously jeopardize the health of the minor.

41 6. A person who performs an abortion in violation
42 of this section is guilty of a serious misdemeanor.

43 7. A person who harasses or interferes with a
44 minor seeking an abortion is guilty of a serious
45 misdemeanor.

46 8. Venue for proceedings under this section is in
47 any court in the state.

48 Sec. _____. NEW SECTION. 232.5 ABORTION PERFORMED
49 ON A MINOR - PROCEEDINGS.

50 The court shall have exclusive jurisdiction over

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- 1 the authorization of an abortion on a minor pursuant
- 2 to section 146A.1.””
- 3 2. Page 7, by inserting after line 24 the
- 4 following:
- 5 “_____ Title page, line 1, by inserting after the
- 6 word “to” the following: “parents and children
- 7 including”.”
- 8 3. By renumbering as necessary.

BODDICKER of Cedar
 RUNNING of Linn
 MERTZ of Kossuth
 GARMAN of Story

H-6152

- 1 Amend Senate File 2300, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 7, line 21, by inserting after the word
- 4 “subsection 18.” the following: “Of the remaining
- 5 moneys, sixty-five thousand dollars shall be allocated
- 6 to the waste management assistance division of the
- 7 department to be used for the by-products and waste
- 8 search service at the university of northern Iowa.”

SHOULTZ of Black Hawk

H-6153

- 1 Amend the amendment, H-6146, to the Senate
- 2 amendment, H-6054, to House File 2377, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 50, by inserting after the letter
- 5 “b,” the following: “bb”.”
- 6 2. Page 2, by inserting after line 3 the
- 7 following:
- 8 “bb. The minor elects not to allow notification of
- 9 the minor's parent and the pregnant minor provides
- 10 documentation of notification of a grandparent, an
- 11 aunt, an uncle, or a sibling of the minor who is over
- 12 eighteen years of age.”
- 13 3. By relettering as necessary.

HARPER of Black Hawk

H-6154

- 1 Amend the amendment, H-6146, to the Senate
- 2 amendment, H-6054, to House File 2377, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 2, by striking lines 34 through 36 and
- 5 inserting the following: “court-appointed legal
- 6 counsel, and shall provide the minor with court-

7 appointed legal counsel, at no cost to the minor. The
8 minor's right to be represented by a court-appointed
9 advocate or by a court-appointed legal counsel shall
10 not be waived by the minor."

NEUHAUSER of Johnson

H-6155

1 Amend the amendment, H-6146, to the Senate
2 amendment, H-6054, to House File 2377, as amended,
3 passed, and reprinted by the House as follows:
4 1. Page 2, line 49, by inserting after the word
5 "expeditiously." the following: "The court
6 proceedings shall commence within twenty-four hours of
7 the filing of a petition under this section."

MARTIN of Scott
NEUHAUSER of Johnson

H-6160

1 Amend House File 2429 as follows:
2 1. Page 6, line 24, by striking the figure
3 "31,400,000" and inserting the following:
4 "32,000,000".
5 2. Page 8, line 27, by striking the figure
6 "16,400,000" and inserting the following:
7 "17,000,000".

HAMMOND of Story
BRAND of Benton
BERNAU of Story

H-6161

1 Amend the amendment, H-6146, to the Senate
2 amendment, H-6054, to House File 2377 as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 2, by striking line 1 and inserting the
5 following: "'d", or "e" is applicable."
6 2. Page 2, by inserting after line 19 the
7 following:
8 "e. The minor elects to notify a responsible adult
9 which includes a grandparent, an aunt, an uncle, or a
10 sibling of the minor who is over eighteen years of
11 age."
12 3. Page 3, by inserting after line 40 the
13 following:
14 "5A. If the minor complies with subsection 4,
15 paragraph "e", verification may be provided by either
16 of the following means:
17 a. A responsible adult, as designated, accompanies
18 the minor during the performance of the abortion.
19 b. A responsible adult, as designated, signs and

- 20 dates a letter indicating the responsible adult's
 21 notification of the abortion."
 22 4. By renumbering as necessary.

BERNAU of Story

H-6162

- 1 Amend the amendment, H-6146, to the Senate
 2 amendment, H-6054, to House File 2377 as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, by inserting after line 13, the
 5 following:
 6 "1A. The person who will perform an abortion shall
 7 provide the pregnant minor seeking an abortion with
 8 written information regarding notification of a
 9 parent, regarding the availability of services to
 10 assist the minor in informing the minor's parent, and
 11 regarding assistance in seeking a waiver from the
 12 court, if the minor objects to the notification."
 13 2. By renumbering as necessary.

OLLIE of Clinton
COHOON of Des Moines

H-6163

- 1 Amend House File 2427 as follows:
 2 1. Page 1, line 13, by inserting after the word
 3 "difference." the following:
 4 "For the budget year commencing July 1, 1994, there
 5 is appropriated from the general fund of the state to
 6 the department of education an amount sufficient to
 7 pay, as state supplementary aid, to those school
 8 districts the additional adjustment amounts added to
 9 their budgets as a result of the increasing from a one
 10 hundred percent budget guarantee to a one hundred one
 11 percent budget guarantee."
 12 2. Page 1, by inserting after line 32 the
 13 following:
 14 "For the budget year commencing July 1, 1994, there
 15 is appropriated from the general fund of the state to
 16 the department of education an amount sufficient to
 17 pay, as state supplementary aid, to those school
 18 districts the additional adjustment amounts added to
 19 their budgets as a result of the increasing from a one
 20 hundred percent budget guarantee to a one hundred one
 21 percent budget guarantee."
 22 3. Title page, line 2, by inserting after the
 23 word "district" the following: ", making an
 24 appropriation,".

WEIGEL of Chickasaw

H-6164

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House
3 as follows:

4 1. By striking page 20, line 6 through page 21,
5 line 25, and inserting the following:

6 "Sec. _____. Section 427.1, Code Supplement 1993, is
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 44. Property defined in section
9 427A.1, subsection 1, paragraphs "e" and "j", which
10 property is first placed in service on or after
11 January 1, 1994, and which is acquired or initially
12 leased on or after January 1, 1994, by the taxpayer
13 and the taxpayer is the first owner of the property,
14 shall be exempt from taxation.

15 Sec. _____. Section 427B.17, Code Supplement 1993,
16 is amended to read as follows:

17 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

18 For property defined in section 427A.1, subsection
19 1, paragraphs "e" and "j", acquired or initially
20 leased on or after January 1, 1982, and before January
21 1, 1994, the taxpayer's valuation shall be limited to
22 thirty percent of the net acquisition cost of the
23 property. For purposes of this section, "net
24 acquisition cost" means the acquired cost of the
25 property including all foundations and installation
26 cost less any excess cost adjustment.

27 For purposes of this section:

28 1. Property assessed by the department of revenue
29 and finance pursuant to sections 428.24 to 428.29, or
30 chapters 433, 434 and 436 to 438 shall not receive the
31 benefits of this section.

32 2. Property acquired before January 1, 1982, which
33 was owned or used before January 1, 1982, by a related
34 person shall not receive the benefits of this section.

35 3. Property acquired on or after January 1, 1982,
36 and before January 1, 1994, which was owned and used
37 by a related person shall not receive any additional
38 benefits under this section.

39 4. Property which was owned or used before January
40 1, 1982, and subsequently acquired by an exchange of
41 like property shall not receive the benefits of this
42 section.

43 5. Property which was acquired on or after January
44 1, 1982, and before January 1, 1994, and subsequently
45 exchanged for like property shall not receive any
46 additional benefits under this section.

47 6. Property acquired before January 1, 1982, which
48 is subsequently leased to a taxpayer or related person
49 who previously owned the property shall not receive
50 the benefits of this section.

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1 7. Property acquired on or after January 1, 1982,
 2 and before January 1, 1994, which is subsequently
 3 leased to a taxpayer or related person who previously
 4 owned the property shall not receive any additional
 5 benefits under this section.

6 For purposes of this section, "related person"
 7 means a person who owns or controls the taxpayer's
 8 business and another business entity from which
 9 property is acquired or leased or to which property is
 10 sold or leased. Business entities are owned or
 11 controlled by the same person if the same person
 12 directly or indirectly owns or controls fifty percent
 13 or more of the assets or any class of stock or who
 14 directly or indirectly has an interest of fifty
 15 percent or more in the ownership or profits.

16 Property assessed pursuant to this section shall
 17 not be eligible to receive a partial exemption under
 18 sections 427B.1 to 427B.6."

19 2. Page 22, by striking lines 31 and 32 and
 20 inserting the following: "the following: "relating
 21 to the taxation of certain new property, and relating
 22 to the"."

23 3. By renumbering as necessary.

MILLAGE of Scott

H-6165

1 Amend the amendment, H-5878, to Senate File 2033,
 2 as passed by the Senate, as follows:

3 1. By striking page 2, lines 12 through 16 and
 4 inserting the following:

5 "For deposit in the community economic betterment
 6 account of the strategic investment fund in addition
 7 to moneys deposited in the fund pursuant to 1993 Iowa
 8 Acts, chapter 167, section 1, provided that \$1,000,000
 9 shall be used to make forgivable loans to existing
 10 food processors for the purpose of increasing profit
 11 margins by improving facilities for curing, massaging,
 12 stuffing, tempering, and packaging in order to expand
 13 processing capacity for smoked meats, provided that
 14 potential recipients of the loans notify the
 15 department by July 1, 1994, of their intent to invest
 16 at least \$8,000,000 for this purpose:
 17 \$ 4,500,000".

JOCHUM of Dubuque

H-6168

1 Amend the amendment, H-5878, to Senate File 2033,
 2 as passed by the Senate as follows:

3 1. Page 3, by inserting after line 2 the
4 following:

5 "_____. Page 1, by inserting before line 23 the
6 following:

7 "DIVISION III

8 Sec. _____. Section 422.73, Code 1993, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 8. Notwithstanding subsection 2,
11 a claim for credit or refund of individual income tax
12 paid for any tax year beginning on or after January 1,
13 1985, and before January 1, 1989, is considered timely
14 if filed with the department on or before April 30,
15 1995, if the taxpayer's claim is the result of the
16 unconstitutional taxation of federal pension benefits
17 based upon the decision in *Davis v. Michigan*
18 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
19 (1989).

20 A taxpayer entitled to a credit or refund of tax
21 paid under this subsection shall receive the credit or
22 refund within the time frame used for other retired
23 federal employees claiming a credit or refund of tax
24 unlawfully imposed on their federal pensions during
25 the same tax years." "

26 2. Page 3, by inserting after line 5 the
27 following:

28 "_____. Title page, line 4, by inserting after the
29 figure "1994," the following: "and authorizing income
30 tax credits and refunds for certain federal retirement
31 benefits taxed," "

O'BRIEN of Boone
HENDERSON of Scott

H-6171

1 Amend the amendment, H-5878, to Senate File 2033,
2 as passed by the Senate, as follows:

3 1. By striking page 2, lines 12 through 15 and
4 inserting the following:

5 "For deposit in the community economic betterment
6 account of the strategic investment fund in addition
7 to moneys deposited in the fund pursuant to 1993 Iowa
8 Acts, chapter 167, section 1, provided that \$500,000
9 shall be used to make forgivable loans to existing
10 food processors for the purpose of increasing profit
11 margins by improving facilities for curing, massaging,
12 stuffing, tempering, and packaging in order to expand
13 processing capacity for smoked meats, provided that
14 potential recipients of the loans notify the
15 department by July 1, 1994, of their intent to invest
16 at least \$8,000,000 for this purpose:"

JOCHUM of Dubuque

H-6172

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1 Amend the amendment, H-6069, to House File 2415, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 20, by inserting before line 6 the
5 following:

6 "Sec. _____. Section 422.73, Code 1993, is amended
7 by adding the following new subsection:

8 **NEW SUBSECTION. 8.** Notwithstanding subsection 2,
9 a claim for credit or refund of individual income tax
10 paid for any tax year beginning on or after January 1,
11 1985; and before January 1, 1989, is considered timely
12 if filed with the department on or before April 30,
13 1995, if the taxpayer's claim is the result of the
14 unconstitutional taxation of federal pension benefits
15 based upon the decision in *Davis v. Michigan*
16 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
17 (1989).

18 A taxpayer entitled to a credit or refund of tax
19 paid under this subsection shall receive the credit or
20 refund within four years. The amount of credit or
21 refund shall be equally spread over those four years.
22 Any claims for refund shall be payable from the
23 special refund account established in section 422.105.
24 The department shall state on the actual tax form for
25 the next four tax years a notice that federal retirees
26 may be entitled to a credit or refund under the
27 provisions of this subsection.

28 Sec. _____. **NEW SECTION. 422.105 SPECIAL REFUND**
29 **ACCOUNT.**

30 The department shall establish a special refund
31 account for the purpose of paying the refund claims of
32 federal retirees pursuant to section 422.73,
33 subsection 8. Beginning with the fiscal year
34 beginning July 1, 1994, there is appropriated annually
35 from the general fund of the state an amount
36 sufficient to pay the refund claims of these federal
37 retirees."

38 2. By renumbering as necessary.

O'BRIEN of Boone

H-6173

1 Amend Senate File 2223, as passed by the Senate, as
2 follows:

3 1. Page 5, line 10, by striking the word
4 "Registration" and inserting the following: "Except
5 as otherwise provided in section 48A.9A,
6 registration".

7 2. Page 5, by inserting after line 34 the

8 following:

9 "Sec. _____. NEW SECTION. 48A.9A ELECTION DAY
10 REGISTRATION.

11 1. An eligible elector may register to vote and
12 vote on the day of the election by appearing in person
13 at the polling place for the precinct in which the
14 eligible elector resides, by completing a voter
15 registration form, making an oath in the form
16 prescribed by the secretary of state, and providing
17 proof of residence. An eligible elector may prove
18 residence for purposes of voter registration by
19 meeting one of the following requirements:

20 a. Showing a driver's license or nonoperator's
21 identification card issued pursuant to section 321.189
22 or 321.190, respectively.

23 b. Showing any document approved as proper
24 identification by the secretary of state by rule.

25 c. Showing one of the following:

26 (1) A current valid student identification card
27 from a postsecondary school in Iowa if a list of
28 students from that school has been prepared under
29 section 48A.23 and certified to the county
30 commissioner in the manner prescribed by the secretary
31 of state by rule.

32 (2) A current student fee statement that contains
33 the student's valid address in the precinct together
34 with a picture identification card.

35 d. Having a registered voter who resides in the
36 precinct sign an oath in the presence of the election
37 official vouching that the voter personally knows that
38 the eligible elector is a resident of the precinct. A
39 voter who has been vouched for on election day shall
40 not sign a proof of residence oath vouching for any
41 other eligible elector on that election day.

42 2. Registration at the polling place on election
43 day shall be conducted by the election official. The
44 election official who registers an individual at the
45 polling place on election day shall not handle that
46 voter's ballot at any time before the opening of the
47 ballot box after the voting ends. Registration forms
48 and oath forms shall be available at each polling
49 place. If an eligible elector who registers to vote
50 on election day proves residence by oath of a

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1 registered voter, the form containing the oath shall
2 be attached to the elector's voter registration form
3 until the elector's address is verified by the county
4 commissioner. The election official responsible for
5 election day registration shall initial each completed
6 voter registration form.

7 Voter registration forms completed on election day
 8 shall be forwarded to the county commissioner who
 9 shall add the name of each voter to the registration
 10 list unless the information forwarded is inadequate
 11 for the commissioner to make a determination that the
 12 elector is qualified to vote. In such case, the
 13 commissioner shall send an acknowledgement to the
 14 eligible elector pursuant to section 48A.26,
 15 subsection 3. A voter registration form completed on
 16 election day shall not be found inadequate solely
 17 because the registered voter who provided proof of
 18 residence was ineligible to do so.

19 3. The commissioner shall provide each precinct
 20 with an accurate precinct map to assist the election
 21 official in determining whether an address is located
 22 in that precinct.

23 4. The election official responsible for election
 24 day registration shall keep a record of the number of
 25 persons who attempt to register to vote on election
 26 day but who cannot provide proof of residence as
 27 required by this section. The record shall be
 28 forwarded to the county commissioner with the election
 29 returns for that precinct."

30 3. Page 6, line 2, by inserting after the word
 31 "form" the following: ", and proof of identification
 32 if the registered voter submits the voter registration
 33 form at the polling place on the day of the
 34 election,".

35 4. Page 6, by striking line 3 and inserting the
 36 following: "commissioner in order to vote in that
 37 county."

38 5. Page 15, by inserting before line 13 the
 39 following:

40 "3. Postsecondary schools that enroll students
 41 accepting state or federal financial aid may provide
 42 each full-time student a student identification card
 43 that contains the enrolling student's photograph and
 44 name. Postsecondary schools that enroll students
 45 accepting state or federal financial aid may prepare a
 46 list of students currently enrolled in the school and
 47 residing in the school's housing or within ten miles
 48 of the school's campus. The list shall include each
 49 student's current address. The list shall be
 50 certified and sent to the appropriate county

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1 commissioner for use in election day registration as
 2 provided in section 48A.9A."

3 6. By renumbering and correcting internal
 4 references as necessary.

H-6174

1 Amend the amendment, H-6069, to House File 2415, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. By striking page 17, line 38, through page 20,
 5 line 5, and inserting the following:

6 "Sec. _____. Section 422.73, Code 1993, is amended
 7 by adding the following new subsection:

8 NEW SUBSECTION. 8. Notwithstanding subsection 2,
 9 a claim for credit or refund of individual income tax
 10 paid for any tax year beginning on or after January 1,
 11 1985, and before January 1, 1989, is considered timely
 12 if filed with the department on or before April 30,
 13 1995, if the taxpayer's claim is the result of the
 14 unconstitutional taxation of federal pension benefits
 15 based upon the decision in Davis v. Michigan
 16 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 17 (1989).

18 A taxpayer entitled to a credit or refund of tax
 19 paid under this subsection shall receive the credit or
 20 refund within four years. The amount of credit or
 21 refund shall be equally spread over those four years.
 22 Any claims for refund shall be payable from the
 23 special refund account established in section 422.105.
 24 The department shall state on the actual tax form for
 25 the next four tax years a notice that federal retirees
 26 may be entitled to a credit or refund under the
 27 provisions of this subsection.

28 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
 29 ACCOUNT.

30 The department shall establish a special refund
 31 account for the purpose of paying the refund claims of
 32 federal retirees pursuant to section 422.73,
 33 subsection 8. Beginning with the fiscal year
 34 beginning July 1, 1994, there is appropriated annually
 35 from the general fund of the state an amount
 36 sufficient to pay the refund claims of these federal
 37 retirees."

38 2. By renumbering as necessary.

O'BRIEN of Boone

H-6175

1 Amend House File 2431 as follows:

2 1. Page 7, by inserting after line 9 the
 3 following:

4 "Sec. _____. NEW SECTION. 514C.8 PROVIDER ACCESS
 5 UNDER MANAGED CARE HEALTH PLAN OR INDEMNITY PLAN WITH
 6 LIMITED PROVIDER NETWORK.

7 A managed care health plan or indemnity plan with a
 8 limited provider network shall provide patients direct
 9 access to each type of provider authorized under title

10 IV, subtitle 3, to utilize differential diagnosis and
11 physical examinations to determine human ailments, and
12 shall not condition that access upon a referral by a
13 provider licensed under another chapter, except as
14 provided under title IV, subtitle 3. Referral to a
15 specialist may be conditioned upon referral by a
16 primary care provider licensed under the same chapter.
17 Any copayment, deductible, or premium rate shall not
18 discriminate upon the basis of the license held by a
19 provider but may differentiate or exclude providers
20 upon a rational basis. Access to a specialist may be
21 subject to a different copayment or deductible than
22 access to a primary care provider. Access to a
23 nonparticipating provider may be restricted, or may be
24 subject to different copayments, deductibles, or
25 premium rates, or may be excluded, provided that a
26 plan shall not exclude a provider upon the basis of
27 the license held by the provider or the license held
28 by members of the staff or hospital.

29 For purposes of this section, a rational basis for
30 differentiating or excluding a provider shall relate
31 to the cost of the service to be provided or the
32 effectiveness of the service to be provided. For
33 purposes of this section, "managed care health plan or
34 indemnity plan with a limited provider network" means
35 a health maintenance organization, accountable health
36 plan, preferred provider organization, exclusive
37 provider organization, point of service plan, or
38 similar health plan.

39 This section shall not apply if an employer offers
40 employees a choice of health plans, either directly or
41 indirectly through a health insurance purchasing
42 cooperative, provided that the offered choices include
43 at least one indemnity plan with unrestricted choice
44 of provider, or at least one managed care health plan
45 or indemnity plan with a limited provider network
46 which provides access as defined in this section,
47 provided that the cost of the alternative plan or
48 plans offered shall not discriminate upon the basis of
49 the license held by a provider authorized under title
50 IV, subtitle 3, to utilize differential diagnosis and

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- 1 physical examinations to determine human ailments.
- 2 However, the cost of the alternative plan may
- 3 differentiate or exclude providers upon a rational
- 4 basis."
- 5 2. Renumber as necessary.

H-6176

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 17, line 38 through page 20,
5 line 5 and inserting the following:

6 "Sec. _____. Section 425A.1, Code Supplement 1993,
7 is amended to read as follows:

8 425A.1 FAMILY FARM TAX CREDIT FUND.

9 The family farm tax credit fund is created in the
10 office of the treasurer of state. There shall be
11 transferred annually to the fund the first ten
12 fourteen million dollars of the amount annually
13 appropriated to the agricultural land credit fund,
14 provided in section 426.1. Any balance in the fund on
15 June 30 shall revert to the general fund.

16 Sec. _____. Section 426.1, Code Supplement 1993, is
17 amended to read as follows:

18 426.1 AGRICULTURAL LAND CREDIT FUND.

19 There is created as a permanent fund in the office
20 of the treasurer of state a fund to be known as the
21 agricultural land credit fund, and for the purpose of
22 establishing and maintaining this fund for each fiscal
23 year there is appropriated thereto from funds in the
24 general fund not otherwise appropriated the sum of
25 ~~thirty-nine~~ forty-three million one hundred thousand
26 dollars of which the first ten fourteen million
27 dollars shall be transferred to and deposited into the
28 family farm tax credit fund created in section 425A.1.
29 Any balance in said fund on June 30 shall revert to
30 the general fund."

31 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-6177

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House
3 as follows:

4 1. By striking page 17, line 38 through page 20,
5 line 5 and inserting the following:

6 "Sec. 2001. Section 422.7, subsection 13, Code
7 Supplement 1993, is amended by striking the subsection
8 and inserting in lieu thereof the following:

9 13. Subtract, to the extent included, social
10 security benefits received."

11 2. Page 22, by striking lines 26 through 28.

12 3. Page 22, by inserting before line 29 the
13 following:

14 "Sec. _____. Section 2001 applies retroactively to

- 15 January 1, 1994, for tax years beginning on or after
16 that date." "
- 17 4. Page 22, line 32, by striking the word "the"
18 and inserting the following: "exempting social
19 security benefits from state individual income tax and
20 providing a retroactive applicability date." "
- 21 5. Page 22, by striking lines 33 and 34.
22 6. By renumbering as necessary.

ARNOULD of Scott

H-6178

- 1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House
3 as follows:
- 4 1. Page 5, lines 36, by inserting before the word
5 "for" the following: ", on the condition that the
6 foundation shall not pay any costs incurred for
7 members of the general assembly to travel to
8 foundation sponsored activities outside of the United
9 States,".

METCALF of Polk

H-6179

- 1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House
3 as follows:
- 4 1. By striking page 17, line 38 through page 20,
5 line 5 and inserting the following:
6 "Sec. _____. Section 422.21, unnumbered paragraph 5,
7 Code 1993, is amended to read as follows:
8 The director shall determine for the 1989 and each
9 subsequent calendar year the annual and cumulative
10 inflation factors for each calendar year to be applied
11 to tax years beginning on or after January 1 of that
12 calendar year. The director shall compute the new
13 dollar amounts as specified to be adjusted in section
14 422.5 by the latest cumulative inflation factor and
15 round off the result to the nearest one dollar. The
16 annual and cumulative inflation factors determined by
17 the director are not rules as defined in section
18 17A.2, subsection 10. The director shall determine
19 for the 1990 calendar year and each subsequent
20 calendar year the annual and cumulative standard
21 deduction factors to be applied to tax years beginning
22 on or after January 1 of that calendar year. The
23 director shall compute the new dollar amounts of the
24 standard deductions specified in section 422.9,
25 subsection 1, by the latest cumulative standard
26 deduction factor and round off the result to the

27 nearest ten dollars. However, for tax years beginning
28 in the 1996 calendar year only, the director shall
29 determine the new dollar amounts of the standard
30 deduction applicable only to tax years beginning in
31 the 1996 calendar year by increasing the rounded off
32 result for marrieds filing separately and single
33 persons by one hundred dollars and for all other
34 filers by two hundred dollars. The annual and
35 cumulative standard deduction factors determined by
36 the director are not rules as defined in section
37 17A.2, subsection 10."

BERNAU of Story

H-6180

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 17, line 38 through page 20,
5 line 5 and inserting the following:
6 "Sec. 100. Section 422.12, subsection 1, paragraph
7 c, Code 1993, is amended to read as follows:
8 c. For each dependent, an additional fifteen
9 twenty dollars. As used in this section, the term
10 "dependent" has the same meaning as provided by the
11 Internal Revenue Code."
12 2. Page 22, by inserting before line 29 the
13 following:
14 "Sec. _____. Section 100 of this Act applies
15 retroactively to January 1, 1994, for tax years
16 beginning on or after that date."
17 3. By renumbering as necessary.

DODERER of Johnson

H-6183

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 17, line 38 through page 20,
5 line 5 and inserting the following:
6 "Sec. 100. Section 422.12, subsection 1, paragraph
7 d, Code 1993, is amended to read as follows:
8 d. For a single individual, husband, wife or head
9 of household, an additional exemption of twenty forty-
10 five dollars for each of said these individuals who
11 has attained the age of sixty-five years before the
12 close of the tax year or on the first day following
13 the end of the tax year."
14 2. Page 22, by inserting before line 29 the
15 following:
16 "Sec. _____. Section 100 of this Act applies

- 17 retroactively to January 1, 1994, for tax years
18 beginning on or after that date.”
19 3. By renumbering as necessary.

BERNAU of Story

H-6184

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 17, line 38 through page 20,
5 line 5 and inserting the following:

6 “Sec. 1001. Section 422.7, Code Supplement 1993,
7 is amended by adding the following new subsection:
8 NEW SUBSECTION. _____. For a person who is
9 disabled, or is fifty-five years of age or older, or
10 is the surviving spouse of an individual or a survivor
11 having an insurable interest in an individual who
12 would have qualified for the exemption under this
13 subsection for the tax year, subtract, to the extent
14 included, the total amount of a governmental or other
15 pension, retirement pay, annuity, or other similar
16 periodic payment made under a plan maintained or
17 contributed to by an employer, or maintained and
18 contributed to by a self-employed person as an
19 employer, up to a maximum of three thousand dollars
20 for a person who files a separate state income tax
21 return, and up to a maximum of six thousand dollars
22 for a husband and wife who file a joint state income
23 tax return. However, a surviving spouse who is not
24 disabled or fifty-five years of age or older can only
25 exclude the amount of annuities or other similar
26 periodic payments received as a result of the death of
27 the other spouse.”

28 2. Page 22, by striking lines 26 through 28 and
29 inserting the following:

30 “Sec. _____. Section 1001 applies retroactively to
31 January 1, 1994, for tax years beginning on or after
32 that date.” ”

33 3. Page 22, line 32, by striking the word “the”
34 and inserting the following: “exempting retirement
35 income from state individual income tax and providing
36 a retroactive applicability date.” ”

37 4. Page 22, by striking lines 33 and 34.

38 5. By renumbering and correcting internal
39 references as necessary.

BERNAU of Story

H-6185

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House,

3 as follows:

4 1. By striking page 17, line 38, through page 20,
5 line 5, and inserting the following:

6 "Sec. 3001. Section 422.7, Code Supplement 1993,
7 is amended by adding the following new subsection:
8 NEW SUBSECTION. _____. For a person who is disabled,
9 or is fifty-five years of age or older, or is the

10 surviving spouse of an individual or a survivor having
11 an insurable interest in an individual who would have
12 qualified for the exemption under this subsection for
13 the tax year, subtract, to the extent included, the
14 total amount of a governmental or other pension,
15 retirement pay, annuity, or other similar periodic
16 payment made under a plan maintained or contributed to
17 by an employer up to a maximum of five thousand
18 dollars for a person who files a separate state income
19 tax return for a tax year beginning in the 1994
20 calendar year, and up to a maximum of ten thousand
21 dollars for a husband and wife who file a joint state
22 income tax return for a tax year beginning in the 1994
23 calendar year. For a tax year beginning in the 1995
24 calendar year, subtract, to the extent included, the
25 total amount for a person who files a separate state
26 income tax return, up to a maximum of ten thousand
27 dollars, and for a husband and wife who file a joint
28 state income tax return, up to a maximum of twenty
29 thousand dollars. For tax years beginning on or after
30 January 1, 1996, for a person who files a separate
31 state income tax return or for a husband and wife who
32 file a joint state income tax return, subtract, to the
33 extent included, the total amount of a governmental or
34 other pension, retirement pay, annuity, or other
35 similar periodic payment made under a plan maintained
36 or contributed to by an employer. However, a
37 surviving spouse who is not disabled or fifty-five
38 years of age or older can only exclude the amount of
39 annuities or other similar periodic payments received
40 as a result of the death of the other spouse."

41 2. Page 22, by striking lines 26 through 28 and
42 inserting the following:

43 "Sec. _____. Section 3001 applies retroactively to
44 January 1, 1994, for tax years beginning on or after
45 that date."

46 3. Page 22, line 32, by striking the word "the"
47 and inserting the following: "exempting retirement
48 income from state individual income tax and providing
49 a retroactive applicability date."

50 4. Page 22, by striking lines 33 and 34.

Page 2

- 1 5. By renumbering and correcting internal
- 2 references as necessary.

BERNAU of Story

H-6186

- 1 Amend the Senate amendment, H-6069, to House File
- 2 2415, as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. By striking page 10, line 48 through page 11,
- 5 line 4 and inserting the following: "rural water
- 6 system.
- 7 Sec. _____. Notwithstanding section 8.33, moneys
- 8 appropriated to the department of economic development
- 9 in 1993 Iowa Acts, chapter 180, section 66, and
- 10 remaining unspent as of June 30, 1994, shall not
- 11 revert, but shall remain available for expenditure for
- 12 the purposes set out in 1993 Iowa Acts, chapter 180,
- 13 section 66."
- 14 2. By renumbering as necessary.

METCALF of Polk

H-6189

- 1 Amend House File 2430 as follows:
- 2 1. Page 8, line 32, by striking the word and
- 3 figure "March 15" and inserting the following: "May
- 4 15".
- 5 2. Page 8, line 34, by striking the word and
- 6 figure "March 15," and inserting the following: "May
- 7 15,".
- 8 3. Page 9, line 1, by striking the word and
- 9 figure "March 15," and inserting the following: "May
- 10 15,".
- 11 4. Page 9, line 9, by striking the word and
- 12 figure "March 1," and inserting the following: "May
- 13 1,".
- 14 5. Page 9, line 16, by striking the word and
- 15 figure "March 1" and inserting the following: "May
- 16 1".
- 17 6. Page 11, by inserting before line 1 the
- 18 following:
- 19 "Sec. _____. NEW SECTION. 444.29 COUNTY BUDGET
- 20 CERTIFICATION DATE.
- 21 Notwithstanding section 24.17, for the fiscal years
- 22 beginning July 1, 1995, and July 1, 1996, the budget
- 23 of each county shall be certified in duplicate to the
- 24 county auditor not later than May 15, 1995, and May

- 25 15, 1996, respectively."
 26 7. By renumbering as necessary.

IVERSON of Wright

H-6190

- 1 Amend the amendment, H-6170, to House File 2430 as
 2 follows:
 3 1. Page 3, line 46, by inserting before the word
 4 "fund" the following: "fully".
 5 2. Page 4, by striking lines 1 through 4 and
 6 inserting the following:
 7 "_____. Page 11, by striking lines 30 through 34
 8 and inserting the following:
 9 "2. If appropriations are not enacted by the
 10 Seventy-sixth General Assembly, 1996 Session, to fully
 11 fund the unmodified state payment calculation
 12 provisions of sections 331.438 and 331.439, as enacted
 13 in this Act, in fiscal year 1996-1997, section 444.25A
 14 and the amendments to sections 444.26 and 444.27, as
 15 enacted by this Act, are repealed effective on the
 16 date of the final adjournment of the Seventy-sixth
 17 General Assembly, 1996 Regular Session." "

IVERSON of Wright

H-6194

- 1 Amend the Senate amendment, H-6069, to House File
 2 2415, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. By striking page 17, line 38 through page 20,
 5 line 5.
 6 2. Page 22, by striking lines 26 through 28.
 7 3. Page 22, by striking lines 32 through 34 and
 8 inserting the following: "impose a real estate
 9 transfer tax." "
 10 4. By renumbering as necessary.

HANSON of Delaware

H-6195

- 1 Amend the Senate amendment, H-6069, to House File
 2 2415, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. By striking page 20, line 6 through page 21,
 5 line 25.
 6 2. Page 22, by striking lines 31 through 32 and
 7 inserting the following: "the following: "and
 8 relating to the".
 9 3. By renumbering as necessary.

HANSON of Delaware

H-6196

1 Amend the Senate amendment, H-6069, to House File
2 2415, as amended, passed, and reprinted by the House
3 as follows:

4 1. By striking page 17, line 38 through page 20,
5 line 5, and inserting the following:

6 "Sec. _____. Section 427.1, Code Supplement 1993, is
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 44. Property defined in section
9 427A.1, subsection 1, paragraphs "e" and "j", which
10 property is first placed in service on or after
11 January 1, 1994, and which is acquired or initially
12 leased on or after January 1, 1994, by the taxpayer
13 and the taxpayer is the first owner of the property,
14 shall be exempt from taxation.

15 Sec. _____. Section 427B.17, Code Supplement 1993,
16 is amended to read as follows:

17 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

18 For property defined in section 427A.1, subsection
19 1, paragraphs "e" and "j", acquired or initially
20 leased on or after January 1, 1982, and before January
21 1, 1994, the taxpayer's valuation shall be limited to
22 thirty percent of the net acquisition cost of the
23 property. For purposes of this section, "net
24 acquisition cost" means the acquired cost of the
25 property including all foundations and installation
26 cost less any excess cost adjustment.

27 For purposes of this section:

28 1. Property assessed by the department of revenue
29 and finance pursuant to sections 428.24 to 428.29, or
30 chapters 433, 434 and 436 to 438 shall not receive the
31 benefits of this section.

32 2. Property acquired before January 1, 1982, which
33 was owned or used before January 1, 1982, by a related
34 person shall not receive the benefits of this section.

35 3. Property acquired on or after January 1, 1982,
36 and before January 1, 1994, which was owned and used
37 by a related person shall not receive any additional
38 benefits under this section.

39 4. Property which was owned or used before January
40 1, 1982, and subsequently acquired by an exchange of
41 like property shall not receive the benefits of this
42 section.

43 5. Property which was acquired on or after January
44 1, 1982, and before January 1, 1994, and subsequently
45 exchanged for like property shall not receive any
46 additional benefits under this section.

47 6. Property acquired before January 1, 1982, which
48 is subsequently leased to a taxpayer or related person
49 who previously owned the property shall not receive
50 the benefits of this section.

Page 2

1 7. Property acquired on or after January 1, 1982,
 2 and before January 1, 1994, which is subsequently
 3 leased to a taxpayer or related person who previously
 4 owned the property shall not receive any additional
 5 benefits under this section.

6 For purposes of this section, "related person"
 7 means a person who owns or controls the taxpayer's
 8 business and another business entity from which
 9 property is acquired or leased or to which property is
 10 sold or leased. Business entities are owned or
 11 controlled by the same person if the same person
 12 directly or indirectly owns or controls fifty percent
 13 or more of the assets or any class of stock or who
 14 directly or indirectly has an interest of fifty
 15 percent or more in the ownership or profits.

16 Property assessed pursuant to this section shall
 17 not be eligible to receive a partial exemption under
 18 sections 427B.1 to 427B.6.

19 Sec. _____. NEW SECTION. 427B.30 TAX REPLACEMENT.

20 1. On or before July 1 of each year, the treasurer
 21 shall prepare a statement listing for each taxing
 22 jurisdiction in the county the amount of property
 23 taxes which would have been payable in the coming
 24 fiscal year for property exempt from taxation as
 25 provided in section 427.1, subsection 44, and shall
 26 certify and forward one copy of the statement to the
 27 department of revenue and finance not later than July
 28 1 of each year.

29 2. Each county treasurer shall be reimbursed an
 30 amount equal to the lost property taxes for that
 31 county determined pursuant to subsection 1. The
 32 reimbursement shall be made in two equal installments
 33 on or before September 30 and March 30 of each year.
 34 The county treasurer shall apportion the disbursement
 35 in the manner provided in section 445.57."

36 2. Page 22, by striking lines 26 through 28.

37 3. Page 22, by striking lines 33 and 34 and
 38 inserting the following: "taxation of certain new
 39 property"."

40 4. By renumbering as necessary.

MILLAGE of Scott
 GILL of Woodbury

H-6201

1 Amend the amendment, H-5690, to Senate File 2220,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, lines 42 and 43, by striking the words

5 "enacted an Indian gaming compact with the state" and
 6 inserting the following: "provided adequate assurance
 7 of appropriate control and use of intelligence data".

LARSON of Linn

H-6206

1 Amend the Senate amendment, H-6191, to House File
 2 121, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 and 4 and
 5 inserting the following:
 6 "_____. Page 1, by inserting after line 5 the
 7 following:
 8 "Sec. _____. Section 709.4, subsection 2, paragraph
 9 c, subparagraph (4), Code."
 10 2. By striking page 1, line 10 through page 2,
 11 line 3, and inserting the following:
 12 "Sec. _____. Section 728.14, subsection 1, Code
 13 1993, is amended by adding the following new
 14 paragraph:
 15 NEW PARAGRAPH. g. Nudity of a minor for the
 16 purpose of arousing or satisfying the sexual desires
 17 of a person who may view a depiction of the nude
 18 minor."
 19 3. Page 2, by inserting after line 4 the
 20 following:
 21 "_____. Title page, line 3, by inserting after the
 22 word "degree" the following: "and which constitute
 23 failure of commercial film and photographic print
 24 processors to report depictions of minors engaged in
 25 prohibited sexual acts."
 26 4. By renumbering as necessary.

DODERER of Johnson
 GRUBBS of Scott
 HURLEY of Fayette

H-6212

1 Amend Senate File 2326, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, by striking lines 6 and 7.
 4 2. Page 6, line 8, by striking the figure "(2)".

GRUBBS of Scott
 MILLAGE of Scott

H-6213

1 Amend Senate File 2326, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, by striking line 5 and inserting the

4 following:
 5 "c. St. Ambrose".

GRUBBS of Scott
 MILLAGE of Scott

H-6216

1 Amend the Senate amendment, H-6069, to House File
 2 2415, as amended, passed, and reprinted by the House
 3 as follows:
 4 1. Page 1, by striking lines 8 through 19 and
 5 inserting the following: "beginning July 1, 1994, and
 6 ending June 30, 1995, the following amounts, or so
 7 much thereof as".

BRUNKHORST of Bremer

H-6221

1 Amend the Senate amendment, H-6069, to House File
 2 2415, as amended, passed, and reprinted by the House
 3 as follows:
 4 1. Page 11, by inserting after line 4 the
 5 following:
 6 "Sec. _____. Section 12.43, Code 1993, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 5. A preference shall be given to
 9 those persons who are less able than other persons to
 10 secure funds for a targeted small business without
 11 participation in the targeted small business linked
 12 investment program."
 13 2. By renumbering as necessary.

HOLVECK of Polk

H-6222

1 Amend the Senate amendment, H-6069, to House File
 2 2415, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 6, by striking lines 26 and 27 and
 5 inserting the following: "the Northwood welcome
 6 center, and for planning to construct the next welcome
 7 center to be located at living history farms:"

HOLVECK of Polk

H-6223

1 Amend the amendment, H-6196, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 1, line 14, by inserting after the word
 5 "taxation." the following: "However, if a facility or

6 the taxpayer owning a controlling interest in the
 7 facility has demonstrated a continuous disregard for
 8 the health and safety of its employees, or the quality
 9 of the environment, the property shall not be exempt
 10 from taxation. Evidence of such continuous disregard
 11 shall include a history of violating state or federal
 12 law protecting occupational health and safety or the
 13 environment, including but not limited to violations
 14 of occupational safety and health standards enforced
 15 by the division of labor services of the department of
 16 employment services pursuant to chapter 84A, or rules
 17 enforced by the environmental protection division of
 18 the department of natural resources pursuant to
 19 chapter 455B."

HENDERSON of Scott

H-6224

1 Amend the amendment, H-6164, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 1, line 14, by inserting after the word
 5 "taxation." the following: "However, if a facility or
 6 the taxpayer owning a controlling interest in the
 7 facility, has demonstrated a continuous disregard for
 8 the health and safety of its employees, or the quality
 9 of the environment, the property shall not be exempt
 10 from taxation. Evidence of such continuous disregard
 11 shall include a history of violating state or federal
 12 law protecting occupational health and safety or the
 13 environment, including but not limited to violations
 14 of occupational safety and health standards enforced
 15 by the division of labor services of the department of
 16 employment services pursuant to chapter 84A, or rules
 17 enforced by the environmental protection division of
 18 the department of natural resources pursuant to
 19 chapter 455B."

HENDERSON of Scott

H-6225

1 Amend the Senate amendment, H-6069, to House File
 2 2415, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 8, by inserting after line 7 the follow-
 5 ing:
 6 "Sec. _____. TARGETED SMALL BUSINESS INCUBATOR.
 7 Moneys appropriated pursuant to 1993 Iowa Acts,
 8 chapter 167, section 1, for the fiscal year beginning
 9 July 1, 1993, and ending June 30, 1994, and not
 10 expended by June 30, 1994, shall not revert but shall

11 be held by the department for funding, with local
 12 matching funds, the targeted small business incubator
 13 in Des Moines for the fiscal year beginning July 1,
 14 1994, and ending June 30, 1995:

15 There is appropriated from the general fund of the
 16 state and other designated funds to the department of
 17 economic development for the fiscal year beginning
 18 July 1, 1995, and ending June 30, 1996, the following
 19 amount, or so much thereof as is necessary to be used
 20 for funding, with local matching funds, the targeted
 21 small business incubator in Des Moines:
 22 \$ 50,000".

23 2. By renumbering as necessary.

HOLVECK of Polk

H-6226

1 Amend the Senate amendment, H-6069, to House File
 2 2415, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 9, by inserting after line 30 the
 5 following:

6 "It is the intent of the general assembly that the
 7 incentive program focus on Iowa industrial sectors and
 8 seek contributions and in-kind donations from
 9 businesses, industrial foundations, and trade
 10 associations and that moneys for the institute for
 11 physical research and technology industrial incentive
 12 program shall only be allocated for projects which are
 13 matched by private sector moneys for directed contract
 14 research or for nondirected research. The match
 15 required of small businesses as defined in section
 16 15.102, subsection 4, for directed contract research
 17 or for nondirected research shall be \$1 for each \$3 of
 18 state funds. The match required for other businesses
 19 for directed contract research or for nondirected
 20 research shall be \$1 for each \$1 of state funds. The
 21 match required of industrial foundations or trade
 22 associations shall be \$1 for each \$1 of state funds.

23 Iowa state university shall report annually to the
 24 joint economic development subcommittee of the senate
 25 and house appropriations committees the total amounts
 26 of private contributions, the proportion of
 27 contributions from small businesses and other
 28 businesses, and the proportion for directed contract
 29 research and nondirected research of benefit to Iowa
 30 businesses and industrial sectors.

31 Notwithstanding section 8.33, moneys appropriated
 32 for the institute for physical research and technology
 33 for any fiscal year which remain unobligated and
 34 unexpended at the end of the fiscal year shall not

35 revert but shall be available for expenditure the
 36 following fiscal year and the appropriation for the
 37 incentive program for the following year shall be
 38 reduced by an equal amount."

HOLVECK of Polk

H-6228

- 1 Amend Senate File 2326, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 3, line 32, through page 6,
- 4 line 35.
- 5 2. Title page, by striking lines 2 through 4 and
- 6 inserting the following: "of a capitol complex
- 7 renovation program and making a standing".

GRUNDBERG of Polk

H-6229

- 1 Amend the Senate amendment, H-6069, to House File
- 2 2415, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 9, by inserting after line 8 the
- 5 following:
- 6 "It is the intent of the general assembly that for
- 7 the fiscal year beginning July 1, 1995, and for
- 8 subsequent fiscal years, apprenticeships shall only be
- 9 made available to community colleges on the basis of
- 10 requests for proposals submitted by the community
- 11 colleges for apprenticeship programs."

WISE of Lee

H-6232

- 1 Amend the Senate amendment, H-6069, to House File
- 2 2415, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, by striking line 30 and inserting the
- 5 following:
- 6 ".....\$ 503,944".

WEIGEL of Chickasaw

H-6238

- 1 Amend the amendment, H-6215, to House File 2204, as
- 2 follows:
- 3 1. Page 12, by striking lines 4 through 9.
- 4 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-6239

- 1 Amend Senate File 100, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 12, by inserting before the words
 4 "A person" the following: "1."
 5 2. Page 4, by inserting after line 18 the
 6 following:
 7 "2. Notwithstanding subsection 1, persons trained
 8 as bachelor social workers, or employed as bachelor
 9 social workers, are not required by this act to be
 10 licensed, if they do not hold themselves out to be
 11 licensed bachelor social workers.
 12 3. Section 147.83 does not apply to persons who
 13 are not licensed as bachelor social workers and who do
 14 not hold themselves out as licensed bachelor social
 15 workers."
 16 3. By renumbering as necessary.

HANSON of Delaware

H-6243

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. By striking page 17, line 4, through page 18,
 5 the line 4, and inserting the following:
 6 "Sec. _____. Section 422.73, Code 1993, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 8. Notwithstanding subsection 2,
 9 a claim for credit or refund of individual income tax
 10 paid for any tax year beginning on or after January 1,
 11 1985, and before January 1, 1989, is considered timely
 12 if filed with the department on or before April 30,
 13 1995, if the taxpayer's claim is the result of the
 14 unconstitutional taxation of federal pension benefits
 15 based upon the decision in Davis v. Michigan
 16 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 17 (1989).
 18 A taxpayer entitled to a credit or refund of tax
 19 paid under this subsection shall receive the credit or
 20 refund within four years. The amount of credit or
 21 refund shall be equally spread over those four years.
 22 Any claims for refund shall be payable from the
 23 special refund account established in section 422.105.
 24 The department shall state on the actual tax form for
 25 the next four tax years a notice that federal retirees
 26 may be entitled to a credit or refund under the
 27 provisions of this subsection.
 28 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
 29 ACCOUNT.

- 30 The department shall establish a special refund
 31 account for the purpose of paying the refund claims of
 32 federal retirees pursuant to section 422.73,
 33 subsection 8. Beginning with the fiscal year
 34 beginning July 1, 1994, there is appropriated annually
 35 from the general fund of the state an amount
 36 sufficient to pay the refund claims of these federal
 37 retirees."
 38 2. Page 18, by striking lines 16 through 20.
 39 3. By renumbering as necessary.

O'BRIEN of Boone

H-6244

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 6, line 21, by striking the figure
 5 "161,000" and inserting the following: "1,683,000".

WISE of Lee

H-6245

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 9, line 6, by striking the figure
 5 "3,899,863" and inserting the following: "4,180,863".

WISE of Lee

H-6246

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 6, line 3, by striking the figure
 5 "951,574" and inserting the following: "1,000,000".

MORELAND of Wapello

H-6247

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 3, line 18, by striking the figure
 5 "422,883" and inserting the following: "622,883".

BRAND of Benton

H-6248

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,

3 passed, and reprinted by the House, as follows:

4 1. Page 4, line 7, by inserting after the word
5 "conference," the following: "for allocating \$40,000
6 for Canadian marketing and \$50,000 for Mexican
7 trade,".

8 2. Page 4, line 9, by striking the figure
9 "686,114" and inserting the following: "776,114".

10 3. By striking page 4, line 47 through page 5,
11 line 4, and inserting the following:

12 "_____. For transfer to the Iowa peace institute for
13 the purpose of continuing to expand conflict
14 resolution and negotiation efforts in Iowa's schools
15 and communities and reporting to the joint
16 appropriations subcommittee on economic development by
17 January 15, 1995, on all such activities undertaken:
18\$ 96,000

19 "_____. For transfer to the international development
20 foundation for the purposes of the foundation and
21 reporting to the joint appropriations subcommittee on
22 economic development by January 15, 1995, regarding
23 actual and planned expenditures for fiscal year 1995:
24\$100,000".

25 4. By relettering as necessary.

CATALDO of Polk

H-6249

1 Amend the amendment, H-6236, to the Senate
2 amendment, H-6069, to House File 2415, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 8, by striking lines 31 through 33 and
5 inserting the following: "15E.158, for continuing, to
6 the extent possible, the current allocation of
7 apprenticeship funds to the community colleges, for
8 transferring \$50,000 of the funds appropriated in this
9 section to the Iowa quality coalition for productivity
10 enhancement projects, and for allocating \$350,000 to
11 the industrial technology assistance program, and".

12 2. Page 8, by inserting after line 37 the
13 following:

14 "It is the intent of the general assembly that for
15 the fiscal year beginning July 1, 1995, and for
16 subsequent fiscal years, apprenticeships shall only be
17 made available to community colleges on the basis of
18 requests for proposals submitted by the community
19 colleges for apprenticeship programs."

WISE of Lee

H-6250

1 Amend the amendment, H-6236, to the Senate
2 amendment, H-6069, to House File 2415, as amended,

- 3 passed, and reprinted by the House, as follows:
 4 1. Page 10, line 44, by striking the figure
 5 "300,000" and inserting the following: "500,000".

WISE of Lee

H-6251

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 18, lines 5 and 6, by striking the words
 5 "The Legislative Council is requested to establish"
 6 and inserting the following: "There is established".
 7 2. Page 18, line 11, by inserting after the word
 8 "businesses." the following: "The Legislative Council
 9 shall determine the number and manner of choosing the
 10 members and other matters pertaining to the
 11 organization of the study committee."

WISE of Lee

H-6252

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 3, line 33, by inserting after the word
 5 "year." the following: "Of the moneys in the rural
 6 community 2000 program revolving fund which remain
 7 unencumbered on July 1, 1993, \$40,000 shall be used to
 8 fund the Iowa members' cost share for the 1993 study
 9 phase of the Lewis and Clark rural water system."

VANDE HOEF of Osceola

H-6253

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 7, line 8, by striking the figure
 5 "50,467" and inserting the following: "174,000".

SHOULTZ of Black Hawk

H-6254

- 1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 3, line 4, by striking the figure
 5 "350,484" and inserting the following: "503,944".

WEIGEL of Chickasaw

H-6255

- 1 Amend the amendment, H-6236, to the Senate
- 2 amendment, H-6069, to House File 2415, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 3, by inserting after line 33 the
- 5 following:
- 6 "Notwithstanding the provisions in section 15.287
- 7 or 16.100 or in other provision of law providing that
- 8 moneys in the rural community 2000 revolving fund of
- 9 the state shall remain in the fund, moneys deposited
- 10 in the fund during the fiscal year beginning July 1,
- 11 1993, and ending June 30, 1994, shall be carried
- 12 forward and be available for expenditure in the fiscal
- 13 year beginning July 1, 1994, and ending June 30, 1995,
- 14 in the same amount and for the same purpose as
- 15 described in 1993 Iowa Acts, chapter 180, section 66."

SHOULTZ of Black Hawk

H-6257

- 1 Amend the amendment, H-6236, to the Senate
- 2 amendment, H-6069, to House File 2415, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 17, line 22, by striking the word
- 5 "twenty" and inserting the following: "thirty".

WEIGEL of Chickasaw

H-6258

- 1 Amend the amendment, H-6236, to the Senate
- 2 amendment, H-6069, to House File 2415, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 9, line 2, by inserting after the word
- 5 "centers" the following: "and for establishing a new
- 6 small business development center".
- 7 2. Page 9, line 3, by striking the figure
- 8 "1,079,389" and inserting the following: "1,139,389".

HALVORSON of Webster

H-6259

- 1 Amend the amendment, H-6236, to the Senate
- 2 amendment, H-6069, to House File 2415, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 17, by striking lines 4 through 42 and
- 5 inserting the following:
- 6 "Sec. _____. Section 425A.1, Code Supplement 1993,
- 7 is amended to read as follows:
- 8 425A.1 FAMILY FARM TAX CREDIT FUND.
- 9 The family farm tax credit fund is created in the

10 office of the treasurer of state. There shall be
 11 transferred annually to the fund the first ten
 12 fourteen million dollars of the amount annually
 13 appropriated to the agricultural land credit fund,
 14 provided in section 426.1. Any balance in the fund on
 15 June 30 shall revert to the general fund.

16 Sec. _____. Section 426.1, Code Supplement 1993, is
 17 amended to read as follows:

18 426.1 AGRICULTURAL LAND CREDIT FUND.

19 There is created as a permanent fund in the office
 20 of the treasurer of state a fund to be known as the
 21 agricultural land credit fund, and for the purpose of
 22 establishing and maintaining this fund for each fiscal
 23 year there is appropriated thereto from funds in the
 24 general fund not otherwise appropriated the sum of
 25 ~~thirty-nine~~ forty-three million one hundred thousand
 26 dollars of which the first ten fourteen million
 27 dollars shall be transferred to and deposited into the
 28 family farm tax credit fund created in section 425A.1.
 29 Any balance in said fund on June 30 shall revert to
 30 the general fund."

31 2. Page 18, by striking lines 16 through 20.

32 3. By renumbering as necessary.

WEIGEL of Chickasaw

H-6260

1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 17, by striking lines 4 through 42.

WISE of Lee

H-6261

1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 17, by inserting after line 3 the
 5 following:

6 "Sec. _____. Section 364.17, subsection 5, Code
 7 1993, is amended to read as follows:

8 5. Cities may establish reasonable fees for
 9 inspection and enforcement procedures. Cities may
 10 also assess additional fees for inspection and
 11 enforcement procedures, if the additional fees are
 12 deposited into a housing trust fund as defined in
 13 section 384.6A.

14 Sec. _____. NEW SECTION. 384.6A HOUSING TRUST
 15 FUND.

16 A city may establish a housing trust fund which may

17 accept funds provided by ordinance appropriation,
 18 gift, or other source.

19 For purposes of this section, "housing trust fund"
 20 means a revolving fund established by a city through
 21 ordinance for the purpose of meeting the housing needs
 22 of low or moderate income families. For purposes of
 23 this section, "low or moderate income families" means
 24 as defined in section 16.1 or as defined by a
 25 comprehensive housing affordability strategy conducted
 26 by the city to comply with the federal Cranston-
 27 Gonzales National Affordable Housing Act of 1990, Pub.
 28 L. No. 101-625. Housing trust fund moneys may be used
 29 for any of the purposes described in section 16.100 or
 30 for other types of programs to meet needs identified
 31 by the comprehensive housing affordability strategy.
 32 All moneys in the fund, appropriated or dedicated to
 33 the fund, and interest or earnings on moneys in the
 34 fund shall be used solely for these purposes."

35 2. By striking page 17, line 43 through page 18,
 36 line 4 and inserting the following:

37 "Sec. _____. Section 428A.1, unnumbered paragraph 1,
 38 Code 1993, is amended to read as follows:

39 There is imposed on each deed, instrument, or
 40 writing by which any lands, tenements, or other realty
 41 in this state are granted, assigned, transferred, or
 42 otherwise conveyed, a tax consisting of the state tax
 43 and any city tax determined in the following manner:
 44 When there is no consideration or when the deed
 45 instrument or writing is executed and tendered for
 46 recording as an instrument corrective of title, and so
 47 states, there is no tax. When there is consideration
 48 and the actual market value of the real property
 49 transferred is in excess of five hundred dollars, the
 50 tax is eighty cents plus the applicable city tax, if

Page 2

1 any, for each five hundred dollars or fractional part
 2 of five hundred dollars in excess of five hundred
 3 dollars. The term "consideration", as used in this
 4 chapter, means the full amount of the actual sale
 5 price of the real property involved, paid or to be
 6 paid, including the amount of an encumbrance or lien
 7 on the property, whether assumed or not by the
 8 grantee. It is presumed that the sale price so stated
 9 includes the value of all personal property
 10 transferred as part of the sale unless the dollar
 11 value of personal property is stated on the instrument
 12 of conveyance. When the dollar value of the personal
 13 property included in the sale is so stated, it shall
 14 be deducted from the consideration shown on the

15 instrument for the purpose of determining the tax.
 16 Sec. _____, NEW SECTION. 428A.1A CITY TAX.

17 The governing body of a city may impose by
 18 ordinance a city real estate transfer tax. Revenues
 19 from the tax shall only be deposited in a housing
 20 trust fund to be used for purposes of the fund as
 21 provided in section 384.6A and the ordinance shall so
 22 state. The city real estate transfer tax shall be
 23 imposed and collected in the same manner and at the
 24 same time as the state real estate transfer tax.
 25 Transfers exempt from the state tax are exempt from
 26 the city tax. The rate of the tax shall not exceed
 27 fifty cents per five hundred dollars of market value.

28 Sec. _____, Section 428A.8, Code 1993, is amended to
 29 read as follows:

30 428A.8 REMITTANCE TO STATE OR CITY TREASURER —
 31 PORTION RETAINED IN COUNTY.

32 On or before the tenth day of each month the county
 33 recorder shall determine and pay to the treasurer of
 34 state eighty-two and three-fourths percent of the
 35 receipts from the state real estate transfer tax
 36 collected during the preceding month and the treasurer
 37 of state shall deposit ninety-five percent of the
 38 receipts amounts received by the treasurer of state in
 39 the general fund of the state and transfer five
 40 percent of the amounts received to the Iowa finance
 41 authority for deposit in the housing improvement fund
 42 created in section 16.100. At the time of remittance
 43 of the state tax receipts, the county recorder shall
 44 remit to the Iowa finance authority each city's tax
 45 receipts collected during the previous month, if one
 46 is imposed. The Iowa finance authority shall remit
 47 the amounts collected from each city imposing a city
 48 tax by the first day of the second month of the
 49 quarter following the quarter in which the tax was
 50 collected.

Page 3

1 The county recorder shall deposit the remaining
 2 seventeen and one-fourth percent of the state receipts
 3 in the county general fund.

4 The county recorder shall keep records and make
 5 reports with respect to the real estate transfer tax
 6 as the director of revenue and finance prescribes."

7 3. Page 18, line 20, by inserting after the word
 8 "property" the following: ", authorizing a city to
 9 impose a real estate transfer tax,".

10 4. By numbering, renumbering, and correcting
 11 internal references.

H-6263

1 Amend the amendment, H-6236, to the Senate
2 amendment, H-6069, to House File 2415, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 17, by striking lines 4 through 42 and
5 inserting the following:

6 "Sec. _____. Section 422.73, Code 1993, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 8. Notwithstanding subsection 2,
9 a claim for credit or refund of individual income tax
10 paid for any tax year beginning on or after January 1,
11 1985, and before January 1, 1989, is considered timely
12 if filed with the department on or before April 30,
13 1995, if the taxpayer's claim is the result of the
14 unconstitutional taxation of federal pension benefits
15 based upon the decision in Davis v. Michigan
16 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
17 (1989).

18 A taxpayer entitled to a credit or refund of tax
19 paid under this subsection shall receive the credit or
20 refund within four years. The amount of credit or
21 refund shall be equally spread over those four years.
22 Any claims for refund shall be payable from the
23 special refund account established in section 422.105.
24 The department shall state on the actual tax form for
25 the next four tax years a notice that federal retirees
26 may be entitled to a credit or refund under the
27 provisions of this subsection.

28 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
29 ACCOUNT.

30 The department shall establish a special refund
31 account for the purpose of paying the refund claims of
32 federal retirees pursuant to section 422.73,
33 subsection 8. Beginning with the fiscal year
34 beginning July 1, 1994, there is appropriated annually
35 from the general fund of the state an amount
36 sufficient to pay the refund claims of these federal
37 retirees."

38 2. Page 18, by striking lines 18 through 20.

39 3. By renumbering as necessary.

O'BRIEN of Boone

H-6264

1 Amend the amendment, H-6236, to the Senate
2 amendment, H-6069, to House File 2415, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 17, by striking lines 4 through 42 and

5 inserting the following:

6 "Sec. _____. Section 425A.1, Code Supplement 1993,
7 is amended to read as follows:

8 425A.1 FAMILY FARM TAX CREDIT FUND.

9 The family farm tax credit fund is created in the
10 office of the treasurer of state. There shall be
11 transferred annually to the fund the first ten
12 fourteen million dollars of the amount annually
13 appropriated to the agricultural land credit fund,
14 provided in section 426.1. Any balance in the fund on
15 June 30 shall revert to the general fund.

16 Sec. _____. Section 426.1, Code Supplement 1993, is
17 amended to read as follows:

18 426.1 AGRICULTURAL LAND CREDIT FUND.

19 There is created as a permanent fund in the office
20 of the treasurer of state a fund to be known as the
21 agricultural land credit fund, and for the purpose of
22 establishing and maintaining this fund for each fiscal
23 year there is appropriated thereto from funds in the
24 general fund not otherwise appropriated the sum of
25 thirty-nine forty-three million one hundred thousand
26 dollars of which the first ten fourteen million
27 dollars shall be transferred to and deposited into the
28 family farm tax credit fund created in section 425A.1.
29 Any balance in said fund on June 30 shall revert to
30 the general fund."

31 2. Page 18, by striking lines 18 through 20.

32 3. By renumbering as necessary.

WEIGEL of Chickasaw

H-6265

1 Amend the amendment, H-6236, to the Senate
2 amendment, H-6069, to House File 2415, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 17, by striking lines 4 through 42 and
5 inserting the following:

6 "Sec. _____. Section 422.73, Code 1993, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 8. Notwithstanding subsection 2,
9 a claim for credit or refund of individual income tax
10 paid for any tax year beginning on or after January 1,
11 1985, and before January 1, 1989, is considered timely
12 if filed with the department on or before April 30,
13 1995, if the taxpayer's claim is the result of the
14 unconstitutional taxation of federal pension benefits
15 based upon the decision in Davis v. Michigan
16 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
17 (1989).

18 A taxpayer entitled to a credit or refund of tax

19 paid under this subsection shall receive the credit or
 20 refund within four years. The amount of credit or
 21 refund shall be equally spread over those four years.
 22 Any claims for refund shall be payable from the
 23 special refund account established in section 422.105.
 24 The department shall state on the actual tax form for
 25 the next four tax years a notice that federal retirees
 26 may be entitled to a credit or refund under the
 27 provisions of this subsection.

28 Sec. _____. NEW SECTION. 422.105 SPECIAL REFUND
 29 ACCOUNT.

30 The department shall establish a special refund
 31 account for the purpose of paying the refund claims of
 32 federal retirees pursuant to section 422.73,
 33 subsection 8. Beginning with the fiscal year
 34 beginning July 1, 1994, there is appropriated annually
 35 from the general fund of the state an amount
 36 sufficient to pay the refund claims of these federal
 37 retirees."

38 2. Page 18, by striking lines 16 through 20.

39 3. By renumbering as necessary.

O'BRIEN of Boone

H-6266

1 Amend the amendment, H-6236, to the Senate
 2 amendment, H-6069, to House File 2415, as amended,
 3 passed, and reprinted by the House as follows:

4 1. Page 17, by striking lines 4 through 42 and
 5 inserting the following:

6 "Sec. _____. Section 427B.17, Code Supplement 1993,
 7 is amended by adding the following new subsection:

8 NEW SUBSECTION. 8. Property acquired or initially
 9 leased on or after January 1, 1995, and prior to
 10 January 1, 1997, shall not be assessed for taxation in
 11 the 1995 and 1996 calendar years, subject to the
 12 provisions of this subsection.

13 To be eligible to receive the benefits of this
 14 subsection, a business shall meet all of the following
 15 requirements:

16 a. The business has not closed or substantially
 17 reduced its operation in one area of the state and
 18 relocated substantially the same operation in the
 19 community. This subsection does not prohibit a
 20 business from expanding its operation in the community
 21 if existing operations of a similar nature in the
 22 state are not closed or substantially reduced.

23 b. The business provides and pays at least eighty
 24 percent of the cost of a standard medical and dental
 25 insurance plan for all full-time employees working at
 26 the business.

27 c. The business pays a median wage for full-time

28 hourly nonmanagement production jobs of at least
29 eleven dollars per hour indexed to 1993 dollars based
30 on the gross national product implicit price deflator
31 published by the bureau of economic analysis of the
32 United States department of commerce or one hundred
33 thirty percent of the average wage in the county in
34 which the community is located, whichever is higher.

35 d. The business has or will make a capital
36 investment of at least ten million dollars indexed to
37 1993 dollars based on the gross national product
38 implicit price deflator published by the bureau of
39 economic analysis of the United States department of
40 commerce. If the business is occupying a vacant
41 building suitable for industrial use, the fair market
42 value of the building shall be counted toward the
43 capital investment threshold.

44 e. In addition, the business shall do at least
45 three of the following in order to be eligible for the
46 benefits of this subsection:

47 (1) Offer a pension or profit-sharing plan to
48 full-time employees.

49 (2) Produce or manufacture high value-added goods
50 or services or be in one of the following industries:

Page 2

1 (a) Value-added agricultural products.

2 (b) Insurance and financial services.

3 (c) Plastics.

4 (d) Metals.

5 (e) Printing paper or packaging products.

6 (f) Drugs and pharmaceuticals.

7 (g) Software development.

8 (h) Instruments and measuring devices and medical
9 instruments.

10 (i) Recycling and waste management.

11 (j) Telecommunications.

12 (3) The business makes day care services available
13 to its employees.

14 (4) Invest annually no less than one percent of
15 pretax profits from the business located in Iowa or
16 expanded in Iowa in research and development in Iowa.

17 (5) Invest annually no less than one percent of
18 pretax profits from the business in worker training
19 and skills enhancement.

20 (6) Have an active productivity and safety
21 improvement program involving management and worker
22 participation and cooperation with benchmarks for
23 gauging compliance.

24 (7) Occupy an existing facility at least one of
25 the buildings of which shall be vacant and shall
26 contain at least twenty thousand square feet.

27 If a business has a record of violations of the
28 law, including but not limited to environmental and
29 worker safety statutes, rules, and regulations, over a
30 period of time that tends to show a consistent
31 pattern, the business shall not qualify for the
32 benefits under this subsection, unless it can be
33 demonstrated that the violations did not seriously
34 affect public health or safety, or the environment, or
35 if it did that there were mitigating circumstances."
36 2. By renumbering as necessary.

WISE of Lee

H-6267

1 Amend the amendment, H-6236, to the Senate
2 amendment, H-6069, to House File 2415, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, line 34, by striking the figure
5 "182,664" and inserting the following: "232,644".

HAMMOND of Story

H-6268

1 Amend the amendment, H-6236, to the Senate
2 amendment, H-6069, to House File 2415, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 4, by striking lines 38 through 46.
5 2. By relettering as necessary.

GILL of Woodbury

H-6269

1 Amend the amendment, H-6236, to the Senate
2 amendment, H-6069, to House File 2415, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 8, by striking lines 31 through 33 and
5 inserting the following: "15E.158, for continuing, to
6 the extent possible, the currently existing
7 apprenticeship programs under section 260C.44 at the
8 community colleges, for transferring \$50,000 of the
9 funds appropriated in this section to the Iowa quality
10 coalition for productivity enhancement projects, and
11 for allocating \$350,000 to the industrial technology
12 assistance program, and".
13 2. Page 8, by inserting after line 37 the
14 following:
15 "It is the intent of the general assembly that for
16 the fiscal year beginning July 1, 1995, and for
17 subsequent fiscal years, apprenticeships shall only be
18 made available to community colleges on the basis of
19 requests for proposals submitted by the community
20 colleges for apprenticeship programs."

WISE of Lee

H-6272

- 1 Amend Senate File 2326, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1 through page 3,
 4 line 32.
- 5 2. Page 4, line 35, by striking the figure
 6 "30,750,000" and inserting the following:
 7 "8,500,000".
- 8 3. Page 5, line 15, by striking the figure
 9 "30,750,000" and inserting the following:
 10 "8,500,000".
- 11 4. Page 5, line 30, by striking the figure
 12 "30,750,000" and inserting the following:
 13 "8,500,000".
- 14 5. By striking page 5, line 31 through page 6,
 15 line 1.
- 16 6. Page 6, by striking lines 5 through 14 and
 17 inserting the following:
 18 "Total \$8,500,000".

GRUNDBERG of Polk

H-6276

- 1 Amend Senate File 2330, as amended, passed, and
 2 reprinted by the Senate as follows:
- 3 1. Page 24, by striking lines 9 through 30.

MUNDIE of Webster

H-6279

- 1 Amend Senate File 2329, as amended, passed, and
 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line-18 the
 4 following:
- 5 "Sec. _____. It is the intent of the general
 6 assembly that the general assembly review and evaluate
 7 the revenue received by the commission and deposited
 8 in the Iowa communications network fund and associated
 9 expenses related to the use of the network. It is the
 10 intent of the general assembly that upon completion of
 11 the review and evaluation, the general assembly shall
 12 appropriate on or before March 15, 1995, any amounts
 13 which are necessary to meet the obligations of the
 14 network."
- 15 2. Renumber as necessary.

CORBETT of Linn

H-6285

- 1 Amend Senate File 2330, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 24, by inserting after line 30 the
4 following:

5 "Sec. _____. Section 427.1, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 44. MACHINERY AND COMPUTER
8 EQUIPMENT. Property defined in section 427A.1,
9 subsection 1, paragraphs "e" and "j", and assessed
10 pursuant to section 427B.17, if owned by the same
11 person and the combined assessed valuation of all such
12 property is one thousand five hundred dollars or less.

13 Sec. _____. NEW SECTION. 427B.19 TEMPORARY
14 EXEMPTION FROM TAX - NEW MACHINERY.

15 1. Beginning July 1, 1994, property described in
16 section 427B.17, and acquired or initially leased on
17 or after July 1, 1994, shall be exempt from property
18 taxation for a period of time to be determined as
19 provided in this section.

20 The duration of the exemption from property
21 taxation for any one item of property shall not exceed
22 the amount of time that item of property is scheduled
23 to fully depreciate, according to the applicable
24 depreciation schedule contained in the industrial
25 machinery and equipment guide published by the
26 department of revenue and finance. The department is
27 instructed to revise the industrial machinery and
28 equipment guide to provide a depreciation schedule for
29 machinery and equipment with a life of at least thirty
30 years.

31 Upon expiration of the exemption, the property
32 shall be assessed and taxed in accordance with section
33 427B.17.

34 2. On or before July 1 of each year, the treasurer
35 shall prepare a statement listing for each taxing
36 jurisdiction in the county the amount of property
37 taxes which would have been payable in the coming
38 fiscal year if the property was assessed pursuant to
39 section 427B.17 instead of being totally exempt as
40 provided in subsection 1 and shall certify and forward
41 one copy of the statement to the department of revenue
42 and finance not later than July 1 of each year.

43 3. Each county treasurer shall be reimbursed an
44 amount equal to the lost property taxes for that
45 county determined pursuant to subsection 2. The
46 reimbursement shall be made in two equal installments
47 on or before September 30 and March 30 of each year.
48 The county treasurer shall apportion the disbursement
49 in the manner provided in section 445.57."

HALVORSON of Clayton
IVERSON of Wright
GILL of Woodbury
McCOY of Polk

H-6289

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 25, by inserting after line 13 the
4 following:

5 "Sec. _____. REQUEST FOR PROPOSALS. Notwithstanding
6 any provision to the contrary, the ICN chief executive
7 officer appointed by the governor pursuant to
8 executive order number 46 signed on January 5, 1993,
9 or the Iowa telecommunications and technology
10 commission, established in Senate File 2089, if
11 enacted, or other successor governing body given
12 authority over the Iowa communications network, shall
13 develop and issue the request or requests for
14 proposals which are necessary for the sale of the
15 network. The person which develops and issues such
16 requests shall provide a written report no later than
17 January 1, 1995, concerning the proposals which are
18 submitted in response to the request or requests for
19 proposals. The request or requests for proposals
20 shall provide at a minimum, for both of the following:

21 1. For the lease by the state at no cost to the
22 state or to the authorized users of the necessary
23 facilities for the connections related to all
24 authorized users at the time of any sale of the
25 network whether such users are connected to or
26 utilizing the network at the time of any sale of the
27 network. The access leased under this subsection
28 shall assure such capacity for video, data, and voice
29 requirements as provided in the request for proposals
30 developed by the department of general services for
31 the installation and maintenance of Part III
32 connections of the Iowa communications network, and
33 dated November 3, 1993.

34 2. Guaranteed access and use for operations
35 related to an agency of the federal government whose
36 activities are directly related to the activities at
37 facilities under the control of the armory board
38 appointed pursuant to section 29A.57, or for the
39 establishment and operations of community learning
40 centers the use of which is to be offered to the
41 public as provided by the armory board."

42 2. By renumbering as necessary.

IVERSON of Wright

H-6291

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, by striking lines 11 through 23.

4 2. Page 9, by inserting after line 2 the

5 following:

6 "_____. To the treasurer of state for the continued
7 funding of Iowa's participation in the funding of the
8 world food prize:

9\$ 100,000

10 It is the intent of the general assembly that this
11 appropriation of public funds will result in a
12 commitment for additional funding for the world food
13 prize from private sources. It is the intent of the
14 general assembly to appropriate not more than the
15 following amounts in future fiscal years:

16 For fiscal year 1995-1996, \$75,000; for fiscal year
17 1996-1997, \$25,000; and for fiscal year 1997-1998, and
18 succeeding fiscal years, no appropriation.

19 The treasurer of state shall only provide the funds
20 appropriated in this section to the world food prize
21 foundation if sufficient private funds are raised to
22 maintain the world food prize foundation in Iowa and
23 the foundation is structured to include representation
24 that reflects environmental concerns and sustainable
25 agriculture."

HALVORSON of Webster

H-6292

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 24, by inserting after line 30 the fol-
4 lowing:

5 "Sec. 212. Section 425A.2, subsection 4, Code
6 1993, is amended to read as follows:

7 4. "Designated person" means one of the following:

8 a. If the owner is an individual, the designated
9 person includes the owner of the tract or a person
10 related to the owner as spouse, parent, grandparent,
11 child, grandchild, stepchild, sibling, and their
12 spouses.

13 b. If the owner is a partnership, a partner, or
14 the partner's spouse.

15 c. If the owner is a family farm corporation, a
16 family member who is a shareholder of the family farm
17 corporation or the shareholder's spouse.

18 d. If the owner is an authorized farm corporation,
19 a shareholder who owns at least fifty-one percent of
20 the stock of the authorized farm corporation or the
21 shareholder's spouse.

22 e. If the owner is an individual who leases the
23 tract to a family farm corporation, a shareholder of
24 the corporation if the combined stock of the family
25 farm corporation owned by the owner of the tract and
26 persons related to the owner as enumerated in
27 paragraph "a" is equal to at least fifty-one percent

28 of the stock of the family farm corporation.
 29 f. If the owner is an individual who leases the
 30 tract to a partnership, a partner if the combined
 31 partnership interest owned by the owner of the tract
 32 and persons related to the owner as enumerated in
 33 paragraph "a" is equal to at least fifty-one percent
 34 of the ownership interest of the partnership."

35 2. Page 25, by inserting after line 31 the
 36 following:

37 "Sec. _____. EFFECTIVE DATE. Section 212 of this
 38 division takes effect January 1, 1995, and applies to
 39 family farm tax credit claims filed on or after that
 40 date."

VANDE HOEF of Osceola

H-6295

1 Amend Senate File 2330, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 20, by inserting after line 11 the
 4 following:

5 "Section 1. Section 18.90, Code 1993, is amended
 6 to read as follows:

7 18.90 COUNTY AUDITORS.

8 The daily and completed journals of the general
 9 assembly, the printed bills, and the official register
 10 shall be sent to kept by each county auditor, who
 11 shall be required to keep the same and made available
 12 at all times available for the inspection of the
 13 public. The county auditor shall notify the public of
 14 the availability of the daily and completed journals,
 15 the printed bills, and the official register by
 16 posting notice in the county courthouse.

17 Sec. _____. Section 18.101, Code 1993, is amended to
 18 read as follows:

19 18.101 LEGISLATIVE JOURNALS AND BILLS, AND
 20 REGISTER.

21 The daily journals of the general assembly and the
 22 printed bills shall be sent by the superintendent of
 23 printing by mail to subscribers and to each county
 24 auditor. The journals and bills for both houses for
 25 any one session may be purchased for the sum fixed by
 26 the superintendent. The superintendent shall cause to
 27 be printed a sufficient number of copies to fill
 28 orders received and reported to the superintendent.
 29 The cost of printing the daily journals and printed
 30 bills that are mailed to each county auditor shall be
 31 paid from moneys in the general fund of the state not
 32 otherwise appropriated. The cost of mailing the daily
 33 journals and printed bills to the county auditor shall
 34 be paid by the county."

35 2. Page 24, by inserting after line 30 the

36 following:

37 "Sec. _____. Section 331.502, subsection 4, Code
38 1993, is amended to read as follows:
39 4. Keep the complete daily and completed journals
40 and the printed bills of the general assembly and the
41 official register available for public inspection as
42 provided in section 18.90."

VANDE HOEF of Osceola
BRANSTAD of Winnebago
MERTZ of Kossuth
MUNDIE of Webster
HOUSER of Pottawattamie

H-6302

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 29 and 30.
4 2. Page 3, by striking lines 31 and 32.
5 3. By striking page 3, line 35 through page 4,
6 line 2.
7 4. Page 4, line 3, by striking the word and
8 figures "Sections 4, 5, 6, and 7" and inserting the
9 following: "Section 6".
10 5. Page 4, line 4, by striking the word "take"
11 and inserting the following: "takes".
12 6. By striking page 9, line 27 through page 10,
13 line 5.
14 7. Page 10, by striking lines 29 and 30.
15 8. Page 10, by striking lines 31 and 32.
16 9. Page 10, by striking lines 33 and 34.
17 10. By striking page 10, line 35 through page 11,
18 line 1.
19 11. Page 24, by striking lines 9 through 30.
20 12. Page 25, by striking lines 1 through 13.
21 13. Page 25, by striking lines 14 through 28.
22 14. By striking page 28, line 16 through page 29,
23 line 8.
24 15. Page 29, by striking lines 9 through 24.
25 16. Page 29, by striking lines 25 through 28.
26 17. Page 30, by striking lines 8 through 25.

HALVORSON of Webster

H-6308

1 Amend Senate File 100, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 12, by inserting before the words
4 "A person" the following: "1."
5 2. Page 4, by inserting after line 18 the

6 following:

7 "2. Notwithstanding subsection 1, persons trained
8 as bachelor social workers or employed in a position
9 which requires at a minimum a bachelor's degree, are
10 not required by this chapter to be licensed, if they
11 do not hold themselves out to be licensed bachelor
12 social workers.

13 3. Section 147.83 does not apply to persons who
14 are not licensed as bachelor social workers and who do
15 not hold themselves out as licensed bachelor social
16 workers."

17 3. By renumbering as necessary.

HANSON of Delaware
CATALDO of Polk

H-6309

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 18, by striking lines 24 through 33.

HALVORSON of Webster

H-6310

1 Amend Senate File 2330 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the
4 following:

5 "Section 1. There is appropriated from the general
6 fund of the state \$50,000 to the department of natural
7 resources for the fiscal year beginning July 1, 1994,
8 to build a footbridge and a bicycle path across the
9 Des Moines river north of university avenue in Des
10 Moines."

FALLON of Polk

H-6312

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, by striking lines 28 through 35.

4 2. Page 6, by striking lines 15 through 23.

5 3. Page 6, by striking lines 24 through 30.

SPENNER of Henry
BRUNKHORST of Bremer

H-6313

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, line 12, by striking the word
4 "persons".

- 5 2. Page 15, line 18, by striking the word
 6 "person" and inserting the following: "grantee".
 7 3. Page 15, line 20, by striking the word
 8 "person" and inserting the following: "grantee".
 9 4. Page 15, by striking lines 28 through 34.

BLACK of Jasper

H-6320

- 1 Amend Senate File 2300, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 3, line 1, by inserting after the word
 4 "landfill." the following: "However, this subsection
 5 shall not apply to the diversion of solid waste to an
 6 area outside of the state."

BRAUNS of Muscatine

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-fifth General Assembly, 1994 Session, not otherwise printed in the House Journal.

- 1 House Concurrent Resolution 103
 2 By Doderer and Carpenter
 3 (Companion by Szymoniak)
 4 A Concurrent Resolution honoring Iowa Woman Magazine
 5 and Iowa Woman Endeavors, Inc., on their fifteenth
 6 anniversary.
 7 *Whereas*, Iowa Woman Magazine and Iowa Woman
 8 Endeavors, Inc., have in unison struggled to claim and
 9 sustain a voice for women since 1979; and
 10 *Whereas*, Iowa Woman Magazine appeals to a
 11 multigenerational audience, and is a regional magazine
 12 with national circulation that has maintained a
 13 lifeline between writers, artists, and the general
 14 public; and
 15 *Whereas*, Iowa Woman Magazine draws a unique
 16 collection of historical and current interest
 17 articles, interviews, essays, memoirs, fiction,
 18 poetry, book reviews, and visual arts, with an overall
 19 emphasis on Midwestern sensibilities; and
 20 *Whereas*, Iowa Woman Magazine has received numerous
 21 honors and awards, among them recognition for
 22 editorial excellence from the Council of Literary
 23 Magazines and Presses, Women in Communications, Inc.,
 24 and Chicago Women in Publishing, Inc., and for
 25 educational program initiatives from the Iowa Arts
 26 Council, the Iowa Humanities Board, and the Iowa
 27 Department of Cultural Affairs, and was a finalist in
 28 the Governor's Biennial Outstanding Achievement in the
 29 Arts Award; and
 30 *Whereas*, Iowa Woman Endeavors, Inc., remains a

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- 1 practical demonstration project of leadership,
 2 volunteerism, entrepreneurship, and apprenticeship;
 3 and
 4 *Whereas*, Iowa Woman Endeavors, Inc., has sponsored
 5 poetry readings, dramatic performances, annual writing
 6 con ests, workshops, and public humanities events that
 7 draw women from all walks of life to explore their
 8 creativity; *Now Therefore*,
 9 *Be It Resolved By The House Of Representatives, The*
 10 *Senate Concurring*, That the General Assembly commends
 11 Iowa Woman Magazine and Iowa Woman Endeavors, Inc., on
 12 their fifteenth anniversary for their many
 13 contributions to literature and visual arts for and by
 14 women and supports their continued efforts to
 15 celebrate the Iowa woman.

HCR 103 filed January 10, 1994; House adopted February 23, 1994;
 Senate adopted April 8, 1994.

1 House Concurrent Resolution 105

2 By Bell, Black, and Larson

3 A Concurrent Resolution in appreciation of Maytag Corporation
4 and urging its continued expansion in Newton.

5 *Whereas*, Maytag Corporation has served the
6 community of Newton and the State of Iowa by providing
7 quality jobs and products for over 100 years; and

8 *Whereas*, Maytag Corporation has been a vital part
9 of Iowa's economic strength and continues to be a
10 major contributor to Iowa's growth; and

11 *Whereas*, Maytag Corporation has developed a well-
12 served reputation as the "Dependability Company" for
13 its quality products; and

14 *Whereas*, Iowa's workers and managers have developed
15 a reputation as one of the most educated and
16 productive work forces in the nation where the made in
17 Iowa label continues to be a source of pride; and

18 *Whereas*, Iowa remains committed to providing a high
19 quality educational system and way of life for its
20 citizens and workers; and

21 *Whereas*, the State of Iowa and the City of Newton
22 look forward to assisting Maytag Corporation in
23 continuing to view Iowa as the place to expand its
24 operation in order to provide new quality products and
25 jobs for the next century; *Now Therefore*,

26 *Be It Resolved By The House Of Representatives, The*
27 *Senate Concurring*, That the General Assembly
28 appreciates the contributions Maytag Corporation has
29 made to Iowa and urges the Maytag Corporation to
30 maintain its productive relationship with the state

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1 and to continue to play a vital role in Iowa's
2 economic growth and development.

3 *Be It Further Resolved*, That the Chief Clerk of the
4 House of Representatives send copies of this
5 Resolution to the chief executive officer of Maytag
6 Corporation, Leonard Hadley, and to the mayor of
7 Newton, John Schermerhorn.

HCR 105 filed January 18, 1994; House adopted January 18, 1994;
Senate adopted January 18, 1994.

1 House Concurrent Resolution 114

2 By Beatty and Corbett

3 (Companion By Szymoniak)

4 A Concurrent Resolution designating March 1994 as
5 Iowa Women's History Month.

6 *Whereas*, Iowa women of every race, class, and
7 ethnic background have made historic contributions to
8 the growth and strength of our Nation in countless
9 recorded and unrecorded ways; and

10 *Whereas*, Iowa women have played and continue to
 11 play a critical economic, cultural, and social role in
 12 every sphere of the Nation by constituting a
 13 significant portion of the labor force working inside
 14 and outside of the home; and
 15 *Whereas*, Iowa women were particularly important in
 16 the establishment of early charitable, philanthropic,
 17 and cultural institutions in our Nation; and
 18 *Whereas*, Iowa women, including Carrie Chapman Catt,
 19 have been leaders, not only in securing their own
 20 rights of suffrage and equal opportunity, but also in
 21 the abolitionist movement, the emancipation movement,
 22 the industrial labor movement, the civil rights
 23 movement, and the peace movement, in order to create a
 24 more fair and just society for all; and
 25 *Whereas*, despite these contributions, and those of
 26 women throughout the world, the role of women has been
 27 consistently overlooked and undervalued, in the
 28 literature, teaching and study of history; *Now*
 29 *Therefore*,
 30 *Be It Resolved By The House Of Representatives, The*

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1 *Senate Concurring*, That the General Assembly designate
 2 the month of March 1994 as "Iowa Women's History
 3 Month" and invite the citizens of Iowa to discover a
 4 new world of people and events in history by visiting
 5 the Iowa Women's Hall of Fame, established in 1975 by
 6 the Iowa Commission on the Status of Women.
 7 *Be It Further Resolved*, That the General Assembly
 8 request that the Governor issue a proclamation calling
 9 upon the people of Iowa to observe this month with
 10 appropriate programs, ceremonies, and activities.

HCR 114 filed February 15, 1994; House adopted on March 2, 1994.

1 House Concurrent Resolution 118
 2 By Klemme
 3 (Companion By Banks)
 4 A Concurrent Resolution to designate Le Mars, Iowa,
 5 the Ice Cream Capital of the World.
 6 *Whereas*, Wells' Dairy, located in Le Mars, Iowa,
 7 employs 1,400 full-time and part-time employees and is
 8 Midwest Power's seventh largest customer; and
 9 *Whereas*, approximately 65,000 cows are needed each
 10 day to supply Wells' Dairy with milk, cream, and skim
 11 milk for ice cream and fluid milk processing; and
 12 *Whereas*, the annual tonnage of chocolate ice cream
 13 bar coating used by Wells' Dairy would cover 30
 14 football fields at a thickness of one inch; and
 15 *Whereas*, Wells' Dairy's annual volume of wooden ice
 16 cream sticks, if laid end to end, would reach 46,875

17 miles, or nearly twice around the equator; and
 18 *Whereas*, Wells' Dairy's largest ice cream sales
 19 volume week was the week ending July 3, 1993, when the
 20 company sold 35,000,000 ice cream bars, sandwiches,
 21 popsicles, and other individual serving products, and
 22 2,500,000 half gallons of packaged ice creams,
 23 sherbets, dairy desserts, and frozen yogurts, which
 24 were carried out in 767 semi-trailer trucks that left
 25 Le Mars at an average rate of one truck every 13
 26 minutes; and
 27 *Whereas*, Wells' Dairy exports its ice cream
 28 products to Japan, Russia, Mexico, and Canada, and
 29 there is more ice cream produced in the city of
 30 Le Mars, Iowa, by a single company than any other

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1 city in the world; *Now Therefore*,
 2 *Be It Resolved By The House Of Representatives, The*
 3 *Senate Concurring*, That the Iowa General Assembly
 4 designate Le Mars, Iowa, as the official Ice Cream
 5 Capital of the World.
 6 *Be It Further Resolved*, That the Chief Clerk of the
 7 Iowa House of Representatives send a copy of this
 8 Resolution to the Mayor of the City of Le Mars, Iowa.

HCR 118 filed March 7, 1994; House adopted on March 11, 1994;
 Senate adopted on April 15, 1994.

1 House Concurrent Resolution 119
 2 By Henderson and Baker
 3 A Concurrent Resolution condemning bigotry and hatred.
 4 *Whereas*, incidents of bigotry and hatred have
 5 occurred in Iowa in recent weeks; and
 6 *Whereas*, the incidents are despicable and have
 7 become increasingly violent; and
 8 *Whereas*, these hate crimes have occurred in many
 9 parts of Iowa; and
 10 *Whereas*, certain individuals are actively
 11 recruiting youth into their ranks of bigotry and
 12 hatred; and
 13 *Whereas*, within recent weeks, a 14-year-old
 14 African-American was physically assaulted, cross
 15 burning incidents have occurred, children and families
 16 were harassed because of their race or religion, and a
 17 synagogue was defaced; and
 18 *Whereas*, Iowans do not and will not tolerate
 19 bigotry and hatred; *Now Therefore*,
 20 *Be It Resolved By The House Of Representatives, The*
 21 *Senate Concurring*, That the Iowa General Assembly
 22 deploras these acts of violence, bigotry, and hatred.
 23 *Be It Further Resolved*, That the Iowa General
 24 Assembly supports the diversity and multi-ethnicity of

25 Iowa's population and the rights of all citizens to be
 26 free from harassment based on race or religion.
 27 *Be It Further Resolved*, That the Iowa General
 28 Assembly requests all Iowans to unite against these
 29 purveyors of hatred and to work to eliminate racism
 30 and prejudice in our State.

HCR 119 filed March 10, 1994; House adopted on March 11, 1994;
 Senate adopted on March 29, 1994.

House Resolution 102

2 By Committee on Small Business, Economic
 3 Development and Trade
 4 (Successor To HSB 559)
 5 A House Resolution supporting the use of ethanol and
 6 requesting that the United States Environmental
 7 Protection Agency adopt and implement the proposed
 8 renewable oxygenate standard.
 9 *Whereas*, members of the Iowa House of
 10 Representatives, including members serving on the
 11 Committee on Agriculture, the Committee on Energy and
 12 Environmental Protection, and the Committee on Small
 13 Business, Economic Development and Trade, have
 14 supported the ethanol production industry as a vital
 15 component in promoting clean air and water and
 16 revitalizing the state's economy by reducing imported
 17 nonrenewable energy sources; and
 18 *Whereas*, persons involved in the production and
 19 processing of corn in Iowa significantly contribute to
 20 the wealth of this nation supported by the production
 21 of agricultural commodities and value-added products;
 22 and
 23 *Whereas*, the ethanol market in Iowa has been
 24 developed by the valiant efforts of the Iowa Corn
 25 Promotion Board, through its producer-members who are
 26 committed to this renewable resource; and
 27 *Whereas*, more than 416,000 bushels of corn,
 28 representing the average harvest of corn on more than
 29 3,400 acres of Iowa land, are processed each day into
 30 ethanol; and

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1 *Whereas*, economic activity generated in Iowa from
 2 ethanol production equals \$1.5 billion; and
 3 *Whereas*, ethanol production has added an estimated
 4 \$190 million to the value of the 1992 Iowa corn crop,
 5 creating approximately \$14.50 per acre additional
 6 income to Iowa corn producers; and
 7 *Whereas*, the production of ethanol creates a high
 8 protein livestock feed which has proven to be an
 9 excellent nutritional source for cattle and poultry;
 10 and

11 *Whereas*, more than 12,000 Iowa jobs are affected by
12 Iowa ethanol production, including 2,500 jobs in the
13 corn processing industry associated with ethanol
14 production, with the average annual wage for persons
15 employed in the wet corn milling industry in Iowa
16 equaling \$37,000; and

17 *Whereas*, over 500 million gallons of ethanol-
18 blended fuel were sold in Iowa in 1992, representing a
19 52 million gallon increase over 1991; and

20 *Whereas*, the United States produced more than 1.5
21 billion gallons of ethanol which reduced foreign oil
22 imports by more than 58 million barrels; and

23 *Whereas*, motor vehicle fuel which includes a blend
24 of 10 percent ethanol enhances octane levels and
25 provides more oxygen for fuel combustion resulting in
26 reduced levels of carbon monoxide; and

27 *Whereas*, if only one-half of this nation's mass
28 transit diesel buses used ethanol fuels, new markets
29 for 100 million bushels of corn each year would be
30 produced; and

Page 3

1 *Whereas*, blending 10 percent ethanol with all
2 gasoline sold in the United States would require four
3 billion bushels of corn; and

4 *Whereas*, the United States Environmental Protection
5 Agency in implementing amendments to the federal Clean
6 Air Act, 42 U.S.C. § 7401 et seq., is establishing
7 standards for reformulating motor vehicle fuel used in
8 nonattainment areas designated in the United States;
9 and

10 *Whereas*, the United States Environmental Protection
11 Agency has proposed a renewable oxygenate standard
12 which requires the use of renewable oxygenates in
13 reformulated gasoline; and

14 *Whereas*, ethanol is a renewable oxygenate and the
15 proposed standard could increase demand for corn used
16 in ethanol production; and

17 *Whereas*, ethanol's full market potential can be
18 realized under the renewable oxygenate standard if the
19 rules are finalized as scheduled in June 1994; *Now*
20 *Therefore*,

21 *Be It Resolved By The House Of Representatives*,
22 That the Iowa House of Representatives, including
23 members serving on the Committee on Agriculture, the
24 Committee on Energy and Environmental Protection, and
25 the Committee on Small Business, Economic Development
26 and Trade, urge that the United States Environmental
27 Protection Agency adopt the proposed renewable
28 oxygenate standard in a manner and form which allows
29 ethanol to fully compete in the marketplace; and

30 *Be It Further Resolved*, That copies of this

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1 Resolution be delivered to the Governor; and
2 *Be It Further Resolved*, That a copy of this
3 Resolution be delivered to the United States
4 Environmental Protection Agency for inclusion within
5 the record, Docket A-93-49; and
6 *Be It Further Resolved*, That copies of this
7 Resolution be delivered to the President of the United
8 States, the Administrator of the United States
9 Environmental Protection Agency, the President of the
10 United States Senate, the Speaker of the United States
11 House of Representatives, the Chairperson of the
12 Committee on Agriculture, Nutrition, and Forestry of
13 the United States Senate, the Chairperson of the
14 Committee on Agriculture of the United States House of
15 Representatives, and members of Iowa's congressional
16 delegation.

HR 102 filed February 2, 1994; House adopted February 9, 1994.

1 House Resolution 103
2 By Doderer, Neuhauser, and Holveck
3 A Resolution honoring Representative Robert E. Dvorsky.
4 *Whereas*, Representative Robert E. Dvorsky is
5 retiring from the House of Representatives after
6 completing nearly four terms in office as a member of
7 the House of Representatives; and
8 *Whereas*, Representative Dvorsky's service as
9 Chairperson of the Local Government Committee and as
10 Vice Chair and Ranking Member of the Justice System
11 Appropriation Subcommittee is well recognized; and
12 *Whereas*, Representative Dvorsky's leadership on
13 local government and corrections issues is well
14 recognized; and
15 *Whereas*, Representative Dvorsky has served
16 honorably and has unselfishly given of his time and
17 efforts to further the interests of the State of Iowa
18 and to provide beneficial programs for the citizens of
19 Iowa; and
20 *Whereas*, Representative Dvorsky has served on many
21 other standing committees and appropriations
22 subcommittees throughout his almost eight years of
23 legislative service and has been a devoted legislator
24 in this state; *Now Therefore*,
25 *Be It Resolved By The House Of Representatives*,
26 That the House of Representatives pay tribute to
27 Representative Robert E. Dvorsky for his devoted
28 service to the Iowa General Assembly and the citizens
29 of this state and wish him the very best in the years
30 ahead; and

1 *Be It Further Resolved*, That an official copy of
2 this Resolution be prepared and presented to
3 Representative Robert E. Dvorsky.

HR 103 filed February 2, 1994; House adopted February 2, 1994.

1 House Resolution 112

2 By Boddicker and Hurley

3 A House Resolution requesting that the Iowa Division of
4 Insurance determine the status of the Christian
5 Brotherhood Newsletter.

6 *Whereas*, the Christian Brotherhood Newsletter acts
7 as a clearinghouse for information between subscribers
8 who are members of the same religion or denomination;
9 and

10 *Whereas*, the information shared relates to members
11 who have financial, physical, or medical needs, and
12 matches those subscribers who choose to assist with
13 those needs; and

14 *Whereas*, the amounts contributed are voluntary and
15 involve no assumption of risk or promise to pay either
16 among the subscribers or between the subscribers and
17 the publication; and

18 *Whereas*, the Iowa Division of Insurance determines
19 who is in the business of insurance in the state; *Now*
20 *Therefore*,

21 *Be It Resolved By The House*, That the Iowa Division
22 of Insurance is requested to rule in a timely manner
23 as to whether the Christian Brotherhood Newsletter is
24 engaged in the business of insurance.

HR 112 filed April 20, 1994; House adopted April 20, 1994.

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 1994 Regular Session of the Seventy-fifth General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 121 — Relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree and which constitute failure of commercial film and photographic print processors to report depictions of minors engaged in prohibited sexual acts. Approved 4-28-94.
- H.F. 181 — Relating to motorcycle rider driver's education. Approved 4-25-94.
- H.F. 307 — Providing for limitations on judgments. Approved 4-26-94.
- H.F. 455 — Relating to placement of political yard signs on agricultural land, property leased to a corporation by a private individual, or property leased by a corporation to a private individual. Approved 5-13-94.
- H.F. 618 — Relating to liens against employers for unpaid unemployment compensation contributions. Approved 4-26-94.
- H.F. 637 — Relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue, maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections and effective dates. Approved 4-25-94.
- H.F. 642 — Relating to revisions of mandates and goals to political subdivisions of the state by striking certain duties of cities, counties, and county auditors for civil actions, abandoned islands, and public contracts, by providing for the funding of state mandates, the department of public health for health professional licensing, and other matters related to the state, by removing a reporting requirement by county auditors for foreclosures of permanent school fund mortgages, by providing for the recovery of compensation for an advocate for an involuntarily committed mental patient, by making the appointment of a county weed commissioner optional, by increasing the dollar limit before county contract letting procedures are required, by striking leave requirements for public employees for Olympic competition, by striking a requirement for lobby space in courthouses for certain veterans, by reducing bridge and culvert cost records kept by the state, by providing for the designation of certain county officers to act on behalf of the principal officers, by striking property tax exemptions for certain veterans, by amending procedures for setting speed limits on secondary roads, by striking provisions relating to personal property taxes, by authorizing an early change in full-time or part-time status of a county attorney by agreement, by striking requirements for county attorneys to represent school districts, by striking the requirements for county dog licensing, by striking assessment provisions for ice and coal dealers, and by making provisions for other properly related matters. Approved 5-12-94.

- H.F. 2003 — Relating to child day care provisions involving age and school status of the children receiving care and building and nutrition requirements. Approved 4-28-94.
- H.F. 2049 — Relating to the use of moneys from the physical plant and equipment levy to purchase exterior lighting, equipment and technology systems. Approved 5-2-94.
- H.F. 2099 — Providing for special natural resources motor vehicle registration plates and providing an effective date. Approved 4-25-94.
- H.F. 2146 — Relating to access to, and the possession of, alcoholic beverages, and subjecting violators to existing penalties. Approved 4-25-94.
- H.F. 2149 — Relating to HIV-related testing of convicted sexual assault offenders. Approved 5-4-94.
- H.F. 2155 — Relating to public school services provided to children attending non-public schools. Approved 5-5-94.
- H.F. 2204 — Relating to the issuance of bonds by a county to fund an urban renewal project, the incremental taxes allowed to be levied by a county in an urban renewal area, and providing an effective date. Approved 5-16-94.
- H.F. 2261 — Relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date. Approved 4-28-94.
- H.F. 2286 — Increasing the jurisdictional amount for small claims. Approved 4-26-94.
- H.F. 2318 — Relating to assistance provided to beginning farmers by the agricultural development authority, by providing that family farm limited corporations and family farm limited liability companies are eligible to receive assistance, and providing an effective date. Approved 4-26-94.
- H.F. 2323 — Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective and applicability date. Approved 5-11-94.
- H.F. 2326 — Relating to the definition of project for which certain revenue bonds may be issued by a city or county and providing an effective date. Approved 5-5-94.
- H.F. 2337 — Relating to agricultural development and rural revitalization, by providing for value-added agricultural products and processes, providing for programs and moneys, providing for repeal of provisions, and providing an effective date. Approved 4-26-94.
- H.F. 2350 — Relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates. Approved 5-12-94.
- H.F. 2352 — Relating to criminal offenders and the department of corrections, by making changes regarding payment of restitution by offenders and

payments under the crime victim compensation program, making changes in specifications relating to corrections institutions in which offenders are housed, establishing an inmate tort claim fund, deleting requirements relating to inmate visits by the director of the department of corrections, and permitting the release of certain information regarding offenders by the department. Approved 5-2-94.

- H.F. 2366 — Relating to reapportionment, redistricting, and reprecincting by certain jurisdictions. Approved 5-13-94.
- H.F. 2372 — Relating to medical assistance including medical assistance trusts, transfers of assets related to medical assistance and special education services provided through medical assistance fundings, and psychiatric medical institution for children services funded under medical assistance and providing an effective date and for retroactive applicability. Approved 4-26-94.
- H.F. 2376 — Relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, and the commission of veterans affairs. Approved 5-13-94 with the exception of Section 5, subsection 9 and Section 8. See Governor's Item Veto Message.
- H.F. 2377 — Relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties and an applicability provision. Approved 5-12-94.
- H.F. 2383 — Relating to safety in schools. Approved 4-28-94.
- H.F. 2384 — Relating to commercial transactions, by enacting the uniform fraudulent transfer Act, and providing for the repeal of certain code sections, and providing an effective and applicability date. Approved 4-26-94.
- H.F. 2387 — Providing for licensing of athletic trainers, imposing fees, and providing a penalty. Approved 4-28-94.
- H.F. 2410 — Relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions. Approved 5-11-94.
- H.F. 2411 — Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date. Approved 5-10-94.
- H.F. 2413 — Relating to the filing of a disclaimer of the homestead credit and the filing of a belated claim for the homestead credit. Approved 5-2-94.
- H.F. 2415 — Appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates. Approved 5-13-94 with the exception of Sections 27, 32 and 30. See Governor's Item Veto Message.

- H.F. 2418 — Relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, making appropriations, providing implementation and applicability provisions, and providing effective and retroactive applicability dates. Approved 5-16-94.
- H.F. 2419 — Relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions. Approved 4-28-94.
- H.F. 2421 — Relating to notices of disallowance of the homestead property tax credit and the military service property tax exemption. Approved 5-2-94.
- H.F. 2422 — Relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and providing an appropriation. Approved 5-10-94.
- H.F. 2426 — Relating to the abatement or refund of property taxes for nonprofit institutions in certain counties and providing an effective date. Approved 5-2-94.
- H.F. 2428 — Relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments. Approved 5-2-94.
- H.F. 2429 — Relating to the compensation and benefits for public officials and employees and making appropriations. Approved 5-2-94.
- H.F. 2430 — Relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions. Approved 5-5-94.
- H.F. 2433 — Making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa. Approved 5-13-94.
- H.F. 2435 — Relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property, or building new flood control barriers or facilities within a city, and providing an effective date. Approved 5-4-94.
- S.F. 2038 — Providing for the destruction of State Department of Transportation records. Approved 5-10-94.
- S.F. 2049 — Relating to the use of mobile radio transmitters for hunting or the tracking of dogs or birds of prey, and providing a penalty. Approved 5-4-94.
- S.F. 2051 — Relating to access to founded child abuse information by child day care resource and referral agencies. Approved 5-5-94.
- S.F. 2053 — Relating to the regulation of prescribing of drugs by certain registered nurses, and making penalties applicable. Approved 5-2-94.

- S.F. 2057 — Relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions. Approved 5-10-94.
- S.F. 2060 — Relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy. Approved 5-2-94.
- S.F. 2066 — Providing for the effectiveness of provisions relating to farm assistance programs, including provisions authorizing the attorney general to contract with organizations to provide mediation services and legal assistance to farmers. Approved 4-25-94.
- S.F. 2071 — Relating to the taking of fur-bearing animals for the protection of public or private property. Approved 5-4-94.
- S.F. 2074 — Exempting from state income taxation pension income earned by a non-resident of the state and providing a retroactive applicability date. Approved 5-4-94.
- S.F. 2086 — Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Approved 4-25-94.
- S.F. 2089 — Relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date. Approved 5-18-94.
- S.F. 2091 — Relating to energy conservation including making appropriations of petroleum overcharge funds. Approved 5-10-94.
- S.F. 2092 — Relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund. Approved 4-25-94.
- S.F. 2107 — Relating to the jurisdiction of district associate judges. Approved 4-28-94.
- S.F. 2109 — Relating to temporary licensure of nurses. Approved 4-28-94.
- S.F. 2126 — Relating to payment by clerks of the district court of amounts less than one dollar. Approved 4-28-94.
- S.F. 2133 — Relating to rent reimbursement claims for low-income persons and providing an effective and applicability date provision. Approved 4-28-94.
- S.F. 2157 — Relating to electric transmission line franchises. Approved 5-2-94.
- S.F. 2169 — Relating to teacher licensure terms and endorsements. Approved 4-28-94.
- S.F. 2172 — Relating to vocational rehabilitation. Approved 4-25-94.

- S.F. 2186 — Relating to water districts by authorizing a city to grant a franchise to a rural water district to qualify for federal funding, by authorizing a franchise for sewer services, and by providing for membership in a federated association. Approved 5-2-94.
- S.F. 2190 — Relating to the regulation, location, and taxation of mobile, modular, and manufactured homes. Approved 4-25-94.
- S.F. 2196 — Relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities. Approved 5-4-94.
- S.F. 2203 — Relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services. Approved 5-4-94.
- S.F. 2206 — Relating to the licensing of nonresident hunters of deer and turkey and providing effective and applicability date provisions. Approved 4-25-94.
- S.F. 2215 — Updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates. Approved 5-10-94.
- S.F. 2216 — Allowing recovery of hazardous substances cleanup costs by governmental subdivisions. Approved 5-5-94.
- S.F. 2219 — Relating to the office of secretary of state and ethics and campaign disclosure board, the conduct of elections and voter registration in the state, changing the threshold reporting level for ballot issues, and relating to corrective and technical changes to Iowa's election and campaign finance laws. Approved 5-16-94.
- S.F. 2223 — Relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date. Approved 5-11-94.
- S.F. 2226 — Relating to the collection of a document management fee by the county recorder on each recorded transaction. Approved 5-2-94.
- S.F. 2230 — Relating to the numbers of and facilities for officers of the judicial department; permitting an increase in the number of district associate judges in certain counties; and permitting the use of available funds for offices for judges on the court of appeals. Approved 4-28-94.
- S.F. 2234 — Relating to educational finances, activities, and procedures administered by or through the department of education. Approved 5-13-94.
- S.F. 2250 — Relating to the department of human services by establishing debt liens based upon the inappropriate obtaining of benefits from the department of human services and reporting of assets and income of a medical assistance recipient by a conservator. Approved 4-25-94.
- S.F. 2263 — Providing for the storage of bulk grain by producers owning the grain. Approved 4-25-94.

- S.F. 2264 — Relating to the establishment of supplemental needs trusts for persons with disabilities. Approved 5-5-94
- S.F. 2268 — Relating to funeral processions. Approved 5-2-94.
- S.F. 2272 — Relating to prize promotions by creating criminal and civil penalties and creating a private cause of action. Approved 5-19-94.
- S.F. 2273 — Relating to the investment authority of state banks. Approved 5-2-94.
- S.F. 2277 — Relating to social studies requirements in the schools. Approved 5-4-94.
- S.F. 2279 — Amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections, and providing an effective date. Approved 5-10-94.
- S.F. 2282 — Relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state, and providing an effective date. Approved 5-13-94.
- S.F. 2287 — Establishing requirements for disclosure of psychological test material. Approved 5-5-94.
- S.F. 2288 — Amending statutory provisions involving the council on human investment and federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date. Approved 4-25-94.
- S.F. 2297 — Relating to a home and community-based waiver for persons with brain injury. Approved 5-5-94.
- S.F. 2300 — Requiring the environmental protection commission to codify the special waste authorization program and relating to solid waste. Approved 5-13-94.
- S.F. 2307 — Relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances. Approved 5-4-94.
- S.F. 2311 — Relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury. Approved 5-11-94.
- S.F. 2314 — Relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees. Approved 5-13-94 with the exception of Sections 26 and 27. See Governor's Item Veto Message.
- S.F. 2318 — Relating to state budget processes and providing effective dates. Approved 5-16-94.
- S.F. 2319 — Relating to juvenile justice by establishing or enhancing penalties for delinquent acts which may be committed by juveniles, establishing or enhancing penalties for public offenses relating to juvenile justice, authorizing searches of student lockers in a school without advance

notice under certain circumstances, delaying the repeal of the interception of communications law, providing for the commitment of persons determined to be sexually violent predators, and making related appropriations and providing effective dates. Approved 5-12-94.

- S.F. 2322 — Relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date. Vetoed 5-4-94. See Governor's Veto Message.
- S.F. 2326 — Relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date. Approved 5-10-94 with the exception of Section 1, subsection 3 and Section 2. See Governor's Item Veto Message.
- S.F. 2329 — Making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994. Approved 5-2-94.
- S.F. 2330 — Relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions. Approved 5-13-94 with the exception of Section 26; Section 32, subsection 2, paragraph b; Section 42, Section 51 and Section 84. See Governor's Item Veto Message.

GOVERNOR'S VETO MESSAGE

May 4, 1994

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2322, an act relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, 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 2322 was legislation drafted and requested by the Department of Revenue and Finance based on information provided by the manufacturers of little cigars and the federal government. After the bill passed both houses, new information became available to the department which made it clear Senate File 2322 was no longer necessary.

For the above reasons, I hereby respectfully disapprove Senate File 2322.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 13, 1994

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2376, an act relating to and making appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Iowa Department of Public Health, the Department of Human Rights, and the Commission of Veterans Affairs.

House File 2376, is therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 5, subsection 9, in their entirety. This provision would require the Department of Human Rights to utilize performance-based budgeting in preparing and monitoring the department's budget. Performance-based budgeting will be applied on a test basis to track the appropriations of one division within the Department of Public Health. Until a determination can be made regarding the benefit to the state of using a different method of budgeting, it would be premature to impose this requirement on an entire department.

I am unable to approve the item designated as Section 8, in its entirety. This provision restricts executive branch agencies in their ability to enter into lease-purchase agreements. While the additional review and oversight of lease-purchase contracting by state agencies may be worthwhile, this provision does not allow agencies the flexibility they need to respond to situations which cannot be planned, e.g. emergencies and new federal requirements.

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 2376 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 13, 1994

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2415, an act appropriating funds to the Department of Economic Development, the Iowa Finance Authority, and the Wallace Technology Transfer Foundation, and making statutory changes relating to economic development, and providing effective dates.

House File 2415 is, therefore, approved on this date with the following exception which I hereby disapprove.

I am unable to approve the items designated as Sections 27 and 32, in their entirety. These provisions would repeal the Iowa Peace Institute effective July 1, 1995. The Peace Institute is performing valuable services and should not be terminated.

I am unable to approve the item designated as Section 30, in its entirety. This provision restricts executive branch agencies in their ability to enter into lease-purchase agreements. While the additional review and oversight of lease-purchase contracting by state agencies may be worthwhile, this provision does not allow agencies the flexibility necessary to respond to situations which cannot be planned, e.g. emergencies and new federal requirements.

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 2415 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 13, 1994

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2314, an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees and effective dates.

Senate File 2314 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 26 and 27, in their entirety. These provisions would restrict executive branch agencies from entering into lease-purchase agreements. These provisions, like those included in other appropriations bills, are overly restrictive and do not allow agencies to respond to unforeseen circumstances, therefore they cannot be approved.

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 2314 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 10, 1994

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2326, an act relating to capital project financing through the funding of a Capitol complex renovation program and through the issuance of bonds by the State Board of Regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

Senate File 2326 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 3 and Section 2, in their entirety. Section 1, subsection 3 establishes a Capitol Complex Renovation Fund and authorizes payments out of the fund for Capitol renovation projects performed pursuant to lease-purchase contracts. Section 2 appropriates up to \$4.2 million per year of use tax dollars to the Capitol complex renovation fund established in Section 1, subsection 3. With the veto of these two sections, the financing necessary to lease-purchase contract for renovation of the Capitol cannot proceed. Section 1, subsection 2, which authorizes lease-purchase contracting for the renovation of the Capitol, is left intact to avoid any impact a veto of that provision might have on the Regents' bonding authorized in Section 3.

By making the amount authorized in section 3 for Regents' bonding a percentage of the amount authorized in Section 1, subsection 2, the legislature has attempted to circumvent the Governor's constitutional authority to veto separate items in an appropriations bill. In tying the items relating to Capitol renovation and Regents' bonding together, the legislature has tried by specific draftsmanship to "coerce" me into either approving both items or disapproving both, but not approving one and disapproving the other. The legislature has never been so bold in its effort to evade the Governor's item veto power, and in so doing, utilizing a drafting strategy the Iowa courts would certainly reject.

In taking the action that I have on Senate File 2326, I have effectively approved the authorization necessary for the Board of Regents to bond for the capital needs of higher education in the amount of \$30,750,018. At the same time, I have disapproved funding to finance Capitol renovation projects through lease-purchase contracting. My action today is consistent with my earlier stated position in which I indicated my belief that Capitol renovation projects are more appropriately paid for on a "pay as you go" basis.

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 2326 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 13, 1994

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2330, an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

Senate File 2330 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 26, in its entirety. This provision would restrict payment of tax refunds in FY 1994 to persons who are entitled to refunds under recent court decisions if general fund revenues do not exceed a certain amount. Not only would it be unfair to postpone payment of the refunds to those entitled to receive them, but it is also not good practice for the state to defer obligations into future years.

I am unable to approve the designated portion of Section 32, subsection 2, paragraph b. One of the unfortunate results of last summer's disastrous flooding was the extensive damage caused to levees along farmland. Created in this bill is a program to provide financial assistance to farmers to repair and reconstruct agricultural levees damaged by the flood. If the purposes of the program are not to be frustrated, then adequate funding must be available to assist those farmers who could benefit from the program.

I am unable to approve the item designated as Section 42, in its entirety. This provision would restrict the Department of Human Services from reallocating funds from one mental health institution to another. The department should retain the flexibility to reallocate funds as needed among the institutions.

I am unable to approve the items designated as Sections 51 and 84, in their entirety. These provisions would establish the Iowa Medical and Classification Center at Oakdale as the transportation center for the Department of Corrections. One hundred thousand dollars (\$100,000) is appropriated in the bill for necessary vehicles, equipment, support, maintenance, and salaries of five FTE's. The appropriation provided falls far short of what is necessary to support the transportation needs of the department, therefore these provisions cannot be approved.

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 2330 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

GENERAL INDEX

ADDRESSED THE HOUSE—

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ASSISTANT MAJORITY LEADERS—

- Teresa Garman—Representative **Marshall-Story Counties**
 (See GARMAN, TERESA—Representative **Marshall-Story Counties**, Assistant
 Majority Leader)
 Chuck Gipp—Representative **Allamakee-Winneshiek Counties**
 (See GIPP, CHUCK—Representative **Allamakee-Winneshiek Counties**,
 Assistant Majority Leader)
 David Millage—Representative **Scott County**
 (See MILLAGE, DAVID—Representative **Scott County**, Assistant Majority
 Leader)
 William D. Royer—Representative **Adams-Page-Taylor Counties**
 (See ROYER, WILLIAM D.—Representative **Adams-Page-Taylor Counties**,
 Assistant Majority Leader)

ASSISTANT MINORITY LEADERS—

- John Connors—Representative **Polk County**
 (See CONNORS, JOHN—Representative **Polk County**, Assistant Minority
 Leader)

Mary Neuhauser—Representative **Johnson** County
(See NEUHAUSER, MARY—Representative **Johnson** County, Assistant
Minority Leader)

C. Arthur Ollie—Representative **Clinton** County
(See OLLIE, C. ARTHUR—Representative **Clinton** County, Assistant Minority
Leader)

David Schrader—Representative **Marion**-Warren Counties
(See SCHRADER, DAVID—Representative **Marion**-Warren Counties,
Assistant Minority Leader)

Philip Wise—Representative **Henry-Lee** Counties
(See WISE, PHILIP—Representative **Henry-Lee** Counties, Assistant Minority
Leader)

AWARDS AND GIFTS—

Representatives Halvorson of Clayton and Doderer on behalf of the House, presented
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leader in appreciation for their service and dedication to the House—1999
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BAKER, THOMAS E.—Representative **Polk** County

Amendments filed—152, 496, 580, 610, 610-611, 643, 742, 859, 861, 963, 966, 1018,
1909, 1924-1925

Amendments offered—868, 975, 1924, 1937

Amendment withdrawn—763

Bills introduced—71, 154, 244, 345, 386, 387

Presented to the House Gregory Alan-Williams, author of two books, which tell of
his act of heroism in the Los Angeles riots—1161

Requested to be withdrawn as sponsor of House File 149—117

Resolutions offered—120, 129

Subcommittee assignments—35, 55, 107, 136, 198, 205, 229, 256, 405

BEAMAN, JACK—Representative **Appanoose-Clarke-Lucas-Wayne** Counties

Amendments filed—432, 938-952

Amendment offered—912

Bills introduced—9, 106, 116, 141, 248, 249, 345, 350

Committee appointment—41

Resolutions offered—120, 129, 495

Subcommittee assignments—77, 118, 256, 291, 383, 494, 528, 641, 806, 1815, 1979

BEATTY, LINDA L.—Representative **Warren** County

Amendments filed—266-267, 456, 457, 496, 496-497, 562, 610, 611, 742, 808, 859, 860,
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Amendments offered—252, 253, 663, 1077, 1079, 1093, 1489

Amendments withdrawn—1489, 1748, 1749

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contest—403

Bills introduced—71, 154, 297

Committee appointment—1556

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Report—1639-1640

Resolutions offered—114, 167, 258

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BELL, PAUL A.—Representative **Jasper County**
 Amendments filed—266-267, 456, 496, 563, 609, 610-611, 630, 742, 743, 808, 839, 860,
 861, 964, 965, 966, 1669-1670
 Amendments offered—630, 839, 852, 1082
 Appointed as ranking member to the Justice System Appropriations Subcommittee
 (replaces Representative Dvorsky)—197
 Bills introduced—71, 110, 121, 132, 140, 154, 244, 297, 331, 332, 345, 412
 Leave of absence—1237
 Resolution offered—129
 Subcommittee assignments—209, 255, 383

BERNAU, BILL—Representative **Story County**
 Amendments filed—243, 266-267, 496, 529, 530, 563, 580, 609, 643, 742, 743, 767, 809,
 860, 861, 862, 885-886, 892, 929, 963, 964, 1018, 1164, 1165, 1531, 1548, 1610-1611,
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 Amendments offered—282, 284, 667, 885, 1044, 1046
 Amendment withdrawn—1947
 Bills introduced—71, 154, 221, 244, 248
 Committee appointment—1
 Leave of absence—121, 299, 349
 Resolutions offered—114, 129, 167, 360
 Subcommittee assignments—48, 110, 127, 217, 339, 355, 560, 677, 856, 1016, 1980

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 1015, 1054, 1120, 1161, 1206, 1349-1350, 1477, 1543-1544, 1675, 1906-1907,
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BLACK, DENNIS H.—Representative Jasper-Mahaska-Marshall-Poweshiek Counties

Amendments filed—496-497, 723-724, 742, 792, 808, 861, 928, 1097-1099, 1669-1700, 1935, 1942

Amendments offered—723, 1669

Amendment withdrawn—1942

Bills introduced—71, 110, 154, 216, 220, 297, 345

Change of vote, H.F. 2411—988

Leave of absence—463

Presented to the House several members of the Iowa International Fellows program—452

Presented to the House the Honorable Ivan Nikishin, Mayor of Zeleznovodsk, Stravropol, Krai, Russia—1546

Presented to the House Ylenle Corchadova of Korgan, Russia who is visiting Iowa under sponsorship of the Iowa Peace Institute—855

Resolution offered—129

Subcommittee assignments—148, 163, 229, 357, 383, 428, 560, 739

BLODGETT, GARY—Representative Cerro Gordo County

Amendments filed—296, 432, 497, 580, 609, 808, 861, 929, 938-952, 1194, 1938

Amendments offered—354, 653, 1194, 1938

Amendments withdrawn—652, 1150

Asked and received unanimous consent to withdraw House File 119 from further consideration by the House—122

Bill withdrawn—122

Bills introduced—9, 74, 141, 196, 248, 249, 387

Committee appointment—1

Requested to be added as a sponsor of House File 2005—54

Resolutions offered—120, 495

Subcommittee assignments—48, 110, 135, 163, 209, 229, 255, 307, 340, 356, 395, 560, 561, 578, 677, 739, 1056, 1547, 1815

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BODDICKER, DAN—Representative Cedar-Clinton-Jones Counties

Amendments filed—399, 432, 497, 715-718, 861, 892, 928, 1121, 1286, 1479, 1607-1610

Amendments offered—173, 715, 896, 1184, 1256, 1288, 1299

Amendments withdrawn—1184, 1599

- Bills introduced—9, 70, 74, 196, 221, 248, 249, 330, 345, 350, 418
Presented to the House foreign exchange student Svetlana Kushcheva from Ryazan, Russia—577
Presented to the House the Honorable Vic Stueland, former member of the House—1546
Resolutions offered—120, 1981
Subcommittee assignments—23, 48, 55, 66, 107, 117, 135, 147, 229, 255, 256, 306, 307, 356, 578, 608, 739, 766, 790

BRAMMER, PHILIP E.—Representative Linn County

- Amendments filed—258, 266-267, 270, 530, 563, 609, 610, 742, 743, 792, 808, 809, 839, 861, 966, 1018, 1057, 1925-1926, 1929-1932
Amendments offered—827, 838, 839, 843, 1187, 1929
Amendments withdrawn—270, 819, 838, 1170
Bills introduced—71, 244, 297, 345
Committee appointment—1607
Leave of absence—1444, 1480
Report—1881-1901
Resolutions offered—129, 167
Subcommittee assignments—23, 48, 117, 147, 148, 197, 198, 210, 241, 255, 256, 306, 307, 326, 340, 356, 395, 428, 528, 578, 608, 641, 739, 856, 899

BRAND, WILLIAM J.—Representative Benton-Black Hawk-Tama Counties

- Amendments filed—152, 496, 525, 609, 610, 742, 743, 767, 808, 860, 861, 929, 963, 964, 965, 966, 974, 989, 995, 1017, 1018, 1019, 1165, 1176, 1191, 1191-1192, 1439, 1466, 1531, 1724-1733, 1735, 1817, 1933, 1943-1944
Amendments offered—747, 931, 988, 989, 990, 993, 995, 1034, 1036, 1037, 1041, 1042, 1050, 1176, 1191, 1439, 1466, 1735, 1933, 1943
Amendments withdrawn—995, 1036, 1042, 1043, 1046, 1191
Bills introduced—71, 154, 244, 297
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Leave of absence—349, 815
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Resolutions offered—114, 120, 129
Subcommittee assignments—77, 117, 197, 198, 209, 230, 241, 339, 356, 494, 578, 641, 739, 806, 856, 1979

BRANSTAD, CLIFFORD O.—Representative Hancock-Winnebago-Wright Counties

- Amendments filed—580, 1097-1099, 1607-1610, 1937
Amendment offered—768
Bills introduced—9, 196, 225, 249, 345, 350
Committee appointments—348, 1414, 2020
Explanation of vote—855
Leave of absence—815
Reports—1627-1636, 1819-1820
Resolutions offered—120, 495
Subcommittee assignments—35, 66, 67, 147, 292, 306, 383, 396, 428, 766

**BRANSTAD, GOVERNOR TERRY E.—
(See GOVERNOR BRANSTAD, TERRY E.)****BRAUNS, BARRY—Representative Johnson-Louisa-Muscatine Counties**

- Amendments filed—610, 611, 938-952, 1969

Bills introduced—74, 132, 141, 248, 249, 330, 345
 Committee appointments—348, 367
 Explanation of votes—339, 404, 676, 764
 Presented to the House Iowa's Junior Miss, Kelly Stineman—534
 Presented to the House Lotta Hohrmann, foreign exchange student from
 Denmark—1477
 Report—1627-1636
 Requested to be added as a sponsor of House File 2012—59
 Resolutions offered—120, 129, 495
 Subcommittee assignments—77, 163, 209, 230, 292, 307, 357, 396, 428, 561

BRUNKHORST, BOB—Representative Black Hawk-Bremer Counties

Amendments filed—243, 399, 486, 497, 522, 529, 609, 610, 731-732, 742, 792, 808, 819,
 892, 965, 1528-1530, 1817, 1929
 Amendments offered—413, 414, 486, 731, 819, 820, 824, 990, 1124, 1214, 1512, 1528
 Amendments withdrawn—266, 1170, 1511
 Appointed to the Appropriations Committee (replaces Representative Hurley)—10
 Appointed as Chair of the Health and Human Rights Appropriations Subcommittee
 (replaces Representative Hurley)—10
 Bills introduced—9, 70, 74, 106, 153, 248, 298, 345, 371
 Explanation of vote—216
 Leave of absence—616, 1058
 Presented to the House the Honorable Ray Lageschulte, former member of the
 House—1206
 Report—367
 Resolutions offered—167, 495
 Subcommittee assignments—55, 106, 107, 163, 205, 229, 255, 292, 314, 396, 406, 561,
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BURKE, GORDON B.—Representative Marshall County

Amendments filed—258, 266-267, 496, 562, 609, 808, 860, 861, 929, 964-965, 965, 966,
 1165, 1452-1453, 1817, 1925-1926
 Amendments offered—505, 820, 849, 1452, 1859
 Amendment withdrawn—1137
 Bills introduced—71, 153, 154, 244, 297, 298, 318, 319, 320, 334, 346, 371
 Resolutions offered—114, 120, 129, 167
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CARPENTER, DOROTHY F.—Representative Polk County

Amendments filed—167, 181, 432, 456, 497, 529, 563, 611, 643, 644, 655, 742, 767, 808,
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 Amendments offered—181, 566, 602, 624, 968, 969, 1066, 1076, 1077, 1088, 1089, 1282,
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 Amendment withdrawn—602
 Bills introduced—244, 387
 Bills withdrawn—71, 110, 1639

Committee appointments—28, 1556

Report—1639-1640

Resolutions offered—23, 360

Subcommittee assignments—65, 66, 67, 110, 113, 127, 135, 136, 209, 216, 241, 339, 495, 578, 608, 1016

CATALDO, MICHAEL—Representative Polk County

Amendments filed—496-497, 529, 743, 759-760, 860, 861, 902, 1817, 1981

Amendments offered—759, 954

Amendment withdrawn—761

Bills introduced—71, 154, 387

Explanation of vote—1814

Leave of absence—349

Resolution offered—129

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CHURCHILL, STEVEN W.—Representative Dallas-Polk Counties

- Amendments filed—432, 529, 643, 678, 711, 743, 1748-1749
- Amendments offered—697, 711, 1748
- Amendment withdrawn—697
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- Bills introduced—249, 387
- Resolutions offered—38, 120
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- Amendments filed—152, 496, 580, 610, 743, 859-860, 861, 938-952, 964-965, 965, 966, 1018, 1019, 1165, 1412, 1548, 1925-1926
- Amendments offered—1027, 1029, 1277, 1603
- Bills introduced—71, 74, 154, 244, 297, 298, 299, 350, 362
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Senate File 2216—1678
Senate File 2314—1975
Senate File 2314—2000-2005 (Second)
Senate File 2319—1881-1901

Reports filed:

House File 2415—1976
Senate File 2038—1674
Senate File 2216—1674

Reports called up:

House File 637—1627
House File 2180—420
House File 2415—1982
House File 2418—1639
Senate File 2016—1819
Senate File 2038—1680
Senate File 2089—1841
Senate File 2216—1678
Senate File 2314—1975
Senate File 2314—2000 (Second)
Senate File 2319—1881

Reports adopted:

House File 637—1636
House File 2180—425
House File 2415—1997
House File 2418—1640
Senate File 2016—1820
Senate File 2038—1680
Senate File 2089—1854
Senate File 2216—1679
Senate File 2314—2005 (Second)
Senate File 2319—1901

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

CONNORS, JOHN H.—Representative Polk County, Assistant Minority Leader

Amendments filed—859, 861, 964, 965, 966, 1018

Bill withdrawn—72

Bills introduced—25, 71, 154, 244, 401

Committee appointment—2020

Leave of absence—157, 746, 768, 960

Presented to the House the Honorable Tom Harkin, United States Senator—105

Resolutions offered—129, 167

CORBETT, RON J.—Representative Linn County

Amendments filed—202, 317, 432, 457, 484, 485, 497, 505, 580, 742, 808, 928, 1394,
1807-1810, 1903, 1924, 1940, 1941-1942

Amendments offered—323, 335, 470, 484, 513, 848, 907, 937, 1149, 1802, 1807, 1902,
1903, 1917, 1924, 1940, 1941

Amendments withdrawn—323, 336, 485, 516, 1903

Bills introduced—9, 74, 132, 141, 153, 221, 245, 249, 297, 387

Committee appointments—1273, 1881, 1976

Leave of absence—1241

Presented winners of the "Write Women Back Into History" essay contest—403

Presided at sessions of the House—636

Reports—1841-1854, 2000-2005

Resolutions offered—120, 258

Subcommittee assignments—77, 118, 137, 163, 210, 229, 230, 340, 494, 495, 528, 677,
806, 1016, 1266, 1815, 1979, 1980

CREDENTIALS, COMMITTEE ON—

Supplemental report—366-367

Report adopted—367

DAGGETT, HORACE C.—Representative Decatur-Ringgold-Taylor-Union Counties

Amendments filed—329, 497, 742, 766, 807, 1677

Amendments offered—351, 650, 864, 980, 1710

Amendment withdrawn—651

Appointed to the State Library Unified Planning Team—804

Bills introduced—8, 9, 25, 79, 116, 141, 196, 207, 215, 221, 247, 249, 333, 345

Explanation of vote—126

Leave of absence—1058, 1396

Resolutions offered—120, 129, 495, 1816

Subcommittee assignments—48, 55, 107, 113, 135, 136, 229, 230, 255, 292, 306, 314,
528, 608, 677, 766, 899, 1979

DICKINSON, RICK—Representative Dubuque-Jackson Counties

Amendments filed—120, 152, 266-267, 456, 496, 515-516, 525, 529, 530, 610, 611, 626,

643, 678, 742, 929, 957-958, 963, 964, 966, 1018, 1019, 1057, 1164, 1177, 1395,
1468-1473, 1474, 1925-1926, 1946

Amendments offered—334, 525, 714, 909, 957, 998, 1177, 1454, 1468

Amendments withdrawn—626, 1025, 1044, 1177

Bills introduced—57, 71, 196, 244, 299, 347, 350

Explanation of votes—427, 452

Leave of absence—251, 442, 768, 1058, 1480
 Resolution offered—114
 Subcommittee assignments—48, 55, 59, 67, 107, 110, 136, 216, 229, 356, 406, 560, 578, 677

DINKLA, DWIGHT L.—Representative Adair-Guthrie-Madison Counties

Amendments filed—385, 563, 609, 637, 767, 792, 793, 861, 1018, 1164
 Amendments offered—636, 637, 668, 771, 1359
 Bill withdrawn—1951
 Bills introduced—8, 26, 74, 248, 249, 345
 Committee appointment—1414
 Resolution offered—167
 Subcommittee assignments—48, 67, 117, 147, 148, 197, 198, 216, 255, 306, 307, 339, 395, 396, 560, 561, 578, 739, 1016, 1979

DODERER, MINNETTE—Representative Johnson County

Amendments filed—131, 167, 258, 264, 296, 379, 457, 491, 496, 497, 529, 530, 563, 580, 605, 609, 610, 611, 643, 743, 767, 808, 859, 861, 929, 963, 964, 1018, 1164, 1165, 1184, 1450, 1465, 1473, 1478, 1677, 1717-1718, 1724-1733, 1925-1926, 1934
 Amendments offered—182, 186, 193, 261, 264, 302, 379, 605, 665, 666, 667, 813, 814, 986, 1184, 1450, 1717, 1724
 Amendments withdrawn—190, 813, 1043, 1465, 1491, 1717
 Bills introduced—116, 130, 133, 140, 196, 221, 225, 244, 248, 297, 318, 333, 346, 347, 388, 400
 Leave of absence—349
 Presentation of retiring members—1998-1999
 Presented to the House the Honorable Maurice Hennessey, former member of the House—1979
 Resolutions offered—23, 129, 167
 Subcommittee assignments—48, 147, 197, 198, 216, 255, 306, 356, 395, 560, 578, 856, 1393

DRAKE, JACK—Representative Audubon-Pottawattamie-Shelby Counties

Amendments filed—580, 1097-1099, 1932
 Amendment offered—1932
 Bills introduced—74, 249, 345
 Requested to be added as a sponsor of House File 2012—59
 Resolutions offered—120, 129, 365, 495
 Subcommittee assignments—66, 110, 135, 136, 216, 217, 560, 677

DVORSKY, ROBERT E.—Representative Johnson County

Bills introduced—71, 115, 116, 154
 Leave of absence—121
 Resignation of—111
 Resolutions offered—114, 129
 Subcommittee assignment—118

EDDIE, RUSSELL J.—Representative Buena Vista-Clay-Pocahontas Counties

Amendments filed—563, 742, 1019, 1097-1099, 1209, 1246, 1932, 1933
 Amendments offered—1021, 1258
 Bills introduced—9, 25, 26, 141, 221, 249, 345
 Presented to the House Dr. Norman E. Borlaug, winner of the 1970 Nobel Peace Prize, for his wheat breeding accomplishments—863

Resolutions offered—120, 495

Subcommittee assignments—117, 147, 163, 209, 229, 236, 256, 306, 356, 560, 561, 641

EDUCATION COMMISSION OF THE STATES—

Appointments to—10

EDUCATION, COMMITTEE ON—

Amendments filed—152, 219, 296, 329, 410, 643, 807, 892, 928

Amendments offered—158, 351, 413, 416, 680, 773, 1064, 1133, 1211, 1277

Bills introduced—245, 299, 362, 363, 411, 448, 458, 492

Recommendations—119, 150, 218-219, 242, 294-295, 328, 359, 407-408, 430, 453-454, 642, 807, 891-892, 926

Subcommittee assignments—55, 106, 107, 135, 136, 205, 209, 229, 255, 256, 306, 314, 340, 395, 396, 406, 528, 608, 766, 899

ELDER AFFAIRS, DEPARTMENT OF—

Appointment to—10

Communications from—55, 355, 789

EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

ENERGY AND ENVIRONMENTAL PROTECTION, COMMITTEE ON—

Amendments filed—329, 860, 902, 903

Amendments offered—389, 1396

Amendment withdrawn—1963

Appointed—381

Bills introduced—172, 234, 247, 363, 433, 434, 491, 532

Recommendations—231-232, 257, 328, 359, 430, 454, 642, 857, 1163-1164

Subcommittee assignments—66, 113, 314, 383, 578, 641, 790, 856

ENROLLED BILLS—

(See BILLS, subheading, Sent to Governor and/or CHIEF CLERK OF THE HOUSE, Elizabeth A. Isaacson, subheading, Reports; and/or Speaker of the House, Harold G. Van Maanen, subheading, Bills signed by)

ERTL, JOSEPH L.—Representative Delaware-Dubuque Counties

Amendments filed—432, 516, 1478

Amendments offered—465, 696, 1505

Bill withdrawn—1062

Bills introduced—9, 249, 345, 347, 350

Committee appointment—1

Leave of absence—63, 583

Resolutions offered—120, 129, 495-496

Subcommittee assignments—48, 59, 66, 110, 113, 197, 229, 339, 340, 355, 394, 405, 406, 437, 578, 608, 641, 677

ETHICS, COMMITTEE ON—

Amendment filed—497

Amendment offered—968

Bill introduced—319

Recommendations—119, 201, 295, 495

Resolutions offered—131, 202

Resolutions relating to:

House Resolution 101—131, 142-146 adopted

House Resolution 104—202, 225-226 adopted

Subcommittee assignment—495

EXPLANATIONS OF VOTE—

- House File 181—Representative Dickinson—452
- House File 181—Representatives Hansen of Woodbury & Koenigs—494
- House File 181—Representative Grundberg—1674
- House File 425—Representative Brauns—404
- House File 425—Representative Dickinson—427
- House File 604—Representative Dickinson—427
- House File 610—Representative Spenner—146
- House File 618—Representative Spenner—146
- House File 628—Representative Brunkhorst—216
- House File 628—Representative Peterson of Carroll—228
- House File 2037—Representative Brauns—339
- House File 2055—Representative Dickinson—427
- House File 2094—Representative Brauns—764
- House File 2099—Representative Grundberg—1674
- House File 2110—Representative Brunkhorst—216
- House File 2110—Representative Peterson of Carroll—228
- House File 2126—Representative Moreland—452
- House File 2134—Representative Fogarty—607
- House File 2146—Representative Grundberg—1674
- House File 2153—Representative Rants—1160
- House File 2155—Representative Grundberg—1674
- House File 2163—Representative Fogarty—607
- House File 2180—Representative Dickinson—427
- House File 2190—Representative Dickinson—427
- House File 2192—Representative Moreland—452
- House File 2199—Representative Dickinson—452
- House File 2199—Representative Koenigs—494
- House File 2218—Representative Rants—1160
- House File 2236—Representative Dickinson—452
- House File 2236—Representatives Hansen of Woodbury & Koenigs—494
- House File 2250—Representative Dickinson—427
- House File 2270—Representatives Hansen of Woodbury & Koenigs—494
- House File 2280—Representative Fogarty—607
- House File 2312—Representatives Hansen of Woodbury & Koenigs—494
- House File 2323—Representative Grundberg—1674
- House File 2337—Representative Weidman—1119
- House File 2353—Representative Fogarty—607
- House File 2361—Representative Fogarty—607
- House File 2365—Representative Fogarty—607
- House File 2366—Representative Fogarty—607
- House File 2372—Representative Larson—804
- House File 2374—Representative Fogarty—607
- House File 2383—Representative Grundberg—1674
- House File 2385—Representative Houser—676
- House File 2389—Representative Brauns—676
- House File 2406—Representative Branstad—855
- House File 2409—Representative Grundberg—1674
- House File 2411—Representatives Cataldo & McCoy—1814
- House File 2422—Representative Grundberg—1674
- House File 2424—Representative Grundberg—1674

House File 2429—Representative Grundberg—1674
 House Joint Resolution 2007—Representative Vande Hoef—197
 Senate File 294—Representative McCoy—162
 Senate File 2034—Representative Daggett—126
 Senate File 2071—Representative Grundberg—1674
 Senate File 2126—Representative Grundberg—1674
 Senate File 2172—Representative Ollie—1393
 Senate File 2224—Representative Rants—1160
 Senate File 2231—Representative Rants—1160
 Senate File 2242—Representative Moreland—1119
 Senate File 2263—Representative Grundberg—1674
 Senate File 2264—Representative Grundberg—1674
 Senate File 2268—Representative Grundberg—1674
 Senate File 2307—Representative Mertz—1814
 Senate File 2319—Representative Grundberg—1674

FALLON, ED—Representative Polk County

Amendments filed—317, 456, 496, 498, 610, 643, 709, 710, 711, 711-712, 714, 721, 730,
 860, 861, 965, 1019, 1057, 1164, 1165, 1268, 1909, 1925, 1925-1926, 1927
 Amendments offered—270, 693, 709, 710, 711, 714, 721, 730, 848, 1084, 1179, 1927, 1942
 Amendments withdrawn—713, 849, 1126, 1925
 Bills introduced—70, 71, 154, 196, 221, 346, 349, 387, 412
 Resolution offered—167
 Subcommittee assignments—65, 66, 113, 209, 395, 495

FEDERAL AGENCIES—

(See **PRESIDENT OF THE UNITED STATES, CONGRESS** and/or **FEDERAL AGENCIES**)

FOGARTY, DANIEL P.—Representative Clay-Kossuth-Palo Alto Counties

Amendments filed—152, 496-497, 610, 860, 861, 964, 965, 966, 1018, 1113, 1164, 1209,
 1925-1926, 1932
 Amendment offered—688
 Bills introduced—71, 244, 297
 Explanation of votes—607
 Leave of absence—564
 Petition presented—400
 Presented to the House Laura Rusk, essay contest winner—404
 Presented to the House Jim Higgins, T.D., member of the Irish Parliament—679
 Presented to the House Lisa Kliegl of Laurens, 1994 Queen of the thirty-third
 St. Patrick's Day Celebration in Emmetsburg—680
 Presided at sessions of the House—679
 Requested to be added as a sponsor of House File 2012—54
 Resolutions offered—120, 129, 167, 1266
 Subcommittee assignments—67, 110, 147, 163, 216, 229, 256, 291, 355, 396, 560, 641,
 677, 1016

GARMAN, TERESA—Representative Marshall-Story Counties, Assistant Majority Leader

Amendments filed—432, 516, 792, 808, 861, 1164, 1251-1252, 1352, 1479
 Amendments offered—773, 1251
 Bills introduced—9, 73, 221, 244, 248, 249, 310, 345
 Leave of absence—63, 893

Petition presented—111

Presided at sessions of the House—268, 489, 839, 933, 1033, 1750

Resolutions offered—120, 129, 167, 495-496

Ruling made—1033

Subcommittee assignments—55, 107, 136, 205, 229, 314, 395, 406, 560, 766

GENERAL ASSEMBLY—HOUSE—

(See also ADMINISTRATION, RULES, 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—6-7 adopted & msgd., 27

House Concurrent Resolution 102, condition of the judicial department message—7 adopted & msgd., 27

House Concurrent Resolution 103, honor Iowa Woman Magazine and Iowa Woman Endeavors, fifteenth anniversary—23-24, 339 adopted, 1298

House Concurrent Resolution 104, Iowa congressional delegation address a joint session of the g.a. regarding federal mandates—88

House Concurrent Resolution 105, g.a. appreciates contributions the Maytag Corp. made to Iowa, continue expansion—64 adopted & msgd., 73

House Concurrent Resolution 106, prohibit certain transfer & expenditures re the Iowa communications network until satisfaction of certain conditions—114, 118

House Concurrent Resolution 107, prohibit desecration of the United States Flag—120, 136

House Concurrent Resolution 108, g.a. support the termination of a contract to sell WOI-TV station—129, 136

House Concurrent Resolution 112, nationwide cease-fire in the escalating business recruitment war—237, 256

House Concurrent Resolution 113, support banking railroad rights-of-way—258

House Concurrent Resolution 114, designate March 1994, Iowa's Women History Month—258, 403, adopted, 404

House Concurrent Resolution 115, express appreciation and gratitude to agencies of the federal government for their flood relief assistance—344

House Concurrent Resolution 118, LeMars, Ice Cream Capital of the World—456, 567 adopted

House Concurrent Resolution 119, condemning acts of violence, bigotry and hatred—562, 566

House Concurrent Resolution 120, governor and Indian tribes, negotiate re the expansion of gambling—642, 790

House Resolution 101, amend House code of ethics—131, 142-146 adopted

House Resolution 103, honor Representative Robert E. Dvorsky, retiring from the House—154 adopted

House Resolution 104, rules governing lobbyists—202, 225-226 adopted

House Resolution 105, expenses for the daily operations of the House—219, 238-240 adopted

Senate Concurrent Resolution 102, support the termination of a contract to sell WOI-TV station—205, 211, 219, 246 adopted

Senate Concurrent Resolution 111, passage by U.S. Congress of S-1825 (tax fairness)—607, 643, 677, 1547, 1982 adopted & msgd.

Senate Concurrent Resolution 116, final adjournment, April 20, 1994—2016 adopted & msgd.

GIFTS—

(See AWARDS AND GIFTS)

GILL, PATRICK F.—Representative Woodbury County

- Amendments filed—243, 258, 266, 282, 286-287, 317, 380, 496, 497, 522, 530, 610, 637, 643, 669-670, 678, 742, 743, 758, 846, 860, 861, 964, 966, 1057, 1107-1108, 1109-1110, 1164, 1165, 1192, 1352, 1478, 1677, 1818, 1909, 1938-1939, 1943
- Amendments offered—285, 286, 522, 669, 745, 846, 1107, 1109, 1192, 1860
- Amendments withdrawn—323, 380, 637, 745, 758, 1551
- Bills introduced—57, 71, 168, 204, 244, 297, 299, 350, 387
- Committee appointment—1881
- Leave of absence—73, 893
- Presided at sessions of the House—572
- Resolution offered—167
- Subcommittee assignments—67, 77, 110, 113, 127, 339, 437, 561, 739

GIPP, CHUCK—Representative Allamakee-Winneshiek Counties, Assistant Majority Leader

- Amendments filed—929, 938-952, 1018, 1209, 1395, 1478, 1956, 1963-1969
- Amendments offered—389, 953, 1956, 1963
- Amendment withdrawn—1963
- Bills introduced—9, 26, 57, 73, 109, 224, 248, 249, 330, 345
- Committee appointments—1273, 1556
- Petition presented—130
- Presented to the House Timothy Fencl, essay contest winner—404
- Presided at sessions of the House—800, 886, 990, 1412, 1600, 1866
- Reports—1639-1640, 1841-1854
- Rulings made—992, 995
- Subcommittee assignments—65, 66, 67, 113, 118, 136, 147, 197, 209, 229, 230, 292, 494, 790, 856, 1016, 1266, 1815

GOVERNOR BRANSTAD, TERRY E.—

- Addressed joint convention—28-34
- Bills signed by—146, 208, 235, 254, 306, 452, 577, 804, 888, 898-899, 925-926, 1015, 1054, 1120, 1161, 1206, 1349-1350, 1477, 1543-1544, 1675, 1906-1907, 1977-1978, 2450-2457
- Closing message—2021
- Committees to escort—28, 34, 47
- Committees to notify—1, 28, 2020
- Communication from—2021
- Delivered the Condition of the State and Budget Message—28-34
- Item veto messages—1544-1546, 1978-1979, 2458-2461
- Resolution relating to the Condition of the State and Budget Messages, HCR 101—6-7 adopted
- Resolutions relating to:
 - House Concurrent Resolution 101—6-7 adopted & msgd.
 - House Concurrent Resolution 110—151, 202, 219, 344, 742
 - House Concurrent Resolution 111—167, 229
 - House Concurrent Resolution 112—237, 256
 - House Concurrent Resolution 114—258, 403 adopted, 404
 - House Concurrent Resolution 120—642, 790
 - House Concurrent Resolution 122—1351, 1478
- Veto message—2457

GREIG, JOHN M.—Representative Dickinson-Emmet-Palo Alto Counties

Amendments filed—580, 609, 859, 860, 861, 1057, 1097-1099, 1478, 1933, 1972
 Amendments offered—1511, 1512, 1933
 Amendment withdrawn—388
 Bills introduced—140, 225, 248, 249, 333, 345, 387
 Committee appointment—348
 Leave of absence—369, 768
 Report—1627-1636
 Resolutions offered—129, 495
 Subcommittee assignments—67, 216, 236, 560, 578, 1016, 1815, 1980

GREINER, SANDRA H.—Representative Keokuk-Mahaska-Wapello-Washington Counties

Amendments filed—361, 457, 643, 1245
 Amendments offered—390, 1245, 1499
 Bills introduced—154, 249, 345, 347, 387
 Committee appointments—1501, 1916, 1976
 Leave of absence—768
 Reports—1678-1679, 1975, 2000-2005
 Resolutions offered—120, 495
 Subcommittee assignments—66, 147, 197, 236, 306, 307, 314, 326, 356, 561, 641

GRIES, DON—Representative Crawford-Monona-Woodbury Counties

Amendments filed—432, 860, 861, 965, 1018
 Amendments offered—1127, 1214
 Bills introduced—9, 70, 74, 106, 110, 130, 248, 249, 349
 Resolutions offered—120, 129, 167, 495
 Subcommittee assignments—48, 55, 107, 136, 209, 216, 229, 340, 355, 578, 677, 766

GRUBBS, STEVEN E.—Representative Scott County

Amendments filed—432, 457, 529, 611, 630, 678, 928, 964, 1014, 1017, 1019, 1121, 1412, 1495, 1677, 1717-1718, 1817, 1959
 Amendments offered—158, 1050, 1126, 1133, 1138, 1140, 1412, 1495, 1959, 1960
 Amendments withdrawn—1050, 1959
 Bills introduced—9, 74, 141, 154, 169, 221, 233, 238, 244, 249, 298, 387, 419
 Bill withdrawn—122
 Committee appointment—1543
 Leave of absence—320, 1058
 Presented to the House the Honorable Bill Gluba, former member of the House—1979
 Report—1680
 Resolutions offered—120, 495
 Subcommittee assignments—48, 55, 77, 136, 197, 205, 209, 255, 306, 307, 339, 356, 383, 395, 428, 528, 641, 739, 766, 899

GRUNDBERG, BETTY—Representative Polk County

Amendments filed—152, 189, 529, 611, 643, 644, 741, 767, 808, 833, 860, 861, 892, 963, 1014, 1018, 1121, 1164, 1352, 1817, 1909, 1941-1942, 1956
 Amendments offered—175, 189, 312, 681, 784, 832, 866, 867, 1013, 1014, 1211, 1302, 1913, 1956
 Amendments withdrawn—655, 1959, 1960
 Bills introduced—51, 196, 204, 249, 331, 333, 345, 346, 387
 Explanation of votes—1674
 Leave of absence—1451, 1480

Resolution offered—167

Subcommittee assignments—23, 48, 49, 55, 117, 148, 197, 209, 255, 256, 314, 326,
340, 356, 394, 395, 428, 528, 578, 608, 739, 856, 899, 1547

HAHN, JAMES F.—Representative Muscatine-Scott Counties

Amendments filed—1164, 1209, 1933

Amendments offered—1197, 1205, 1241

Bills introduced—74, 221, 249, 345, 401

Committee appointments—1916, 1976

Presented to the House Tallie Nelson, essay contest winner—404

Report—1975, 2000-2005

Resolutions offered—120, 129, 495

Subcommittee assignments—148, 236, 256, 306, 356, 396, 494, 528, 641, 739, 806

HALVORSON, RODNEY N.—Representative Webster County

Amendments filed—152, 167, 266-267, 280, 377, 377-378, 380, 496, 563, 602, 610,
611, 643, 670-671, 674, 678, 743, 767, 808, 860, 861, 964-965, 965, 990, 1012, 1018,
1019, 1131, 1165, 1183, 1268, 1412, 1467, 1478, 1547, 1669, 1677, 1724-1733, 1818,
1909, 1926, 1927, 1936

Amendments offered—280, 323, 377, 635, 636, 670, 735, 872, 990, 1012, 1025, 1043,
1131, 1412, 1467, 1599, 1669, 1748, 1926

Amendments withdrawn—636, 669, 673, 1926, 1927

Asked and received unanimous consent not to print H-5435 in the daily journal—735

Bill withdrawn—822

Bills introduced—8, 26, 51, 71, 73, 74, 79, 154, 168, 196, 204, 244, 297, 298, 402

Leave of absence—63

Resolutions offered—129, 167

Subcommittee assignments—65, 66, 67, 77, 135, 163, 209, 229, 395, 528, 578, 608, 790

HALVORSON, ROGER A.—Representative Allamakee-Clayton-Fayette Counties

Amendments filed—268, 271-279, 491, 529, 610, 644, 678, 859, 860, 903, 929, 1019,
1097-1099, 1110, 1209, 1909, 1938-1939, 1943

Amendments offered—268, 692, 955, 1096, 1097, 1620, 1625, 1626, 1722, 1938

Amendments withdrawn—692, 1723, 1943

Bills introduced—8, 9, 51, 73, 109, 224, 249, 345

Committee appointment—393

Presentation to retiring members—1998-1999

Presented to the House the Honorable Bill Harbor, former Speaker of the House—676

Report—420-425

Resolutions offered—120, 495

Subcommittee assignments—23, 48, 67, 107, 110, 198, 216, 217, 229, 256, 355, 356,
405, 560, 677, 890

HAMMOND, JOHNIE—Representative Story County

Amendments filed—131, 167, 258, 266-267, 456, 496, 497, 580, 609, 610, 630, 643, 644,
655, 672-673, 767, 787, 808, 861, 908, 929, 963, 964, 964-965, 965, 966, 1018, 1164,
1165, 1176, 1190, 1192, 1192-1193, 1194, 1209, 1528-1530, 1531, 1724-1733, 1818,
1934, 1946

Amendments offered—177, 486, 507, 603, 660, 671, 787, 908, 1010, 1176, 1187, 1190, 1934

Amendments withdrawn—602, 1010, 1625, 1626

Bills introduced—71, 154, 196, 225, 244, 260, 261, 297, 298, 330, 345, 346, 347, 386, 387

Leave of absence—349

Presented to the House a delegation of women from Japan, sponsored by the Asia Foundation—962

Resolutions offered—129, 167

Subcommittee assignments—136, 292, 306, 339, 340, 494, 677, 739, 1056, 1547, 1979

HANSEN, STEVEN D.—Representative Woodbury County

Amendments filed—243, 258, 266-267, 282, 317, 497, 529, 530, 562, 580, 609, 643, 644, 678, 727, 743, 808, 809, 849, 860, 861, 966, 1121, 1164, 1165, 1352, 1547, 1909

Amendments offered—264, 266, 709, 713, 802, 803, 837, 840, 849, 1381, 1614, 1615, 1742, 1937

Amendments withdrawn—722, 735, 810, 838, 1381, 1638, 1948

Bills introduced—57, 71, 168, 204, 221, 244, 297, 298, 345, 348, 400

Committee appointment—28

Explanation of votes—494

Leave of absence—442

Presented to the House Eva Kerr, essay contest winner—404

Resolution offered—120

Subcommittee assignments—147, 197, 307, 340

HANSON, DARRELL R.—Representative Black Hawk-Buchanan-Delaware Counties

Amendments filed—271-279, 280, 385, 485, 553, 562, 563, 598-599, 602, 611, 742, 767, 833, 859, 861, 1018, 1208, 1209, 1268, 1478, 1677, 1817, 1818, 1834-1835, 1861, 1909, 1948-1949, 1961, 1981

Amendments offered—271, 280, 485, 552, 553, 568, 570, 598, 655, 833, 1279, 1747, 1748, 1821, 1834, 1835, 1836, 1856, 1861, 1948, 1960, 1961

Amendments withdrawn—553, 570, 832, 1860, 1948

Bills introduced—9, 51, 70, 221, 224, 249, 298

Bills withdrawn—40, 71

Committee appointments—393, 1556

Presented to the House fifteen students from the Herzen Pedagogical Institute of Russia in St. Petersburg—639

Presided at sessions of the House—629, 733

Reports—420-425, 1639-1640

Subcommittee assignments—35, 48, 65, 66, 67, 110, 113, 117, 127, 135, 136, 163, 209, 216, 217, 229, 241, 306, 356, 357, 395, 528, 560, 578, 608, 677, 1016, 1393, 1979, 1980

Withdrew his motion to withdraw House File 677 from further consideration by the House—40

HANSON, DONALD E.—Representative Black Hawk County

Amendments filed—399, 432, 928, 1164

Amendment offered—1190

Bills introduced—9, 70, 73, 106, 196, 249, 345, 350

Leave of absence—413

Presented to the House a delegation from the Parliament of the Supreme Soviet of the Kyrgyz Republic—789

Presented to the House the Honorable Marvin Diemer, former member of the House—1477

Resolution offered—129

Subcommittee assignments—107, 113, 135, 136, 205, 209, 255, 292, 314, 395, 405, 495, 561, 677, 766

HARPER, PATRICIA M.—Representative Black Hawk County

Amendments filed—152, 167, 258, 266-267, 496, 609, 610, 643, 678, 742, 767, 819, 859-860, 861, 902, 955, 963, 964, 964-965, 965, 966, 974, 1017, 1018, 1165, 1547, 1711-1712, 1724-1733

Amendments offered—817, 819, 820, 994, 997

Amendments withdrawn—819, 988, 1044, 1625
 Appointed as ranking member of the Health and Human Rights Appropriations
 Subcommittee (replaces Representative Murphy)—48
 Bills introduced—8, 26, 52, 71, 196, 244, 245, 297, 334, 345, 346
 Leave of absence—349
 Petitions presented—531, 863
 Resolutions offered—129, 167, 963
 Subcommittee assignments—209, 306, 395, 578, 739, 790

HAYERLAND, MARK A.—Representative Polk County

Amendments filed—167, 232, 296, 496, 529, 678, 767, 861, 903, 929, 963, 964, 964-965,
 1394
 Amendments offered—652, 782, 785, 1409, 1624
 Amendments withdrawn—1025, 1409, 1413, 1624
 Bills introduced—8, 71, 172, 196, 221, 244
 Leave of absence—124, 970, 1480, 1956
 Resolution offered—129
 Subcommittee assignments—48, 135, 209, 236, 307, 356, 579, 739, 765, 1547

HEALTH DATA COMMISSION—

Appointment to—11
 Communication from—208

HENDERSON, MARK—Representative Clinton-Scott Counties

Amendments filed—243, 266-267, 289, 496, 610, 742, 861, 902, 919, 955, 964-965, 965,
 966, 1017, 1018, 1057, 1121, 1387, 1677, 1817, 1925-1926
 Amendments offered—268, 289, 914, 983, 1095, 1096, 1097, 1387
 Amendment withdrawn—919
 Bills introduced—71, 109, 154, 244, 299, 412
 Committee appointment—1501
 Report—1678-1679
 Resolutions offered—129, 167
 Subcommittee assignments—66, 314

HESTER, JOAN L.—Representative Harrison-Pottawattamie Counties

Amendments filed—859, 1176, 1194, 1607-1610
 Amendment offered—1171
 Bill withdrawn—123
 Bills introduced—74, 249, 345
 Committee appointment—27
 Leave of absence—115, 369
 Resolution offered—120
 Subcommittee assignments—66, 67, 135, 136, 209, 210, 229, 255, 291, 292, 306, 307,
 314, 339, 340, 395, 494, 495, 528, 578, 579, 677, 739, 790, 1979

HOLVECK, JACK—Representative Polk County

Amendments filed—167, 266-267, 399, 496, 529, 563, 610, 643, 644, 664, 670, 792, 861,
 908, 963, 965, 1165, 1192, 1192-1193, 1194, 1209, 1817
 Amendments offered—664, 1194, 1551
 Amendments withdrawn—655, 670, 817, 1192
 Bills introduced—71, 221, 244, 260, 261, 412
 Leave of absence—123, 1023, 1058, 1100, 1501, 1615, 1716
 Report—367
 Resolutions offered—129, 167
 Subcommittee assignments—135, 216, 339, 355, 677, 1979

HOUSE COMMITTEE ASSIGNMENTS—10, 47, 48, 64, 197, 381

HOUSE CONCURRED—

House File 121, H-6191, as amended—1718
House File 181, H-5746, as amended—1481
House File 307, H-6006—1316
House File 403, H-5919—1219
House File 545, H-5928—1374
House File 582, H-5777—1272
House File 618, H-5736—1363
House File 642, H-6203, as amended—1801
House File 2003, H-5737—1159
House File 2070, H-6031—1314
House File 2099, H-5958—1502
House File 2146, H-5929, as amended—1505
House File 2149, H-6262—1868
House File 2153, H-5748—1061
House File 2155, H-6139—1509
House File 2169, H-5749—1157
House File 2197, H-5784—1274
House File 2218, H-5798, as amended—1062
House File 2230, H-6064—1353
House File 2241, H-5990—1318
House File 2261, H-6063—1562
House File 2286, H-6059—1553
House File 2308, H-5423—895
House File 2309, H-5797—1343
House File 2314, H-5991—1275
House File 2318, H-5736—1362
House File 2323, H-6060, as amended—1530
House File 2325, H-6030—1319
House File 2337, H-6167—1591
House File 2350, H-6169, as amended—1670
House File 2352, H-6140—1550
House File 2358, H-6068—1365
House File 2366, H-6242—1870
House File 2372, H-6036—1378
House File 2376, H-6012—1340
House File 2377, H-6054, as amended—1599
House File 2383, H-6096, as amended—1495
House File 2384, H-5927—1313
House File 2387, H-5968—1341
House File 2403, H-5918—1276
House File 2407, H-5925—1369
House File 2409, H-5920, as amended—1490
House File 2410, H-6037, as amended—1413
House File 2411, H-6029, as amended—1738
House File 2419, H-6058—1355
House File 2422, H-6141—1487
House File 2430, H-6327—1952
Senate File 2041, H-5042—227
Senate File 2071, H-6192—1739

Senate File 2091, H-6199—1685
 Senate File 2092, H-6061—1401
 Senate File 2217, H-5967—1196
 Senate File 2218, H-5959—1152
 Senate File 2219, H-6331—1971
 Senate File 2242, H-5994—1216
 Senate File 2318, H-6275—1872
 Senate File 2330, H-6333—2011

HOUSE INSISTS—

House File 637—338
 Senate File 2016—1399
 Senate File 2216—1501
 Senate File 2319—1606

HOUSE RECEDES—

Senate File 94—74-75

HOUSE REFUSED TO CONCUR—

House File 2049, H-5785—1482
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 House File 2415, H-6069—1841
 House File 2418, H-6055—1543
 Senate File 2038, H-6062—1366
 Senate File 2089, H-5931—1236
 Senate File 2314, H-6278—1879

HOUSER, HUBERT M.—Representative Fremont-Mills-Pottawattamie Counties

Amendments filed—329, 432, 456, 529, 580, 861, 1164, 1352, 1478, 1607-1610, 1817,
 1937, 1946
 Amendments offered—350, 773, 1911, 1913, 1946
 Amendments withdrawn—1913, 1946
 Bill withdrawn—1302
 Bills introduced—74, 141, 220, 221, 248, 249, 330, 345, 934
 Explanation of votes—676
 Leave of absence—815
 Presented to the House the members of the Iowa High School Rodeo Association—871
 Resolutions offered—129, 167
 Subcommittee assignments—67, 117, 147, 148, 229, 255, 291, 306, 340, 356, 394, 395,
 560, 578, 579, 608, 641, 739, 765, 766, 790

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—108, 211, 529, 859, 903, 928, 1057
 Amendments offered—173, 312, 652, 1136, 1293, 1302, 1309, 1510, 1911
 Appointed—64
 Bills introduced—213, 298, 333, 348, 362, 412, 419, 442, 448, 499, 532, 557, 564
 Recommendations—108, 150, 201, 211, 295, 316, 342, 359-360, 408, 430, 454-455, 528-529,
 740, 857, 900-901, 926-927, 1056, 1816
 Subcommittee assignments—48, 55, 77, 135, 136, 209, 255, 306, 307, 339, 340, 394,
 395, 405, 578, 579, 608, 641, 739, 790, 1056, 1547

HURLEY, CHARLES—Representative Buchanan-Fayette Counties

Amendments filed—432, 605, 609, 610, 611, 643, 767, 861, 964, 1018, 1352, 1488-1489,
 1547, 1677, 1937, 1942-1943

- Amendments offered—622, 670, 796, 880, 1488, 1598
- Amendments withdrawn—622, 974
- Appointed as Vice Chair of the Health and Human Rights Appropriations Subcommittee (replaces Representative Brunkhorst)—10
- Bills introduced—70, 106, 109, 133, 141, 196, 221, 224, 244, 248, 249, 298, 331, 333, 345, 347, 350, 388
- Leave of absence—132, 369
- Resolutions offered—120, 167, 495, 1981
- Subcommittee assignments—48, 55, 107, 147, 197, 198, 209, 216, 241, 255, 306, 314, 326, 339, 356, 395, 428, 495, 578, 739, 899

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(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Resolutions relating to:

- House Concurrent Resolution 116, management of beverage containers, cmte. study—344, 383
- House Concurrent Resolution 121, regulation of long-term care in health care facilities—963, 1816
- House Resolution 108, review public school funding—495-496
- House Resolution 109, management of beverage containers—609, 641, 1163-1164
- House Resolution 111, review community college financing—1816

INTRODUCTION OF BILLS—

(See BILLS, subheading, Introduction of and/or INDIVIDUAL HEADINGS)

IVERSON, STEWART E.—Representative Franklin-Hamilton-Hardin-Wright Counties

- Amendments filed—56, 62, 69, 129, 202, 219, 317, 432, 486, 487, 487-488, 496, 497, 512, 516-517, 530, 643, 929, 964, 978, 1018, 1209, 1254, 1352, 1386, 1607-1610, 1615-1616, 1800-1801, 1903-1904, 1938-1939, 1940-1941, 1943
- Amendments offered—156, 252, 324, 487, 512, 516, 628, 977, 978, 1139, 1252, 1254, 1381, 1386, 1496, 1607, 1615, 1671, 1672, 1714, 1800, 1903, 1909, 1940
- Amendments withdrawn—324, 486, 487, 505, 520, 977, 1024, 1615, 1617, 1940
- Bills introduced—8, 26, 74, 121, 168, 244, 249, 345, 371
- Bills withdrawn—64, 73
- Committee appointment—40
- Presented to the House Sara Schmalenberger, Miss Iowa Angus—1979
- Resolutions offered—38, 120, 129
- Subcommittee assignments—35, 48, 55, 59, 67, 106, 110, 136, 205, 209, 216, 306, 339, 355, 356, 578, 677, 739, 765, 890

JOCHUM, PAM—Representative Dubuque County

- Amendments filed—258, 281, 496, 609, 610-611, 611, 634, 643, 742, 743, 808, 809, 859-860, 861, 892, 903, 938-952, 964, 966, 974, 985, 1011, 1018, 1045-1046, 1165, 1268, 1464, 1677, 1818, 1934, 1936
- Amendments offered—281, 631, 634, 656, 657, 659, 660, 1045, 1077, 1085, 1464, 1934, 1936
- Amendments withdrawn—655, 664, 668, 673, 1077, 1464, 1625
- Bills introduced—71, 111, 116, 154, 196, 203, 221, 244, 248, 260, 261, 297, 346, 347, 458
- Leave of absence—349
- Petition presented—330
- Presented to the House a group of sixteen young people called "Whispers" from Dubuque—220

Resolutions offered—129, 167, 963

Subcommittee assignments—65, 66, 67, 113, 136, 163, 209, 229, 291, 528, 561, 578

JOINT CONVENTIONS—

Condition of the Judicial Department Message—42-47

State of the State and Budget Message—28-34

Resolutions relating to:

House Concurrent Resolution 101, condition of the state and budget message—6-7 adopted & msgd., 27

House Concurrent Resolution 102, condition of the judicial department message—7 adopted & msgd., 27

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

Amendments filed—258, 385, 792, 860, 902, 928, 1352

Amendments offered—813, 971, 1299, 1359, 1419

Amendment withdrawn—571

Bills introduced—130, 196, 204, 212, 233, 298, 318, 319, 345, 346, 347, 348, 349, 350, 370, 386, 387, 402, 411, 418, 443, 448, 458, 459, 492, 499, 523, 531, 557

Recommendations—128, 150, 201, 232, 257, 295, 317, 342-344, 364, 385, 408-409, 439-440, 455-456, 495, 791, 857-858, 901, 927, 1350-1351

Subcommittee assignments—23, 48, 49, 117, 147, 148, 197, 216, 241, 255, 256, 306, 307, 326, 355, 356, 395, 396, 428, 578, 739, 856, 899

KISTLER, ROBERT L.—Representative Jefferson-Van Buren-Wapello Counties

Amendments filed—432, 792, 808, 1607-1610, 1677

Bill withdrawn—79

Bills introduced—9, 140, 225, 248, 249, 345

Committee appointment—28

Resolutions offered—120, 495

Subcommittee assignments—106, 135, 163, 205, 229, 395, 528, 561

KLEMME, RALPH F.—Representative Plymouth-Woodbury Counties

Amendments filed—432, 580, 1607-1610

Bills introduced—9, 74, 249, 345

Committee appointment—40

Resolutions offered—120, 129, 167, 344, 456, 495

Subcommittee assignments—67, 428, 608, 641, 856

KOENIGS, DEO A.—Representative Floyd-Mitchell Counties

Amendments filed—385, 432, 457, 529, 726, 742, 859, 860, 861, 902, 938-952, 956, 964, 966, 1018, 1099-1100, 1104-1105, 1113, 1209, 1925-1926

Amendments offered—464, 726, 955, 956, 1099, 1104, 1110, 1111, 1113, 1149, 1238

Amendment withdrawn—1095

Bills introduced—71, 106, 221, 244

Committee appointments—27, 1414

Explanation of votes—494

Leave of absence—354, 442

Resolutions offered—114, 129, 167

Subcommittee assignments—67, 147, 163, 229, 236, 292, 383, 494, 528, 641

KREIMAN, KEITH A.—Representative Appanoose-Davis-Monroe-Van Buren Counties

Amendments filed—137, 152, 167, 258, 266-267, 361, 432, 457, 496, 497, 563, 610, 611, 624, 742, 767, 861, 964, 1014, 1165, 1394, 1395, 1440-1442, 1449-1450, 1461, 1463, 1616, 1925-1926

- Amendments offered—519, 618, 621, 622, 624, 625, 932, 1345, 1439, 1444, 1445, 1449, 1452, 1453, 1461, 1463, 1464, 1616
- Amendments withdrawn—170, 176, 193, 573, 618, 626, 1444, 1446, 1451, 1453, 1461, 1462, 1463, 1464, 1466
- Bills introduced—71, 203, 204, 233, 260, 298, 346, 371, 412
- Leave of absence—349, 413, 1062
- Point of order raised, invoked Section 256, Code of Iowa require correctional impact statement—1474
- Resolutions offered—167, 237
- Subcommittee assignments—48, 55, 117, 216, 229, 255, 307, 356, 395, 428, 578, 739, 766

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

- Amendment filed—643
- Amendment offered—1124
- Bill introduced—419
- Recommendations—151, 232, 430, 642
- Subcommittee assignments—66, 67, 106, 113, 163, 383, 405, 561

LARKIN, RICHARD L.—Representative Des Moines-Lee Counties

- Amendments filed—167, 179-180, 266-267, 490, 491, 496, 505, 610, 643, 808, 860, 861, 938-952, 955, 964-965, 965, 966, 1017, 1018
- Amendments offered—179, 186, 835, 850
- Bills introduced—71, 244, 412
- Resolutions offered—114, 129
- Subcommittee assignments—66, 67, 117, 163, 229, 314, 641, 806

LARSON, CHUCK—Representative Linn County

- Amendments filed—399, 432, 529, 580, 643, 861, 957-958, 1447, 1465-1466, 1677
- Amendments offered—583, 683, 1217, 1465
- Bills introduced—9, 70, 74, 221, 248, 249, 345, 350, 387
- Explanation of vote—804
- Resolution offered—120
- Subcommittee assignments—48, 110, 117, 147, 196, 216, 241, 255, 307, 355, 356, 395, 396, 428, 437, 560, 578, 677, 739, 856

LEAVE OF ABSENCE—

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LEGISLATIVE COUNCIL—

- Resolutions relating to:
 - House Concurrent Resolution 116—344, 383
 - House Concurrent Resolution 121—963, 1816
 - House Resolution 108—495-496
 - House Resolution 109—609, 641, 1163-1164
 - House Resolution 111—1816

LEGISLATIVE EMPLOYEES—

(See OFFICERS & EMPLOYEES)

LOBBYISTS—

(See ETHICS, COMMITTEE ON)

LOCAL GOVERNMENT, COMMITTEE ON—

Amendments filed—344, 441, 859, 902

Amendments offered—156, 444, 1026, 1496

Appointed—381

Bills introduced—297, 411, 458, 531

Recommendations—60-62, 201-202, 296, 344, 409, 440, 791-792, 858, 898, 901

Subcommittee assignments—35, 117, 118, 147, 148, 197, 229, 230, 236, 306, 307, 356,
357, 428, 561, 739, 765, 766**LUNDBY, MARY A.—Representative Linn County, Speaker Pro Tempore**

Amendments filed—432, 644, 860, 1121, 1164, 1209, 1268, 1479

Amendments offered—615, 930, 1491

Bills introduced—153, 196, 221, 224, 245, 297, 331, 347, 350

Presented to the House the Honorable Fred Grandy, United States
Representative—326

Presided at sessions of the House—181, 1187

Resolutions offered—167, 344, 609

Subcommittee assignments—65, 66, 67, 77, 113, 135, 163, 209, 229, 314, 340, 383, 394,
395, 405, 406, 528, 578, 608, 641**MAJORITY LEADER, Brent Siegrist—Representative Pottawattamie County
(See Siegrist, Brent—Representative Pottawattamie County, Majority Leader)****MANAGEMENT, DEPARTMENT OF—**

Claims approved—82-105

Claims filed—333

Communications from—81-82, 332-333

MARTIN, MONA—Representative Scott CountyAmendments filed—167, 432, 497, 529, 609, 610, 620-621, 861, 964, 1018, 1121, 1478,
1547, 1677

Amendments offered—187, 576, 619, 1293, 1419

Bill withdrawn—72

Bills introduced—74, 249, 349

Committee appointment—1606-1607

Report—1881-1901

Resolution offered—495-496

Subcommittee assignments—48, 49, 65, 66, 67, 113, 117, 135, 147, 163, 197, 198, 229,
255, 306, 307, 326, 340, 356, 395, 494, 528, 578, 608, 790, 856**MAY, DENNIS—Representative Cerro Gordo-Mitchell-Worth Counties**Amendments filed—496, 610, 861, 938-952, 965, 966, 1097-1099, 1113, 1165, 1209,
1925-1926

Amendment offered—1259

Bills introduced—71, 106, 140, 244, 248, 297, 345

Committee appointments—348, 1414

Reports—1627-1636, 1819-1820

Resolutions offered—129, 167

Subcommittee assignments—67, 77, 147, 163, 306, 428, 641

McCOY, MATT—Representative Polk CountyAmendments filed—243, 271-279, 496, 529, 610, 644, 672, 767, 793, 860, 861, 892, 1018,
1121, 1204, 1268, 1446-1447, 1447, 1448, 1909, 1925-1926, 1938-1939, 1943

Amendments offered—1079, 1204, 1246, 1380, 1446, 1448

Amendment withdrawn—672
 Bills introduced—71, 74, 106, 387
 Committee appointment—393
 Explanation of votes—162, 1814
 Leave of absence—301, 618, 904, 1023
 Report—420-425
 Subcommittee assignments—107, 197, 766

McKINNEY, WAYNE H., JR.—Representative Dallas-Madison Counties

Amendments filed—258, 266-267, 457, 482-483, 496, 497, 509-510, 546, 742, 860, 861,
 862, 928, 929, 966, 1192, 1192-1193, 1194, 1395, 1954-1955
 Amendments offered—482, 509, 546, 908, 993, 995, 1442, 1451, 1461, 1462, 1954
 Amendments withdrawn—270, 509, 990, 1463
 Bills introduced—71, 244, 261
 Committee appointments—1273, 1607
 Leave of absence—157, 170, 349, 893, 1210
 Report—1881-1901
 Resolution offered—129
 Subcommittee assignments—23, 136, 147, 230, 307, 355, 396, 528, 578, 641, 1266, 1815,
 1979

McNEAL, CLARK E.—Representative Franklin-Hardin Counties

Amendments filed—441, 529, 609, 620-621, 643, 644, 659, 678, 808, 860, 963, 1018, 1057,
 1121, 1164, 1209, 1254-1255, 1474, 1801
 Amendments offered—139, 620, 659, 669, 971, 1128, 1254, 1801
 Amendments withdrawn—669, 955, 1254, 1259
 Bills introduced—8, 9, 25, 40, 73, 215, 221, 249, 345
 Committee appointments—41, 1607
 Presided at sessions of the House—574, 1956, 1962
 Report—1881-1901
 Subcommittee assignments—48, 49, 106, 147, 209, 241, 255, 292, 307, 339, 395, 405,
 494, 528, 578, 608, 641, 739, 856, 899

MERTZ, DOLORES M.—Representative Humboldt-Kossuth Counties

Amendments filed—152, 258, 432, 496, 610, 722-723, 793, 861, 964, 965, 966, 1017, 1018,
 1113, 1164, 1165, 1479, 1607-1610, 1724-1733, 1925-1926, 1937
 Amendments offered—691, 722, 1623
 Bills introduced—9, 71, 106, 154, 224, 244, 248, 297, 330, 345, 366
 Committee appointments—40, 348
 Explanation of vote—1814
 Leave of absence—349, 815, 1237
 Presided at sessions of the House—1998
 Report—1627-1636
 Resolutions offered—114, 120, 129, 167
 Subcommittee assignments—197, 230, 306, 356, 394, 396, 560, 766

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 1135-1136, 1166-1167, 1181, 1208, 1269, 1297-1299, 1348-1349, 1392, 1415,

1475-1476, 1500, 1532, 1549, 1555-1556, 1556-1557, 1605, 1618-1620, 1741-1742, 1811-1812, 1812-1813, 1819, 1855-1856, 1864, 1880, 1915, 1945, 1962, 1973-1974, 1976, 1981, 1999-2000, 2016, 2018

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Immediate messages—7, 64, 76, 162, 196, 228, 291, 301, 381, 392, 404, 413, 426, 445, 463, 465, 504, 527, 538, 557, 614, 631, 650, 675, 685, 687, 691, 696, 699, 764, 775, 776, 777, 778, 787, 788, 798, 802, 811, 816, 832, 834, 854, 866, 871, 886, 912, 923, 960, 968, 970, 973, 1024, 1026, 1039, 1053, 1063, 1065, 1094, 1119, 1125, 1132, 1133, 1134, 1138, 1146, 1147, 1149, 1151, 1153, 1158, 1160, 1169, 1170, 1171, 1195, 1197, 1213, 1215, 1217, 1218, 1219, 1236, 1274, 1277, 1291, 1296, 1297, 1308, 1310, 1311, 1315, 1341, 1343, 1348, 1355, 1358, 1360, 1361, 1366, 1368, 1370, 1379, 1399, 1401, 1402, 1414, 1418, 1475, 1482, 1483, 1484, 1486, 1491, 1493, 1496, 1498, 1499, 1500, 1502, 1506, 1510, 1511, 1513, 1531, 1533, 1543, 1551, 1552, 1554, 1555, 1563, 1592, 1600, 1601, 1603, 1605, 1607, 1618, 1627, 1637, 1639, 1641, 1671, 1673, 1681, 1685, 1686, 1716, 1719, 1722, 1724, 1738, 1740, 1741, 1750, 1802, 1812, 1821, 1837, 1841, 1855, 1864, 1866, 1869, 1871, 1873, 1879, 1902, 1906, 1945, 1947, 1951, 1953, 1962, 1970, 1972, 1973, 1975, 1982, 1998, 2006, 2011, 2016

Item veto messages—1544-1546, 1978-1979, 2458-2461

Senate messages considered—10, 52, 63, 121, 134, 208, 222, 235, 245, 403, 434, 449, 460, 492, 499, 508, 532, 557, 564, 581, 606, 612, 637, 645, 701, 744, 780, 799, 821, 872, 893, 1134, 1160, 1180, 1218, 1275, 1557, 1674, 1678, 1813, 1838, 1864

Veto message—2457

METCALF, JANET S.—Representative Polk County

Amendments filed—271-279, 529, 741, 742, 743, 763, 767, 1531, 1677, 1772

Amendments offered—746, 747, 763, 1531, 1772

Amendments withdrawn—748, 1839

Bills introduced—249, 387

Committee appointments—393, 1881

Leave of absence—1058

Presented to the House Karlos Kirby, a member of the United States 1994 Olympic Bobsled Team—1907

Reports—23, 420-425, 451

Subcommittee assignments—23, 77, 107, 197, 209, 255, 641, 766, 1979, 1980

MEYER, JAMES A.—Representative Ida-Sac-Woodbury Counties

Amendments filed—232, 497, 512, 516, 529, 742, 860, 902, 1246, 1607-1610, 1932

Amendments offered—299, 780, 1000, 1136, 1932

Amendment withdrawn—1000

Bills introduced—70, 74, 221, 247, 249, 345, 350, 386

Leave of absence—768

Presented to the House the youth group "Up with People", who are presently appearing in Des Moines—805

Resolutions offered—120, 495

Subcommittee assignments—48, 55, 77, 209, 255, 306, 314, 339, 340, 395, 405, 578, 608, 739, 790

MILEAGE, COMMITTEE ON—

Supplemental report—23, 451

Supplemental report adopted—52, 863

MILLAGE, DAVID—Representative Scott County, Assistant Majority Leader

Amendments filed—38, 219, 432, 456, 485, 487, 490, 496, 497, 512, 519, 562, 563, 609, 610, 695, 720, 766, 767, 808, 809, 929, 964, 985, 1018, 1165, 1394, 1677, 1817

Amendments offered—487, 488, 490, 509, 571, 693, 694, 701, 720, 777, 801, 822, 915, 983, 985, 1682, 1948, 1958, 1959
 Amendments withdrawn—485, 490, 519, 521, 822, 824, 985
 Bills introduced—9, 39, 74, 220, 249, 260
 Committee appointment—1273
 Presided at sessions of the House—261, 1095, 1449, 1733
 Subcommittee assignments—23, 48, 67, 77, 117, 147, 197, 198, 255, 307, 356, 383, 428, 561, 578, 739, 856, 899

MILLER, TOM H.—Representative Buena Vista-Cherokee-O'Brien-Plymouth Counties
 Amendments filed—258, 344, 457, 496, 497, 519
 Amendments offered—481, 482, 487, 489, 811, 1719
 Amendment withdrawn—519
 Bills introduced—57, 109, 221, 249, 345
 Committee appointment—1
 Reports—19-22, 52-53, 57-59, 162, 804-805
 Resolutions offered—129, 495
 Subcommittee assignments—35, 136, 228, 292, 339, 340, 494, 495, 528, 641, 677, 806, 1016, 1266, 1980

MINORITY LEADER, Robert C. Arnould—Representative Scott County
 (See ARNOULD, ROBERT C.—Representative Scott County, Minority Leader)

MORELAND, MICHAEL—Representative Wapello County
 Amendments filed—266-267, 496, 609, 610, 643, 674, 742, 743, 756, 757, 860, 861, 964-965, 965, 966, 1165, 1817, 1934
 Amendments offered—635, 654, 756, 757, 982
 Amendments withdrawn—635, 663, 757, 758
 Bills introduced—71, 154, 244, 297, 319, 320, 345, 386
 Committee appointments—41, 1881
 Explanation of votes—452, 1119
 Leave of absence—63, 311
 Resolutions offered—129, 642
 Subcommittee assignments—209, 339, 340, 395, 405, 561

MOTIONS TO RECONSIDER—

Filed:

House File 181—451
 House File 606—254
 House File 2179—738
 House File 2283—607
 House File 2312—451
 House File 2363—803
 House File 2363—804
 House File 2407—789
 Senate File 2089, H-5138A to H-5118—494
 Senate File 2089, H-5178B to H-5118—494
 Senate File 2234—1160
 Senate File 2282—962
 Senate File 2314—1392

Lost:

House File 2179—786-787
 Senate File 2234—1345

Prevailed:

House File 181-466
 Senate File 2089, H-5178B-520
 Senate File 2282-1213
 Senate File 2314-1602

Ruled out of order:

Senate File 2234-1345

Withdrawn:

House File 606-355
 House File 2179-786
 House File 2283-871
 House File 2312-491
 House File 2363-821
 House File 2407-798
 Senate File 2089, H-5138A-521

Motions to reconsider (filed from the floor):

House File 2012, H-5024A-194
 House File 2179, H-5391 to H-5333-726
 House File 2377, H-5365, as amended-673
 House File 2383, H-5351-628
 House File 2383, H-5356-629
 House File 2410, H-6085-1413
 Senate File 2108-1297
 Senate File 2311-1945
 Senate File 2314, H-5953, as amended-1263
 Senate File 2314, H-6051-1391
 Senate File 2319, H-6122 to H-6057-1474
 Senate File 2330, H-6299J-1943

Lost:

House File 2012, H-5024A-195
 House File 2377, H-5365, as amended-674
 House File 2383, H-5351-629
 Senate File 2108-1297

Prevailed:

House File 2179, H-5391 to H-5333-726-727
 House File 2410, H-6085-1413
 Senate File 2311-1946
 Senate File 2314, H-5953, as amended-1263
 Senate File 2314, H-6051-1391
 Senate File 2319, H-6122 to H-6057-1474
 Senate File 2330, H-6299J-1943

Ruled out of order:

Senate File 2311-1946

Withdrawn:

House File 2383, H-5356-629

MUNDIE, NORMAN - Representative Boone-Calhoun-Hamilton-Webster Counties
 Amendments filed - 152, 496, 610, 643, 808, 860, 861, 964-965, 965, 966, 1113, 1183-1184,
 1389-1390, 1607-1610, 1909, 1937, 1946
 Amendments offered - 1183, 1389
 Amendment withdrawn - 1938
 Bills introduced - 71, 74, 79, 106, 207, 225, 244, 297, 331, 332, 345, 402

Presented to the House foreign exchange student Insiya Rasiwala from Bombay, India—1015

Resolutions offered—120, 129, 167

Subcommittee assignments—67, 117, 306, 307, 608, 641

MURPHY, PAT—Representative **Dubuque** County

Amendments filed—258, 266-267, 267, 496, 609, 742, 808, 859-860, 860, 861, 902, 916-917, 929, 966, 974, 980, 1009-1010, 1011, 1017, 1018, 1164, 1165, 1181, 1956, 1957-1958

Amendments offered—267, 909, 910, 914, 915, 916, 953, 980, 1009, 1011, 1034, 1181-1182, 1957

Amendments withdrawn—914, 1010, 1626

Appointed as ranking member of the Appropriations Committee—47

Bills introduced—71, 203, 224, 234, 244, 261, 297, 320, 331, 347

Committee appointment—1

Report—367

Resolutions offered—129, 167

Subcommittee assignments—106, 292, 494, 495, 528, 677, 1266, 1815, 1980

MYERS, RICHARD—Representative **Johnson** County

Amendments filed—496, 497, 529, 609, 610, 678, 767, 792, 793, 808, 860, 861, 964-965, 965, 1057, 1465, 1925-1926, 1946

Amendments offered—549, 815

Appointed to the Energy and Environmental Protection Committee, the Local Government Committee, and the Justice System Appropriations Subcommittee (replaces Representative Dvorsky)—381

Committee appointments—1501, 1543

Reports—1678-1679, 1680

Subcommittee assignments—428, 641, 765

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NATURAL RESOURCES AND OUTDOOR RECREATION, COMMITTEE ON—

Amendments filed—456, 741

Amendments offered—1485, 1511

Amendment withdrawn—1485

Bills introduced—130, 297

Recommendations—119, 296, 440-441, 456, 741

Subcommittee assignments—209, 256, 383, 560, 608

NELSON, LINDA—Representative **Pottawattamie** County

Amendments filed—152, 457, 490, 491, 496, 505, 610, 611, 742, 755, 861, 903, 955, 964, 965, 966, 974, 1017, 1165, 1381, 1388-1389

Amendments offered—755, 1381, 1388

Amendments withdrawn—756, 761

Bills introduced—71, 74, 244, 249, 297, 346

Leave of absence—349

Presented to the House Arika Graybill, essay contest winner—404

Resolutions offered—114, 167, 360

Subcommittee assignments—55, 107, 205, 229, 395, 528, 766

NEUHAUSER, MARY C.—Representative **Johnson** County, Assistant Minority Leader

Amendments filed—167, 167-168, 184-185, 202, 243, 258, 271-279, 280, 380, 432, 457, 480-481, 491, 496, 497, 521, 524, 609, 610, 610-611, 611, 670, 743, 767, 808, 861, 955, 966, 1017, 1018, 1121, 1165, 1184, 1467-1468, 1547, 1612, 1613, 1724-1733, 1817, 1925-1926, 1972

Amendments offered—184, 190, 192, 480, 506, 521, 626, 837, 976, 1129, 1467, 1612, 1972

Amendments withdrawn—175, 176, 264, 266, 282, 490, 491, 507, 519, 670, 1128, 1133
 Bills introduced—71, 207, 212, 244, 346, 393
 Committee appointments—367, 1543
 Leave of absence—63, 70, 349
 Reports—420-425, 1680
 Resolution offered—114
 Subcommittee assignments—23, 48, 49, 55, 110, 117, 135, 136, 147, 209, 216, 217, 241,
 255, 307, 326, 356, 428, 495, 560, 677, 739, 1815

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By Representative-elect Dick Myers—367

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 1144, 1213, 1240, 1256, 1262, 1289, 1460, 1492, 1712, 1904

O'BRIEN, MICHAEL—Representative Boone-Greene Counties

Amendments filed—152, 490, 491, 496, 505, 742, 807, 809, 859, 860, 861, 902, 919,
 965, 1017, 1018, 1165, 1677, 1817, 1818, 1861-1862, 1925-1926
 Amendments offered—918, 1861
 Amendments withdrawn—1638, 1948
 Bills introduced—9, 70, 71, 106, 140, 154, 244, 297
 Leave of absence—320
 Resolutions offered—129, 167
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 Special presentation to House Pages—419-420, 1910
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OLLIE, C. ARTHUR—Representative Clinton County, Assistant Minority Leader

Amendments filed—152, 266-267, 456, 496, 610, 643, 808, 859, 859-860, 860, 861, 938-952,
 955, 964, 966, 1017, 1018, 1165, 1183-1184, 1389-1390, 1548, 1925-1926
 Amendments offered—158, 416, 646, 1014, 1051, 1239
 Appointed to the Appropriations Committee (replaces Representative Dvorsky)—197
 Bills introduced—26, 40, 71, 109, 110, 215, 244, 297, 346, 412
 Explanation of vote—1393
 Presented to the House James McDonald, essay contest winner—404
 Resolution offered—167
 Subcommittee assignments—48, 55, 107, 135, 210, 255, 292, 314, 395, 494, 578, 608,
 677, 739, 766, 1980

OSTERBERG, DAVID—Representative Johnson-Linn Counties

Amendments filed—496, 544-545, 547, 551, 563, 643, 728-729, 743, 861, 892, 902, 929,
 963, 964, 965, 1018, 1165, 1202, 1205, 1209, 1246, 1260-1261, 1263, 1387, 1858-1859,
 1935, 1963-1969

Amendments offered—544, 547, 551, 728, 818, 1106, 1202, 1243, 1248, 1258, 1260, 1263, 1387, 1935

Amendments withdrawn—831, 956, 1127, 1246

Appointed to the Human Resources committee (replaces Representative Murphy)—64

Bills introduced—71, 115, 154, 221, 244, 248, 297

Leave of absence—369, 387, 413, 636, 768, 1356

Presided at sessions of the House—1936

Resolutions offered—129, 167, 258

Rulings made—1936, 1938

Subcommittee assignments—110, 136, 216, 255, 339, 340, 560, 578, 608, 641, 677

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PETERSON, MICHAEL K.—Representative Carroll-Greene Counties

Amendments filed—129, 266-267, 496, 529, 742, 767, 800-801, 861, 902, 903, 964, 966, 1724-1733, 1925-1926

Amendments offered—548, 800

Bills introduced—57, 71, 153, 168, 234, 345

Explanation of votes—228

Leave of absence—212, 310, 624, 768, 1600

Presided at sessions of the House—665

Resolution offered—167

Subcommittee assignments—66, 67, 113, 147, 197, 209, 314, 395, 495

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PLASIER, LEE J.—Representative Sioux County

Amendments filed—530, 562, 892, 903, 929, 1164, 1267, 1858-1859

Amendments offered—1147, 1304, 1309, 1858

Amendment withdrawn—1148

Bill withdrawn—63

Bills introduced—172, 196, 221, 225, 345

Leave of absence—583

Presided at sessions of the House—1958

Resolution offered—495

Subcommittee assignments—67, 110, 127, 405, 560, 561, 641, 677, 739, 1056, 1393, 1547

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House File 2177, invoked Rule 32—Representative McKinney—552

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House File 2376, H-5329—Representative Hammond—825
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 Senate File 2330, H-6281—Representative Spenner—1938
 Senate File 2330, H-6323—Representative Corbett—1939
 Senate File 2330, H-6298—Representative Corbett—1941
 Senate File 2330, H-6316—Representative Wise—1942
 Senate File 2330, H-6325—Representative Millage—1944

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

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 House Concurrent Resolution 107, request Congress and states have power to prohibit the physical desecration of the flag of the United States—120, 136
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Assignment of seats in press gallery—53-54

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Halvorson of Clayton and Doderer of Johnson 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—1998-1999

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261, 299, 420, 508, 587, 699, 931, 974, 1136, 1197, 1237, 1299, 1416, 1501, 1558, 1687, 1737, 1866, 1916

RAFFERTY, ROBERT L.—Representative **Scott** County

Amendments filed—487, 497, 529, 556, 644, 707-708, 720, 928, 1165, 1464-1465, 1963-1969

Amendments offered—540, 707, 720, 815, 1464

Amendment withdrawn—540

Bills introduced—74, 106, 169, 221, 249, 320, 345

Committee appointments—27, 1501, 1607, 1916

Leave of absence—1058

Presided at sessions of the House—1097, 1247, 1557

Reports—1678-1679, 1881-1901, 1975

Rulings made—1103, 1110

Subcommittee assignments—23, 48, 117, 147, 197, 255, 307, 326, 356, 428, 578, 739, 856

RANTS, CHRISTOPHER C.—Representative **Woodbury** County

Amendments filed—432, 522, 609, 627-628, 628, 792, 793, 807, 808, 859, 861, 938-952, 1164

Amendments offered—522, 618, 627, 680, 845, 1001, 1396

Amendments withdrawn—628, 975, 985

Bill withdrawn—1211

Bills introduced—9, 141, 154, 221, 249, 333, 345, 346, 387

Committee appointments—1501, 1881

Explanation of votes—1160

Leave of absence—1058

Presented to the House a choral group of fourth and fifth grade students from Longfellow Elementary School, Sioux City—348-349

Report—1678-1679

Resolutions offered—167, 495

Subcommittee assignments—55, 107, 136, 198, 229, 256, 340, 395, 396, 405, 578, 641, 766, 790

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RENAUD, DENNIS L.—Representative **Polk** County

Amendments filed—266-267, 361, 456, 457, 496, 610, 792, 859, 860, 861, 885, 903, 966, 1018, 1057, 1073-1075, 1077, 1479, 1925-1926

Amendments offered—369, 501, 876, 1062, 1073, 1086

Amendments withdrawn—1090, 1093
Bills introduced—71, 133, 154, 244, 297, 350
Committee appointment—1556
Leave of absence—349, 909
Presided at sessions of the House—554
Report—1639-1640
Requested to be added as a sponsor of House Concurrent Resolution 106—116
Resolutions offered—120, 129, 167, 344
Subcommittee assignments—66, 67, 113, 147, 229, 236, 292, 395, 405, 406, 561, 608

RENKEN, ROBERT H.—Representative Butler-Grundy Counties

Amendments filed—743, 767, 1209
Bill withdrawn—618
Bills introduced—9, 106, 163, 249, 345
Leave of absence—238
Resolutions offered—120, 495
Subcommittee assignments—67, 110, 136, 216, 229, 291, 292, 306, 307, 314, 339, 355,
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Amendments filed—152, 202, 243, 266-267, 496, 563, 742, 859, 860, 861, 862, 929, 964, 964-965, 965, 966, 985, 1011, 1018, 1057, 1165, 1479, 1817, 1925-1926

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Leave of absence—349, 1058

Resolutions offered—120, 129, 167, 963

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SCHRADER, DAVID—Representative **Marion-Warren Counties**, Assistant Minority Leader

Amendments filed—266-267, 399, 457, 496, 515, 525, 563, 610, 643, 725, 861, 885-886, 902, 964, 964-965, 965, 966, 1018, 1114-1116, 1121, 1165, 1209, 1395, 1610-1611, 1937, 1942-1943

Amendments offered—466, 515, 725, 921, 1114, 1244, 1400, 1610, 1942

Amendments withdrawn—515, 1111, 1244, 1624

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Leave of absence—1166

Resolutions offered—129, 167, 642

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 Health Data Commission—11
 Medical Assistance Advisory Council—11
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 Status of Women, Commission On the—10
 Wallace Technology Transfer Foundation—11
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1477-1478, 1546-1547, 1675, 1815, 1979, 2017

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Presented with gift—1999

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(See **LUNDBY, MARY A.**—Representative **Linn** County, Speaker Pro Tempore)

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- Representative Nelson presented to the House Arika Graybill, essay contest winner—404
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- Legislative Secretary, Sharon Robinson presented to the House the humorous story "The Demise of the Tilde"—577
- Representative Boddicker presented to the House foreign exchange student Svetlana Kushcheva from Ryazan, Russia—577
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- WEIDMAN, DICK**—Representative **Cass-Montgomery-Pottawattamie Counties**
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- WEIGEL, KEITH**—Representative **Chickasaw-Howard-Winneshiek Counties**
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- WISE, PHILIP L.**—Representative **Henry-Lee Counties, Assistant Minority Leader**
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