

State of Iowa

1986

JOURNAL OF THE HOUSE

1986

REGULAR SESSION

SEVENTY-FIRST

GENERAL ASSEMBLY

Convened January 13, 1986

Adjourned May 2, 1986

Volume I

January 13 - April 11

TERRY E. BRANSTAD, Governor
ROBERT T. ANDERSON, President of the Senate
DONALD D. AVENSON, Speaker of the House

**Published by the
STATE OF IOWA
Des Moines**

SEVENTY-FIRST GENERAL ASSEMBLY

1986 Regular Session

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DAVID WERNING, *Research Analyst* Norwalk

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MAX D. PERDUE, <i>Doorkeeper</i>	Des Moines
JOHN PIGNERI, <i>Doorkeeper</i>	Des Moines
JOHN R. QUINN, <i>Doorkeeper</i>	Des Moines

ELECTIVE OFFICERS, SUPREME COURT JUSTICES AND
IOWA COURT OF APPEALS JUDGES

v

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

TERRY E. BRANSTAD, <i>Governor</i>	Lake Mills
ROBERT T. ANDERSON, <i>Lieutenant Governor</i>	Newton
MARY JANE ODELL, <i>Secretary of State</i>	Des Moines
RICHARD D. JOHNSON, <i>State Auditor</i>	Sheldahl
MICHAEL L. FITZGERALD, <i>Treasurer of State</i>	Des Moines
ROBERT H. LOUNSBERRY, <i>Secretary of Agriculture</i>	McCallsburg
THOMAS J. MILLER, <i>Attorney General</i>	McGregor

JUSTICES OF THE IOWA SUPREME COURT

W. W. REYNOLDSON, <i>Chief Justice</i>	Osceola
JAMES H. CARTER, <i>Justice</i>	Cedar Rapids
K. DAVID HARRIS, <i>Justice</i>	Jefferson
J. L. LARSON, <i>Justice</i>	Harlan
LOUIS A. LAVORATO, <i>Justice</i>	Des Moines
ARTHUR A. McGIVERIN, <i>Justice</i>	Ottumwa
LOUIS SCHULTZ, <i>Justice</i>	Iowa City
HARVEY UHLENHOPP, <i>Justice</i>	Hampton
CHARLES WOLLE, <i>Justice</i>	Sioux City

IOWA COURT OF APPEALS JUDGES

LEO OXBERGER, <i>Chief Judge</i>	Des Moines
ALLEN L. DONIELSON, <i>Judge</i>	West Des Moines
MAYNARD J. V. HAYDEN, <i>Judge</i>	Indianola
ROSEMARY S. SACKETT, <i>Judge</i>	Spencer
DICK SCHLEGEL, <i>Judge</i>	Ottumwa
BRUCE M. SNELL, JR., <i>Judge</i>	Ida Grove

MEMBERS OF THE HOUSE—SEVENTY-FIRST GENERAL ASSEMBLY—1986 REGULAR SESSION

vi

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Arnould, Robert C.	Davenport	32	Public Relations Consultant	42nd— <i>Scott</i>	67(2nd), 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Avenson, Donald D.	Oelwein	41	Tool & Die Maker	28th— <i>Chickasaw, Fayette</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Baxter, Elaine *	Burlington	52	Economic Development Consultant	60th— <i>Des Moines</i>	69(2nd), 70, 71(1st)
Beatty, Linda L.	Indianola	43	Homemaker	68th— <i>Warren</i>	71(1st)
Bennett, Wayne	Galva	58	Farmer-Business	4th— <i>Ida, Monona, Woodbury</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Black, Dennis H.	Grinnell	46	Jasper Co. Conservation Board Director	71st— <i>Jasper, Marshall</i>	70, 71(1st)
Blanshan, Eugene	Scranton	37	Farmer	88th— <i>Boone, Carroll, Greene</i>	70, 71(1st)
Brammer, Philip E.	Cedar Rapids	53	Insurance Executive President	50th— <i>Linn</i>	70, 71(1st)
Branstad, Clifford O.	Thompson	61	Farmer	16th— <i>Hancock, Kossuth, Winnebago</i>	68, 69, 69X, 69XX, 70, 71(1st)
Buhr, Florence D.	Des Moines	52	Legislator	85th— <i>Polk</i>	70, 71(1st)
Carl, Janet A.	Grinnell	37	Management Trainer and Consultant	53rd— <i>Iowa, Poweshiek</i>	69, 69X, 69XX, 70, 71(1st)
Carpenter, Dorothy F.	West Des Moines	52	Legislator	82nd— <i>Polk</i>	69, 69X, 69XX, 70, 71(1st)
Carter, Brian	Mt. Pleasant	37	Teacher	59th— <i>Des Moines, Henry</i>	70, 71(1st)
Chapman, Kay	Cedar Rapids	48	Lawyer	49th— <i>Linn</i>	70, 71(1st)
Clark, Betty Jean	Rockwell	65	Christian Educator	29th— <i>Cerro Gordo, Floyd, Mitchell</i>	67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)

* Elected in Special Election January 26, 1982

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-FIRST GENERAL ASSEMBLY—1986 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Cochran, Dale M.	Eagle Grove	57	Farmer	14th—Hamilton, Webster	61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Connolly, Michael W.	Dubuque	40	Teacher	35th—Dubuque	68, 69, 69X, 69XX, 70, 71(1st)
Connors, John H.	Des Moines	63	Labor Arbitrator	79th—Polk	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Cooper, James J.	Russell	61	Farmer	67th—Clarke, Monroe, Lucas, Wayne	70, 71(1st)
Corey, Virgil E.	Morning Sun	69	Farmer	55th—Des Moines, Louisa, Washington	68, 69, 69X, 69XX, 70, 71(1st)
Daggett, Horace	Lenox	54	Farmer	92nd—Adams, Decatur, Ringgold, Taylor	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
De Groot, Kenneth R.	Doon	56	Farmer	8th—Lyon, O'Brien, Osceola, Sioux	68, 69, 69X, 69XX, 70, 71(1st)
Diemer, Marvin E.	Cedar Falls	61	Legislator	23rd—Black Hawk	68, 69, 69X, 69XX, 70, 71(1st)
Doderer, Minnette F.	Iowa City	62	Legislator	45th—Johnson	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71(1st)
Fey, Thomas H.	Davenport	31	State Representative	41st—Scott	69(2nd), 70, 71(1st)
Fogarty, Daniel P.	Cylinder	61	Farmer	11th—Clay, Palo Alto	70, 71(1st)
Grandia, Robert J.	Pella	71	Retired	69th—Marion	70, 71(1st)
Groninga, John	Mason City	40	Public Servant	20th—Cerro Gordo	70, 71(1st)
Groth, Richard	Albert City	39	Educator	10th—Buena Vista, Pocahontas	68, 69, 69X, 69XX, 70, 71(1st)
Gruhn, Josephine	Spirit Lake	58	Farmer	12th—Dickinson, Emmet	70, 71(1st)
Halvorson, Rod	Fort Dodge	36	Real Estate Salesman	13th—Webster	68, 69, 69X, 69XX, 70, 71(1st)

MEMBERS OF THE HOUSE—SEVENTY-FIRST GENERAL ASSEMBLY—1986 REGULAR SESSION—Continued

viii

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Halvorson, Roger A.	Monona	51	Insurance-Real Estate Broker	32nd—Allamakee, <i>Clayton</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Hammond, Johnie	Ames	53	Legislator	74th— <i>Story</i>	70, 71(1st)
Handorf, Ward	Gladbrook	71	Farmer	75th—Black Hawk, <i>Marshall</i> , Tama	70, 71(1st)
Hanson, Darrell R.	Manchester	31	Insurance Adjuster	48th—Buchanan, <i>Delaware</i> , Linn	68, 69, 69X, 69XX, 70, 71(1st)
Harbor, William H.	Henderson	65	Grain Elevator Owner-Operator	94th— <i>Mills</i> , Montgomery, Pottawattamie	56, 57, 58, 62, 63, 64, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Hatch, Jack	Des Moines	35	Consultant	81st— <i>Polk</i>	71(1st)
Haverland, Mark A.	Polk City	39	College Teacher	77th— <i>Polk</i>	70, 71(1st)
Hermann, Donald F.	Bettendorf	64	Retired Industrial Relations Manager	40th— <i>Scott</i>	70, 71(1st)
Hester, Joan L.	Honey Creek	53	Farm Wife, Legislator	98th—Harrison, <i>Pottawattamie</i>	71(1st)
Holveck, Jack	Des Moines	42	Legislator, Attorney	84th— <i>Polk</i>	71(1st)
Hughes, Randy	Creston	37	Teacher	91st—Adair, Adams, Cass, Clarke, <i>Union</i>	70, 71(1st)
Hummel, Kyle	Vinton	50	Real Estate Broker, Appraiser	76th— <i>Benton</i> , Black Hawk	68, 69, 69X, 69XX, 70, 71(1st)
Jay, Daniel J.	Centerville	31	Attorney	66th— <i>Appanoose</i> , Davis, Wapello	68, 69, 69X, 69XX, 70, 71(1st)
Jochum, Thomas J.	Dubuque	34	Legislator	36th— <i>Dubuque</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Johnson, Paul W.	Decorah	44	Farmer	31st—Allamakee, <i>Winneshek</i>	71(1st)
Knapp, Donald J.	Cascade	53		33rd— <i>Dubuque</i> , Jones	69(2nd), 70, 71(1st)
Koenigs, Deo A.	McIntire	50	Self-Employed, Farmer	30th—Chickasaw, Howard, <i>Mitchell</i>	70, 71(1st)
Kremer, Joseph M.	Jesup	64	Farmer	27th—Black Hawk, <i>Buchanan</i>	71(1st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-FIRST GENERAL ASSEMBLY—1986 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Lageschulte, Raymond	Waverly	63	Farmer-Insurance Adjuster	22nd—Black Hawk, Bremer, Butler	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Lloyd-Jones, Jean	Iowa City	56	Legislator	46th—Johnson	68, 69, 69X, 69XX, 70, 71(1st)
Lonergan, Joyce	Boone	51		87th—Boone, Story	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Maulsby, Ruhl	Rockwell City	62	Owner-Operator, Livestock and Grain Farm	9th—Calhoun, Sac, Webster	68, 69, 69X, 69XX, 70, 71(1st)
McIntee, John E.	Waterloo	35	Home Builder-Attorney	26th—Black Hawk	70, 71(1st)
McKean, Andy	Morley	36	Lawyer-College Instructor	44th—Jones, Linn	68, 69, 69X, 69XX, 70, 71(1st)
Metcalf, Janet S.	Des Moines	50	Self-Employed	83rd—Polk	71(1st)
Miller, Tom H.	Cherokee	60	Newspaperman	7th—Cherokee, Clay, O'Brien	71(1st)
Muhlbauer, Louis J.	Manilla	56	Farm Manager	96th—Crawford, Shelby	70, 71(1st)
Mullins, Sue	Corwith	49	Farmer	15th—Humboldt, Kossuth, Palo Alto, Pocahontas	68, 69, 69X, 69XX, 70, 71(1st)
Norland, Lowell E.	Kensett	54	Farmer	19th—Cerro Gordo, Winnebago, Worth	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
O'Kane, James D.	Sioux City	34		1st—Woodbury	68, 69, 69X, 69XX, 70, 71(1st)
Ollie, C. Arthur	Clinton	44	Teacher	38th—Clinton	70, 71(1st)
Osterberg, David	Mt. Vernon	42	Economic Consultant	43rd—Cedar, Linn	70, 71(1st)
Oxley, Myron B.	Marion	63	Farmer	47th—Linn	61, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Parker, Edward G.	Mingo	26	Contractor-Small Business Owner	70th—Jasper, Marion, Polk, Warren	70, 71(1st)
Paulin, Donald J.	Le Mars	52	Cabinet Retailer	5th—Plymouth, Woodbury	70, 71(1st)
Pavich, Emil S.	Council Bluffs	54	Cereal Co. Employee	100th—Pottawattamie	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Peick, Doris A.	Cedar Rapids	52	Quality Control Inspector	52nd—Linn	70, 71(1st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-FIRST GENERAL ASSEMBLY—1986 REGULAR SESSION—Continued

x

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Pellett, Wendell C.	Atlantic	68	Farmer	97th—Cass, Harrison, Pottawattamie, Shelby	64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Petersen, Daniel F.	Muscatine	34	Farmer	57th—Muscatine, Scott	None
Peterson, Michael K.	Carroll	25	Legislator	95th—Audubon, Carroll, Shelby	71(1st)
Platt, Donald R.	Muscatine	62	Legislator	56th—Louisa, Muscatine	71(1st)
Poncy, Charles N.	Ottumwa	63	Retired	65th—Wapello	62, 63, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71(1st)
Renaud, Dennis L.	Altoona	43	Barber Business and D.M. Fire Dept.	78th—Polk	69, 69X, 69XX, 70, 71(1st)
Renken, Robert H.	Aplington	63	Farmer	21st—Butler, Grundy	68(2nd), 69, 69X, 69XX, 70, 71(1st)
Rensink, Wilmer	Sioux Center	52	Farmer	6th—Plymouth, Sioux	70, 71(1st)
Rosenberg, Ralph	Ames	34	Attorney	73rd—Story	69(2nd), 70, 71(1st)
Royer, Bill D.	Essex	56	Realtor	93rd—Fremont, Mills, Page	70, 71(1st)
Running, Richard V.	Cedar Rapids	39	Quality Control Technologist	51st—Linn	69, 69X, 69XX, 70, 71(1st)
Schnekloth, Hugo	Eldridge	62	Farmer	39th—Scott	67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Sherzan, Gary	Des Moines	41	Parole Officer	86th—Polk	70, 71(1st)
Shoning, Don	Sioux City	70	Retired	3rd—Woodbury	71(1st)
Shoultz, Don	Waterloo	49	Teacher	25th—Black Hawk	70, 71(1st)
Siegrist, J. Brent	Council Bluffs	33	Teacher	99th—Pottawattamie	71(1st)
Skow, Bob	Guthrie Center	33	Owner of Insurance Agency	90th—Adair, Dallas, Guthrie, Madison	70, 71(1st)
Spear, Clay	Burlington	69	Retired Postal Service Employee	61st—Des Moines, Lee	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-FIRST GENERAL ASSEMBLY—1986 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Stromer, Delwyn	Garner	55	Farmer-Legislator	17th—Franklin, <i>Hancock</i> , Wright	62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Stueland, Vic	Grand Mound	65	Farmer	37th—Cedar, <i>Clinton</i>	69, 69X, 69XX, 70, 71(1st)
Sturgeon, Al	Sioux City	29	Legislator	2nd— <i>Woodbury</i>	69, 69X, 69XX, 70, 71(1st)
Sullivan, William R.	Cantril	40	Legislator, Salesman	62nd—Lee, <i>Van Buren</i>	69, 69X, 69XX, 70, 71(1st)
Swartz, Thomas E.	Marshalltown	39	Lumberyard Sales	72nd— <i>Marshall</i>	69, 69X, 69XX, 70, 71(1st)
Swearingen, George R.	Sigourney	62	Retired Teacher- Legislator	63rd—Jefferson, <i>Keokuk</i> , Wapello	68, 69, 69X, 69XX, 70, 71(1st)
Tabor, David M.	Baldwin	30	Farmer	34th—Dubuque, <i>Jackson</i>	70, 71(1st)
Teaford, Jane	Cedar Falls	50	Legislator	24th— <i>Black Hawk</i>	71(1st)
Van Camp, Mike	Davenport	44	Union Electrician	58th— <i>Scott</i>	70, 71(1st)
Van Maanen, Harold	Oskaloosa	56	Farmer	64th—Keokuk, <i>Mahaska</i> , Wapello	68, 69, 69X, 69XX, 70, 71(1st)
Varn, Richard J.	Solon	27	Baking Company Employee-Law Student	54th—Iowa, <i>Johnson</i>	70, 71(1st)
Welden, Richard W.	Iowa Falls	77	Retired Contractor	18th—Franklin, Hamilton, <i>Hardin</i>	62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Woods, Jack E.	Des Moines	49	Self-Employed	80th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71(1st)
Zimmerman, Jo Ann	Waukee	49		89th— <i>Dallas</i>	70, 71(1st)

REPRESENTATIVES

JOURNAL OF THE HOUSE

First Calendar Day—First Session Day

**Hall of the House of Representatives
Des Moines, Iowa, Monday, January 13, 1986**

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Seventy-first General Assembly of Iowa, 1986 Regular Session, convened at 10:00 a.m., Monday, January 13, 1986.

The House was called to order by the Honorable Donald D. Avenson, Speaker of the House.

Prayer was offered by the Reverend Paul Lindstrom, pastor of the Faith Lutheran Church, West Des Moines.

The Journal of Saturday, May 4, 1985 was approved.

COMMUNICATION RECEIVED

The following communication was received by the Speaker:

October 25, 1985

**The Honorable Don Avenson
Speaker of the House of Representatives
State Capitol
Des Moines, Iowa**

Dear Mr. Speaker:

It is with deep regret that I have submitted my resignation, effective October 28 to Governor Branstad. It has been an honor and a pleasure to serve in the Legislature.

**Sincerely,
Janis I. Torrence**

APPOINTMENT TO COMMITTEE ON CREDENTIALS

The Speaker announced the appointment of Stueland of Clinton to the Committee on Credentials.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named person duly elected to and entitled to a seat in the House of Representatives of the Seventy-first General Assembly as shown by duplicate copy of the certificate of election on file in the office of the Secretary of State:

CERTIFICATION

STATE OF IOWA Office of THE SECRETARY OF STATE

To the Honorable, Speaker of the House:

I, MARY JANE ODELL, Secretary of the State of Iowa, custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY that the State Canvassing Board has declared that at a special election held on December 10, 1985, Dan Petersen was elected to fill a vacancy in the office of State Representative of the Fifty-Seventh District, for the balance of the two year term which began on January 1, 1985.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this eighth day of January, 1986.

MARY JANE ODELL, Secretary of State

JOHN GRONINGA, Chair
DORIS PEICK
EMIL S. PAVICH
DOROTHY F. CARPENTER
VIC STUELAND

Groninga of Cerro Gordo moved that the supplemental report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

Platt of Muscatine moved that a committee of two be appointed to escort Representative-elect Dan Petersen to the well of the House to be duly sworn and then escorted to his legislative seat.

The motion prevailed and the Speaker appointed as such committee Platt of Muscatine and Peick of Linn to escort Representative-elect Dan Petersen to the front of the House

chamber where the Chief Clerk administered the following oath of office:

OATH OF OFFICE

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of the office of Representative in the General Assembly of the State of Iowa to the best of my ability, so help me God."

COMMITTEE TO NOTIFY THE GOVERNOR

Brammer of Linn, moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Brammer of Linn, Fey of Scott and Grandia of Marion.

COMMITTEE TO NOTIFY THE SENATE

Poncy of Wapello moved that a committee of three be appointed to notify the Senate that the House was duly organized and ready to receive any communication that it may desire to transmit.

The motion prevailed and the following committee was appointed: Poncy of Wapello, Arnould of Scott and Miller of Cherokee.

REMARKS BY THE SPEAKER

Speaker Avenson addressed the House as follows:

Welcome back. It's good to see all of you again. I hope you have spent a prosperous and healthy interim. Personally, I am much healthier and feel much better than I have in years. You won't see me with a cigarette ever again so be on warning that the smoking rules will be strictly enforced. By the way, that funny bulge between my gum and cheek are not covered by our rules. I want to thank all of you for the great concern you showed me last summer. I learned a great deal — the friendships that have developed with members in the House and the kindness they have shown is the most important thing that has ever happened to me in this Legislature. I am deeply grateful.

I also want to welcome our new colleague, Dan Petersen, to the House of Representatives. It is difficult to come into the Legislature in the middle of a bien-nium, Dan, but it's an exciting process and we wish you all the best.

In my opening remarks last year, I recounted the tragedy of foreclosure, bankruptcy and unemployment besetting our state. I told you what I thought it would take for this body to cope with these and other issues — how we had to flex new muscles, to come of age and realize our potential as an independent legislative branch of government.

I think to a great extent we succeeded in that. While we didn't solve every problem, neither did we shrink from any problem. Consequently, we achieved some landmark legislation:

- A state lottery and the Iowa Plan for economic development which it funded,
- Protection from exposure to hazardous substances,
- An improved business climate,
- Improved educational standards, AND
- Legal protections for abused children.

As we begin 1986, we will be building on the sturdy foundation of our interim legislative work. Drunk driving, farm credit, recreation and tourism, school finance, job creation, water quality, hazardous waste, rural medical care and the reorganization of government — all will receive our attention and all offer real challenges. Never before, for example, have we had such a bipartisan consensus for such sweeping change in the structure of state government. We can re-invent the wheel; the opportunity is ours.

But we must keep in mind the real purposes behind these initiatives. The purpose of reorganization, above all, is to make state government more efficient, responsive and accountable and to save tax dollars. The purpose is not to eliminate unpopular agencies or bureaucrats, not to score political points with interest groups.

This session must be free from petty, protectionist, political considerations. This doesn't mean that Republicans and Democrats should not be Republicans and Democrats; that philosophical difference makes for a healthy process. But purely partisan impulses are bad politics this year. All of us must avoid them.

More importantly, we must set a standard for our work which is grounded in compassion and simple fairness. In all our decisions, let's remember to hold harmless those who have been hit hardest by hard times — our farmers, our unemployed, our elderly and our poor. Their security and well-being must guide all our actions. So when it comes time to make budget decisions, let's recognize the delicate balance that already exists between serving basic human needs and operating in the black. We will meet our budget responsibilities, but we will also meet our commitment to those who need our help most.

We have an ambitious agenda this year and fewer days to complete it than last year. So we will have to work hard, beginning this afternoon when we debate our first bills of the year. You'll also note that we have scheduled debate for Friday. It will be a tough year — we must be equally tough. But I'm enthusiastic about the prospects for great legislation and look forward to working with all of you to that end.

REMARKS BY THE MINORITY LEADER

Stromer of Hancock addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House:

I am happy the Speaker is healthy and ready to move Iowa forward again.

Legislative leaders for years have created various state crises in January, resolved them by April, and then reviewed the accomplishments of the past session as a session that solved a great many problems. This year leaders do not need to create the crises, they already exist.

The conditions of our state general fund, the agricultural economy, and mainstreet Iowa all have severe fiscal problems. Severe enough that they can be called a crisis.

As severe as this crisis may be, I also believe that the second session of the Seventy-first General Assembly has a unique opportunity. An opportunity for both political parties, the executive and the legislative branch, blue collar, white collar and farmers, labor and management to all work toward a goal of a better Iowa.

The reorganization and downsizing of government as well as establishing legislative fiscal priorities has a great deal of support from most Iowans.

The size of an ADC check, the level of an unemployment compensation insurance check, and Iowa's per pupil expenditure for elementary-secondary education are not the sole criteria for either compassion or sensitivity. If this were true, then every state that spends more than Iowa in those areas is a very compassionate state and those that spend less are insensitive.

I feel we need to also consider with sensitivity those Iowans who are struggling with high interest rates, a questionable sales tax structure, and inadequate income to pay ever increasing property taxes. To add increased taxes for those Iowans would be equally insensitive.

Iowa will need to pare or limit increases to many state agencies this session. State revenue the next few months will help us make those decisions.

No matter how great the challenge, if we use our time wisely and do our work thoroughly we can develop an agenda that will encourage economic development as well as be cognizant of our social and educational needs. Let's roll up our sleeves, Mr. Speaker, and go to work!

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Brammer of Linn, chair of the committee to notify the Governor that the House was duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The House stood at ease at 10:16 a.m., until the fall of the gavel.

The House resumed session at 10:40 a.m., Speaker Avenson in the chair.

COMMITTEE FROM THE SENATE

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

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Poncy of Wapello, chair of the committee appointed to notify the Senate that the House was ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Norland of Worth asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 101 as follows and moved its adoption:

- 1 House Concurrent Resolution 101
- 2 By Norland and Stromer
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 1986 session of the Seventy-first
- 6 General Assembly be held on Tuesday, January 14, 1986,
- 7 at 10:00 a.m.; and
- 8 *Be It Further Resolved,* That Governor Terry E.
- 9 Branstad be invited to deliver his combined condition
- 10 of the state and budget messages at this joint
- 11 convention of the two houses of the General Assembly,
- 12 and that the Speaker of the House and the President of
- 13 the Senate be designated to extend the invitation to
- 14 him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

Norland of Worth asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 102 as follows and moved its adoption:

- 1 House Concurrent Resolution 102
- 2 By Norland and Stromer
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 1986 session of the Seventy-first
- 6 General Assembly be held on Thursday, January 16,
- 7 1986, at 10:00 a.m.; and
- 8 *Be It Further Resolved,* That Chief Justice of the
- 9 Supreme Court W. Ward Reynoldson be invited to present
- 10 his message of the condition of the judicial
- 11 department at this joint convention, and recommend
- 12 such matters as the Chief Justice deems expedient,
- 13 pursuant to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

(House Concurrent Resolutions 101 and 102)

Norland of Worth asked and received unanimous consent to immediately message House Concurrent Resolutions 101 and 102 to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hughes of Union, for January 13 and the remainder of the week, on request of Norland of Worth; Bennett of Ida on request of Stromer of Hancock; Hermann of Scott, until his arrival, on request of Renken of Grundy.

RULES 48 AND 57 SUSPENDED

Norland of Worth asked for unanimous consent to suspend Rules 48 and 57, for committee meetings upon recess.

Objection was raised.

Norland of Worth moved to suspend Rule 48, relating to study bills, and Rule 57, relating to committee notice and agenda.

A non-record roll call was requested.

The ayes were 54, nays 34.

The motion prevailed and the rules were suspended.

INTRODUCTION OF BILLS

House File 2001, by Rosenberg and Connors, a bill for an act relating to the length of exposure in the last employment to the hazards of pneumoconiosis under the workers' compensation law.

Read first time and referred to committee on **labor and industrial relations**.

House File 2002, by Hermann, a bill for an act relating to the crime of interference with official acts, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2003, by Peick, a bill for an act relating to the exemption from a local option sales and services tax of the rental of certain rooms, apartments and sleeping quarters taxed under chapter 422A.

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

House File 2004, by Hermann, a bill for an act relating to the exclusion of retirement income in determining a taxpayer's net income for state individual income tax purposes and providing an effective date.

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

House File 2005, by Mullins, a bill for an act relating to the exemption from the state sales, services and use tax of the gross receipts from the sale or rental of computers and computer software.

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

House File 2006, by Schnekloth, a bill for an act related to the posting of property for purposes of preventing trespass.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2007, by Peick, a bill for an act relating to the time period during which a claim for additional property tax relief for the elderly and disabled must be filed.

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

House File 2008, by Corey, a bill for an act exempting the sale of gas, electricity and water which are to be used for agricultural production for market from the state sales, services and use tax.

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

House File 2009, by Clark, a bill for an act to provide an appropriation to the department of public instruction to enable teachers to attend a teacher training session at the Westside preparatory school teacher training institute.

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

House File 2010, by Pellett, a bill for an act relating to the sale of firearms and ammunitions, and providing penalties.

Read first time and referred to committee on **state government**.

House File 2011, by Running, a bill for an act relating to the use of lottery revenues for the funding of an Iowa world trade center and making the Act retroactive.

Read first time and referred to committee on **economic development**.

House File 2012, by Gruhn, a bill for an act requiring sanitary districts to provide information on overdue accounts to certain persons.

Read first time and referred to committee on **local government**.

House File 2013, by Rosenberg, a bill for an act relating to the distribution of pamphlets describing the causes and effects of fetal alcohol syndrome.

Read first time and referred to committee on **human resources**.

House File 2014, by Corey, a bill for an act to repeal chapter 361 relating to weather modification.

Read first time and referred to committee on **local government**.

House File 2015, by Clark, a bill for an act relating to child abuse investigation requirements by expanding the definition of a person responsible for the care of a child to include relatives within the second degree of consanguinity.

Read first time and referred to committee on **human resources**.

House File 2016, by Running, a bill for an act relating to gambling by permitting lottery tickets and shares to be sold on the premises of establishments that serve or sell alcoholic beverages, wine or beer.

Read first time and referred to committee on **economic development**.

SENATE MESSAGES CONSIDERED

Senate File 482, by Holden, a bill for an act relating to the use of two-party checks for rent payments of persons receiving aid to dependent children.

Read first time and referred to committee on **human resources**.

Senate File 533, by committee on agriculture, a bill for an act relating to the content requirements of types of milk, and providing an effective date.

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

HOUSE AND SENATE FILES REFERRED TO COMMITTEE

Under the provisions of House Rule 45, the following House and

Senate files are referred to the following committees:

H.F.	102	State Government
H.F.	716	Ways and Means
H.F.	737	Energy and Environmental Protection
H.F.	752	Ways and Means
H.F.	757	Appropriations
H.F.	758	Appropriations
H.F.	765	Appropriations
H.F.	770	Ways and Means
H.F.	772	Appropriations
H.F.	774	Ways and Means
H.F.	778	Appropriations
H.F.	779	Appropriations
S.F.	16	State Government
S.F.	19	Transportation
S.F.	35	Agriculture
S.F.	91	Education
S.F.	216	Education
S.F.	257	Education
S.F.	313	Transportation
S.F.	326	Local Government (Substituted for H.F. 291 4/12/85)
S.F.	361	Education
S.F.	366	Education
S.F.	422	State Government (Substituted for H.F. 467 4/11/85)
S.F.	530	Judiciary and Law Enforcement
S.F.	540	State Government
S.F.	549	Economic Development
S.F.	579	Appropriations
S.F.	590	State Government

On motion by Norland of Worth, the House was recessed at 10:56 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senator from Tama, Senator Husak, has been appointed to replace the Senator from Audubon, Senator Hutchins to the conference committee on House File 764, a bill for an act relating to unpaid taxes and enforcement of taxes administered by the department of revenue, making an appropriation, and providing civil and criminal penalties.

Also: That the Senate has on January 13, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, providing for a joint convention to be held on Tuesday, January 14, 1986, for the state of the state message to be delivered by the Governor.

Also: That the Senate has on January 13, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, providing for a joint convention to be held on Thursday, January 16, 1986, for the condition of the judicial department message.

K. MARIE THAYER, Secretary

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly Study Bill 506), relating to gambling by permitting lottery tickets and shares to be sold on the premises of establishments that serve or sell alcoholic beverages, wine, or beer and providing for an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 13, 1986.

SENATE AMENDMENT CONSIDERED

Norland of Worth called up for consideration **House File 244**, a bill for an act relating to programs relating to substance abuse, amended by the Senate amendment H—4267 as follows:

H—4267

- 1 Amend House File 244 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 10, by inserting after line 11 the
- 4 following:
- 5 "Sec. . Sections 1 and 2 of this Act are
- 6 repealed effective July 1, 1986."

Swartz of Marshall offered the following amendment H—5001, to the Senate amendment H—4267, filed by him and Lonergan of Boone from the floor and moved its adoption:

H—5001

1 Amend the Senate amendment H—4267 to House File 244
2 as amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by inserting after line 2 the

5 following:

6 “ . Page 1, line 9, by striking the word “The”
7 and inserting the following: “Notwithstanding section
8 123.53, subsection 8, the,””

9 2. Page 1, by inserting after line 6 the
10 following:

11 “ . Page 10, by striking lines 12 through 17 and
12 inserting in lieu thereof the following:

13 “Sec. . The commission on substance abuse shall
14 disburse the following money in the exact order which
15 follows:

16 1. To each county the amount the county has
17 expended and the commission has verified for substance
18 abuse treatment in a facility defined in section
19 125.2, subsection 2, between July 1, 1985 and the
20 effective date of this Act.

21 2. Increase the contract grants awarded by the
22 commission on May 30, 1985 to facilities pursuant to
23 section 125.44 by the amount expended by the facility
24 for substance abuse treatment and not reimbursed by a
25 county, state, or other organization between July 1,
26 1985 and the effective date of this Act. In no event
27 shall the increase exceed one third of the original
28 grant less the three point eighty-five percent budget
29 cut divided by twelve and multiplying that quotient by
30 the number of completed calendar months between July
31 1, 1985 and the effective date of this Act. If the
32 grantee expended less than such amount, the grantee
33 shall receive an increase of only the amount expended.

34 3. Increase the grants awarded by the commission
35 on May 30, 1985 to facilities pursuant to section
36 125.44 by the amount determined after dividing one
37 third of the original grant less the three point
38 eighty-five percent budget cut by twelve and
39 multiplying that quotient by the number of calendar
40 months of the 1986 fiscal year not included in
41 subsection 2 ending no later than June 30, 1986. In
42 no event shall the increase exceed such amount.

43 Any funds left after subtracting subsections 1, 2,
44 and 3 from one million eight hundred forty-six
45 thousand, eight hundred seventy-nine dollars shall not

46 be expended by the commission or the department and
 47 shall be reverted to the general fund of the state.
 48 Sec. . This Act, being deemed of immediate
 49 importance, takes effect from and after its
 50 publication in The Boone News-Republican, a newspaper

Page 2

1 published in Boone, Iowa, and in The Cascade Pioneer-
 2 Advertiser, a newspaper published in Cascade, Iowa."
 3 . Title page, line 1, by inserting after the
 4 word "abuse" the following: "and providing an effec-
 5 tive date".

Amendment H—5001 was adopted.

On motion by Lonergan of Boone, the House concurred in the Senate amendment H—4267, as amended.

Lonergan of Boone 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. 244)

The ayes were, 97:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland

Sturgeon
Tabor
Varn
Mr. Speaker

Sullivan
Teaford
Welden

Swartz
Van Camp
Woods

Swearingen
Van Maanen
Zimmerman

The nays were, none.

Absent or not voting, 3:

Bennett

Hermann

Hughes

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

OBJECTION TO IMMEDIATE MESSAGE

Norland of Worth asked for unanimous consent to immediately message House File 244 to the Senate.

Objection was raised.

MOTION TO RECONSIDER LOST

Norland of Worth moved to reconsider the vote by which House File 244, a bill for an act relating to programs relating to substance abuse, passed the House on January 13, 1986.

A non-record roll call was requested.

The ayes were 37, nays 52.

The motion to reconsider lost.

INTRODUCTION OF BILLS

House File 2017, by committee on economic development, a bill for an act relating to gambling by permitting lottery tickets and shares to be sold on the premises of establishments that serve or sell alcoholic beverages, wine, or beer and providing for an effective date.

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

House File 2018, by Swartz, a bill for an act to determine the jurisdiction of the state over providers of health care benefits.

Read first time and referred to committee on **small business and commerce**.

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules for the immediate consideration of House File 2017.

Objection was raised.

Norland of Worth moved that the rules be suspended for the immediate consideration of House File 2017, and Rule 31.8 relating to the filing of amendments thereto.

Roll call was requested by Connors of Polk and Fey of Scott.

On the question "Shall the rules be suspended?"

The ayes were, 59:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lloyd-Jones	Loneragan
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Peterson, M.K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 37:

Branstad	Carpenter	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hester	Hummel	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D.F.
Platt	Renken	Rensink	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Swearingen	Van Camp	Van Maanen
Welden			

Absent or not voting, 4:

Bennett

Hermann

Hughes

Kremer

The motion prevailed and the rules were suspended.

House File 2017, a bill for an act relating to gambling by permitting lottery tickets and shares to be sold on the premises of establishments that serve or sell alcoholic beverages, wine, or beer and providing for an effective date, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 2:55 p.m., until the fall of the gavel.

The House resumed session at 4:25 p.m., Speaker Avenson in the chair.

Schnekloth of Scott offered the following amendment H—5003 filed from the floor by Schnekloth, De Groot, Lageschulte, Rensink, Hummel, Pellett, Handorf, Stueland, Branstad, Petersen of Muscatine and Miller and moved its adoption:

H—5003

- 1 Amend House File 2017 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. . NEW SECTION. 99E.21 SOLICITATION FOR
- 5 PURCHASE OF LOTTERY TICKETS OR SHARES.
- 6 A person licensed to sell lottery tickets or shares
- 7 under this chapter shall not require the person's
- 8 employees to solicit customers for the purchase of
- 9 lottery tickets or shares."
- 10 2. Renumber as necessary.

A non-record roll call was requested.

The ayes were 43, nays 51.

Amendment H—5003 lost.

Van Camp of Scott offered the following amendment H—5004 filed by him from the floor and moved its adoption:

H—5004

- 1 Amend House File 2017 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. . In issuing or determining eligibility
- 5 for licenses for any type of game offered pursuant to
- 6 this chapter, the Iowa lottery agency shall not
- 7 penalize or in any way adversely affect an
- 8 establishment which serves or sells alcoholic
- 9 beverages because the establishment was unable to be
- 10 licensed under chapter 99D until the effective date of
- 11 this Act."
- 12 2. Renumber as necessary.

Amendment H—5004 lost.

Parker of Jasper offered the following amendment H—5002 filed by him from the floor and moved its adoption:

H—5002

- 1 Amend House File 2017 as follows:
- 2 1. Title page, line 3, by striking the word
- 3 "beer" and inserting the following: "beer, providing
- 4 that the pari-mutuel betting and lottery statutes are
- 5 exceptions to gambling restrictions contained in
- 6 chapter 99B,".

Amendment H—5002 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2017)

The ayes were, 71:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Chapman
Cochran	Connolly	Connors	Cooper
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hanson	Harbor	Hatch
Hester	Hummel	Jay	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	McIntee	Metcalf

Muhlbauer	Norland	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 26:

Branstad	Carl	Carpenter	Carter
Clark	Corey	Daggett	De Groot
Grandia	Hammond	Handorf	Haverland
Hermann	Holveck	Johnson	Maulsby
McKean	Miller	Mullins	O'Kane
Osterberg	Renken	Rensink	Schnekloth
Spear	Van Maanen		

Absent or not voting, 3:

Bennett	Hughes	Sullivan
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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 (House File 2017)

Norland of Worth asked and received unanimous consent to immediately message House File 2017 to the Senate.

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

Chief Clerk	Joseph O'Hern	\$40,442.00	Annual Salary
Assistant Chief Clerk	Elizabeth A. Isaacson	\$32,652.90	Annual Salary

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Executive Secretary to Speaker	Catherine A. Sears	23-6	P-FT	12/27/85
Leader's Administrative Assistant	Mark W. Brandsgard	28-6	P-FT	6/28/85
Leader's Administrative Assistant	William C. Maloney	28-6	P-FT	11/22/85
Research Analyst	Edward J. Conlow	26-1	P-FT	11/29/85
Research Analyst	Thomas R. Patterson	27-3	P-FT	6/28/85
Research Analyst	David Werning	26-1	P-FT	11/29/85
Research Analyst	Shirley M. Danskin-White	26-3	P-FT	12/27/85
Executive Secretary to Caucus	E. Marie Callas	20-2	P-FT	1/13/86
Caucus Staff Director	Anthony D. Cobb	30-6	P-FT	11/11/85
Research Analyst	Stephen F. Moore	24-1	P-FT	10/07/85
Research Analyst	Laura A. Murphy	26-2	P-FT	7/12/85
Research Analyst	Gary W. Steinke	24-1	P-FT	10/14/85
Research Analyst	Bruce G. Brandt	24-1	P-FT	10/28/85
Research Analyst	Margaret A. Thomson	24-1	P-FT	1/03/86
Research Analyst	Maryjo F. Welch	26-3	P-FT	6/28/85
Executive Secretary to Caucus	Colleen Dillon	20-6	P-FT	1/13/86
Executive Secretary to Chief Clerk	Deanna J. Templeton	23-3	P-FT	12/27/85
Supervisor of Secretaries	Virginia Rowen	20-4	X-FT	11/15/85
Assistant Journal Editor	Vivian M. Anders	20-6	P-FT	1/13/86
Assistant Journal Editor	Carol S. Edwards	20-6	P-FT	1/13/86
Compositor	C. Elaine Schoonover	18-4	P-FT	6/28/85
Assistant Legal Counsel	E. Jane Fowler	23-1	P-FT	1/06/86
Chief Indexer	Juanita F. Swackhammer	20-6	P-FT	1/13/86
Indexing Assistant	Wilma F. Zika	18-6	P-FT	1/13/86
Supply Clerk	Joanne Wengert	15-1	S-O	12/26/85
Switchboard Operator	Julia Meyering	13-1	S-O	1/13/86
Switchboard Operator	Virginia Semple	13-2	S-O	1/13/86
Postmaster	George Pendergraft	10-2	S-O	1/13/86
Sergeant-at-Arms	Roseanne McCargar	15-2	S-O	1/13/86

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Assistant	James D.	13-2	S-O	1/13/86
Sergeant-at-Arms	Cunningham			
Doorkeeper	Marvin Hollingshead	9-2	S-O	1/13/86
Doorkeeper	Anthony F. King	9-2	S-O	1/13/86
Doorkeeper	John Pigneri	9-2	S-O	1/13/86
Speaker's Page	Rebecca J. Himschoot	\$3.35 Per Hr.	S-O	1/13/86

GROUP I

Page	Christine M. Batterson	\$3.35 Per Hr.	S-O	1/13/86
Page	Eric D. Buhr	\$3.35 Per Hr.	S-O	1/13/86
Page	Thomas W. Cope	\$3.35 Per Hr.	S-O	1/13/86
Page	Natalie A. Dale	\$3.35 Per Hr.	S-O	1/13/86
Page	Gayelee R. Gamet	\$3.35 Per Hr.	S-O	1/13/86
Page	Traci A. Gilpatrick	\$3.35 Per Hr.	S-O	1/13/86
Page	Kathy A. Grandia	\$3.35 Per Hr.	S-O	1/13/86
Page	William R. Gustoff	\$3.35 Per Hr.	S-O	1/13/86
Page	Charles L. Heath	\$3.35 Per Hr.	S-O	1/13/86
Page	Lori J. Hess	\$3.35 Per Hr.	S-O	1/13/86
Page	Lee E. Hill	\$3.35 Per Hr.	S-O	1/13/86
Page	Mary Lynn Owens	\$3.35 Per Hr.	S-O	1/13/86
Page	Suzette L. Paustian	\$3.35 Per Hr.	S-O	1/13/86
Page	Risa L. Quade	\$3.35 Per Hr.	S-O	1/13/86
Page	Christina L. Raguse	\$3.35 Per Hr.	S-O	1/13/86
Page	Elizabeth M. Running	\$3.35 Per Hr.	S-O	1/13/86
Page	Tonya M. Wick	\$3.35 Per Hr.	S-O	1/13/86
Page	Ann M. Williams	\$3.35 Per Hr.	S-O	1/13/86

Position	Name	Grade and Step	Class of Appoint- ment	Eff. Date
Page	Scott B. Wright	\$3.35 Per Hr.	S-O	1/13/86

GROUP II

Page	Kristie L. Burns	\$3.35 Per Hr.	S-O	3/10/86
Page	Robert R. Busch	\$3.35 Per Hr.	S-O	3/10/86
Page	Twila M. Firmature	\$3.35 Per Hr.	S-O	3/10/86
Page	Matthew M. Johnson	\$3.35 Per Hr.	S-O	3/10/86
Page	Janice J. Kerkove	\$3.35 Per Hr.	S-O	3/10/86
Page	John C. Maier, Jr.	\$3.35 Per Hr.	S-O	3/10/86
Page	Gregory J. Martin	\$3.35 Per Hr.	S-O	3/10/86
Page	Sheri M. Neal	\$3.35 Per Hr.	S-O	3/10/86
Page	Annette M. Paustian	\$3.35 Per Hr.	S-O	3/10/86
Page	Kenneth J. Ratashak	\$3.35 Per Hr.	S-O	3/10/86
Page	Nancy L. Robertson	\$3.35 Per Hr.	S-O	3/10/86
Page	Leslie A. Roland	\$3.35 Per Hr.	S-O	3/10/86
Page	Lauri K. Sebastian	\$3.35 Per Hr.	S-O	3/10/86
Page	Teresa M. Shakespeare	\$3.35 Per Hr.	S-O	3/10/86
Page	Mary Beth Siggelkow	\$3.35 Per Hr.	S-O	3/10/86
Page	Christine Sullivan	\$3.35 Per Hr.	S-O	3/10/86
Page	Dawn C. Toyne	\$3.35 Per Hr.	S-O	3/10/86
Page	Mindy S. Williamson	\$3.35 Per Hr.	S-O	3/10/86
Secretary I	Caroline J. Adler	14-1 + 1	S-O	1/13/86
Secretary II	Julie A. Anderson	16-5 + 1	S-O	1/13/86
Secretary II	Norma L. Bakros	16-2 + 1	S-O	1/13/86
Secretary II	Kathleen A. Beckman	16-2 + 2	S-O	1/13/86
Secretary I	Barbara Bennett	14-1 + 2	S-O	1/13/86

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Secretary II	M. Anne Blobaum	16-2 + 2	S-O	1/13/86
Secretary II	Janis L. Bowden	16-2 + 1	S-O	1/13/86
Secretary I	Joan K. Brauer	14-1	S-O	1/13/86
Secretary II	Ruby J. Briar	16-1 + 2	S-O	1/13/86
Secretary I	Doris M. Burford	14-1 + 1	S-O	1/13/86
Secretary II	Lugene R. Burns	16-6	S-O	1/13/86
Secretary I	Ben Campney	14-1 + 2	S-O	1/13/86
Secretary II	Gretchen Cardamon	16-2 + 1	S-O	1/13/86
Secretary I	Lynn D. Carey	14-1 + 1	S-O	1/13/86
Secretary I	Karen Carter	14-1 + 1	S-O	1/13/86
Secretary II	Janet S. Clayton	16-3 + 2	S-O	1/13/86
Secretary II	R. Jeannene Cochran	16-5 + 2	S-O	1/13/86
Secretary I	Elsie L. Corey	14-2 + 1	S-O	1/13/86
Secretary II	Phyllis R. Cowles	16-5 + 1	S-O	1/13/86
Secretary II	LuAnn K. Creek	16-1 + 1	S-O	1/13/86
Secretary II	Jo Ann Critelli	16-2 + 2	S-O	1/13/86
Secretary II	Ruth A. Daggett	16-2 + 1	S-O	1/13/86
Secretary I	Kory A. Darnall	14-1 + 1	S-O	1/13/86
Secretary II	Clarretta J. De Groot	16-2	S-O	1/13/86
Secretary II	Joan R. Eggen	16-4	S-O	1/13/86
Secretary I	Patricia J. Ewing	14-2 + 1	S-O	1/13/86
Secretary I	Theresa M. Ferin	14-1 + 1	S-O	1/13/86
Secretary II	Rosemary Findlay	16-2	S-O	1/13/86
Secretary II	M. Rosalie Flesher	16-2	S-O	1/13/86
Secretary I	Gertrude E. Fogarty	14-1 + 1	S-O	1/13/86
Secretary I	Phyllis N. Freel	14-4 + 1	S-O	1/13/86
Secretary II	Kathleen Gannon	16-1 + 2	S-O	1/13/86
Secretary I	Carolyn Gaukel	14-1 + 1	S-O	1/13/86
Secretary II	Audrey J. Gibson	16-3 + 2	S-O	1/13/86
Secretary I	Jean I. Goudy	14-2 + 1	S-O	1/13/86
Secretary I	Doris Guess	14-1	S-O	1/13/86
Secretary I	Barbara A. Hancock	14-1 + 1	S-O	1/13/86
Secretary II	Joan Hansen	16-2	S-O	1/13/86
Secretary II	Darlene J. Higginbottom	16-2 + 2	S-O	1/13/86
Secretary II	Betty J. Hirschauer	16-2 + 1	S-O	1/13/86
Secretary I	Dolores M. Horton	14-1 + 2	S-O	1/13/86
Secretary II	Donna B. Hove	16-2 + 1	S-O	1/13/86
Secretary II	Linda K. Hughes	16-1	S-O	1/13/86
Secretary I	Kay Iverson	14-1 + 1	S-O	1/13/86
Secretary I	Maureen A. Kennedy	14-1 + 1	S-O	1/13/86

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Secretary II	Joan A. Kiernan	16-1 + 1	S-O	1/13/86
Secretary I	Jan Knapp	14-1 + 1	S-O	1/13/86
Secretary II	Joan M. Koenigs	16-1 + 1	S-O	1/13/86
Secretary I	Jon Krieg	14-1 + 1	S-O	1/13/86
Secretary I	Betty LaCava	14-1 + 1	S-O	1/13/86
Secretary I	Laura Large	14-1 + 1	S-O	1/13/86
Secretary II	Mary Belle Lawless	16-1	S-O	1/13/86
Secretary II	JoAnn M. Leachman	16-1 + 1	S-O	1/13/86
Secretary II	Prudence A. Leachman	16-1 + 1	S-O	1/13/86
Secretary II	Gay P. Leverich	16-3	S-O	1/13/86
Secretary I	Mary L. Liljegren	14-1	S-O	1/13/86
Secretary I	Jonette Lindberg	14-1	S-O	1/13/86
Secretary II	Anita M. Lindstrom	16-2 + 2	S-O	1/13/86
Secretary II	Dona K. Lloyd	16-4 + 2	S-O	1/13/86
Secretary II	Betty Lou Lundy	16-1 + 2	S-O	1/13/86
Secretary II	Helene Mahler	16-1 + 2	S-O	1/13/86
Secretary I	Shirley Marty	14-1 + 1	S-O	1/13/86
Secretary II	Mary E. Maulsby	16-2 + 2	S-O	1/13/86
Executive Secretary to Leader	Dorothy A. Mauro	21-2	X-FT	1/13/86
Secretary I	Mary McCroy	14-1 + 1	S-O	1/13/86
Secretary I	Jeanne A. McIntee	14-1 + 1	S-O	1/13/86
Secretary I	Betty C. Millen	14-4 + 1	S-O	1/13/86
Secretary I	Phyllis Muhlbauer	14-1 + 1	S-O	1/13/86
Secretary II	Anita M. O'Gara	16-2 + 2	S-O	1/13/86
Secretary I	Meredith Olson	14-1 + 1	S-O	1/13/86
Secretary II	Jenifer Parsons	16-1 + 1	S-O	1/13/86
Secretary II	Haleen E. Pellett	16-4 + 1	S-O	1/13/86
Secretary II	Kathleen L. Peterson	16-3 + 2	S-O	1/13/86
Secretary I	Julie Kay Pierce	14-1	S-O	1/13/86
Secretary I	Naomi L. Poncy	14-2 + 1	S-O	1/13/86
Secretary I	Joann B. Quade	14-2 + 1	S-O	1/13/86
Secretary II	Marilyn J. Rensink	16-1 + 1	S-O	1/13/86
Secretary II	Mary A. Rhoads	16-2	S-O	1/13/86
Secretary II	Giovanna K. Ries	16-2 + 1	S-O	1/13/86
Secretary I	Cleo C. Royer	14-1 + 1	S-O	1/13/86
Secretary II	LaVena M. Rucker	16-5 + 1	S-O	1/13/86
Secretary II	Betty A. Rutan	16-2 + 1	S-O	1/13/86
Secretary II	Mildred L. Schneklath	16-2 + 1	S-O	1/13/86
Secretary II	Mary Ann Scott	16-5	S-O	1/13/86
Secretary II	Mary M. Shandley	16-1	S-O	1/13/86

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Secretary I	Kerstin D. Smith	14-1 + 1	S-O	1/13/86
Executive Secretary to Leader	Harriet J. Stromer	19-5	S-O	1/13/86
Secretary II	Marian S. Swearingen	16-1 + 1	S-O	1/13/86
Secretary II	Paula Sweeney	16-1 + 2	S-O	1/13/86
Secretary I	Charlotte Tammel	14-1 + 1	S-O	1/13/86
Secretary II	Charlotte F. Turner	16-2 + 1	S-O	1/13/86
Secretary I	Vita Twedt	14-1 + 1	S-O	1/13/86
Secretary II	Luella R. Van Maanen	16-2 + 1	S-O	1/13/86
Secretary II	Jane M. Wallerstedt	16-1	S-O	1/13/86
Secretary II	Karen Waltz	16-1 + 1	S-O	1/13/86
Secretary I	Cheryl A. Weld	14-1 + 1	S-O	1/13/86
Secretary II	Barbara B. Wennerstrum	16-3	S-O	1/13/86
Secretary II	Bettie J. Wentz	16-4 + 2	S-O	1/13/86
Secretary II	JoAnn West	16-3 + 2	S-O	1/13/86

The following are resignations from the officers and employees of the House:

Name	Position	Date
Kevin S. Vinchattle	Leader's Administrative Assistant	9/19/85
Ronda L. Menke	Caucus Staff Director	10/19/85
Mark Johnson	Research Analyst	12/31/85
Gary L. Parker	Research Analyst	7/19/85
Sharon R. Pilmer	Research Analyst	10/14/85

FEY of Scott, Chair

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Round Trip Miles
Horace C. Daggett	182

Daniel F. Petersen	314
Ralph Rosenberg	74

Respectfully submitted,
 Jo Ann Zimmerman, Chair
 Dennis H. Black
 Ruhl Maulsby

APPOINTMENTS

Speaker Avenson announced the following appointments which were made during the interim:

COMMUNITY CULTURAL GRANTS COMMISSION (House File 555, 71st General Assembly, 1985 Session)

Gene Blanshan Term beginning July 1, 1985
 and ending June 30, 1988

EDUCATION COMMISSION OF THE STATES (Chapter 272B.2, Code of Iowa, 1985)

Horace Daggett Reappointed to a term beginning July 1, 1985
 and ending June 30, 1989

HEALTH DATA COMMISSION (Section 145.2, Code of Iowa, 1985)

JoAnn Zimmerman Reappointed to a term beginning July 1, 1985
 and ending June 30, 1986

IOWA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (Section 28C.2(2), Code of Iowa, 1985)

Johnie Hammond Reappointed to a term beginning July 1, 1985
 and ending June 30, 1987

IOWA COMMISSION ON COMPENSATION, EXPENSES AND SALARIES FOR ELECTED OFFICIALS (Chapter 2A.1, Code of Iowa, 1985)

Carl Nielsen Altoona
 Reappointed to a term beginning July 1, 1985
 and ending June 30, 1986

MEDICAL ASSISTANCE ADVISORY COUNCIL (Chapter 249A.4(8), Code of Iowa, 1985)

Mark Haverland Term beginning July 1, 1985
 and ending June 30, 1987
 Andy McKean Term beginning July 1, 1985
 and ending June 30, 1987

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

CIVIL RIGHTS COMMISSION

The Annual Report of the Iowa Civil Rights Commission for fiscal year 1985, pursuant to Chapter 601A.4, Code of Iowa.

COMMISSION ON CHILDREN, YOUTH AND FAMILIES

The 1985 Annual Report of the Iowa Commission on Children, Youth and Families, pursuant to Chapter 237B.4, Code of Iowa.

CRIMINAL AND JUVENILE JUSTICE PLANNING AGENCY

A progress report of the Juvenile Restitution Program, pursuant to Chapter 232A.3, Code of Iowa.

HEALTH DEPARTMENT

A report containing current research findings on the effects of exposure to chemical defoliants or herbicides or other causative agents, including Agent Orange, and statistical survey information, pursuant to Chapter 139A.3(2), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

The annual report, pursuant to Chapter 217.21, Code of Iowa.

A report on the feasibility of implementing a comprehensive perinatal services and obstetrical access program under the medical assistance program, similar to the program established in the State of California, pursuant to House File 771, Section 3, subsection 2e, unnumbered paragraph 5, Seventy-first General Assembly, 1985 Session.

A study of the applicability of the State of Colorado's medically indigent program to the State of Iowa, pursuant to House File 771, Section 3, subsection 2e, unnumbered paragraph 6, Seventy-first General Assembly, 1985 Session.

DEPARTMENT OF JOB SERVICE

The Actuarial Report of the Iowa Job Insurance System as of December 31, 1984, pursuant to Chapter 96.35, Code of Iowa.

MERIT EMPLOYMENT DEPARTMENT

A copy of the Iowa Management Training System Course Catalog for Fiscal Year 1986.

OFFICE FOR PLANNING AND PROGRAMMING

The 1985 Annual Report on Community Action Programs in Iowa, pursuant to Section 7A.28, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

The preliminary Uniform Crime Report comparison for the first calendar quarter of 1985, pursuant to Chapter 692.15, Code of Iowa.

The annual reports for the Iowa Department of Public Safety for the calendar years 1983 and 1984.

A report concerning the enforcement and public awareness of school bus safety laws in Iowa, pursuant to House Concurrent Resolution 31, Seventy-first General Assembly, 1985 Session.

DEPARTMENT OF TRANSPORTATION

The 1985 Iowa Primary Road Sufficiency Log, pursuant to Chapter 307A.1(12), Code of Iowa.

A progress report on the Public and Private Transportation Coordination Project, pursuant to Chapter 601J.5, Code of Iowa.

A report on Jurisdictional Responsibilities, Consolidation of Maintenance Activities, Consistency in Standards and Design Criteria and Levels of Maintenance, pursuant to Chapter 601J.5, Code of Iowa.

The 1986-1991 Transportation Improvement Program, pursuant to Section 307A.2(12), Code of Iowa.

The "1985 Iowa Airport Sufficiency Ratings", pursuant to Chapter 328.12, Code of Iowa.

DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT

The second annual report, pursuant to Chapter 455B.425 and Chapter 455B.427, Code of Iowa.

A Preliminary Report to the General Assembly on Toxic Cleanup Days, pursuant to House File 728, Seventy-first General Assembly, 1985 Session.

STATE OF COLORADO

House Joint Resolution 1010, urging Congress and the President to take immediate and decisive steps to sharply reduce the nation's fiscal deficit in order that we not undermine the foundation of our national economy.

STATE OF LOUISIANA

House Concurrent Resolution 182, memorializing the Congress of the United States to propose an amendment to the United States Constitution to give the president of the United States authority to line-item veto the Federal Budget.

STATE OF NEBRASKA

Legislative Resolution 17, resolving that the Nebraska congressional delegation undertake an investigation, with the assistance of the United States General Accounting Office and the Congressional Research Office, of the United States standards on dockage and foreign material; that the investigation examine the need to change the nation's seventy-year-old standards; that a copy be sent to the legislative leaders and agricultural committee chairpersons in surrounding states; and that the aforementioned legislative leaders be asked to join Nebraska in this effort by contacting their congressional delegations.

STATE OF NEVADA

Senate Joint Resolution 33, extending on behalf of the people of the State of Nevada, to the people of the Republic of China, through the Provincial Legislature of Taiwan, an invitation to join Nevada as a sister state and to conduct mutually beneficial programs in order to bring our citizens closer together and strengthen international understanding and good will.

STATE OF TENNESSEE

Senate Joint Resolution 202, designating July, 1985 as "Buy America" month.

SUPREME COURT

The results of an actuarial valuation of the State of Iowa Judicial Retirement System.

TREASURER OF STATE

The Report of the Treasurer of State for the Fiscal Year July 1, 1983 through June 30, 1984.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 500 Judiciary and Law Enforcement**

Relating to nonsubstantive Code corrections.

S.B. 501 Judiciary and Law Enforcement

Relating to the filing fees of statutory liens for filing with the clerk of district court.

S.B. 502 Judiciary and Law Enforcement

Relating to the false use of a financial instrument and providing penalties.

S.B. 503 Judiciary and Law Enforcement

Prohibiting the transportation of an open container of wine in a motor vehicle and incorporating a penalty.

S.B. 504 Judiciary and Law Enforcement

Relating to the suspension of motor vehicle licenses for the failure to pay a fine, penalty, surcharge, or court cost.

S.B. 505 Judiciary and Law Enforcement

Relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect current practices.

S.B. 506 Economic Development

Relating to gambling by permitting lottery tickets and shares to be sold on the premises of establishments that serve or sell alcoholic beverages, wine, or beer and providing for an effective date.

S.B. 507 Small Business and Commerce

Relating to the disclosure of information regarding credit card fees.

CERTIFICATES OF RECOGNITION

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

- | | |
|---------|--|
| 1985-28 | Lois Van Sickle — First woman to be installed as president of the Masonic Homes Executives Association of North America. |
| 1985-29 | Oskaloosa 13-year old Babe Ruth All Stars Team — 1985 state championship. |

JOSEPH O'HERN
Chief Clerk of the House

On motion by Norland of Worth, the House adjourned at 4:52 p.m., until 9:00 a.m., Tuesday, January 14, 1986.

JOURNAL OF THE HOUSE

Second Calendar Day — Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 14, 1986

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

Prayer was offered by Reverend Frazer A. Thomason, pastor of the Capitol Hill Christian Church, Des Moines.

The Journal of Monday, January 13, 1986 was approved.

INTRODUCTION OF BILLS

House File 2019, by Sturgeon, a bill for an act to amend zoning statutes to authorize allowing older persons to reside in temporary housing on the same property as a primary dwelling and to require the state building code commissioner to adopt rules.

Read first time and referred to committee on **human resources**.

House File 2020, by Shoning, a bill for an act related to the compensation of township trustees and township clerks.

Read first time and referred to committee on **local government**.

House File 2021, by Shoning, a bill for an act relating to the filing of claims for homestead tax credits and military service tax exemptions, making coordinating changes, and providing an effective date.

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

House File 2022, by Schneklath, a bill for an act relating to the inspection of rental housing.

Read first time and referred to committee on **local government**.

House File 2023, by Van Maanen, a bill for an act relating to the penalty for early retirement under the Iowa public employees' retirement system and providing that the Act is retroactive to July 1, 1984.

Read first time and referred to committee on **state government**.

House File 2024, by Van Maanen, a bill for an act relating to security interests in farm products and providing penalties.

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

House File 2025, by Haverland, a bill for an act providing for uniform training of peace officers through establishment of the board of peace officer standards and training.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2026, by Daggett, a bill for an act related to the appointment of county deputies, assistants, and clerks.

Read first time and referred to committee on **local government**.

House File 2027, by Shoning, a bill for an act relating to the right of a city to enter into lease-purchase agreements.

Read first time and referred to committee on **local government**.

House File 2028, by Pellett, a bill for an act modifying procedures in small claims to prohibit the representation by attorney of all but certain specified parties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2029, by Running, a bill for an act to allow unregistered snowmobiles to participate in special events on public property.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2030, by McKean, a bill for an act relating to the ownership of agricultural land by requiring divestment under certain circumstances.

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

House File 2031, by Rosenberg, a bill for an act relating to leaves of absence to serve on state task forces, committees, boards, and commissions and subjecting violators to a penalty.

Read first time and referred to committee on **state government**.

House File 2032, by Running, a bill for an act relating to combined hunting, fishing, and fur harvesting licenses.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2033, by Daggett, a bill for an act relating to the interest penalty imposed on delinquent property taxes.

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

House File 2034, by Pellett, a bill for an act to eliminate the continuing education requirements for cosmetologists and barbers.

Read first time and referred to committee on **state government**.

House File 2035, by Spear, a bill for an act relating to the appointment of chiefs of the police department and chiefs of the fire department in cities under civil service.

Read first time and referred to committee on **local government**.

The House stood at ease at 9:15 a.m., until the fall of the gavel.

The House resumed session at 9:39 a.m., Speaker Avenson in the chair.

COMMITTEE TO NOTIFY THE SENATE

Sherzan of Polk moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Sherzan of Polk, Rosenberg of Story and De Groot of Lyon.

The House stood at ease at 9:40 a.m., until the fall of the gavel.

The House resumed session at 9:48 a.m., Speaker Avenson in the chair.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Sherzan of Polk, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Parliamentarian of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Parliamentarian to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with House Concurrent Resolution 101, duly adopted, the joint convention was called to order, President Anderson presiding.

Senator Hutchins of Audubon moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Anderson announced a quorum present and the joint convention duly organized.

Senator Hutchins of Audubon moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Terry E. Branstad that the joint covention was ready to receive him.

The motion prevailed and the President appointed as such committee: Senators Peterson of Monroe, Fraise of Lee and Gratiias of Floyd, on the part of the Senate, and Representatives Beatty of Warren, Hester of Pottawattamie and Woods of Polk, on the part of the House.

The Justices of the Supreme Court and Judges of the Appellate Court were escorted into the House chamber.

The members of the Executive Council and the Attorney General were escorted into the House chamber.

Mrs. Chris Branstad, son, Eric and daughter, Allison, Mr. and Mrs. Edward Branstad (Governor Branstad's parents), and Mr. and Mrs. Dick Johnson (Mrs. Branstad's parents) were escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him to the Speaker's station.

President Anderson then presented Governor Terry E. Branstad who delivered the following Condition of the State and Budget Message:

Mr. President, Mr. Speaker, Mr. Chief Justice, Justices and Judges, State Officials, Senators and Representatives, Distinguished Guests and Friends.

Before I begin this Condition of the State Message, I want to ask all of you to join me in sending a message to a guy named Jim Murray with the Los Angeles Times.

"Jim, we're proud to be Iowans and although we lost a football game when we were there New Year's Day, we're tough and we're coming back."

I'm here today to report to you on the Condition of the State. It must begin with a discussion about the worst agricultural crisis since the Great Depression. Land values in our state have dropped sixty percent since 1981, with over \$40 billion of wealth drained from Iowa.

The problems in agriculture are not limited to our family farmers; they have affected our small towns and large cities. Factory workers, teachers, even our children have not been spared from the agricultural crisis.

Iowans are fighting to save an industry which was the stable, the reliable base of our state's economy just a decade ago. The adjustment has been difficult, in some cases outright cruel.

1985 was a tough year in Iowa. But, we Iowans faced reality with courage. Across the nation, the farm crisis is headline news from time to time; but in Iowa, we live with it day to day.

We've lost some material wealth; but we've not lost our spirit, our determination and our commitment to the future. We have just begun to fight, not just to retain the Iowa we've known, but to build a brighter future.

We have consistently pushed for action to help America's farmers, and although we have suffered some setbacks, we have also scored some victories. We must not leave any stone unturned.

We must continue to pressure the federal government for meaningful restructuring of this agricultural debt for our farmers, and I plan to continue my personal efforts on behalf of the farmers.

Our goal must be to keep the farmers on the land. I recommend that we take state action to help do that. We must establish:

- A Special Emergency Fund — seeded by state dollars, that commercial banks can use to provide emergency loans to farmers.
- A Special Ombudsman — to act as a watchdog over policies of the Farm Credit System, the Farmers Home Administration and the Commercial Banks.
- A Linked Deposits Program — which will invest state dollars in lending institutions that provide lower interest loans for farmers.
- A Farmer Retraining Program — that will help farmers who are forced off the farm develop their skills and find jobs in our state.

We must continue the Emergency Hotline system and special mediation program to train people in every county to help farmers and lenders work out their problems peacefully.

Finally, I recommend a special program to help buy down interest rates for Iowans who want to begin farming. The family farm is a valuable part of Iowa's heritage. We must provide our sons and daughters with the same opportunities that our parents provided us.

In the midst of the crisis in 1985, we took stock in our strengths: our pride in our work, our excellent education system, our active faith in our communities, our families, each other, and in God.

In the midst of the crisis, we had the foresight to take significant action to diversify our state's economy. We removed some obstacles to job creation and we made Iowa more competitive.

In the midst of the crisis, we Iowans became unified in our faith in our ability to work out these problems, and that is the first step to building a new and a stronger Iowa.

Today, I will show you a blueprint for the Iowa of the future. This blueprint is a plan for action. Our strength is its foundation. We must build on our strength, our pride in our work, our highly productive workers, our outstanding education, our friendly, caring people and our faith in what we can accomplish.

We must expand our economy into new areas. We must identify and nurture the growth industries best suited for the Iowa of the future. We must develop new products and new markets.

As we build, we must promote our strength as never before. Iowans cannot take a back seat to anyone. We have a good quality of life and we need to tell the world about it.

We need to be a state of people who are not afraid to take the initiative. These are extraordinary times and they call for extraordinary action. To take the normal path means that we accept things the way they are. We can't do that. Winston Churchill once said, "This is no time for ease and comfort. It is time to dare and endure."

I say to you: The time is now to preserve Iowa's quality of life. The time is now to build a stronger and more prosperous future. The time is now to provide our children with an Iowa that they, too, can be proud of and will work hard to protect.

My challenge to you is crucial to a new and a stronger Iowa.

- Streamline government — make it fit our time and avoid tax increases.
- Strengthen our commitment to creating jobs — make us second to no other state, and
- In education — we should build on the best.

Iowans demand discipline and direction in attacking the hard realities of today. Iowans refuse to pay for more government than they can afford, and Iowans refuse to accept higher taxes as the answer. Iowans want and need more jobs. Iowans recognize that the future of this state is dependent on a strong education for our children.

My challenge to you is to streamline government and avoid tax increases. In the last two decades, the population of our state has only grown just over five percent, yet the state government workforce has grown by over seventy percent.

Next year, we face a \$107 million budget problem. We cannot continue state government as usual. On December 3, I presented you a comprehensive government restructuring and downsizing program — the most comprehensive program in our state's history.

The budget that I present to you today is based on this new streamlined state government. We in the Executive Branch are moving forward in the implementation process, and the Legislature must also act. You have indicated you are up to the challenge and that you are ready and have already taken some important initial steps. It is essential that restructuring and downsizing be completed in this legislative session.

Our work can't stop there. We must assure Iowans that their taxes will not go up, when they can least afford it. Our state operating budget should be frozen. Property taxes should be frozen. Yet, we should meet our obligations to school districts and local governments and take the next step in court reorganization.

This budget is fair. It is balanced, and it reflects our times. I strongly urge you to take swift action to assure Iowans that there will be no state tax increase and there will be no property tax increase.

My next challenge to you is: to make our efforts to create jobs second to no state. We cannot let up. We must move forward aggressively. We must take the initiative and seize every opportunity for more businesses and more jobs.

Last year, we eliminated the sales and use tax on machinery, equipment and computers and we repealed the personal property tax. These changes have already begun to pay off in new jobs for Iowans.

Together, we must continue removing barriers to economic development. This year, let's remove the most uncompetitive features of our Unemployment and Workers' Compensation systems, while protecting unemployed or injured workers.

Eliminating barriers is important; but, we must do even more to ensure Iowa's success in economic development. Our strategy for economic development includes:

- Improving our business climate;
- Assisting small and existing businesses, and
- Marketing and promoting Iowa.

To improve our business climate, we need to provide new incentives to help rural Iowa and our cities. This can be done by creating economic development areas to target incentive packages to new and expanding industry.

We have analyzed the competition from other states and we've put together a package that no other state can match. If you adopt my recommendations, Iowa will have a job creating package that will be second to none.

To help finance local economic development projects, we should establish a bond bank and provide funding for our community economic betterment programs. We also need to place reasonable limitations in our tort law.

We must not forget that over sixty percent of the new jobs in Iowa are created by small businesses. We need to help these home grown businesses by fully funding our small business incubators, our Main Street Iowa program, and our procurement program to make sure that we get our fair share of federal contracts.

Iowa has the potential to be a national center for telecommunications and biotechnology. We can create new businesses by nurturing these growth areas. We can double the amount of new jobs created in the telecommunications field in our state in 1986. And I know of at least two new companies who already have told me of their interest in moving their biotechnology research to Iowa, if we make a commitment in that field. I challenge you today to join me in making that commitment for Iowa's future.

No economic development strategy would be complete without renewed emphasis on marketing and promoting Iowa. Last year, we proved that marketing Iowa works. We invested a small amount of money in promoting tourism and it paid big dividends — tourism was up twenty percent and with Homecoming '86 as our theme this year, we can do even better.

Individual Iowans and businesses can also help in our marketing efforts by becoming part of the Iowa Ambassadors program. We can use this unique partnership to tell the rest of the country about Iowa, our quality products, our productive workers, and our good quality of life.

Marketing Iowa's products goes beyond our nation's borders and I recommend we should start a Small Business Export Finance Program to help our small businesses compete in the international marketplace. This program can generate at least \$20 million dollars in additional international trade for Iowa and over 500 new jobs for Iowans.

Right now, Japan is our biggest foreign customer for Iowa products but Iowa needs to get an even bigger share of the Japanese markets, and we can do that by establishing an Iowa office in Japan.

Our blueprint to build a new future for Iowa must include renewing our commitment to excellence in education. Our children are the future. What they learn in the classroom today will make the difference for the Iowa of tomorrow.

Despite our revenue shortfall, this budget provides \$35 million more in aid to local schools. Aid that would not have been possible without the restructuring and downsizing of state government.

We must take action to reduce administrative costs in education. Reducing administrative costs will provide more money for our children's classroom instruction.

I recommend that we provide extra state aid to schools that share administrative staff. We also should provide property tax incentives for school districts that reorganize.

Excellence in education is dependent on quality teachers in the classroom. We must attract and retain our best college graduates to the teaching profession. I recommend that we increase beginning teacher salaries and establish a career ladder for our best teachers. I also encourage private support for our First in the Nation In Education effort.

As we strengthen our commitment for excellence in education for our children, we should also act to protect the quality of life for the people that built this state.

In recognition of the top priority of the Older Iowans Legislature, I recommend a substantial commitment of funds to assist elderly Iowans who wish to remain in their own homes. This should include a home-based care program and support for families of Alzheimer's Disease victims.

During these difficult times, we must not forget our needy Iowans. My budget includes \$15 million dollars of supplemental funds this year, to maintain our Human Services program.

To protect the safety of all Iowans, we should adopt uniform, nationally recognized standards for drunk-driving. Third offense drunk drivers should not go to prisons, but into a secure treatment facility.

By getting those people out of the prison system, we can eliminate the cap and the Parole Board should not be forced to endanger the public by releasing prisoners because of an arbitrary lid.

Restructuring and downsizing government, strengthening our commitment to economic development, job creation, and building on the best in Iowa's education are not promises, but challenges.

Together, we can make this blueprint for Iowa's future a reality. We cannot let minor differences cloud our vision for Iowa's future. Iowans expect action and it's up to us, you and I to respond.

This is a tough assignment, but no tougher than the times. We have the spirit, the determination and the commitment to build a better Iowa.

Abraham Lincoln once observed, "The future comes only one day at a time. Let us begin today, to make tomorrow."

Throughout our state's history, Iowans have risen to meet the challenge of the times and I believe that today will be no different.

Thank you very much.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Norland of Worth moved that the joint convention be now dissolved at 10:25 a.m., which motion prevailed.

The House reconvened, Speaker Avenson in the chair.

On motion by Norland of Worth, the House was recessed at 10:26 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

RULE 51 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend until further notice that portion of Rule 51 which states "The report shall be printed in the journal of the last legislative day of the week in which the bill is assigned." so that subcommittee assignments may be printed in the journal on a daily basis.

HOUSE COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

Daniel Petersen	Energy and Environmental Protection Local Government Rules and Administration Ways and Means
Michael Peterson	Ways and Means
Donald Platt	Human Resources

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA LOTTERY COMMISSION

A report for the period of June 1, 1985 through December 31, 1985 pursuant to House File 225, Sec. 127, 1985 Iowa Acts.

On motion by Norland of Worth, the House adjourned at 3:27 p.m., until 9:00 a.m., Wednesday, January 15, 1986.

JOURNAL OF THE HOUSE

Third Calendar Day—Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 15, 1986

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

Prayer was offered by Reverend Mark Gravdal, pastor of the First Lutheran Church, Northwood.

The Journal of Tuesday, January 14, 1986 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2001, by Spear, a joint resolution proposing an amendment to the Constitution of the State of Iowa.

Read first time and referred to committee on **state government**.

House File 2036, by Clark and Hermann, a bill for an act relating to the award of punitive or exemplary damages.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2037, by Cochran, a bill for an act to allow an individual income tax credit for health insurance premiums paid by a taxpayer on income earned from self-employment in computing state individual income tax.

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

House File 2038, by Clark, a bill for an act relating to the award of punitive or exemplary damages.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2039, by Running, a bill for an act relating to the voluntary quit disqualification in unemployment compensation cases involving sickness or physical inability.

Read first time and referred to committee on **labor and industrial relations**.

House File 2040, by Oxley, a bill for an act relating to the repeal of a local option sales and services tax in certain counties and providing for an effective date.

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

House File 2041, by Hester, a bill for an act requiring an abstractor's lien search and attorney's opinion on certain plats submitted for approval of the city council.

Read first time and referred to committee on **local government**.

House File 2042, by O'Kane, a bill for an act relating to foster care clothing allowances.

Read first time and referred to committee on **human resources**.

House File 2043, by Halvorson of Clayton, a bill for an act relating to evidence and arguments in a case brought under the comparative fault Act.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2044, by Skow, a bill for an act relating to the computation of workers' compensation benefits for elected or appointed members of governmental boards, commissions, councils, and other part-time advisory or policy-making bodies.

Read first time and referred to committee on **labor and industrial relations**.

House File 2045, by Shoning, a bill for an act relating to the comparison of reports of unidentified bodies with reports of missing persons, and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2046, by Peick, a bill for an act relating to the exemption from a local option sales and services tax of the rental of certain rooms, apartments and sleeping quarters.

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

House File 2047, by Peick, a bill for an act to prescribe a procedure for the removal of an approval or endorsement from a certificate issued under chapter 260.

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

House File 2048, by Corey and McKean, a bill for an act relating to the valuation of agricultural property for property tax purposes and providing an effective date.

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

House File 2049, by Clark, a bill for an act transferring the responsibility for abuse investigations from the department of human services to the department of public safety.

Read first time and referred to committee on **human resources**.

House File 2050, by Zimmerman, Cochran and Harbor, a bill for an act relating to the security interest in farm products and providing for an effective date.

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

PRESENTATION OF IOWA JUNIOR MISS

Johnson of Winneshiek escorted to the front of the Speaker's station and introduced Jolene Hjerleid, 1986 Iowa Junior Miss from Decorah, Iowa. Jolene, who is a senior at Decorah High School, will be representing Iowa at the National Junior Miss contest in Mobile, Alabama in June.

Jolene addressed the House briefly and the House rose and expressed its welcome.

On motion by Norland of Worth, the House was recessed at 9:26 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SPONSOR ADDED (House File 2024)

Grandia of Marion requested to be added as a sponsor of House File 2024.

COMMUNICATION RECEIVED

The following communication was received and placed on file in the office of the Chief Clerk:

HEALTH DATA COMMISSION

The annual report of the Health Data Commission, pursuant to Chapter 145.6, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 508 Energy and Environmental Protection

Extending the provisions of the Hazardous Chemicals Risks Right to Know Act to farmers and farm workers.

SUBCOMMITTEE ASSIGNMENTS

House File 30

Local Government: O'Kane, Chair; Diemer and Petersen of Muscatine.

House File 69 (Reassigned)

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

House File 107 (Reassigned)

Local Government: O'Kane, Chair; Buhr and Renken.

House File 117 (Reassigned)

Local Government: O'Kane, Chair; Buhr and Renken.

House File 206

Local Government: O'Kane, Chair; Buhr and Renken.

House File 327 (Reassigned)

Local Government: O'Kane, Chair; Buhr and Renken.

House File 579

Transportation: Fogarty, Chair; Gruhn and Pellett.

House File 586

Local Government: O'Kane, Chair; Peick and Petersen of Muscatine.

House File 597 (Reassigned)

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

House File 615 (Reassigned)

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

House File 650 (Reassigned)

Local Government: Groninga, Chair; Baxter and O'Kane.

House File 2001

Labor and Industrial Relations: Connors, Chair; Fey and Kremer.

House File 2012

Local Government: Beatty, Chair; Daggett and Peick.

House File 2014

Local Government: Oxley, Chair; Grandia and Peick.

House File 2024

Agriculture: Fogarty, Chair; Rensink and Zimmerman.

House File 2030

Agriculture: Muhlbauer, Chair; Blanshan and Van Maanen.

House File 2050

Agriculture: Fogarty, Chair; Rensink and Zimmerman.

Senate File 19

Transportation: Muhlbauer, Chair; Lageschulte and Woods.

Senate File 326

Local Government: Spear, Chair; Miller and Platt.

Senate File 499 (Reassigned)

Transportation: Koenigs, Chair; Jay, Platt, Van Camp and Woods.

Senate File 533

Agriculture: Koenigs, Chair; De Groot, Handorf, Hatch and Skow.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 9

Local Government: Baxter, Chair; Petersen of Muscatine and Platt.

Study Bill 243

Local Government: Renken, Chair; Royer and Spear.

Study Bill 247

Local Government: O'Kane, Chair; Buhr and Diemer.

Study Bill 305

Local Government: Beatty, Chair; Diemer and Groninga.

Study Bill 507

Small Business and Commerce: Parker, Chair; Hummel and Swartz.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2018, a bill for an act to determine the jurisdiction of the state over providers of health care benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5005**, January 14, 1986.

COMMITTEE ON TRANSPORTATION

Senate File 19, a bill for an act which treats, in certain instances, a speeding violation of ten miles per hour or less over the legal speed limit as one-half of a violation in relation to certain motor vehicle license suspensions, revocations, and cancellations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5006**, January 14, 1986.

Senate File 297, a bill for an act to allow the operation of a motor scooter by a person who has a motor vehicle operator's license not valid for the operation of a motorcycle.

Fiscal Note is not required.

Recommended **Do Pass** January 14, 1986.

AMENDMENTS FILED

H—5005	H.F.	2018	Committee on Small Business and Commerce
H—5006	S.F.	19	Committee on Transportation
H—5007	S.F.	19	Lageschulte of Bremer Muhlbauer of Crawford Woods of Polk Hummel of Benton

On motion by Norland of Worth, the House adjourned at 3:07 p.m., until 9:00 a.m., Thursday, January 16, 1986.

JOURNAL OF THE HOUSE

Fourth Calendar Day — Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 16, 1986

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

Prayer was offered by Reverend Mark Young, pastor of the Church of Christ, Clarion.

The Journal of Wednesday, January 15, 1986 was approved.

INTRODUCTION OF BILLS

House File 2051, by Oxley, a bill for an act clarifying the repeal procedures for a local option sales and services tax and making the Act retroactive.

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

House File 2052, by Rosenberg, a bill for an act creating an asbestos contractors liability association to provide liability coverage for asbestos contractors.

Read first time and referred to committee on **small business and commerce**.

House File 2053, by Peick, a bill for an act relating to the publication of delinquent property tax lists and notice of time and place of tax sales.

Read first time and referred to committee on **local government**.

House File 2054, by Haverland, a bill for an act relating to the deer or wild turkey hunting permit provided to landowners.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2055, by Pavich, a bill for an act relating to the marketing of dairy products, by repealing the regulation of discounts and rebates.

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

House File 2056, by Hatch, a bill for an act relating to the testing and sale or advertisement of water sold in containers for public consumption, and providing for a penalty.

Read first time and referred to committee on **energy and environmental protection**.

House File 2057, by Skow, a bill for an act to appropriate certain revenues from the state lottery to establish a trust fund for paying educational excellence incentive awards and to strike the appropriation for the world trade center and providing that the Act is retroactive to July 1, 1985.

Read first time and referred to committee on **economic development**.

House File 2058, by Teaforde, a bill for an act relating to the frequency of issuing a limited license to conduct games of skill or chance and raffles.

Read first time and referred to committee on **state government**.

House File 2059, by De Groot, a bill for an act relating to eligibility for a two-year license to conduct games of skill, chance, and raffles.

Read first time and referred to committee on **state government**.

House File 2060, by Running, a bill for an act relating to assignments of income in delinquent support cases and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2061, by Teaforde, a bill for an act relating to the licensing of marital and family therapists and mental health counselors.

Read first time and referred to committee on **state government**.

House File 2062, by Cochran, a bill for an act providing for a legal assistance for farmers program, by authorizing the attorney general to contract for program services, making an appropriation, and providing an effective date.

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

House File 2063, by De Groot, a bill for an act relating to the exemption from the sales, services, and use tax of the sale, furnishing, or service of utilities to be used in agricultural production for market.

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

House File 2064, by Halvorson of Clayton, a bill for an act relating to actions for damages for the value of consortium lost because of the wrongful or negligent injury or death of a spouse.

Read first time and referred to committee on **judiciary and law enforcement**.

ADOPTION OF SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

Zimmerman of Dallas called up for consideration the supplemental report of the committee on mileage found on pages 25 and 26 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

COMMITTEE TO NOTIFY THE SENATE

Haverland of Polk moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee: Haverland of Polk, Peterson of Carroll and Shoning of Woodbury.

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 9:49 a.m., Speaker Avenson in the chair.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Haverland of Polk, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that it had performed its duty. The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Parliamentarian of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Parliamentarian to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order, President Anderson presiding.

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

President Anderson announced a quorum present and the joint convention duly organized.

Senator Hutchins of Audubon moved that a committee of four, consisting of two members from the Senate and two members from the House, be appointed to escort Governor Terry E. Branstad to the House chamber for the Condition of the Judicial Department Message.

The motion prevailed and the President appointed as such committee: Senators Riordan of Dallas and Waldstein of Buena Vista on the part of the Senate; and Representatives Varn of Johnson and Petersen of Muscatine on the part of the House.

Senator Hutchins of Audubon moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Chief Justice W. W. Reynoldson that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee: Senators Doyle of Woodbury, Coleman of Webster and Taylor of Hardin on the part of the Senate; and Representatives Jay of Appanoose, Chapman of Linn and Kremer of Buchanan on the part of the House.

Members of the Executive Council and the Attorney General were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge and the Judges of the Court of Appeals and the Chief Judges of the eight Iowa Judicial Districts were escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him to the Speaker's station.

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

President Anderson presented Chief Justice W. Ward Reynoldson who delivered the following Condition of the Judicial Department message:

Mr. President, Mr. Speaker, Governor Branstad, Senators, Representatives, State Officials, Justices and Judges, Distinguished Guests and fellow Iowans:

We first were invited here eight years ago to report on the condition of Iowa's judicial branch of government. Today I feel more comfortable, for I see in this chamber the faces of so many friends: senators and representatives I have grown to know, to respect, and to admire. We think the information we bring today will help you this session in reaching several decisions that will determine the pace and quality of justice our mutual constituents shall experience for years to come.

If you will indulge one of the oldest persons in the room in offering unsolicited advice, this will be a session when you might listen less to the doomsayers. History and experience can teach us much about times like these — including the wisdom of always using our heads while not entirely ignoring our hearts.

I am an Iowan not by birth, but by deliberate choice. During all of my "teen" years, my farm family suffered the depression of the '30s and Nebraska's long searing

drought. When we left, the bank owned the farm my grandfather homesteaded. I shall never forget, however, my first and lasting impressions of beautiful Iowa: rich soil, with green grass in the roadside ditches instead of tumbleweeds, ears of corn as long and heavy as a man's forearm hanging over the fences, a friendly people with a strong work ethic and solid values. Those great and irreplaceable resources — strong people and rich land, — are still here, and with reasonable care and attention, shall remain.

It is true that we gather in a time of temporary traumatic social and economic change, when the future and fortunes of many Iowans ride on our trial dockets (a 6.3 percent increase in 1985), and when violence and threats of violence make it imperative that troubled people have ready access to, and the opportunity to be promptly heard, in our courts.

It is a time when this legislature and the Governor agree that the executive branch must be streamlined and reorganized. We can relate to that, because the judicial branch is already well along with the reorganization you so carefully and wisely charted for us. Your study by three successive joint interim committees resulted in the 1983 adoption of the court reorganization that is now contained in Iowa Code Chapter 602.

Among other improvements, this bill brings together and coordinates, over a five-year period ending in fiscal year 88, the several components serving the justice system. The now-expanded goal of making all state government more effective and responsive underscores the recommendation of the Governor, and many of you individually, that the restructuring of the judicial branch continue in accordance with your 1983 blueprint.

The sound reasons that supported court reorganization are recorded in your interim committee reports, but let us explore just one dimension of the problem Chapter 602 was designed to solve. The judicial branch began keeping case load statistics in 1956. An examination of these statistics from 1956 through 1985 dramatically demonstrates the growth of litigation. In this 29-year period probate filings increased 52 percent, civil cases 135 percent, juvenile cases 243 percent, and criminal cases 570 percent. During the same period, the number of district judges increased from 70 to 99, a 41 percent increase.

How have we collectively sought to cope with it all: increases in judicial business of 52 percent, 135 percent, 243 percent, and 570 percent?

First, we observe that Iowa's trial judges have worked, and continue to work, longer and harder, despite the fact that inflation has drained the purchasing power of their salaries 47 percent in the last eight years.

Second, you have responded by providing some personnel support for the judicial districts, including law clerks for pure research, court administrators, case coordinators, and other professional managers. This permits the judges more time for judging. Your innovative efforts also have provided a small cadre of experienced part-time senior judges.

Your reorganization action in 1983 overhauled an archaic and inefficient support structure originally designed to serve county courts, which were abolished in 1868.

Under this progressive legislation, jury fees have been paid by the state since October 1, 1983. Shorthand reporters became a part of the judicial department July 1, 1984; court attendants January 1, 1985; and juvenile court officers July 1, 1985. Each year the state has reallocated from the counties additional court-generated revenues. Through the current fiscal year this reallocation will generate a substantial net gain for the state general fund.

Your Chapter 602 blueprint calls for the state to assume the expenses of the offices of the clerks of the Iowa District Court, and to consolidate the personnel of those offices into the state judicial system, on July 1, 1986. This will permit the third branch to keep and train professional persons to accelerate the paper flow and the case management demanded by its staggering case load. It will eliminate the conflicting tax source considerations that have resulted in costly and artificial barriers between the functions of recordation, money collections, jury management, and court administration.

The judicial system and the clerks' offices have worked hard together in preparation for this transition. Budgets have been finalized with the invaluable aid of the district fiscal officers. Job descriptions have been developed, along with explanations of benefits. Three judicial districts held elections for bargaining representation on December 19. Collective bargaining efforts between the organized clerks' offices and the judicial department are ongoing and are aimed at July 1, 1986. The hiring moratorium you statutorily fixed is currently in effect for the clerks.

The clerks, individually and through their association, continue to support your reorganization legislation. The necessity to phase in the restructuring of the judicial branch has made it difficult, because many financially hard-pressed counties have lost interest in these offices. Last fall, in judicial district budget submissions before the Supreme Court, we learned that the clerks were governmental orphans, that broken equipment had not been replaced and personnel vacancies had not been funded. We ask only for some indispensable equipment in this budget, but a failure to continue the reorganization at this point would further demoralize these persons and hamstring vital court operations.

In keeping its commitment on July 1, 1986, the state will send two important messages:

First, it will tell the farmers, homeowners, and main street merchants that the burden of the state's court system will no longer ride on their backs, but will be carried by all Iowans who, in the final analysis, have the benefits of its protection and the right to utilize its services.

Second, the state will make the point that government reorganization does not always mean pushing unavoidable expenses down to a lower governmental unit and a narrower tax base, a "solution" now so prevalent at the national level. Rather, the concept of reorganization involves a rational reexamination and restructuring of basic governmental functions to arrive at the model that generates the highest overall economy and effectiveness for Iowa's citizens.

The \$56 million budget for the coming fiscal year that we submit today thus includes funding for the offices of the clerks of court and the expenses of the state

judicial officers, at a combined cost of \$22.9 million. Through careful budgeting and scrutiny, this figure is \$2.5 million below our tentative estimates submitted last year. The budget includes expenditures for the other components, already brought in by the reorganization, that are over \$1 million less than the total approved by your justice system appropriations subcommittee in the 1985 session. This is the result of increased experience, effective management of the more recently acquired components, and a careful scrutiny by staff and judicial officers.

Maintaining Chapter 602 on course will bring in anticipated additional revenues of \$2.4 million in fiscal year 87. Thus far, during implementation of Chapter 602, new court-generated revenues for the state general fund have exceeded expenditures for state court reorganization by \$20 million. When we add fiscal year 87 and the assumption of clerks' office costs, such receipts will still exceed expenditures by \$5.4 million during the four-year period. In the first two years under court reorganization, court-generated revenues remitted to the state soared 470 percent, from \$3.7 to \$21.3 million, and are expected to reach \$29.3 million in fiscal year 87. After assumption of the clerks' offices, third branch personnel will comprise only about 4.3 percent of the state's employees. The judicial system budget will total only about 2.5 percent of the total state budget.

In summary, your judicial branch reorganization generates more and speedier judicial production on less judge power. Continued this year, it will provide tax relief for hard-pressed farmers, whose largest single farm expenditure may well be their real estate tax bill.

We also have submitted, pursuant to your directions, a supplemental request for \$600,000 for current fiscal year 86.

Following those frantic closing hours of the 1985 session, there appeared in these halls large campaign-type buttons carrying the words, "I think I survived the 1985 session." The judicial branch did not quite make it, a fact that we promptly reported to leadership on both sides of the aisle when we finished counting our casualties.

As a result of the 7 percent cut we sustained late in the session, only four of our budget categories — judicial branch salaries, travel, communications, and jury and witness fees — total 97 percent of the present reduced fiscal year 86 appropriation. The balance is wholly insufficient for law books, office supplies, equipment maintenance, and all the other essentials. Without our supplemental asking, the courtroom doors necessarily will close for some Iowans, a chilling prospect that will reverse our long-standing objective of taking the courts to the people. We are confident you will respond, as you have in the past, to the state's need for full court services for the balance of this fiscal year.

Those of you who have worked with him must share our admiration for state court administrator William O'Brien, whose talents were nationally recognized this year by his election as president of the Conference of State Court Administrators. His national office has given him an additional perspective on state court operations. He can verify that Iowa's legislative and executive branches have been leaders in responding to today's demands for judicial services. Other states continue to adopt state court funding of their court systems, most recently California in October 1985.

Two recurring topics should not be overlooked merely because they are so familiar. During this interim you have studied the judgeship allocation formula and judicial retirement. We ask you to proceed carefully and thoughtfully on these issues, for ultimately the state is nothing less than the quality of justice in Iowa.

This need is not new. In approximately 350 B.C., the great Greek philosopher, Plato, writing about magistrates who "should [be] trained in the habits of law, and be well educated, that they may have a right judgment," added that even the best of statutes can be made "ridiculous and useless" by unsuitable judges.

Assessing these needs for a quality judiciary and an efficient court structure will not be easy for you in these stressful times when organized, articulate, and strong constituencies compete for your attention. You do not need me to tell you the cause of justice has no organized constituency. The thousands of Iowans served by the judicial branch are not organized. No one speaks for them. They are at arm's length with one another. Most never expected to be in court, and all hope never to return. Still, providing the full measure of justice they require—now more than ever—is a special trust placed in your keeping, not by the clamor of political forces, but by the awesome appropriation power delegated to you in the Iowa Constitution.

We are proud of Iowa's trial judges, represented in these chambers today by the chief judges of the eight judicial districts. These chief judges will meet this afternoon as the judicial council considers, among other matters, appointment of district committees of judges, lawyers, and lay persons to devise means to implement the case disposition time standards adopted as a goal by the supreme court on August 22, 1985.

Our pride in the district court includes the district associate judges and magistrates, and the clerks of court. Together, they disposed of more than 800,000 simple misdemeanors, small claims, and scheduled violations in 1985.

On the appellate level, our six-person Iowa Court of Appeals broke all prior records of disposing of 637 cases in 1985 and they deserve Iowa's commendation.

Beyond its adjudicatory function, Iowa's supreme court has sought to combine its assigned constitutional duty of supervising and administering the judicial branch with the progressive leadership demanded by changing times. Our goals always have been the delivery of quality justice without delay, and the protection of Iowans who utilize, or may utilize, legal and judicial services. In this we have had the unfailing cooperation and assistance of Iowa's lawyers and judges.

Additionally, we somehow have found time to attend a myriad of responsibilities not involving immediate litigation. For example, we are cooperating with executive branch agencies in addressing common problems relating to children and families: with the Department of Human Services regarding child placement initiatives and studies; with the Iowa Criminal and Juvenile Justice Planning Agency on proposals to strengthen juvenile court processes and avoid, if possible, the dangers of child prisoners in county jails. We have been engaged in a continuing endeavor with Drake University Law School's Iowa Center for Law-Related Education to install in Iowa's school systems instructional units designed to teach respect for the law and its contribution to civilized society. Next month, on February 7, we will cosponsor with the center and others a law-related education conference that will be attended by educators from across the state.

Following an exciting recommendation in the final report of the Child Placement Study Advisory Committee, the judicial branch is seeking private funding for a pilot project, to be launched in one judicial district, to link each child in the juvenile court system with a volunteer lay person advocate. This not only will assure that a single concerned adult is tracking the child's progress at all times, it will save money to the extent these volunteers can provide nonlegal services that a court-appointed attorney might otherwise perform. The concept has been legislated in other states and our pilot project should demonstrate that it can be successful in Iowa.

Further, today we offer to explore with the Commission on Children, Youth and Families and other interested parties avenues that will lead to a coordination of efforts, an exchange of information, and an effective design of services in which the court and its professionals are involved, for our goal can be and is nothing less than the best interests of our children.

Before closing, we want to mention two historical landmarks, now in view on our time horizon, in which you may also have an interest.

First, you may recall that in 1984, as we celebrated the centennial birthday of this Capitol, I mentioned in our message that the courtroom was not dedicated until June 8, 1886. We suspect, of course, but cannot prove, that it was a problem of judicial appropriations! In any event, on or about June 8 of this year, we will celebrate the 100th anniversary of the dedication of the State Capitol's Courtroom. A statewide planning committee, including Senator Tom Mann and Representative Betty Jean Clark, funded by the Iowa State Bar Foundation, is in place. You will be invited to join us as we go back to our judicial "roots" for further inspiration to face Iowa's future, which, I suggest, soon will be much brighter than many now envision.

Second, you may be aware that in 1987 the whole nation will be recognizing the bicentennial of the United States Constitution. The Iowa judicial branch intends to contribute to, and participate in, the birthday celebration for this fundamental law that looms so large in our daily deliberations.

Although occasionally the oath we take to follow the constitution compels us to reach unpopular decisions, it is the beacon that guides America's way to the freedoms enjoyed by no other people on earth, and it undergirds the liberty we so often take for granted.

The centennial of our own courtroom and the bicentennial of our national constitution remind us of the long tradition of justice under law. It has been said that government touches people more closely in the courtroom than at any other point in their lives. Iowans have always demanded, as well they should, that all courtroom encounters be just ones, for justice is, as Daniel Webster said, "The ligament which holds civilized beings and civilized nations together."

Together, we have accomplished much. Together still, we should be about the business of providing Iowans an ever-improving quality of justice through their courts.

Thank you very much.

Chief Justice W. Ward Reynoldson was escorted from the House chamber by the committee previously appointed.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Norland of Worth moved that the joint convention be now dissolved at 10:25 a.m., which motion prevailed.

The House reconvened, Speaker Avenson in the chair.

On motion by Norland of Worth, the House was recessed at 10:26 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2065, by committee on judiciary and law enforcement, a bill for an act relating to nonsubstantive Code corrections.

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

House File 2066, by committee on judiciary and law enforcement, a bill for an act relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect current practices.

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

House File 2067, by committee on judiciary and law enforcement, a bill for an act relating to the false use of a financial instrument and providing penalties.

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

House File 2068, by committee on judiciary and law enforcement, a bill for an act relating to the suspension of motor vehicle licenses for the failure to pay a fine, penalty, surcharge, or court cost.

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

House File 2069, by committee on judiciary and law enforcement, a bill for an act prohibiting the transportation of an open container of wine in a motor vehicle and incorporating a penalty.

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

House File 2070, by committee on judiciary and law enforcement, a bill for an act relating to the filing fees of statutory liens for filing with the clerk of district court.

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

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 January 14, 1986, 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 244, a bill for an act relating to programs relating to substance abuse and providing an effective date.

K. MARIE THAYER, Secretary

RULE 57 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a committee on state government meeting at 2:30 today.

RULE 34 SUSPENDED

Norland of Worth asked and received unanimous consent that House Rule 34, relating to the daily debate calendar, be suspended and that the Thursday, January 16, 1986 regular calendar be considered as the daily debate calendar for Monday, January 20, 1986.

COMMUNICATION FROM THE STATE COMPTROLLER

The following communication was received from the State Comptroller on January 6, 1986 and is on file in the office of the Chief Clerk:

January 6, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

In accordance with Section 25A.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, and Settlements & Judgments (general and highway) paid during 1985 by the State Appeal Board under Chapter 25A.

The attached report shows the name of each claimant, a brief description of each claim, the amount claimed and the amount approved.

Sincerely,
William Krahrl
State Comptroller

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

CHAPTER 25A GENERAL TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1985

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-1200-70	Dana I. Schmitt Injuries suffered when he fell on a patch of ice at University of Northern Iowa	\$ 93.95	\$ 93.95
T-1542-70	James Theodore Bruening Claimant was burned on hands, neck and face while lighting a gas stove in a cabin at Lacey-Keosauqua State Park	165.24	165.24
T-1561-70	Michael L. Noel Tooling leather was misplaced while being transferred from Iowa Security Medical Facility to the Men's Refor- matory	77.76	77.76
T-1495-71	Judy A. Moen Damage to concert flute when a foot- ball player crashed into claimant	3,038.15	1,250.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-1698-71	Brian D. Harrison Claimant's premature daughter had the end of her right pinky finger accidentally amputated while at the University of Iowa Hospitals	1,077.80	15,225.00
T-2057-71	Louise J. Guss Injuries suffered at RV show at UNI- Dome when she tripped on a raised portion of the concrete sidewalk	500.00	1,000.00
T-2076-71 TE-2077-71	Christina Lynn Anderson, by her father and guardian, Richard M. Anderson Privileged information regarding a child abuse report on Christina Lynn Anderson, was disclosed to parties not privileged to such information	5,100.00	100.00
T-2090-71	Donald Tiernan Property was lost by staff of Mental Health Institute in Mt. Pleasant	34.00	18.00
T-2101-71	Martin Guess Vehicle was damaged when wind knocked over a dead tree onto vehicle parked in a University of Iowa park- ing lot	940.84	565.00
T-2169-71	James Sherman Gilliam Personal property lost while being stored at Correctional Treatment Unit in Clarinda	108.35	50.00
T-2224-71	Elsie Coe Property was damaged by Conserva- tion Commission while working on tile outlet at McIntosh Area Marsh	890.84	890.84
T-225-71	Thomas W. Bowlby Property was lost by Medium Secu- rity Unit, Mt. Pleasant	125.00	21.65
T-2365-71	Stanley J. Adams Vehicle was damaged when parking lot gate came down on roof	124.84	124.84
T-2378-71	Grinnell Mutual Reinsurance Co., As Subrogee for Garland Ramsey Vehicle received a fine mist of paint while parked at Clarke County Fairgrounds	111.84	111.84
T-2384-71	Patricia L. Green Charcoal drawings were damaged by water due to heavy spring rain and foundation leakage while being stored at ISU Photo Service	210.70	210.70

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
TE-2389-71	Robert Leonard Tee While assisting claimant to gain entrance to locked car, U of I Campus Security broke door handle	20.87	20.87
T-2468-71	Harold Buchman Property was lost at Iowa Veteran's Home	300.00	300.00
T-2472-71	Beverly E. Palmer Vehicle was damaged by rock and tar while parked at the University of Iowa	977.92	703.36
T-2499-71	James E. Cooke, II Personal property was lost in laundry at Riverview Release Center	23.00	20.00
T-2505-71	Thomas S. Wright Personal property was lost while being transferred to Iowa State Penitentiary	1,800.00	200.00
T-2526-71	Nancy A. Hirsch Inside of vehicle was water damaged when storm drain near car backed up in University of Iowa parking lot	490.61	50.00
T-2540-71	Derek Eugene Doolin Personal property was lost at Iowa State Penitentiary	17.45	17.45
T-2541-71	Thomas Patrick Conley Bicycle was damaged when claimant ran into asphalt curb which had not been painted yellow	72.00	50.00
T-2553-71	Darrell Lee Rinehart Personal property was lost while in Administrative Segregation at Iowa State Penitentiary	46.85	20.00
T-2559-71	Richard L. Clough Personal property was destroyed at Iowa State Penitentiary	90.00	5.00
T-2571-71	Curtis Hall Moore Glasses were damaged while attempting to restrain a patient at Oakdale	125.25	75.00
T-2573-71	Mary E. Keith Injuries sustained when claimant fell on protruding concrete corner of steps at C.Y. Stephens Auditorium, ISU	Undetermined	7,000.00
T-2579-71	Deborah Sorenson Vehicle was damaged by employees at Cherokee Mental Health Institute who were moving trees and limbs	153.16	153.16
T-2641-71	Paul E. Rider, Sr. Vehicle was damaged by metal rods on concrete bumper in University of Northern Iowa parking lot	51.18	51.18

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-2645-71	Bryon Douglas Day Vehicle was damaged by water when storm drain backed up into parking lot exit	900.00	122.24
T-2664-71	Grant L. Schaffer Personal property was destroyed at Iowa State Penitentiary	500.00	5.00
T-2692-71	Charles John Johnson Vehicle was damaged by malfunction- ing parking lot gate at North Central Correctional Facility	317.20	317.20
T-2700-71	Christopher Ray Legear Personal property was destroyed in laundry at Iowa Men's Reformatory	18.00	18.00
T-2709-71	Richard Barentson Personal property was destroyed in laundry at Iowa Men's Reformatory	13.23	13.23
T-2726-71	Tony Michael Heath Claimant's money was deposited in contraband account and later into the State General Fund	200.00	200.00
T-2754-71	Cindy Jean Nicholson Vehicle was damaged by State street cleaner	103.00	103.00
T-2755-71	Charles Bostwich Knapp Personal property was lost at John Bennett Correctional Center in Fort Madison	337.79	150.00
T-2773-71	Jeffery Skipton Personal property was lost while being transferred to Iowa State Penitentiary	25.35	25.35
T85-0001	Margaret M. Nelson A dental device disappeared from her room at the Iowa House Hotel, University of Iowa	240.00	240.00
T85-0003	Douglas John Chidester Personal property was destroyed by staff at Iowa State Penitentiary	1,000.00	50.00
T85-0010	David A. Taylor Pants were damaged when claimant fell on some snow and ice on sidewalk at Iowa Juvenile Home	24.96	24.96
T85-0020	Rodney Cummings Personal property was lost at Iowa State Penitentiary	70.90	62.95
T85-0022	EMCASCO as Subrogee for Weslie A. Wagner Vehicle was damaged when state owned endloader side swiped claimant's vehicle	1,425.17	1,425.17

4th Day

THURSDAY, JANUARY 16, 1986

65

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T85-0027	Robert William Ellis Personal property was lost while in storage at Riverview Release Center	20.00	20.00
T85-0039	Kevin Dale Kennard Money was lost by staff at Riverview Release Center	5.00	5.00
T85-0047	April Dianne Mains Glasses were broken by resident of Clarinda Treatment Complex	38.00	38.00
T85-0049	James Cunningham Personal property was lost at Iowa State Penitentiary	17.97	17.97
T85-0050	Mike Vore Clothing was damaged in laundry at Clarinda	14.99	14.99
T85-0051	Willie Nevels Clothing was damaged in laundry at Clarinda	6.00	6.00
T85-0052	Jeffrey Ray Moeller Clothing was damaged in laundry at Clarinda	15.00	15.00
T85-0053	John A. Urbaner Clothing was damaged in laundry at Clarinda	5.00	5.00
T85-0058	Gerald Jacobson Clothing was damaged in laundry at Clarinda	5.95	5.95
T85-0077	Gary L. Hostetter Clothing was damaged in laundry at Clarinda	20.00	15.00
T85-0094	David D. Petrie Personal property was lost at North Central Correctional Facility	14.00	14.00
T85-0095	Anthony P. Nolan Personal property was lost at North Central Correctional Facility	19.37	19.37
T85-0103	James L. Campbell Vehicle was damaged while parked at DOT Resident Maintenance Engineer's Office	83.20	83.20
T85-0110	Mayflower Insurance Co., as Subrogee for Nancy A. Hirsch Inside of vehicle was water damaged when storm drain near car backed up in University of Iowa parking lot	490.61	440.61
T85-0119	Marcia Fagerland Personal property was damaged by correctional officer at Mitchellville	59.50	5.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T85-0138	Margaret M. Garrison Reimbursement of towing bill of stalled vehicle; claimant had notified Highway Patrol, but vehicle was towed anyway	60.32	60.32
T85-0145	Carl Freeman Swarts Personal property was damaged while being stored at Clarinda	26.00	16.00
T85-0161	Margaret Helen Anthony Claimant's watch was broken when she tripped over some cardboard boxes at Woodward	40.00	36.30
T85-0167	Jeffrey L. Wright personal property was lost while being stored at Cherokee Mental Health Institute	100.00	100.00
T85-0168	Betty L. Youngs Claimant suffered injuries after she tripped over an iron rod used to secure concrete parking blocks at Davenport Liquor Store	447.50	150.00
T85-0174	Michael John Iserman Clothing was damaged in laundry at Riverview Release Center	25.00	25.00
T85-0180	Ray Robinette, Jr. Travel trailer was damaged while being stored at Varied Industries Building, State Fairgrounds	33.08	33.08
T85-0186	Jacqueline R. Davis Clothing was damaged in laundry at Mitchellville.	105.00	75.00
T85-0187	Terry Dennis Manuel TV was damaged while being transported to Riverview Release Center	98.00	98.00
T85-0191	C. Raymond Smith Injuries suffered when claimant fell on ice in the walkway proceeding toward Hilton Coliseum	5,000.00	1,500.00
T85-0201	Walter Dean Lee Sieck Claimant suffered deep gash in the tip of his left ring finger when he put his hand on door at the same time he stepped on "activator map" as he was leaving Iowa Vet's Home	20.00	20.00
T85-0202	Raymond L. Senior Vehicle was damaged by bolts protruding from logs which divide state parking lot into sections	53.60	53.60

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T85-0204	Bonnie Sorenson Glasses were broken by resident of Glenwood State Hospital-School	22.00	22.00
T85-0205	William C. Walker Boat was water damaged while being stored at Iowa State Fair Varied Industries Building	250.00	250.00
T85-0212	Donna Van Blarcom Vehicle was damaged when state snowplow backed into car	177.32	177.32
T85-0213	Marvin A. Walk Boat was water damaged while being stored at Iowa State Fairgrounds	197.64	197.64
T85-0220	Frank Van Haaften Injuries suffered when a copper wire thrown by a state lawnmower lodged into claimant's forearm	15.00	15.00
T85-0225	Robert L. Baran Fire door in Burge Hall, University of Iowa, slammed claimant's son's right index finger and severed a portion of the finger	505.06	505.06
T85-0226	State Farm Insurance Companies As Subrogee for Samuel D. Taylor, M.D. Vehicle was damaged by windows which blew off of flat bed truck at Cherokee Mental Health Institute	156.00	156.00
T85-0231	Melvin L. Dains Vehicle was damaged when rock was thrown by Conservation Commission tractor/mower	183.35	183.35
T85-0235	Larry Funkhouser Clothing was damaged in laundry at Clarinda	6.50	6.50
T85-0238	William E. Ruggles Personal property was lost at River- view Release Center	120.00	75.00
T85-0241	Arthur Lee Ewoldt Vehicle was damaged by rock thrown by DOT mower	110.76	110.76
T85-0243	James F. Kantor Vehicle was damaged when jeep owned by Iowa School for the Deaf backed into the vehicle	365.27	365.27
T85-0244	Lenny Valentine & Sons, Inc., on behalf of Robert P. Gooch Vehicle was damaged when it was backed into by a state employee driving a forklift at Fairgrounds	103.20	103.20

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T85-0245	Patrick Jay Brown Clothing was damaged in laundry at Clarinda	6.50	6.50
T85-0248	Joyce Ann Fisher Vehicle was damaged by paint when Highway Patrol was painting airplane zones on highway	171.36	171.36
TE85-0249	Alice Ruth Culley Personal property was destroyed at Iowa Veterans Home	239.57	25.00
T85-0263	Arthur E. Rommel Clothing was damaged by Prison Industries	60.00	60.00
T85-0264	Gregory Lee Beckett Personal property was lost while being held in evidence room at Mt. Pleasant	21.19	21.19
T85-0270	Carol Dedrick Shoes were damaged by correctional officer who opened up package with putty knife	75.00	75.00
T85-0278	Edward Dean Killsholm Personal property was lost while in property room at Mt. Pleasant	125.00	125.00
T85-0293	Joy Ann Hawbaker Vehicle was damaged by spray paint that drifted from a nearby painting project at Woodward	382.80	382.80
T85-0300	Marian D. Morrison Shoes were damaged by water when claimant was investigating a broken water pipe at Mt. Pleasant	32.95	32.95
T85-0304	William (Bill) Beeman Items were missing when personal property was returned to claimant at Iowa State Penitentiary	87.95	35.00
T85-0325	Victoria Johnson Claimant was burned by toxic and cor- rosive substance when she sat on the rim of the water fountain by the Grimes Building	10,000.00	1,800.00
T85-0326	Roger Lee Simon Personal property was lost during shake down of cell at Iowa State Penitentiary	31.28	5.00
T85-0327	Michael Lee Williamson Vehicle was damaged by spray paint when parked in lot at North Central Correctional Facility, Rockwell City	243.00	243.00

<u>Claim Number</u>	<u>Name of Claimant</u> <u>Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T85-0331	Kim A. Courter Vehicle was damaged by spray paint when parked in lot at North Central Correctional Facility, Rockwell City	119.00	119.00
T85-0337	Gloria Ann Herrold Pants were damaged when claimant sat on a picnic table on the grounds of the State Forest Nursery which had been painted two days earlier	20.79	20.79
T85-0338	Gayle Ann Kimm Vehicle was damaged when it was struck by a sixty foot tree trimming pole operated by an Iowa Veteran's Home employee	602.88	602.88
T85-0344	Mark A. Laufenberg Personal property was lost while being transferred to the Iowa State Penitentiary	87.08	87.08
T85-0346	Iola Jane Cline Vehicle was damaged by spray paint while parked at North Central Correctional Facility in Rockwell City	52.00	52.00
T85-0356	Leona M. Larson Vehicle was damaged by rock thrown by Conservation Commission mower	90.20	90.20
T85-0374	Doris G. Shore Vehicle was damaged when parking lot entrance gate scraped the front fender	72.80	72.80
T85-0380	State Farm Insurance Vehicle was damaged when a state employee dropped a tree limb from a tree he was trimming onto the vehicle	229.53	229.53
T85-0383	Richard E. Garland Vehicle was damaged by an H4 crawler being operated by an inmate of Riverview Release Center	690.00	685.38
T85-0391	Diana Lee Carpenter Vehicle was damaged when parking lot entrance gate struck vehicle	156.00	156.00
T85-0395	Richard L. Cheney Personal property was lost at Clarinda	35.00	10.00
T85-0399	Scott Allen Groff Personal property was lost while being transferred to Men's Reformatory	93.20	25.00
T85-0409	Melanie Johnson Vehicle was damaged when parking lot exit arm malfunctioned and hit the top of the car	412.00	412.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T85-0414	Iowa Plains Signing, Inc. A flashing directional arrow sign was struck by a state employee driving state official vehicle	3,813.75	3,492.42
T85-0417	Robert Putnam personal property was lost while being transferred to Iowa State Penitentiary	110.00	10.75
T85-0418	State Farm Insurance Vehicle was damaged when paint was spilled on it by state employees at North Central Correctional Facility	472.40	472.40
T85-0445	Northwestern Bell Telephone Company Telephone cable was severed by employees of General Services who were digging post holes	484.96	484.96
T85-0448	Alberta Sue Sizemore State-owned vehicle backed into claimant's vehicle while she was stopped at a light	317.96	317.96
T85-0452	Niceta Freeland Vehicle was damaged when state trooper lost traction while proceeding to do a U-turn and struck vehicle	283.58	283.58
T85-0458	Charles Kempf Personal property was lost while being transferred to Mt. Pleasant	9.70	9.70
T85-0461	Ronald Naeve Vehicle was damaged when a state vehicle rolled into the street striking claimant's vehicle	649.45	562.79
T85-0469	Kevin Gale Munson Vehicle was damaged when a state employee was attempting to back between two parked vehicles and struck claimant's car	482.81	476.56
T85-0503	Allstate Insurance Vehicle was damaged when struck by state vehicle operated by a Conservation Commission employee	223.60 \$52,008.66	223.60 \$48,890.84

**CHAPTER 25A HIGHWAY TORT CLAIMS
APPROVED BY STATE APPEAL BOARD, 1985**

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-316-70-T	C & R Farms c/o Don Robertson Chemical drifted onto his bean field killing 1-2 acres	\$ 350.00	\$ 175.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-392-70-T	Aid Insurance Co., As Subrogee for Arlene Vernon Contribution of accident at intersec- tion of Highway 44 and Dallas Co. Road R-30 apparently caused by a stop sign which had blown down	Undetermined	
H-393-70-T	Aid Insurance Co., As Subrogee for John Vernon See Nature of Claim above	Undetermined	17,500.00
H-394-70	Aid Insurance Co., As Subrogee for Clifford Hastie See Nature of Claim for H-392-70-T	Undetermined	
H-395-70-T	Aid Insurance Co., As Subrogee for Eloise Hastie See Nature of Claim for H-392-70-T	Undetermined	
H-417-70-T	Ray R. Curtis Construction on Highway 61 caused damage to main tile line which resulted in damaged fields	10,234.50	8,824.50
H-420-70-T	Horace Beemer Construction sign extended into the road and broke off mirror on vehicle	36.73	36.73
H-504-71-T	Cliff Peck Chevrolet, Inc. Chuckholes along edge of Highway 16 caused an accident resulting in signifi- cant damage to car	6,165.89	3,082.95
H-517-71-T	Seward Motor Freight, Inc. Claimant's semi-truck tipped over on ramp to go on Highway 61; contends that the curve was improperly de- signed	9,000.00	4,500.00
H-592-71-T	William R. Russell Damage caused by fresh road paint	122.10	122.10
H-599-71-T	Clarence H. Platte Chemicals used to treat roads by DOT killed two Japanese yew trees	821.60	821.60
H-600-71-T	Freeda M. Dunlap Grading of ditch in front of her home by DOT personnel resulted in water backing up into the septic tank & basement	2,561.06	1,280.53
H-611-71-T	Donna E. Murray DOT personnel removed road oil from claimant's car with a solvent that damaged the paint	278.60	278.60
H-627-71-T	Karl Wayne Smith Herbicides used by DOT killed a blue spruce tree	1,744.11	1,000.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-628-71-T	Robert Gene Chisman Fence was damaged by dirt or mudslide from the foreslope of Highway 34	129.90	129.90
H-629-71-T	Thomas E. Blankenbaker Car was damaged by light coating of tar due to DOT maintenance crew blacktopping parking lot on windy day	165.60	165.60
H-635-71-T	Mary E. Veltri Use of tordon beads along highway entered claimant's yard and destroyed her trees	3,185.00	2,435.00
H-641-71-T	Robert Everdale Stuecker, Jr. DOT mower along Highway 16 threw a rock into home adjacent to roadway damaging screen, window and closet	141.48	141.48
H-648-71-T	John Harry Pierson Rocks thrown by DOT paint crew damaged vehicle	156.62	156.62
H85-0012	Gary Raymond Childress, Sr. Metal halide lights near I-80 at West Des Moines have prevented claimant's soybeans from ripening over the past three years	2,543.23	2,543.23
H85-0017	Rene Marie Dailey Rocks from maintenance project on I-29 in Sioux City chipped windshield	190.74	190.74
H85-0022	Allen C. Barnes DOT employee threw a piece of con- crete across the highway striking right hand side of claimant's pickup truck	44.72	44.72
H85-0037	Gerald E. Roben Vehicle was damaged by road oil from an unsigned DOT maintenance project	112.70	112.70
H85-0040	James Herman Schwarz Vehicle was damaged by road oil from an unsigned DOT maintenance project	126.88	126.88
H85-0041	Robert L. Behrensmeyer Vehicle was damaged by road oil from an unsigned DOT maintenance project	402.86	396.56
H85-0045	John J. Gabrenja Car was struck by flying debris from DOT maintenance crew causing chips to windshield	112.00	112.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H85-0052	Ryder Truck Rental, Inc. Vehicle was damaged by road oil from an unsigned DOT maintenance project	200.00	200.00
H85-0053	Iowa Gas Company Gas service line was damaged by DOT crew digging out a drainage ditch	129.61	129.61
H85-0054	Carl W. Ferris Vehicle was damaged by road oil from an unsigned DOT maintenance project	150.00	150.00
H85-0055	Helen Jung DOT snow removal equipment dam- aged mailbox	7.50	7.50
H85-0062	Konnie Deanne Schrage Vehicle was damaged by fresh oil in cracks on highway	52.00	52.00
H85-0065	James A. Loffswold Windshield was shattered by rock thrown by DOT crew	105.00	105.00
H85-0074	American Family Insurance as Subrogee for Roy & Maxine Good Vehicle was damaged by road oil by DOT maintenance crew	65.40	65.40
H85-0075	Dennis Lynn Fox Vehicle was damaged by chuckhole on I-80 which DOT had repaired earlier	260.76	260.76
H85-0076	Robert G. Marreel Rear tire was damaged by a piece of iron, part of a skid plate from DOT snow plow, lying on the road	63.83	63.83
H85-0088	Paul K. Simon DOT crew smashed a tile located on the claimant's property causing water problems	1,125.00	1,125.00
H85-0089	Paul K. Simon DOT crew smashed a tile located on claimant's property causing water problems	1,000.00	1,000.00
H85-0094	Ray W. Phelps DOT crew damaged drainage tile	25.00	25.00
H85-0095	Phillip Durflinger Vehicle was damaged by road oil at DOT maintenance site	320.72	320.72
H85-0096	Harvey Dale DeBoer Windshield was damaged by rock thrown by a DOT mower	135.15	135.15
H85-0106	Arla Dearden Rear tire and wheel was damaged when claimant drove over an un- covered manhole	49.29	49.29

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H85-0109	Northwestern Bell Telephone Company DOT maintenance crews cut an underground cable during sign reloca- tion project	2,222.05	2,222.05
H85-0110	Ted Curtis Left front tire caused a loose blacktop patch in the concrete to roll up and out of hole ruining left rear wheel and tire	58.50	58.50
H85-0112	John A. Schneider Vehicle was damaged by wet tar	41.55	41.55
H85-0118	Ray E. Woodin, Jr. Tordon beads applied to weeds by DOT killed 1 1/4 acres of beans	275.00	275.00
H85-0122	Marko T. Kalinich Car and clothing were damaged by tar which was being put down by DOT crew	101.00	101.00
H85-0126	Lois Hubel Rysta Vehicle damaged by fresh yellow paint	52.75	52.75
H85-0128	Vernon A. Grave Windshield damaged by rock thrown by DOT mower	166.07	166.07
H85-0137	Karen Sue Zierath Steel clasp securing a traffic counter hose came loose and damaged tire when claimant drove across the hose	54.08	54.08
H85-0156	Richard Pelzer & Max O. Pelzer Chemicals sprayed along road ditches caused damage to bean crop	Undetermined	240.00
H85-0157	David Snyder & Dale Snyder Chemicals sprayed along road ditches caused damage to bean crop	1,000.00	79.00
H85-0177	Leone E. Brown Windshield damaged by rock thrown by DOT mower	221.10	185.15
H85-0178	Eleanor M. Ortman Windshield damaged by rock thrown from DOT weed cutter	230.83	230.83
H85-0181	Joseph S. Stark DOT tractor mower threw rocks at vehicle resulting in rock chips to one side of vehicle	300.00	196.60
H85-0182	Haynard Donald Valline, Jr. Vehicle sustained damage when a DOT truck's hydraulic arm came loose and struck bumper	298.68	298.68

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H85-0187	IMT Insurance Co./IMT Corporation Claimant's insured's car was damaged when a DOT truck was backed into the car within a construction zone	889.15	803.83
H85-0193	Milton L. Light DOT vehicle backed into claimant's car at construction site	148.72	148.72
H85-0195	John Morrell & Co., Auto Control Dept. Company car was damaged when a heavy metal object was thrown, by DOT tractor/mower, into the right front fender	105.25	105.25
H85-0198	Mary M. Loeffelholz Car was damaged by an object thrown by DOT mower	100.08	100.08
H85-0199	Stewart Corey. Gaumer Vehicle was damaged by rocks thrown by DOT mower	170.80	170.80
H85-0201	Vernon D. Boots Windshield was broken by a rock thrown by DOT mower	185.03	185.03
H85-0205	John Dwight Hunter Vehicle sustained damage when a DOT vehicle being operated by DOT employee failed to yield the right of way while making a left turn	3,038.13	1,660.00
H85-0210	Steven C. Landon Mailbox was damaged by DOT while they were mowing weeds in ditch	20.27	20.27
H85-0213	Martin T. Rainbolt Right rear fender of car was damaged by DOT tractor/mower when trying to get around a sign post	405.00	405.00
H85-0218	Wayne M. Mills Rock fell from DOT hopper spreader of DOT truck onto claimant's car chipping paint and breaking headlight	297.86 \$50,697.48	297.86 \$55,964.80

**CHAPTER 25A - GENERAL TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL - 1985**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-6129-69	Joan L. Bartolozzi Personal Injury (Settlement)	10,000.00- 100,000.00	6,000.00
TE-10528-69 T-10529-69	Terry Lee Bogs Personal Injury (Settlement)	100,000.00	3,926.03

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-10189-69	Samantha Jane Boyd Personal Injury (Settlement)	75,000.00	2,000.00
T-1837-71	Daniel Downs Personal Injury (Settlement)	35,000.00	10,750.00
T-1422-70	Charles P. Erickson Personal Injury (Settlement)	1,500,000.00	39,000.00
T-1863-71	Charles P. Erickson, Father & Next Friend of Lisa Dianne Erickson Personal Injury (Settlement)	100,000.00	3,000.00
T-1864-71	Charles P. Erickson Father & Next Friend of Ruth Ann Erickson Personal Injury (Settlement)	100,000.00	3,000.00
T-10270-69	Douglas Fish Personal Injury (Settlement)	200,000.00	13,450.00
T-2131-71	Darlene Foland Personal Injury (Settlement)	200,000.00	2,000.00
T-10075-69	Thomas L. Forsmark Personal Injury (Settlement)	3,000,000.00	200,000.00
TE-2443-71	Wayne Garrett Personal Injury (Settlement)	36,700.00	15,000.00
TE-9851-69	James Vincent Hancock Personal Injury (Settlement)	101,200.00	10,000.00
TE-9852-69	Dennis Michael Walsh Personal Injury (Settlement)	101,210.00	
TE-9853-69	Edward Paul Stolley Personal Injury (Settlement)	100,000.00	
TE-9854-69	Terrence Lee Huff Personal Injury (Settlement)	100,000.00	
TE-9855-69	Michael John Kinney Personal Injury (Settlement)	100,000.00	
TE-10037-69	Keith Dale Schroeder Personal Injury (Settlement)	100,700.00	

4th Day

THURSDAY, JANUARY 16, 1986

77

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
TE-612-70	Insurance Company of North America as Subrogee of Gendler Stone Products Property Damages (Settlement)	11,151.87	5,000.00
T-161-70	Earl E. Jackson Personal Injury (Settlement)	100,000.00	8,229.98
T-1545-70	Lisa B. Johanson Personal Injury (Settlement)	15,000.00	2,400.00
T-5935-68	Estate of Jolene Kirkpatrick, Debra Kirkpatrick, Co- Administrator & Dubuque Bank & Trust Co. Wrongful Death (Settlement)	550,000.00	18,500.00
T-1275-70	Benedict John Kremanek, Jr. Property Damages (Settlement)	3,000.00	750.00
T-10077-69	Elsie Dorothy Kuehn Personal Injury (Settlement)	7,500.00	650.52
TE-399-70	Ellen S. Lane, Exec. of the Estate of Charles Lane (First Colony Life) Wrongful Death (Settlement)	500,000.00	83,536.00
T-1059-70	Marsha McKee Personal Injury (Settlement)	500,000.00	4,500.00
T-513-70	James Thomas Prine, Jr., Adm. of the Estate of Terry Ray Prine, Deceased Wrongful Death (Settlement)	587,246.42	130,000.00
TE-1503-70	James Thomas Prine, Jr. Wrongful Death (Settlement)	79,066.00	
T-799-70	James Thomas Prine III Father & Natural Guardian of Scott Christopher Prine, A Minor Personal Injury (Settlement)	19,780.00	5,000.00
T-2506-71	Marilyn J. Selby Personal Injury (Settlement)	1,000,000.00	

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T85-0096	Estate of Johnathon Matthew Selby, c/o Marilyn J. Selby Wrongful Death (Settlement)	1,000,000.00	49,000.00
T85-0097	Johnny C. Selby Wrongful Death (Settlement)	1,000,000.00	
TE-9700-69	Bernard Henry Snapp Wrongful Death (Settlement)	4,000.00	2,300.00
T-078-70	Wallace Sobotka (Duncan Law Firm Trust Account) Property Damages (Settlement)	33,000.00	117,086.66
T-10222-69	Carmelo & Monique Urza, Parents of Gabriel Urza Personal Injury (Settlement)	Undetermined	2,800.00
T-1412-70	Jeffrey G. Vosburgh Personal Injury (Settlement)	11,972.37	32,500.00
T-10377-69	Karen K. Waddell Personal Injury (Settlement)	74,965.95	
TE-10354-69	Karen K. Waddell Personal Injury (Settlement)	74,965.95	5,000.00
T-6339-69	Beth J. Rouse, As Adm. of the Estate of John Douglas Rouse (Judgment)	500,000.00	41,428.42
		<u>\$12,031,458.56</u>	<u>\$816,807.61</u>

**CHAPTER 25A – HIGHWAY TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL – 1985**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-1232-69-T	Mary Jeanne Ambrosy Personal Injury (Settlement)	265,000.00	
H-1233-69-T	Mary Jeanne Ambrosy, Exec. of Estate of Robert V. Ambrosy Personal Injury & Property Damage (Settlement)	1,503,741.20	
H-1268-69-T	Kerry Lynn Ambrosy Personal Injury & Wrongful Death (Settlement)	250,000.00	691,863.29

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-1269-69-T	Dana Sue Ambrosy Personal Injury & Wrongful Death (Settlement)	250,000.00	
H-184-70-T	Toni V. Brewer Personal Injury (Settlement)	4,000,000.00	1,021,944.00
H-539-68-T	Caldwell & Hartung, Inc. Contribution & Indemnification (Settlement)	850,000.00	88,487.80
H-876-69-T	Robert & Lavonne Coyle, Adm. of the Estate of Nancy Coyle Wrongful Death (Settlement)	100,000.00	3,000.00
H-877-69-T	Joseph A. Dolanc, Admin. of the Estate of Donna Mae Dolanc Wrongful Death (Settlement)	300,000.00	3,000.00
H-096-70-T	Brenda Edgar Personal Injury (Settlement)	2,000,000.00	17,500.00
H-240-70-T	Wanda Diana Eichorst Personal Injury (Settlement)	50,000.00	1,321.88
T-1406-70	Steven Douglas Ferguson Personal Injury (Settlement)	80,000.00	
TE-1407-70	Steven Douglas Ferguson Personal Injury (Settlement)	80,000.00	875.00
T-2643-71	Carol A. Ferguson Personal Injury (Settlement)	25,000.00	
H-246-70-T	Louis W. Fraise, Sr., Admin. of Estate of Robert Fraise and Louis W. Fraise, Sr. & Cecilia Fraise, Individually Wrongful Death (Settlement)	400,000.00	2,500.00
H-245-70-T	Hennies Construction Company Property Damages (Settlement)	55,988.00	
H-296-70-T	Rebecca J. Girkin Personal Injury (Settlement)	260,000.00	3,000.00
H-142-70-T	Frank Hayden Personal Injury & Property Damages (Settlement)	75,100.00	35,000.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-131-70-T	Joan Hickey, As Mother of Edwin Klotz, A Minor Personal Injury (Settlement)	500,000.00	16,000.00
H-130-71-T	Edwin Klotz, A Minor, By His Mother & Next Friend, Joan Hickey Personal Injury (Settlement)	500,000.00	
H-890-69-T	Donald Klingbeil Personal Injury (Settlement)	Undetermined	1,000.00
H-579-71-T	Delbert Wayne Koopman Property Damages (Settlement)	1,417.50	1,272.80
H-1149-69-T	Eugene Lee Kriewitz Property Damages (Settlement)	Undetermined	8,079.04
H-143-70-T	John R. Mayer Personal Injury (Settlement - Court Costs Only)	30,000.00	463.40
H-144-70-T	Rosemary Mayer Personal Injury (Settlement - Court Costs Only)	5,000.00	
H-218-70-T	Estate of Daniel T. Nichols Wrongful Death (Settlement)	200,000.00	62,500.00
H-217-70-T	Kenneth A. Nichols Personal Injury & Wrongful Death (Settlement)	100,000.00	
H-216-70-T	Lizzie Bell Nichols Personal Injury & Wrongful Death (Settlement)	200,000.00	
H-518-71-T	Northwestern Bell Telephone Company Property Damages (Settlement)	420.84	320.00
H-299-70-T	Joyce Ada Pinter Property Damages & Personal Injury	18,700.00	4,500.00
H-300-70-T	Stephan Ray Pinter Personal Injury (Settlement)	2,122.00	
H-069-70-T	Douglas Paul Schubick Personal Injury & Property Damages (Settlement)	Undetermined	105,000.00
H-087-70-T	Kelly Snow Schubick Personal Injury (Settlement)	Undetermined	

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-068-70-T	Marisa Sophia Schubick Personal Injury (Settlement)	Undetermined	
H-068-70-T	Nathan Paul Schubick Personal Injury (Settlement)	Undetermined	
H-009-70-T	Dolores A. Shawhan Property Damages & Personal Injury (Settlement)	1,500,000.00	54,480.10
H-010-70-T	Luther Dale Shawhan Property Damages & Personal Injury (Settlement)	1,500,000.00	
H-011-70-T	Kimberly K. Shawhan By Her Guardian & Conservator, L. Dale Shawhan Personal Injury (Settlement)	1,500,000.00	
H-1182-69-T	Wilma Thomsen, Adm. of the Estate of Walter Hans Thomsen Wrongful Death (Settlement)	1,000,000.00	1,000.00
H-1183-69-T	Wilma Thomsen Wrongful Death (Settlement)	1,000,000.00	
		<u>\$18,602,489.54</u>	<u>\$2,123,107.31</u>

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 2, 1986 and is on file in the office of the Chief Clerk.

January 2, 1986

Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 82 claims of a general nature that have been denied by the State Appeal Board during May - December, 1985.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Sincerely,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

**DENIED GENERAL CLAIMS BY STATE APPEAL BOARD
SUBMITTED TO THE 71ST GENERAL ASSEMBLY - 1985
(May - December, 1985)***

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1592-70-25	John Cady Keokuk, Iowa Contract Expenses	\$3,028.00	Denied
2124-71-25	Norvell Currie, Jr. Ottumwa, Iowa Outdated Billing	217.00	Denied
2470-71-25	Muller Elevator Griswold, Iowa License Fee Refund	Undetermined	Denied
2517-71-25	Koch Fuels, Inc. Wichita, Kansas Motor Fuel Refund	120.05	Denied
2683-71-25	RLDS Social Services Corporation Council Bluffs, Iowa Outdated Invoice	1,484.00	Denied
G85-0054	Nancy Sue Miller Washington, Iowa Child Support Payment Refund	302.55	Denied
G85-0063	Arlo G. Merritt Gilbert, Iowa Tuition Fee Refund	104.00	Denied
G85-0084	Sioux City Radiological Group Primghar, Iowa Outdated Invoice	139.08	Denied
G85-0135	Thermo Leasing Corporation St. Paul, Minnesota License Fee Refund	118.00	Denied
G85-0142	Contract Transport, Inc. Des Moines, Iowa License Fee Refund	Undetermined	Denied

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0164	Gerhard Hamers Carroll, Iowa License Fee Refund	81.00	Denied
G85-0167	Kenneth Bissen for Paul Bissen Dunlap, Iowa Outdated Invoice	3,749.26	Denied
G85-0168	Kenneth Bissen for Mary Bissen Dunlap, Iowa Outdated Invoice	2,440.95	Denied
G85-0174	Larry Dean Fry Muscatine, Iowa License Fee Refund	1,803.85	Denied
G85-0182	Mid-State Engineering & Mfg., Inc. Milton, Iowa License Fee Refund	248.78	Denied
G85-0184	Stanton Livestock, Inc. Greene, Iowa License Fee Refund	726.16	Denied
G85-0185	Thomas Richard Kelley Elliott, Iowa License Fee Refund	482.50	Denied
G85-0196	Susan Ziebell Timmerman Madison, Wisconsin License Fee Refund	41.50	Denied
G85-0204	James S. Castle Polk City, Iowa Services to the State	5,700.00	Denied
G85-0205	Moen's Farm Store Inwood, Iowa License Fee Refund	73.00	Denied
G85-0226	Motorvest Leasing, Inc. Omaha, Nebraska License Fee Refund	79.00	Denied
G85-0229	Graham Shuttle Service Keokuk, Iowa Refund of Filing Fees	26.00	Denied
G85-0231	Anthony Bruce Des Moines, Iowa License Fee Refund	200.00	Denied
G85-0244	Polk County Dept. of Social Services Des Moines, Iowa Outdated Invoice	38,332.29	Denied
G85-0275	Systems Unlimited, Inc. Iowa City, Iowa Outdated Invoice	757.74	Denied

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0276	Bernice Berckes Waterloo, Iowa License Fee Refund	44.00	Denied
G85-0281	Raymond or Maren Hemming Cedar Falls, Iowa License Fee Refund	21.00	Denied
G85-0282	Darrell Lynn Arntzen Dundee, Iowa Outdated Expense	200.00	Denied
G85-0294	Steve Ekdom Orange City, Iowa License Fee Refund	45.00	Denied
G85-0302	City of Orange City Orange City, Iowa Sales Tax Refund	2,235.12	Denied
G85-0303	KCC-Countrytime and McMurray Waukee, Iowa Transfer Tax Refund	785.40	Denied
G85-0306	Wanda S. Lanfranco Mt. Union, Iowa Medical Expenses	Undetermined	Denied
G85-0315	Elfrieda L. White Anamosa, Iowa Outdated Expenses	1,985.06	Denied
G85-0326	Lundy Charles Weeks Afton, Iowa License Fee Refund	23.00	Denied
G85-0353	Donna M. Eylers Waterloo, Iowa License Fee Refund	Undetermined	Denied
G85-0361	International Travel, Inc. West Des Moines, Iowa Outdated Invoice	1,002.00	Denied
G85-0369	Virginia R. Brantman Des Moines, Iowa License Fee Refund	54.00	Denied
G85-0370	Trent A. Kuhl Logan, Iowa License Fee Refund	45.00	Denied
G85-0384	Ronald S. Grimm Cedar Falls, Iowa License Fee Refund	53.00	Denied
G85-0393	Jacob Elmo Peterman Clarinda, Iowa License Fee Refund	80.00	Denied

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0411	Alfred Semm Cedar Falls, Iowa License Fee Refund	Undetermined	Denied
G85-0413	Luke or Della Hackman Waterloo, Iowa License Fee Refund	Undetermined	Denied
G85-0419	Willard Dale Evansdale, Iowa License Fee Refund	Undetermined	Denied
G85-0421	Janice E. Woodlund Madrid, Iowa Refund of Drivers License Fee	40.00	Denied
G85-0422	Charles Hutchins, Sr. Woodbine, Iowa License Fee Refund	45.00	Denied
G85-0428	Camilla A. Glidewell Waterloo, Iowa License Fee Refund	18.00	Denied
G85-0463	Clifford T. Bryson Council Bluffs, Iowa License Fee Refund	20.00	Denied
G85-0480	Lester Henderson Monona, Iowa License Fee Refund	60.00	Denied
G85-0491	Vinod R. Sarm Waterloo, Iowa License Fee Refund	48.55	Denied
G85-0494	Kenneth J. Blum Portsmouth, Iowa License Fee Refund	45.00	Denied
G85-0507	Judith Ann Rock Jesup, Iowa License Fee Refund	18.00	Denied
G85-0520	Roy L. Vanderpool Urbana, Iowa License Fee Refund	Undetermined	Denied
G85-0527	Seymore M. Raben Bettendorf, Iowa License Fee Refund	270.00	Denied
G85-0531	Burroughs Corporation Des Moines, Iowa (Outdated Invoice)	640.14	Denied
G85-0540	Clifford Webb, Executor Zearing, Iowa Tax Refund	600.00	Denied

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0547	James R. Young Sioux City, Iowa License Fee Refund	32.00	Denied
G85-0555	Donald D. Kent Eddyville, Iowa License Fee Refund	16.00	Denied
G85-0567	Richard A. Galligan West Des Moines, Iowa Outdated Expenses	3,500.00	Denied
G85-0568	Bernice M. Crooks Ankeny, Iowa License Fee Refund	105.00	Denied
G85-0570	Brenda L. Van De Leest Evansville, Indiana License Fee Refund	150.37	Denied
G85-0576	Mary Reed Minburn, Iowa License Fee Refund	29.00	Denied
G85-0590	Ronald W. Molesworth Sioux City, Iowa License Fee Refund	6.00	Denied
G85-0600	Harry C. Thomsen Sioux City, Iowa License Fee Refund	106.00	Denied
G85-0602	Harry Weimer Alcorn, M.D. Clear Lake, Iowa License Fee Refund	100.50	Denied
G85-0604	Mark Allen Aunspach Ankeny, Iowa License Fee Refund	79.00	Denied
G85-0608	Edward McFarlin Clinton, Iowa License Fee Refund	30.00	Denied
G85-0613	Robert Bunnell Oskaloosa, Iowa License Fee Refund	29.05	Denied
G85-0616	Betty P. Funk Iowa City, Iowa License Fee Refund	Undetermined	Denied
G85-0618	Robert Finn, Executor Belmond, Iowa License Fee Refund	21.00	Denied
G85-0632	Ronald Hellman Waterloo, Iowa License Fee Refund	Undetermined	Denied

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0639	R. J. Blessum Oskaloosa, Iowa License Fee Refund	27.00	Denied
G85-0646	Ratigan-Rhoden Motor Co., Inc. Missouri Valley, Iowa License Fee Refund	66.00	Denied
G85-0648	Virginia Ilene Buland Mason City, Iowa License Fee Refund	80.00	Denied
G85-0651	Fern Johnson Knoxville, Iowa License Fee Refund	45.00	Denied
G85-0654	Doyle D. Felton Eldora, Iowa License Fee Refund	95.00	Denied
G85-0670	Joseph Gregory Kizevic Milwaukee, Wisconsin License Fee Refund	41.59	Denied
G85-0684	Brian Joseph Schwickerath Kennesaw, Georgia License Fee Refund	74.00	Denied
G85-0688	John L. Sloan Rapid City, South Dakota License Fee Refund	68.00	Denied
G85-0707	Carroll W. Stenecker Mason City, Iowa License Fee Refund	36.00	Denied
G85-0717	Merle J. Neubauer Iowa City, Iowa License Fee Refund	9.92	Denied
G85-0723	Sidney Brown Clear Lake, Iowa License Fee Refund	190.00	Denied
G85-0744	Joseph F. Bakalyar Cherokee, Iowa License Fee Refund	43.00	Denied

* General Claims denied in January - April, 1985 were submitted to 71st General Assembly, 1985

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

COMMUNITY CULTURAL GRANT COMMISSION

A report from the Community Cultural Grant Commission pursuant to Chapter 7A.52, Code Supplement, 1985.

OFFICE OF PLANNING AND PROGRAMMING

The annual report of the Job Training Partnership Program in Iowa, pursuant to Chapter 7B, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 509 Ways and Means**

To exempt certain sales of works of art from the sales and use tax.

S.B. 510 Natural Resources and Outdoor Recreation

Relating to free park user permits for persons over age sixty-five.

S.B. 511 Natural Resources and Outdoor Recreation

Relating to the penalties for violation of the requirements of the user permit for state parks and other state lands.

SUBCOMMITTEE ASSIGNMENTS**House File 665 (Reassigned)**

Natural Resources and Outdoor Recreation: Paulin, Chair; Baxter and Grandia.

House File 734

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

House File 2002

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schnekloth and Tabor.

House File 2006

Natural Resources and Outdoor Recreation: Diemer, Chair; Pavich and Pellett.

House File 2013

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2015

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2019

Human Resources: Sturgeon, Chair; Clark, Lonergan, Ollie and Van Camp.

House File 2025

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Knapp and Platt.

House File 2028

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

House File 2029

Natural Resources and Outdoor Recreation: Knapp, Chair; Johnson and Rensink.

House File 2032

Natural Resources and Outdoor Recreation: Black, Chair; Grandia and Haverland.

Senate File 421

State Government: Pavich, Chair; Beatty and Van Maanen.

Senate File 422

State Government: Pavich, Chair; Beatty and Van Maanen.

Senate File 432

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

Senate File 482

Human Resources: Buhr, Chair; Carl and Mullins.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 500), relating to nonsubstantive Code corrections.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1986.

Committee Bill (Formerly Study Bill 501), relating to the filing fees of statutory liens for filing with the clerk of district court.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1986.

Committee Bill (Formerly Study Bill 502), relating to the false use of a financial instrument and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1986.

Committee Bill (Formerly Study Bill 503), prohibiting the transportation of an open container of wine in a motor vehicle and incorporating a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 15, 1986.

Committee Bill (Formerly Study Bill 504), relating to the suspension of motor vehicle licenses for the failure to pay a fine, penalty, surcharge, or court cost.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1986.

Committee Bill (Formerly Study Bill 505), relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect current practices.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1986.

COMMITTEE ON STATE GOVERNMENT

House File 102, a bill for an act relating to smoking in public places and public meetings and applying penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5009**, January 15, 1986.

Senate File 590, a bill for an act relating to establishing nonpartisan mobile deputy registrars.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5008, January 15, 1986.

AMENDMENTS FILED

H-5008	S.F.	590	Committee on State Government
H-5009	H.F.	102	Committee on State Government
H-5010	S.F.	297	Gruhn of Dickinson De Groot of Lyon
H-5011	H.F.	102	Corey of Louisa
H-5012	S.F.	19	Carter of Henry

On motion by Norland of Worth, the House adjourned at 1:40 p.m., until 10:00 a.m., Monday, January 20, 1986.

JOURNAL OF THE HOUSE

Eighth Calendar Day—Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 20, 1986

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

Prayer was offered by Reverend Tecumshea S. Holmes, pastor of the Burns United Methodist Church, Des Moines.

The Journal of Thursday, January 16, 1986 was approved.

INTRODUCTION OF BILLS

House File 2071, by Harbor, a bill for an act relating to the chairpersons of legislative interim study committees.

Read first time and referred to committee on **state government**.

House File 2072, by Harbor, a bill for an act extending the agricultural supply dealer's lien to include feed and service provided by the operator of a custom livestock feedlot.

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

House File 2073, by Hummel, a bill for an act relating to stun guns and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2074, by Skow and Halvorson of Clayton, a bill for an act to increase the bond of a notary public from five hundred dollars to ten thousand dollars.

Read first time and referred to committee on **state government**.

House File 2075, by Ollie, a bill for an act requiring passengers of a pickup to sit on secured seats or upon the bed of the pickup while the pickup is being operated on a highway and providing a penalty.

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

House File 2076, by Van Camp, a bill for an act relating to the license fee for selling lottery tickets or shares.

Read first time and referred to committee on **economic development**.

House File 2077, by Varn, a bill for an act relating to the sale or arranging of credit life or credit accident or health insurance and providing for penalties.

Read first time and referred to committee on **small business and commerce**.

House File 2078, by Peterson of Carroll, a bill for an act relating to navigation near a diving flag and subjecting violators to a penalty.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2079, by Peterson of Carroll, a bill for an act excluding income received from service performed on active duty in the armed forces of the United States in computing state income tax and making this Act retroactive.

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

House File 2080, by Pavich, a bill for an act authorizing a council-manager-district form of city government.

Read first time and referred to committee on **local government**.

House File 2081, by Pavich, a bill for an act relating to the council-manager-ward form of city government.

Read first time and referred to committee on **local government**.

House File 2082, by Osterberg, a bill for an act relating to the exchange of territory between a benefited fire district and a township to provide fire protection services.

Read first time and referred to committee on **local government**.

House File 2083, by Pavich, Hester, Siegrist and Woods, a bill for an act relating to approval for credits earned for certificate renewal under chapter 260.

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

House File 2084, by Daggett, a bill for an act relating to payments to a parent or guardian for transporting children to an elementary school.

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

House File 2085, by Diemer, Haverland, Hermann and Cooper, a bill for an act prohibiting the operation of motorized bicycles on paved roadways of city streets where the speed limit is in excess of thirty-five miles per hour.

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

House File 2086, by Peterson of Carroll, a bill for an act relating to stun guns and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2087, by Halvorson of Clayton, a bill for an act relating to claims for damages resulting from the intentional or negligent infliction of emotional distress.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2088, by Halvorson of Clayton, a bill for an act relating to the charging of interest prior to judgment or decree.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2089, by Chapman, a bill for an act relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty and effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2090, by Chapman, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2091, by Jay, a bill for an act relating to the inspection of explosive storage facilities.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2092, by O'Kane, a bill for an act relating to the award of punitive or exemplary damages.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2093, by Rosenberg, a bill for an act relating to a corporate income tax credit for the production of biomass products to be used for energy purposes and providing effective dates.

Read first time and referred to committee on **energy and environmental protection**.

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 January 16, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2017, a bill for an act relating to gambling by permitting lottery tickets and shares to be sold on the premises of establishments that serve or sell alcoholic beverages, wine, or beer, providing that the pari-mutuel betting and lottery statutes are exceptions to gambling restrictions contained in chapter 99B, and providing for an effective date.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2018, a bill for an act to determine the jurisdiction of the state over providers of health care benefits, with report of committee recommending amendment and passage was taken up for consideration.

Swartz of Marshall offered the following amendment H—5005 filed by the committee on small business and commerce:

H—5005

1 Amend House File 2018 as follows:

2 1. Page 1, line 11, by striking the word "in" and
3 inserting the word "is".

4 2. Page 2, line 14, by inserting after the word
5 "appropriate" the following: "state".

6 3. Page 3, by striking line 1 and inserting the
7 following: "to pay."

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

10 "Sec. 8. This Act, being deemed of immediate
11 importance, takes effect from and after its
12 publication in the Marshalltown Times-Republican, a
13 newspaper published in Marshalltown, Iowa, and in The
14 Cedar Valley Times, a newspaper published in Vinton,
15 Iowa."

16 5. Title page, line 2, by inserting after the
17 word "benefits" the following: "and providing an
18 effective date".

Swartz of Marshall offered the following amendment H—5013, to the committee amendment H—5005, filed by him from the floor and moved its adoption:

H—5013

1 Amend amendment H—5005 to House File 2018 as
2 follows:

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

5 " . Page 1, line 22, by striking the words "or
6 optometric" and inserting the following: "optometric,
7 or podiatric".

8 . Page 1, line 23, by striking the word
9 "expenses" and inserting the following: "expenses, or
10 expenses of other health care providers specified by
11 rule by the commissioner of insurance." "

Amendment H—5013 was adopted.

On motion by Swartz of Marshall, the committee amendment H—5005, as amended, was adopted.

Doderer of Johnson asked for unanimous consent to temporarily defer action on House File 2018.

Objection was raised.

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

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

The ayes were, 99:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalfe	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Jay

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

Senate File 297, a bill for an act to allow the operation of a motor scooter by a person who has a motor vehicle operator's license not valid for the operation of a motorcycle, with report of committee recommending passage was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—5010 filed by her and De Groot of Lyon:

H—5010

1 Amend Senate File 297, as passed by the Senate as
2 follows:

3 1. Page 1, after line 26, by inserting the
4 following:

5 "Sec. 3. NEW SECTION. 321.276 OPERATION OF MOTOR
6 SCOOTERS.

7 A person shall not operate a motor scooter on a
8 highway without a bicycle safety flag which extends
9 not less than five feet above the ground. The bicycle
10 safety flag shall be triangular in shape with an area
11 of not less than thirty square inches and shall be
12 day-glow in color."

13 2. Title page, line 1, by striking the words "to
14 allow" and inserting the words "relating to motor
15 scooters by allowing".

16 3. Title page, line 3, by inserting after the
17 word "motorcycle" the words "and by requiring a flag
18 when a motor scooter is operated on a highway".

Renaud of Polk rose on a point of order that amendment H—5010 was not germane.

The Speaker ruled the point well taken and amendment H—5010 not germane.

Gruhn of Dickinson asked for unanimous consent to suspend the rules to consider amendment H—5010.

Objection was raised.

Gruhn of Dickinson moved that the rules be suspended to consider amendment H—5010.

A non-record roll call was requested.

The ayes were 52, nays 28.

The motion prevailed and the rules were suspended.

Gruhn of Dickinson moved the adoption of amendment H—5010.

A non-record roll call was requested.

The ayes were 43, nays 21.

Amendment H—5010 was adopted.

Woods of Polk asked and received unanimous consent that Senate File 297 be deferred and that the bill retain its place on the calendar.

On motion by Norland of Worth, the House was recessed at 10:56 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

ASSIGNMENT OF SEATS IN PRESS GALLERY

The following named persons are accredited members of the press, TV and radio stations and are entitled to seats in the following galleries:

WEST PRESS GALLERY

The Cedar Rapids Gazette	Judy Daubenmier, Ken Sullivan
Quad City Times	Tom Davidson
Iowa Newspaper Association	Harrison Weber
Waterloo Courier	Eric Woolson
United Press International	Scott Sonner, Cornell Fowler, Lisa
	Lavia, Dennis Garrels, C.W. Niebergal
Des Moines Register	Jane Norman, Tom Witosky, David
	Yepsen, Charles Bullard, David
	Elbert, Elizabeth Flansburg
Associated Press	Mike Glover, Tom Seery, Mark
	Mittlestadt, John Gaps, Roger
	Burdette, Mark Veasley, John Gaines,
	Charles Neibergall

EAST PRESS GALLERY

KCCI TV	Anne Hawkins, Dana Cardin, Michelle Morrissey Burgad, Donna Smith, John Houghton, Tim Bloomquist, Craig Parsons, Dave Warner, Todd Magel
Iowa Legislative News Service	Jo VonStein, Nan Hagen
WHO Radio News	Ev Hickman, Lori McManus, Dana Placko
WHO TV	Brooks Humphreys, Mike Borland, Matt Hoffmann, Mike Sims, Courtney Kintzer, Steve Carns, John Windschitl, Bill Gibb, Scott Hohenshell
KWWL TV	Chris Scholl, Bonnie Kirschman, John Dodge, Lorri Jewett
Iowa Radio Network	Brian Weber, C. Ross Martin
KRNT/KRNQ Radio	Pam Dixon, Dana Gannon, Robin Shepard, Laurie Chesling, John Garcia, Roger Summitt, Dale Woolery
WOI TV	Julie Rutz, Rick Fuller, Jo Ann Merrigan, Clyde Rail, Jeff Nowakowski, Mark Mills, Rod Minor
WOI Radio	Allison Hadley, Kay Henderson, Laura Young

GENERAL ASSIGNMENT

The following named persons are accredited members of the press and entitled access to the House Chamber:

AFSCME	Larry Scarpino
The Daily Iowan	Kirk Brown
Telegraph Herald	Patt Johnson
KASI/KCCQ	Rich Fellingham, Gary McCoy
KDSM TV	Judy Pirnot, Michelle Schwartz, Jo Tucci, Lynn Webster, Roger McGregor, Perry Garner
KIOA/KMGK	Deb Ryan, Jim Bleikamp, Jackie King, Jim Frye, Steve Dahlman
KWLO/KFMW	Lora Mercer
The Business Record	Jamie Gottula Buelt, Mary Tone, John Morrissey, Doug Herold

PRESENTATION OF VISITOR

Beatty of Warren presented to the House the Honorable James Middleswart, former member of the House representing Warren County.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC SAFETY

The report and recommendations concerning the State Medical Examiner, pursuant to Senate File 552, Seventy-first General Assembly, 1985 Session.

BOARD OF REGENTS

The State Board of Regents Ten-Year Building Program, 1986-96, pursuant to Chapter 262A.3, Code of Iowa.

A letter showing complete divestiture of securities in companies doing business in South Africa or with the Republic of South Africa, pursuant to Senate File 110, Seventy-first General Assembly, 1985 Session.

DEPARTMENT OF REVENUE

The Annual Report for 1985, pursuant to Chapter 421.17(3), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 592 (Reassigned)**

Energy and Environmental Protection: Peterson of Carroll, Chair; Petersen of Muscatine and Skow.

House File 737

Energy and Environmental Protection: Parker, Chair; Osterberg, Paulin, Sturgeon and Van Camp.

House File 2011

Economic Development: Connolly, Chair; Hanson and Parker.

House File 2014 (CORRECTED)

Local Government: Oxley, Chair; Grandia and Renken.

House File 2016

Economic Development: Parker, Chair; Connolly and Hanson.

House File 2056

Energy and Environmental Protection: Hatch, Chair; Carl and Petersen of Muscatine.

Senate File 549

Economic Development: Varn, Chair; Hanson and Parker.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

CORRECTED COMMITTEE RECOMMENDATION on Committee Bill (Formerly Study Bill 503), prohibiting the transportation of an open container of wine in a motor vehicle and incorporating a penalty.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1986.

RESOLUTION FILED

HCR 103, by Hummel, a concurrent resolution to require explanations on reprinted bills.

Referred to committee on rules and administration.

AMENDMENTS FILED

H-5014	S.F.	590	Spear of Lee
H-5015	H.F.	102	Paulin of Plymouth
H-5016	H.J.R.	1	Welden of Hardin
H-5017	H.F.	2033	Daggett of Taylor
H-5018	S.F.	19	Carter of Henry
			McKean of Jones
H-5019	H.F.	2067	Varn of Johnson
H-5020	H.F.	2069	Jay of Appanoose
H-5021	H.F.	102	Woods of Polk
H-5022	H.F.	102	Woods of Polk
H-5023	H.F.	504	Fogarty of Palo Alto

On motion by Arnould of Scott, the House adjourned at 3:05 p.m., until 9:00 a.m., Tuesday, January 21, 1986.

JOURNAL OF THE HOUSE

Ninth Calendar Day—Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 21, 1986

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

Prayer was offered by Reverend George Weitzel, pastor of the Nishna Valley Parish, United Methodist Church, Emerson.

The Journal of Monday, January 20, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Pellett of Cass, from two hundred constituents of the 97th District favoring House File 140, an act to prohibit the use of snares to take wildlife.

INTRODUCTION OF BILLS

House File 2094, by Parker, a bill for an act relating to the allocation of lottery funds and programs for which the funds may be used and providing an effective date.

Read first time and referred to committee on **economic development**.

House File 2095, by Peick, a bill for an act relating to the repeal of a local option sales and services tax in certain counties and providing for an effective date.

Read first time and referred to committee on **economic development**.

House File 2096, by Schnekloth, a bill for an act relating to the installation, inspection, and maintenance of monuments in cemeteries.

Read first time and referred to committee on **small business and commerce.**

House File 2097, by Renaud, a bill for an act to exempt authorized emergency vehicles from the child restraint law.

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

House File 2098, by Spear, a bill for an act to prohibit the abandonment of dogs and cats and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 2099, by Sullivan and Running, a bill for an act relating to employment of illegal aliens and providing a penalty.

Read first time and referred to committee on **labor and industrial relations.**

House File 2100, by Lonergan, a bill for an act relating to motorcycle and motorized bicycle education, to establish a motorcycle rider education fund, and to appropriate moneys from the fund to the department of public instruction for the costs of motorcycle and motorized bicycle education courses.

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

House File 2101, by Osterberg and Johnson, a bill for an act to require a one-time, extensive test for water contaminants in public water supplies.

Read first time and referred to committee on **energy and environmental protection.**

House File 2102, by Parker, a bill for an act relating to the repeal of a local option sales and services tax in certain counties and providing for an effective date.

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

House File 2103, by Varn, a bill for an act relating to minimum salaries for teachers, prescribing a procedure for implementing a

minimum salary, levying a property tax, and making an appropriation.

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

House File 2104, by Osterberg, a bill for an act relating to leaves of absence to serve on state task forces, committees, boards, and commissions and subjecting violators to a penalty.

Read first time and referred to committee on **state government**.

House File 2105, , by Schnekloth, a bill for an act relating to the obstruction of emergency communications and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2106, by Mullins, a bill for an act prohibiting discrimination in access to hospital care on the basis of indigency.

Read first time and referred to committee on **human resources**.

House File 2107, by Peick, a bill for an act relating to property passing by deed, grant, sale, gift, or transfer made within three years of the death of the grantor or donor which is not a bona fide sale for an adequate and full consideration in money or money's worth for purposes of the state inheritance tax, and providing an effective date.

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

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 January 16, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, informing the Department of Agriculture and the Congressional Delegation that the proposed corn loan rates do not meet the approval of the Iowa General Assembly.

K. MARIE THAYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:09 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McIntee of Black Hawk on request of Stromer of Hancock.

HOUSE FILE 2067 AND SENATE FILE 590 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2067 and Senate File 590 be deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2070, a bill for an act relating to the filing fees of statutory liens for filing with the clerk of district court, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2070)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck

Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

McIntee Sturgeon

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

House File 2068, a bill for an act relating to the suspension of motor vehicle licenses for the failure to pay a fine, penalty, surcharge, or court cost, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2068)

The ayes were, 97:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck

Hughes	Hummel	Jay	Jochum
Johnson	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 1:

Knapp

Absent or not voting, 2:

McIntee

Sturgeon

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

SPONSORS ADDED (House File 2072)

Royer of Page requested to be added as a sponsor of House File 2072.

(House Joint Resolution 5)

Petersen of Muscatine requested to be added as a sponsor of House Joint Resolution 5.

(House File 2004)

Halvorson of Clayton requested to be added as a sponsor of House File 2004.

PRESENTATION OF VISITOR

Pavich of Pottawattamie presented to the House the Honorable Jim O. Henry, former member of the House and Senate representing Pottawattamie County.

COMMUNICATIONS RECEIVED

The following communications were received on January 20, 1986 and are on file in the office of the Chief Clerk:

IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM

A report summarizing the South Africa related investments held within the IPERS portfolio, as of December 31, 1985, pursuant to Chapter 12A.3, Code of Iowa.

OFFICE OF TREASURER OF STATE

A report listing all South Africa related investments administered by the Treasurer and their value on December 31, 1985, pursuant to Chapter 12A.4 (2)(a), Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 512 Economic Development

Relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, and the use of lottery tickets.

S.B. 513 Local Government

Authorizing a county having a population of two hundred fifty thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

S.B. 514 State Government

Relating to the Iowa Public Employees Retirement Fund.

S.B. 515 State Government

Relating to benefits and administration for the Iowa public employees' retirement system.

S.B. 516 Energy and Environmental Protection

Relating to the authority of the department of water, air and waste management to remove and compel removal of hazardous substances or hazardous wastes.

S.B. 517 Judiciary and Law Enforcement

Relating to the jurisdiction of district associate judges.

S.B. 518 Energy and Environmental Protection

Requiring specific criteria for the acquisition, selection, or approval of a site for a hazardous waste treatment, disposal, or storage facility.

S.B. 519 Energy and Environmental Protection

Relating to state implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities.

S.B. 520 Energy and Environmental Protection

Relating to sanitary disposal projects.

S.B. 521 Energy and Environmental Protection

To establish an Iowa environmental improvement and energy resources authority.

S.B. 522 Energy and Environmental Protection

Relating to the authority of the department of water, air and waste management over hazardous substances and hazardous conditions.

S.B. 523 Energy and Environmental Protection

Providing for modifications of the authority of the department of water, air and waste management over water pollution, flood plain construction, and water use.

S.B. 524 Natural Resources and Outdoor Recreation

Relating to the use of wood as an energy source and appropriating funds.

S.B. 525 Natural Resources and Outdoor Recreation

Relating to the approval of certain county conservation board improvements by the state conservation commission.

S.B. 526 Natural Resources and Outdoor Recreation

Relating to the meetings of the state conservation commission.

SUBCOMMITTEE ASSIGNMENTS

House File 142 (Reassigned)

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Chapman and Siegrist.

House File 604

Transportation: Pavich, Chair; Fey and Van Camp.

House File 689

Transportation: Renaud, Chair; Harbor and Pavich.

House File 2042

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2047

Education: Varn, Chair; Daggett, Groth, Haverland and McKean.

House File 2049

Human Resources: Clark, Chair; Fey, Mullins and Teaford.

House File 2083

Education: Shoultz, Chair; Handorf and Tabor.

House File 2084

Education: Groth, Chair; Branstad, Daggett, Ollie and Shoultz.

House File 2100

Education: Carter, Chair; Carpenter and Johnson.

House File 2103

Education: Groth, Chair; Daggett, Ollie, Siegrist and Varn.

Senate File 356

Transportation: Lageschulte, Chair; Gruhn and Koenigs.

Senate File 505

Transportation: Renaud, Chair; Platt and Woods.

Senate File 537

Transportation: Woods, Chair; Cooper and Van Camp.

RESOLUTION FILED

SCR 102, by committee on agriculture, a concurrent resolution protesting the proposed corn loan rates.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5024	H.F.	2067	Jay of Appanoose
H-5025	H.F.	102	Paulin of Plymouth
H-5026	H.F.	102	Spear of Lee
H-5027	S.F.	19	Carter of Henry
			McKean of Jones
H-5028	H.F.	102	Spear of Lee
H-5029	H.F.	102	Hammond of Story
			Zimmerman of Dallas
			Hanson of Delaware
H-5030	H.F.	69	Spear of Lee

On motion by Norland of Worth, the House adjourned at 4:13 p.m., until 9:00 a.m., Wednesday, January 22, 1986.

JOURNAL OF THE HOUSE

Tenth Calendar Day — Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 22, 1986

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

Prayer was offered by Reverend John Mitman, pastor of St. Paul's Episcopal Church, Des Moines.

The Journal of Tuesday, January 21, 1986 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Black of Jasper, from one thousand one hundred ninety-eight constituents of District 71 favoring stiffer penalties for persons breaking the law, serving full sentence with no parole and the reinstatement of the death penalty in Iowa.

By Jochum of Dubuque, from two hundred eighty-eight constituents of the 36th District favoring leaving the State School for the Visually Impaired at its existing location in Vinton.

INTRODUCTION OF BILLS

House File 2108, by Spear, a bill for an act prohibiting the acquisition of legal settlement on the basis of a time period in which a mentally retarded person resides in a licensed health care facility.

Read first time and referred to committee on **local government**.

House File 2109, by Shoning, a bill for an act relating to the protection of children by requiring certain federal criminal record checks, by providing access to child abuse information to certain agencies, by requiring schools to file missing complaints in certain circumstances, and by creating a rebuttable presumption of lack of authority to assume temporary physical custody in cases involving the enticing away of a child under fourteen years of age.

Read first time and referred to committee on **human resources**.

House File 2110, by Clark and Mullins, a bill for an act relating to the membership of the state day care advisory committee.

Read first time and referred to committee on **human resources**.

House File 2111, by Cochran, a bill for an act relating to the fees that may be charged for negotiable instruments returned for insufficient funds.

Read first time and referred to committee on **small business and commerce**.

House File 2112, by Sturgeon, Connors, Shoning, Ollie, Running, Poncy, Lonergan, O'Kane and Paulin, a bill for an act relating to children in need of assistance, and providing penalties.

Read first time and referred to committee on **human resources**.

House File 2113, by Swartz, a bill for an act relating to the liability for actions to allow or facilitate the use of land contiguous to highways or roadways.

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

House File 2114, by Halvorson of Clayton, a bill for an act relating to claims for punitive or exemplary damages, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2115, by Muhlbauer and Van Maanen, a bill for an act relating to the annexation of a rural water district or association by a city.

Read first time and referred to committee on **local government**.

House File 2116, by Halvorson of Clayton, a bill for an act authorizing cities and counties to enter into an agreement by negotiation or arbitration with the owner or operator of a proposed sanitary disposal project on matters relating to the construction and operation of the proposed sanitary disposal project.

Read first time and referred to committee on **local government**.

House File 2117, by Sherzan, a bill for an act relating to seniority rights of persons reemployed by the state after being transferred to a judicial district department of correctional services, and providing for retroactive application.

Read first time and referred to committee on **state government**.

House File 2118, by Hatch, a bill for an act to provide occupational safeguards for public employees operating video display terminals.

Read first time and referred to committee on **labor and industrial relations**.

House File 2119, by Rosenberg, a bill for an act relating to families in need of assistance, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2120, by Corey, a bill for an act relating to the care of neglected or estray animals.

Read first time and referred to committee on **local government**.

House File 2121, by Hatch, a bill for an act relating to reproductive hazards and subjecting violators to penalties.

Read first time and referred to committee on **human resources**.

House File 2122, by Koenigs, a bill for an act to prohibit the purchase or attempted purchase of alcoholic liquor, wine, or beer by a person under legal age, and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

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

January 20, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 736, a bill for an act to include a physician's assistant on the board of medical examiners.

Also: That the Senate has on January 20, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2041, a bill for an act relating to schedule I and schedule II controlled substances regulated by the board of pharmacy examiners.

Also: That the Senate has on January 20, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2043, a bill for an act relating to qualification of nonprofit corporations as conservators.

Also: That the Senate has on January 20, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2044, a bill for an act relating to the admissibility of the reports and findings of the criminalistics laboratory in forfeiture proceedings.

Also: That the Senate has on January 20, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2052, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date.

Also: That the Senate has on January 20, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 101, commemorating those who have lost their lives because of the farm crisis.

Also: That the Senate has on January 20, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 103, commemorating Dr. Martin Luther King, Jr., Day.

K. MARIE THAYER, Secretary

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 527 Small Business and Commerce

Relating to the Iowa insurance guaranty association.

S.B. 528 Small Business and Commerce

Relating to the regulation of insurance holding companies and providing for penalties.

S.B. 529 Small Business and Commerce

Relating to insurance guaranty associations by creating an Iowa life and health insurance guaranty association.

S.B. 530 Small Business and Commerce

Permitting an individual who is covered by a group health plan to continue coverage under the plan for up to twelve months.

S.B. 531 Small Business and Commerce

Establishing the Iowa comprehensive health association, providing for a plan of operation, establishing financial procedures, providing eligible expenses, excluding certain requirements, and relating to other provisions of health insurance coverage.

S.B. 532 Small Business and Commerce

Relating to the creation of a linked deposit program.

S.B. 533 State Government

Relating to the educational requirements of registered professional engineers and registered land surveyors.

S.B. 534 Judiciary and Law Enforcement

Relating to the judgeship formula for the apportionment of district judges.

S.B. 535 Judiciary and Law Enforcement

Relating to the appointment of a district associate judge in lieu of magistrates.

S.B. 536 Judiciary and Law Enforcement

Relating to the liability of social hosts for injuries to persons as a result of intoxication.

S.B. 537 Judiciary and Law Enforcement

Requiring the posting of notice in state liquor stores and licensed premises explaining the operation of and penalties of the laws which prohibit the operation of a motor vehicle by a person who is intoxicated.

S.B. 538 Judiciary and Law Enforcement

Relating to the possession of marijuana, and providing penalties.

S.B. 539 Judiciary and Law Enforcement

Requiring that information relating to drunken driving be issued to drivers at the time of license renewal.

S.B. 540 Judiciary and Law Enforcement

To include instruction concerning substance abuse in approved drivers education courses.

S.B. 541 Judiciary and Law Enforcement

Relating to the offense of operating a motor vehicle while under the influence of alcohol or drugs.

S.B. 542 Human Resources

Creating a long-term care coordinating unit.

S.B. 543 Human Resources

Creating a basic emergency medical services planning council and providing a repeal.

S.B. 544 Human Resources

Relating to the control of certain tobacco products.

S.B. 545 Human Resources

Relating to programs relating to substance abuse and providing an effective date.

S.B. 546 Judiciary and Law Enforcement

Relating to certain religious exemptions to the required provision of medical treatment.

S.B. 547 Natural Resources and Outdoor Recreation

Relating to the confidentiality of archaeological site or resource information and subjecting violators to civil and criminal penalties.

S.B. 548 Ways and Means

Relating to taxation by updating references to the Internal Revenue Code, eliminating one of the net operating loss deductions in computing the state minimum tax, removing the requirement that members of an affiliated group of corporations consent in writing to the filing of a consolidated corporation income tax return, and providing an effective date.

S.B. 549 Ways and Means

Relating to local option taxes by specifying exemptions to the local option sales and services tax and providing for the allocation of local option sales and services tax receipts and local option earnings tax receipts if the director of revenue is unable to determine to which local government those receipts should be allocated, and making the Act retroactive.

S.B. 550 Ways and Means

Striking a special provision relating to the apportionment of net income of a farm corporation for purposes of the corporate income tax, striking a provision prohibiting a sales, services, and use tax refund or claim for taxes voluntarily paid based upon an alleged mistake of law, and providing effective dates.

S.B. 551 Ways and Means

Relating to the taxation of property of public utilities.

S.B. 552 Judiciary and Law Enforcement

Providing the right to a chemical test upon arrest on a charge of public intoxication.

S.B. 553 Human Resources

Relating to hospitals.

S.B. 554 Human Resources

Relating to temporary measures for the provision of prenatal care.

S.B. 555 Human Resources

Relating to the health data commission by adding the executive director of the commission on the aging to the membership of the health data commission and permitting the health data commission to collect long-term care data.

S.B. 556 Human Resources

Relating to the establishment by the department of human services of runaway prevention services and requiring a study by the department of the feasibility of establishing sliding-fee payment schedules for departmental services provided to children and their families.

S.B. 557 Human Resources

Relating to the approval of chemical substitutes and antagonists programs.

S.B. 558 Agriculture

Relating to grain dealers and bonded warehouses for agricultural products, and providing an effective date.

REREFERRED TO COMMITTEE ON WAYS AND MEANS
(House File 2095)

The Speaker announced that House File 2095, previously referred to the committee on **economic development**, was rereferred to the committee on **ways and means**.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF HUMAN SERVICES

"A Study to Determine the Feasibility of Establishing A Centralized Registry for Severely Disabled Persons", pursuant to House File 771, Section 14, Seventy-first General Assembly, 1985 Session.

SUBCOMMITTEE ASSIGNMENTS

House File 64 (Reassigned)

Local Government: Groninga, Chair; Diemer and Oxley.

House File 2020

Local Government: Royer, Chair; Black, Cooper, Grandia and Renken.

House File 2039

Labor and Industrial Relations: Fey, Chair; Hermann and Poncy

House File 2041

Local Government: Beatty, Chair; Cooper and Hester.

House File 2044

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

House File 2053

Local Government: Spear, Chair; Miller and Renken.

House File 2054

Natural Resources and Outdoor Recreation: Woods, Chair; Diemer and Sullivan.

House File 2078

Natural Resources and Outdoor Recreation: Grandia, Chair; Gruhn and Varn.

House File 2080

Local Government: Baxter, Chair; Diemer and O'Kane.

House File 2081

Local Government: Baxter, Chair; Diemer and O'Kane.

House File 2082

Local Government: Royer, Chair; Black, Cooper, Grandia and Renken.

House File 2093

Energy and Environmental Protection: Hughes, Chair; Black and De Groot.

House File 2099

Labor and Industrial Relations: Running, Chair; Connors and Hester.

House File 2101

Energy and Environmental Protection: Osterberg, Chair; Johnson and Petersen of Muscatine.

House File 2106

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

House File 2118

Labor and Industrial Relations: Renaud, Chair; Hester and Poney.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 508**

Energy and Environmental Protection: Peterson of Carroll, Chair; Petersen of Muscatine and Skow.

Study Bill 510

Natural Resources and Outdoor Recreation: Varn, Chair; Cooper and Diemer.

Study Bill 511

Natural Resources and Outdoor Recreation: Varn, Chair; Cooper and Diemer.

Study Bill 513

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

Study Bill 516

Energy and Environmental Protection: Osterberg, Chair; Hatch, Hughes, Lageschulte and Royer.

Study Bill 518

Energy and Environmental Protection: Shoultz, Chair; Jay, Lageschulte, Osterberg and Royer.

Study Bill 519

Energy and Environmental Protection: Osterberg, Chair; Hatch, Hughes, Lageschulte and Royer.

Study Bill 520

Energy and Environmental Protection: Johnson, Chair; Hughes, Mullins, Osterberg and Paulin.

Study Bill 521

Energy and Environmental Protection: Rosenberg, Chair; Hatch, Parker, Paulin and Welden.

Study Bill 522

Energy and Environmental Protection: Shoultz, Chair; Hatch, Jay, McIntee and Welden.

Study Bill 523

Energy and Environmental Protection: Johnson, Chair; Hughes, Mullins, Osterberg and Paulin.

Study Bill 524

Natural Resources and Outdoor Recreation: Johnson, Chair; Hanson and Stueland.

Study Bill 525

Natural Resources and Outdoor Recreation: Black, Chair; Diemer and Haverland.

Study Bill 526

Natural Resources and Outdoor Recreation: Welden, Chair; Knapp and Rensink.

Study Bill 527

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

Study Bill 528

Small Business and Commerce: Brammer, Chair; Halvorson of Clayton, Loneragan, Schnekloth and Skow.

Study Bill 529

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

Study Bill 530

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

Study Bill 531

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

Study Bill 532

Small Business and Commerce: Swartz, Chair; Baxter, Beatty, Halvorson of Clayton and Metcalf.

Study Bill 542

Human Resources: Sturgeon, Chair; Clark, Lonergan, Ollie and Van Camp.

Study Bill 543

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 544

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 545

Human Resources: Lonergan, Chair; Peick, Platt, Spear and Van Camp.

Study Bill 553

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 554

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 555

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 556

Human Resources: Sturgeon, Chair; Carl, Fey, Platt and Shoning.

Study Bill 557

Human Resources: Lonergan, Chair; Peick, Platt, Spear and Van Camp.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

NATURAL RESOURCES AND OUTDOOR RECREATION

House File 166, a bill for an act requiring the Iowa development commission to collect information regarding farm tourism.

Fiscal Note is required.

Recommended **Do Pass** January 21, 1986.

House File 2032, a bill for an act relating to combined hunting, fishing, and fur harvesting licenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5032**, January 21, 1986.

COMMITTEE ON TRANSPORTATION

Senate File 499, a bill for an act establishing applicable standards for motor vehicle safety belts and safety harnesses, mandating safety belt and safety harness use with certain exceptions, requiring the establishment of education programs, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5031**, January 21, 1986.

RESOLUTIONS FILED

SCR 101, by committee on agriculture, a concurrent resolution commemorating those who have lost their lives because of the farm crisis.

Laid over under **Rule 25**.

SCR 103, by Riordan, a concurrent resolution to commemorate Dr. Martin Luther King, Jr. Day.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5031	S.F.	499	Committee on Transportation
H—5032	H.F.	2032	Committee on Natural Resources and Outdoor Recreation
H—5033	H.F.	102	Schnekloth of Scott

On motion by Norland of Worth, the House adjourned at 9:22 a.m., until 9:00 a.m., Thursday, January 23, 1986.

JOURNAL OF THE HOUSE

Eleventh Calendar Day — Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 23, 1986

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

Prayer was offered by Reverend Arthur Nichols, pastor of the Reorganized Church of Jesus Christ of Latter Day Saints, Knoxville.

The Journal of Wednesday, January 22, 1986 was approved.

INTRODUCTION OF BILLS

House File 2123, by Halvorson of Clayton, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2124, by Halvorson of Clayton, a bill for an act relating to actions against licensees or permittees for damages resulting from the sale or gift of beer, wine, or intoxicating liquor to an intoxicated person.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2125, by Clark, a bill for an act relating to the offense by a person under legal age of misrepresenting the person's age while attempting to purchase alcoholic liquor, wine, or beer, and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2126, by Clark, a bill for an act relating to the civil liability for the sale of beer, wine, or intoxicating liquor.

Read first time and referred to committee on **state government**.

House File 2127, by Halvorson of Clayton, a bill for an act relating to the proof of financial responsibility required of liquor control licensees and wine and beer permittees.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2128, by Rensink, a bill for an act relating to the residency of a township clerk.

Read first time and referred to committee on **local government**.

House File 2129, by Sherzan and Hatch, a bill for an act authorizing a county having a population of two hundred fifty thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

Read first time and referred to committee on **local government**.

House File 2130, by Halvorson of Clayton, a bill for an act relating to the reduction of awards for losses replaced by insurance, benefits, or other sources.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2131, by De Groot, a bill for an act relating to immunity from tort liability for sheriffs and their deputies in the performance of court-ordered duties.

Read first time and referred to committee on **local government**.

House File 2132, by Schnekloth, a bill for an act relating to the liability for claims brought pursuant to chapter 25A.

Read first time and referred to committee on **state government**.

House File 2133, by Muhlbauer, Royer, Cooper, Pellett, Fogarty, Diemer, Cochran, Shoning, Gruhn, Kremer, Grandia and Miller, a bill for an act relating to the limits on liability for governmental entities.

Read first time and referred to committee on **state government**.

House File 2134, by Halvorson of Clayton, a bill for an act relating to the assignment of a percentage of fault against persons who are related to the claimant.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2135, by Halvorson of Clayton, a bill for an act relating to a minor's action for the recovery of expenses and actual loss of services, companionship, and society resulting from the injury to or death of a parent.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2136, by Hammond, Shoultz, Teaford, Baxter, Holveck, Van Camp, Carpenter, Zimmerman, Brammer, Gruhn, Lloyd-Jones, Beatty, Doderer, Buhr, Clark, and Mullins, a bill for an act modifying section 709.4, relating to sexual abuse in the third degree, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2137, by Daggett and Hughes, a bill for an act repealing the payback provision of an interest-free loan for public transit assistance and providing an effective date.

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

House File 2138, by Welden, Harbor, Shoning, McKean, Royer, Lageschulte, Diemer, Metcalf, Hanson, Daggett, Stueland, Carpenter, Halvorson of Clayton, Bennett, Maulsby, Van Maanen, Renken, Swearingen, Pellett, Mullins, Kremer, De Groot, Branstad, Handorf, Corey, Paulin, Clark, Platt and Miller, a bill for an act relating to the form of bills.

Read first time and referred to committee on **state government**.

House File 2139, by Beatty, a bill for an act requiring group accident and health insurance policies, group nonprofit health service corporation contracts, and health maintenance organizations to offer continuation coverage upon the death or divorce of a covered person to the covered person's surviving or former spouse and the spouse's dependents.

Read first time and referred to committee on **small business and commerce**.

SENATE MESSAGES CONSIDERED

Senate File 2041, by committee on judiciary, a bill for an act relating to schedule I and schedule II controlled substances regulated by the board of pharmacy examiners.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2043, by committee on judiciary, a bill for an act relating to qualification of nonprofit corporations as conservators.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2044, by committee on judiciary, a bill for an act relating to the admissibility of the reports and findings of criminalistics laboratory in forfeiture proceedings.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2052, by committee on state government, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date.

Read first time and referred to committee on **state government**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Zimmerman of Dallas on request of Carl of Poweshiek; Skow of Guthrie on request of Hughes of Union; Black of Jasper on request of Koenigs of Mitchell and Parker of Jasper on request of Groninga of Cerro Gordo, all until their arrival.

CONSIDERATION OF BILLS
Regular Calendar

House File 2067, a bill for an act relating to the false use of a financial instrument and providing penalties, with report of committee recommending passage was taken up for consideration.

Varn of Johnson offered the following amendment H—5019 filed by him and moved its adoption:

H—5019

1 Amend House File 2067 as follows:

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

4 "Section 1. Section 384.84, subsection 1, Code
5 1985, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. This section shall not
8 be construed as allowing the establishment,
9 imposition, adjustment, or provision of collection
10 rates on a dishonored instrument in excess of that
11 authorized by section 554.3507, subsection 5.

12 Sec. 2. Section 476.18, subsection 4, Code 1985,
13 is amended to read as follows:

14 4. This section does Subsections 1, 2 and 3 do not
15 apply to a rural electric cooperative.

16 Sec. 3. Section 476.18, Code 1985, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 5. Public utilities shall not
19 directly or indirectly impose or establish charges for
20 a dishonored instrument in excess of that authorized
21 by section 554.3507, subsection 5."

22 2. By renumbering to conform to this amendment.

Amendment H—5019 was adopted.

Jay of Appanoose offered the following amendment H—5024 filed by him and moved its adoption:

H—5024

1 Amend House File 2067 as follows:

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

4 "Section 1. Section 715.1, subsection 3, Code
5 1985, is amended to read as follows:

6 3. Any letter, credit card, debit card or access

- 7 device used to engage in an electronic transfer of
 8 funds through a satellite terminal as defined in
 9 section 527.2, subsection 1, charge plate, or other
 10 device which is designed to identify the person
 11 tendering such device as one to whom credit may be
 12 extended, or as one to whom goods or services may be
 13 furnished and charged to the account of another."
 14 2. By renumbering to conform to this amendment.

Amendment H—5024 was adopted.

The following amendment H—5037 filed by Chapman of Linn from the floor was adopted by unanimous consent:

H—5037

- 1 Amend House File 2067 as follows:
 2 1. Title page, by striking line 1, and inserting
 3 the following: "An Act relating to the use of financial
 4 instruments and".

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

On the question "Shall the bill pass?" (H.F. 2067)

The ayes were, 90:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Pellet	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rensink
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shultz	Siegrist
Spear	Stromer	Stueland	Sturgeon

Swartz
Van Camp
Woods

Swearingen
Van Maanen
Mr. Speaker

Tabor
Varn

Teaford
Welden

The nays were, 2:

Grandia

Renken

Absent or not voting, 8:

Black
Parker

Jochum
Skow

Loneragan
Sullivan

O'Kane
Zimmerman

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

HOUSE FILE 2069 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2069 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 590, a bill for an act relating to establishing non-partisan mobile deputy registrars, with report of committee recommending amendment and passage was taken up for consideration.

Buhr of Polk offered the following amendment H—5008 filed by the committee on state government:

H—5008

- 1 Amend Senate File 590 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 48.27, subsection 1, Code
- 6 1985, is amended to read as follows:
- 7 1. Mobile deputy registrars shall be appointed by
- 8 the county commissioner of registration not more than
- 9 one hundred eighty days prior to any general election
- 10 or not more than one hundred twenty days prior to any
- 11 primary, or partisan city election, or any election
- 12 held pursuant to section 60.14, at any time in
- 13 accordance with the following guidelines:
- 14 a. Mobile Partisan mobile deputy registrars shall
- 15 be selected from lists of nominees submitted to the
- 16 county commissioner of registration by the county
- 17 chairperson of the two a political parties receiving

the highest number of votes in that county in the last preceding general election party as defined in section 43.2. The county chairperson of a political party may submit lists of nominees at any time.

b. Each political party shall submit a list of nominees and may request not more than one person for each one thousand one hundred residents or major fraction thereof in the county to be appointed as mobile deputy registrars. Volunteer mobile deputy registrars shall be selected from among citizens who are not affiliated with a political party as defined in section 43.2 and who apply to the county commissioner. The application shall be on forms provided by the county commissioner and shall include the applicant's name, address, age and a statement indicating that the applicant is not a candidate for an office to be filled by the voters at any election and is not affiliated with a political party.

c. The county commissioner of registration shall make the requested number of appointments from the lists submitted by the county chairpersons and applications submitted by citizens not more than thirty days from the date the lists of nominees were submitted. If unless the persons listed by the county chairperson cannot serve or are disqualified; the county chairperson may add additional names to the list. The additional persons shall be appointed within five days if the next election is to be held within ninety-five days.

d. The appointment of mobile deputy registrars from one political party shall not be contingent upon the other political party submitting a list of nominees.

Page 2

e. The fact that any political party does not submit a list including the full number of names which may be appointed shall not preclude the appointment of the full number of persons to which any other political party is entitled.

f. The term of office of mobile deputy registrars appointed under the provisions of this subsection shall expire at five o'clock p.m. on the day registration closes prior to the general election on December 31 of that year or at the time the mobile deputy registrar resigns and returns the supplies to the county commissioner of registration, whichever occurs first.

g. When an election has been called pursuant to section 60.14, mobile deputy registrars shall be

16 appointed within three days after submission of a list
17 of nominees by the county chairperson of either of the
18 two political parties whose candidates for president
19 of the United States or for governor, as the case may
20 be, received the largest and next largest number of
21 votes in the county at the last general election.

22 Sec. 2. Section 48.27, subsection 2, Code 1985, is
23 amended by striking the subsection.

24 Sec. 3. Section 48.27, subsection 5, Code 1985, is
25 amended to read as follows:

26 5. Each mobile deputy registrar shall be
27 responsible to the county commissioner of registration
28 for properly registering electors in accordance with
29 the requirements and the restrictions of this chapter.
30 The commissioner may terminate the appointment of a
31 mobile deputy registrar who is not properly
32 registering electors, and shall immediately terminate
33 the appointment upon the written request of the county
34 chairperson of the party from whose list of nominees
35 the mobile deputy registrar was selected. When an
36 appointment is terminated the county commissioner of
37 registration shall promptly notify the county
38 chairperson of the political party which nominated the
39 mobile deputy registrar whose appointment has been
40 terminated, and shall appoint another person within
41 five days from a list of substitute nominees provided
42 by that county chairperson. A mobile deputy registrar
43 whose appointment is terminated shall immediately
44 return all supplies to the county commissioner of
45 registration. If a mobile deputy registrar's
46 appointment is terminated within thirty days of an
47 election, other than by request of the county
48 chairperson of the party from whose list of nominees
49 the mobile deputy registrar was appointed, a
50 replacement shall be appointed within twenty-four

Page 3

1 / hours from a list of substitute nominees provided by
2 the appropriate county chairperson.

3 Sec. 4. This Act, being deemed of immediate
4 importance, shall take effect from and after its
5 publication in The Daily Nonpareil, a newspaper
6 published in Council Bluffs, Iowa, and in The
7 Fairfield Ledger, a newspaper published in Fairfield,
8 Iowa."

9 2. Amend the title by striking lines 1 and 2 and
10 inserting the words "An Act relating to mobile deputy
11 registrars."

Spear of Lee offered the following amendment H—5014, to the committee amendment H—5008, filed by him and moved its adoption:

H—5014

- 1 Amend amendment H—5008 to Senate File 590 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, line 42, by inserting after the word
- 5 "registrar" the words "who resigns or".

Amendment H—5014 was adopted.

On motion by Buhr of Polk, the committee amendment H—5008, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 590)

The ayes were, 80:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Harbor	Hatch	Haverland
Hester	Holveck	Hughes	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Royer	Running	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabar	Teaford	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 13:

Branstad	De Groot	Grandia	Handorf
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Hermann
Renken
Van Maanen

Hummel
Rensink

Maulsby
Schnekloth

Petersen, D. F.
Van Camp

Absent or not voting, 7:

Black
Parker

Jochum
Skow

Loneragan
Sullivan

O'Kane

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

House File 2069, a bill for an act prohibiting the transportation of an open container of wine in a motor vehicle and incorporating a penalty, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—5020 filed by him:

H—5020

- 1 Amend House File 2069 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.3, subsection 9, Code
- 5 Supplement 1985, is amended to read as follows:
- 6 9. "Beer" means any liquid capable of being used
- 7 for beverage purposes made by the fermentation of an
- 8 infusion in potable water of barley, malt and hops,
- 9 with or without unmalted grains or decorticated and
- 10 degerminated grains or made by the fermentation of or
- 11 by distillation of the fermented products of fruit,
- 12 fruit extracts or other agricultural products,
- 13 containing more than one-half of one percent of
- 14 alcohol by volume but not more than five percent of
- 15 alcohol by weight."
- 16 2. Page 1, by inserting after line 25 the
- 17 following:
- 18 "Sec. 3. Section 123.46, Code Supplement 1985, is
- 19 amended to read as follows:
- 20 123.46 CONSUMPTION IN PUBLIC PLACES —
- 21 INTOXICATION.
- 22 It is unlawful for any A person to use or shall not
- 23 consume alcoholic liquors, wine, or beer upon the
- 24 public streets or highways, or alcoholic liquors in
- 25 any public place, except premises covered by a liquor
- 26 control license, or to. A person shall not possess or

27 consume alcoholic liquors, wine, or beer on any
28 public school property or while attending any a public
29 or private school related functions, and a school-
30 related function. A person shall not be intoxicated
31 nor or simulate intoxication in a public place. As
32 used in this section, "school" means a public or
33 private school or that portion of a public or private
34 school, which provides teaching for any grade from
35 kindergarten through grade twelve. Any A person
36 violating any provision of this section is guilty of a
37 simple misdemeanor.

38 Sec. 4. Section 123.150, Code Supplement 1985, is
39 amended to read as follows:

40 123.150 SUNDAY SALES BEFORE NEW YEARS DAY.

41 Notwithstanding section 123.36, subsection 6,
42 section 123.49, subsection 2, paragraph "b", and
43 section 123.134, subsection 5, a holder of any class
44 of liquor control license or the holder of a class "B"
45 beer permit may sell or dispense such alcoholic
46 liquor, wine, or beer to patrons for consumption on
47 the premises between the hours of ten a.m. on Sunday
48 and two a.m. on Monday when that Monday is New Years
49 Day and beer for consumption off the premises between
50 the hours of ten a.m. Sunday and midnight Sunday when

Page 2

1 that Sunday is the day before New Years Day. The
2 liquor control license fee or beer permit fee of
3 licensees and permittees permitted to sell or dispense
4 such liquor or beer on a Sunday when that Sunday is
5 the day before New Years Day shall not be increased
6 because of this privilege.

7 It is the intent of this section that the special
8 privileges granted shall be in force only during the
9 specified times provided in this section."

10 3. Title page, by striking lines 1 and 2 and
11 inserting the following: "An Act making corrections
12 to code sections dealing with alcoholic liquor, wine,
13 and beer by amending the definition of beer to reflect
14 current commercial practices, by including a reference
15 to wine in the prohibition on open containers of
16 alcoholic beverages or beer in moving vehicles, by
17 including a reference to wine in permission to sell
18 alcoholic beverages and beer for consumption on the
19 premises on the Sunday before New Years Day, and
20 incorporating a penalty."

21 4. By renumbering section according to this
22 amendment.

Jay of Appanoose offered the following amendment H—5036, to amendment H—5020 filed by him from the floor and moved its adoption:

H—5036

- 1 Amend House amendment H—5020 to House File 2069 as
- 2 follows:
- 3 1. Page 1, by striking lines 18 through 38 and
- 4 inserting the following:
- 5 " "Sec. 3. Section 123.150, Code Supplement 1985,
- 6 is".

Amendment H—5036 was adopted.

Bennett of Ida rose on a point of order that amendment H—5020 was not germane.

The Speaker ruled the point well taken and amendment H—5020, as amended, not germane.

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

On the question "Shall the bill pass?" (H.F. 2069)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg

Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 1:

Groth

Absent or not voting, 5:

Black	Jochum	O'Kane	Skow
Sullivan			

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

On motion by Norland of Worth, the House was recessed at 9:56 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT (House File 2021)

The Speaker announced that House File 2021, previously referred to the committee on **ways and means**, was rereferred to the committee on **local government**.

HOUSE FILE 264 WITHDRAWN

Sullivan of Van Buren asked and received unanimous consent to withdraw House File 264 from further consideration by the House.

VETO CALENDAR

Norland of Worth asked and received unanimous consent to remove the Veto Calendar from the Regular Calendar and that those bills on the Veto Calendar not be taken up for consideration.

CONSIDERATION OF BILL

Regular Calendar

The House resumed consideration of **House File 102**, a bill for an act relating to smoking in public places and public meetings and applying penalties.

Hammond of Story asked and received unanimous consent to withdraw the committee amendment H—3118, found on page 1239 of the 1985 House Journal.

Norland of Worth asked and received unanimous consent that House File 102 be temporarily deferred and that the bill retain its place on the calendar.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 104

Norland of Worth asked and received unanimous consent for the immediate consideration of the following resolution:

- 1 House Concurrent Resolution 104
- 2 By Connors, Norland and Stromer
- 3 A House Concurrent Resolution paying tribute to
- 4 Edward H. Jones and his memory.
- 5 *Whereas*, Edward H. Jones actively lobbied in the
- 6 Iowa Legislature from 1946 until 1982 representing
- 7 many and varied clients, the principal one being the
- 8 Iowa State Bar Association, and
- 9 *Whereas*, as a result of the foregoing, he
- 10 participated in legislation involving major portions
- 11 of the Iowa Code, and
- 12 *Whereas*, his love of the legislative process was
- 13 second only to his love of the law, and
- 14 *Whereas*, he was one of the organizers of the "Third
- 15 House Regulars" an organization of lobbyists, and
- 16 *Whereas*, his many friends both lobbyists and
- 17 legislators, recognize his contributions to the
- 18 legislative process;
- 19 *Now, Therefore, Be It Resolved By The House Of*
- 20 *Representatives, The Senate Concurring*, That tribute
- 21 be paid to Edward H. Jones and his memory and that
- 22 Edward H. Jones, a true friend of the Iowa General
- 23 Assembly, be recognized for the contributions he made
- 24 to the system, and
- 25 *Be It Further Resolved*, That copies of this
- 26 Resolution be forwarded to Edward H. Jones' widow,
- 27 Nancy K. Jones, and to his children, Ned, Debbie and
- 28 Abbie.

On motion by Connors of Polk the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 104)

Norland of Worth asked and received unanimous consent that House Concurrent Resolution 104 be immediately messaged to the Senate.

CONSIDERATION OF BILL

The House resumed consideration of **House File 102**, a bill for an act relating to smoking in public places and public meetings and applying penalties.

Hammond of Story offered the following amendment H-5009 filed by the committee on state government:

H-5009

1 Amend House File 102 as follows:

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

4 "Section 1. Section 98A.1, Code 1985, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 98A.1 DEFINITIONS.

8 As used in this chapter unless the context
9 otherwise requires:

10 1. "Smoking" means the carrying of or control over
11 a lighted cigar, cigarette, pipe, or other lighted
12 smoking equipment.

13 2. "Public place" means any enclosed indoor area
14 used by the general public or serving as a place of
15 work, including, but not limited to, restaurants, all
16 retail stores, offices, including waiting rooms, and
17 other commercial establishments; public conveyances
18 with departures originating in this state; educational
19 facilities; hospitals, clinics, nursing homes, and
20 other health care and medical facilities; and
21 auditoriums, elevators, theaters, libraries, art
22 museums, concert halls, indoor arenas, and meeting
23 rooms. "Public place" does not include a private,
24 enclosed office occupied exclusively by smokers even
25 though the office may be visited by nonsmokers, a room
26 used primarily as the residence of students or other
27 persons at an educational facility, or each resident's
28 room in a health care facility. The person in custody
29 or control of the facility shall provide a sufficient

30 number of rooms in which smoking is not permitted to
31 accommodate all persons who desire such rooms.

32 3. "Public meeting" means a gathering in person of
33 the members of a governmental body, whether an open or
34 a closed session under chapter 21.

35 4. "Bar" means an establishment or portion of an
36 establishment where one can purchase and consume
37 alcoholic beverages as defined in section 123.3,
38 subsection 8, but excluding any establishment or
39 portion of the establishment having table and seating
40 facilities for serving of meals to more than thirty-
41 two people at one time and where, in consideration of
42 payment, meals are served at tables to the public.

43 Sec. 2. Section 98A.2, Code 1985, is amended by
44 striking the section and inserting in lieu thereof the
45 following:

46 98A.2. PROHIBITION.

47 1. A person shall not smoke in a public place or
48 in a public meeting except in a designated smoking
49 area. This prohibition does not apply in cases in
50 which an entire room or hall is used for a private

Page 2

1 social function and seating arrangements are under the
2 control of the sponsor of the function and not of the
3 proprietor or person in charge of the place. This
4 prohibition does not apply to factories, warehouses,
5 and similar places of work not usually frequented by
6 the general public, except that an employee cafeteria
7 in such place of work shall have a designated
8 nonsmoking area.

9 2. Smoking areas may be designated by persons
10 having custody or control of public places, except in
11 places in which smoking is prohibited by the fire
12 marshal or by other law, ordinance, or regulation.

13 3. Where smoking areas are designated, existing
14 physical barriers and ventilation systems shall be
15 used to minimize the toxic effect of smoke in adjacent
16 nonsmoking areas. In the case of public places
17 consisting of a single room, the provisions of this
18 law shall be considered met if one side of the room is
19 reserved and posted as a no-smoking area. No public
20 place other than a bar shall be designated as a
21 smoking area in its entirety. If a bar is designated
22 as a smoking area in its entirety, this designation
23 shall be posted conspicuously on all entrances
24 normally used by the public.

25 4. Notwithstanding subsection 1 of this section,
26 smoking is prohibited on elevators.

27 Sec. 3. Section 98A.3, Code 1985, is amended by

28 striking the section and inserting in lieu thereof the
29 following:

30 98A.3 RESPONSIBILITIES OF PROPRIETORS.

31 The person having custody or control of a public
32 place or public meeting shall make reasonable efforts
33 to prevent smoking in the public place or public
34 meeting by:

35 1. Posting appropriate signs indicating no-smoking
36 or smoking areas.

37 2. Arranging seating to provide smoke-free areas.

38 3. Asking smokers to refrain from smoking upon
39 request of a person claiming discomfort from the
40 smoke.

41 Sec. 4. Section 98A.4, Code 1985, is amended to
42 read as follows:

43 98A.4 NO-SMOKING AREAS POSTED.

44 The A person or persons having custody or control
45 of a facility in which smoking is prohibited under
46 section 98A.2 public place or public meeting shall
47 cause signs to be posted within the facility, or
48 within the area or appropriate areas of the facility
49 where the prohibition against smoking is in effect,
50 one or more conspicuous signs bearing the words

Page 3

1 "smoking prohibited by law" or words or symbols of
2 similar effect advising patrons of smoking and no-
3 smoking areas. In addition the statement "Smoking
4 prohibited except in designated areas" shall be
5 conspicuously posted on all major entrances to the
6 public place or public meeting.

7 Sec. 5. Section 98A.5, Code 1985, is amended to
8 read as follows:

9 98A.5 ENFORCEMENT OF SMOKING PROHIBITION.

10 The A person in custody or control of a facility in
11 which smoking is prohibited under section 98A.2 public
12 place or public meeting, or an employee of any such
13 facility a public place who is on duty therein at the
14 public place or public meeting, who observes a person
15 smoking in that facility the public place or public
16 meeting in violation of this chapter shall inform the
17 person that smoking is prohibited by law in that
18 facility or that area of the facility, as the case may
19 be.

20 Sec. 6. Section 98A.6, Code 1985, is amended to
21 read as follows:

22 98A.6 CIVIL PENALTY FOR VIOLATION.

23 A person who smokes in those areas covered by
24 prohibited in section 98A.2, or who violates section
25 98A.4, shall pay a civil fine of five dollars for the

26 first violation and not less than ten nor more than
27 one hundred penalty not to exceed fifty dollars for
28 each subsequent violation.
29 Judicial magistrates shall hear and determine
30 violations of this chapter. The civil fines penalties
31 paid pursuant to this chapter shall be deposited in
32 the county treasury."

Schnekloth of Scott offered the following amendment H—5033, to the committee amendment H—5009, filed by him. Division was requested as follows:

H—5033

1 Amend H—5009 to House File 102 as follows:

H—5033A

2 1. Page 1, line 15, by inserting after the word
3 "to," the following: "churches,".

H—5033B

4 2. Page 1, line 23, by inserting after the word
5 "include" the following: "restrooms,".
6 3. Page 1, lines 48 and 49, by striking the words
7 "except in a designated smoking area".
8 4. Page 2, by striking lines 9 through 26.
9 5. Page 2, line 34, by striking the word "by:"
10 and inserting the following: "by posting appropriate
11 no-smoking signs".
12 6. By striking page 2, line 35, through page 3,
13 line 19.
14 7. Page 3, by striking lines 23 through 28 and
15 inserting the following:
16 "A person who smokes in those areas covered by
17 section 98A.2 or who violates section ~~98A.4~~ shall pay
18 a civil fine of five dollars for the first violation
19 and not less than ten nor more than one hundred
20 dollars for each subsequent violation."
21 8. Page 3, by striking line 32 and inserting the
22 following: "the county treasury."
23 Sec. _____. Sections 98A.4 and 98A.5, Code 1985, are
24 repealed." "

On motion by Schnekloth of Scott, amendment H—5033A was adopted.

Woods of Polk offered the following amendment H—5021, to the committee amendment H—5009, filed by him and moved its adoption:

H—5021

- 1 Amend H—5009 to House File 102 as follows:
- 2 1. Page 1, line 15, by striking the word
- 3 "restaurants,".
- 4 2. Page 1, line 23, by inserting after the word
- 5 "include" the following: "restaurants,".

Amendment H—5021 lost.

Paulin of Plymouth offered the following amendment H—5015, to the committee amendment H—5009, filed by him and moved its adoption:

H—5015

- 1 Amend amendment H—5009 to House File 102 as follows:
- 2 1. Page 1, by striking lines 15 through 17, and
- 3 inserting the following: "work, including, but not
- 4 limited to, restaurants with a seating capacity of
- 5 thirty-two, or more persons, all retail stores, offices
- 6 containing two hundred or more square feet of floor
- 7 space, including waiting rooms of two hundred or more
- 8 square feet of floor space, and other commercial
- 9 establishments; public conveyances".

Amendment H—5015 was adopted, placing out of order amendment H—5033A, previously adopted.

The House resumed consideration of amendment H—5033B.

Schnekloth of Scott moved the adoption of amendment H—5033B.

A non-record roll call was requested.

The ayes were 34, nays 54.

Amendment H—5033B lost.

Paulin of Plymouth offered the following amendment H—5025, to the committee amendment H—5009, filed by him and moved its adoption:

H—5025

- 1 Amend amendment H—5009 to House File 102 as follows:
- 2 1. Page 1, line 27, by inserting after the word
- 3 "facility," the following: "a sleeping room in a motel
- 4 or hotel,".

Amendment H—5025 was adopted.

Hammond of Story offered the following amendment H—5029, to the committee amendment H—5009, filed by Hammond, et al., and moved its adoption:

H—5029

- 1 Amend H—5009 to House File 102 as follows:
- 2 1. Page 1, lines 27 and 28, by striking the words
- 3 "each resident's room" and inserting the following:
- 4 "any designated smoking area".
- 5 2. Page 1, line 28, by inserting after the word
- 6 "facility" the following: "or hospital".

Amendment H—5029 was adopted.

Woods of Polk offered the following amendment H—5022, to the committee amendment H—5009, filed by him and moved its adoption:

H—5022

- 1 Amend H—5009 to House File 102 as follows:
- 2 1. Page 1, line 41, by inserting after the word
- 3 "time" the following: "and located in a separate room
- 4 from the bar area".

Amendment H—5022 lost.

Corey of Louisa offered the following amendment H—5040, to the committee amendment H—5009, filed by him from the floor and moved its adoption:

H—5040

- 1 Amend amendment H—5009 to House File 102 as follows:
- 2 1. Page 2, line 19, by inserting after the word
- 3 "area" the following: "provided there is a space of
- 4 at least ten feet separating the smoking area from the
- 5 no-smoking area".

Amendment H—5040 lost.

Woods of Polk offered the following amendment H—5039, to the committee amendment H—5009, filed by him from the floor:

H—5039

- 1 Amend the Committee on State Government amendment,
- 2 H—5009, to House File 102, as follows:
- 3 1. Page 2, line 21, by inserting after the word
- 4 "entirety" the words ", unless the owner or manager
- 5 designates the entire public place as a smoking area".
- 6 2. Page 2, line 21, by inserting after the word
- 7 "bar" the words "or any other public place".

Groninga of Cerro Gordo in the chair at 3:36 p.m.

On motion by Woods of Polk, amendment H—5039 lost.

Spear of Lee offered the following amendment H—5028, to the committee amendment H—5009, filed by him and moved its adoption:

H—5028

- 1 Amend H—5009 to House File 102 as follows:
- 2 1. Page 2, line 40, by inserting after the word
- 3 "smoke" the following: "when the smoker is smoking in
- 4 a designated no smoking area".

Amendment H—5028 was adopted.

Spear of Lee offered the following amendment H—5026, to the committee amendment H—5009, filed by him and moved its adoption:

H—5026

- 1 Amend H—5009 to House File 102 as follows:
- 2 1. Page 3, line 10, by striking the word "in" and
- 3 inserting the following: "in having".

Amendment H—5026 was adopted.

Speaker Avenson in the chair at 3:43 p.m.

On motion by Hammond of Story, the committee amendment H—5009, as amended, was adopted, placing the following amendments out of order:

H—3213 filed by Zimmerman of Dallas on February 28, 1985 and found on page 2405 of the 1985 House Journal.

H—3233 filed by Pavich of Pottawattamie on March 5, 1985 and found on page 2411 of the 1985 House Journal.

H—3234 filed by Pavich of Pottawattamie on March 5, 1985 and found on page 2412 of the 1985 House Journal.

H—3240 filed by Woods of Polk on March 5, 1985 and found on page 2413 of the 1985 House Journal.

H—3241 filed by Woods of Polk on March 5, 1985 and found on page 2413 of the 1985 House Journal.

H—3265 filed by Renaud of Polk and Woods of Polk on March 6, 1985 and found on page 2415 of the 1985 House Journal.

H—3266 filed by Renaud of Polk and Woods of Polk on March 6, 1985 and found on page 2415 of the 1985 House Journal.

H—3287 filed by Buhr of Polk on March 8, 1985 and found on page 2419 of the 1985 House Journal.

H—3289 filed by Sherzan of Polk on March 8, 1985 and found on page 2419 of the 1985 House Journal.

H—3579, to amendment H—3289, filed by Sherzan of Polk on April 2, 1985 and found on page 2450 of the 1985 House Journal.

H—3291 filed by Tabor of Jackson on March 8, 1985 and found on page 2419 of the 1985 House Journal.

H—3292 filed by Tabor of Jackson on March 8, 1985 and found on page 2420 of the 1985 House Journal.

H—3294 filed by Tabor of Jackson on March 8, 1985 and found on page 2420 of the 1985 House Journal.

H—3323 filed by Hammond of Story and Hanson of Delaware on March 12, 1985 and found on page 2423 of the 1985 House Journal.

H—3502 filed by Paulin of Plymouth on March 27, 1985 and found on pages 2442 and 2443 of the 1985 House Journal.

H—5011 filed by Corey of Louisa on January 16, 1986.

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

On the question "Shall the bill pass?" (H.F. 102)

The ayes were, 63:

Arnould	Beatty	Black	Blanshan
Brammer	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Daggett	Diemer	Doderer
Fey	Groninga	Groth	Halvorson, R. N.
Hammond	Handorf	Hanson	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	McKean
Metcalf	Miller	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Paulin	Peterson, M. K.	Renken	Rensink
Rosenberg	Royer	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Sturgeon	Swartz	Teaford	Van Maanen
Varn	Zimmerman	Mr. Speaker	

The nays were, 35:

Bennett	Branstad	Buhr	Cooper
Corey	De Groot	Fogarty	Grandia
Gruhn	Halvorson, R. A.	Harbor	Hummel
Jay	Jochum	Loneragan	Maulsby
Muhlbauer	Parker	Pavich	Peick
Pellett	Petersen, D. F.	Platt	Poncy
Renaud	Running	Schnekloth	Sherzan
Stromer	Sullivan	Swearingen	Tabor
Van Camp	Welden	Woods	

Absent or not voting, 2:

Baxter McIntee

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

MOTION TO RECONSIDER (House File 2067)

I move to reconsider the vote by which House File 2067 passed the House on January 23, 1986.

HUMMEL of Benton

SPONSORS ADDED
(House File 2061)

Brammer of Linn requested to be added as a sponsor of House File 2061.

(House File 2040)

Hanson of Delaware requested to be added as a sponsor of House File 2040.

(House File 2051)

Hanson of Delaware requested to be added as a sponsor of House File 2051.

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 23rd day of January, 1986: House File 244.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATIONS OF VOTE

I inadvertently pushed the wrong button when the vote was taken on House File 2069. I intended to vote "aye."

GROTH of Buena Vista

I was necessarily absent from the House chamber on Thursday morning, January 23, 1986. Had I been present, I would have voted "aye" on House Files 2067, 2069 and Senate File 590.

BLACK of Jasper

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 on January 23, 1986.

JOSEPH O'HERN
Chief Clerk of the House

House File 764, a bill for an act relating to unpaid taxes and enforcement of taxes administered by the department of revenue, making an appropriation, and providing civil and criminal penalties.

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Administrative Assistant II	Lynne D. Carey	16-1	S-O	01-13-86
Administrative Assistant II	Jean I. Goudy	16-2	S-O	01-13-86
Secretary II	Norma Bakros	16-2 + 1 + 1	S-O	01-13-86
Secretary II	Anne Blobaum- O'Connell	16-2 + 2 + 1	S-O	01-13-86
Secretary II	Linda Hughes	16-2 + 2	S-O	01-13-86
Secretary II	Jenifer Parsons	16-1 + 1 + 1	S-O	01-13-86
Secretary I	Ramona M. Paulin	14-1 + 1	S-O	01-22-86
Secretary II	Giovanna Ries	16-2 + 1 + 1	S-O	01-13-86
Secretary II	Betty Rutan	16-2 + 1 + 1	S-O	01-13-86
Secretary II	Charlotte Tammel	16-1 + 2	S-O	01-13-86
Secretary I	Joan K. Brauer	14-1 to 14-2	S-O	03-21-86
Secretary II	Ruby J. Briar	16-1 + 2 to 16-2 + 2	S-O	03-21-86
Secretary I	Doris M. Burford	14-1 + 1 to 14-2 + 1	S-O	03-21-86

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Administrative Assistant II	Lynne D. Carey	16-1 to 16-2	S-O	03-21-86
Secretary II	LuAnn K. Creek	16-1 + 1 to 16-2 + 1	S-O	03-21-86
Secretary I	Kory A. Darnall	14-1 + 1 to 14-2 + 1	S-O	04-04-86
Secretary I	Theresa M. Ferin	14-1 + 1 to 14-2 + 1	S-O	03-21-86
Secretary I	Gertrude E. Fogarty	14-1 + 1 to 14-2 + 1	S-O	03-21-86
Secretary I	Barbara A. Hancock	14-1 + 1 to 14-2 + 1	S-O	03-21-86
Secretary I	Dolores M. Horton	14-1 + 2 to 14-2 + 2	S-O	03-21-86
Secretary II	Linda K. Hughes	16-1 + 2 to 16-2 + 2	S-O	01-13-86
Secretary II	Joan A. Kiernan	16-1 + 1 to 16-2 + 1	S-O	03-21-86
Secretary II	Joan A. Koenigs	16-1 + 1 to 16-2 + 1	S-O	01-13-86
Secretary II	JoAnn M. Leachman	16-1 + 1 to 16-2 + 1	S-O	03-21-86
Secretary II	Prudence A. Leachman	16-1 + 1 to 16-2 + 1	S-O	03-21-86
Secretary I	Mary L. Liljegren	14-1 to 14-2	S-O	03-21-86
Secretary II	Betty Lou Lundy	16-1 + 2 to 16-2 + 2	S-O	03-21-86
Secretary I	Jeanne A. McIntee	14-1 + 1 to 14-2 + 1	S-O	02-07-86
Secretary I	Phyllis Muhlbauer	14-1 + 1 to 14-2 + 1	S-O	01-13-86
Secretary II	Marilyn J. Rensink	16-1 + 1 to 16-2 + 1	S-O	01-13-86
Secretary I	Cleo C. Royer	14-1 + 1 to 14-2 + 1	S-O	03-21-86
Secretary II	Mary M. Shandley	16-1 to 16-2	S-O	03-21-86
Secretary II	Marian S. Swearingen	16-1 + 1 to 16-2 + 1	S-O	03-21-86
Secretary II	Jane M. Wallerstedt	16-1 to 16-2	S-O	03-21-86
Secretary I	Cheryl A. Weld	14-1 + 1 to 14-2 + 1	S-O	03-21-86
Secretary II	M. Rosalie Flesher	16-2 to 16-3	S-O	03-21-86
Doorkeeper	Max Perdue	9-1 to 2	S-O	04-04-86

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Doorkeeper	John R. Quinn	9-1 to 2	S-O	03-21-86
Research Analyst	Thomas R. Patterson	27-3 to 28-3	P-FT	04-18-86
Research Analyst	Bruce G. Brandt	24-1 to 2	P-FT	04-18-86
Research Analyst	Timothy C. Dunbar	24-2 to 3	P-FT	04-18-86
Research Analyst	Stephen F. Moore	24-1 to 2	P-FT	04-04-86
Research Analyst	Mary E. O'Connor	28-2 to 3	P-FT	04-18-86
Research Analyst	Gary W. Steinke	24-1 to 2	P-FT	04-04-86
Research Analyst	Allen J. Welsh	24-2 to 3	P-FT	04-18-86
Executive Secretary to Caucus	E. Marie Callas	20-2 to 3	P-FT	04-18-86
Supervisor of Secretaries	Virginia Rowen	20-4 to 5	P-FT	02-21-86

FEY of Scott, Chair

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 20, 1986 and is on file in the office of the Chief Clerk:

January 20, 1986

Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 2 claims of a general nature. This supplements our filing of January 6, 1986.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

OFFICE OF STATE COMPTROLLER
STATE APPEAL BOARD

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0740	T. H. Schuster West Des Moines, Iowa License Fee Refund	\$ 26.00	DENIED
G85-0832	John L. Jensen Estherville, Iowa License Fee Refund	80.00	DENIED

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 559 State Government

Requiring the posting of notice in state liquor stores and licensed premises explaining the operation of and penalties of the laws which prohibit the operation of a motor vehicle by a person who is intoxicated.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2001

State Government: Spear, Chair; Beatty and Daggett.

House File 167 (Reassigned)

Agriculture: Koenigs, Chair; Branstad, De Groot, Gruhn, Hatch, Skow and Stueland.

House File 424

Agriculture: Fogarty, Chair; Bennett and Gruhn.

House File 533 (Reassigned)

Agriculture: Koenigs, Chair; Branstad, De Groot, Gruhn, Hatch, Skow and Stueland.

House File 543

Agriculture: Halvorson of Webster, Chair; Gruhn, Handorf, Hughes and Pellett.

House File 685

Economic Development: Swartz, Chair; Branstad and Parker.

House File 738

Agriculture: Cochran, Chair; Carter, Rensink, Skow and Van Maanen.

House File 752

Ways and Means: Tabor, Chair; Holveck and Lageschulte.

House File 770

Ways and Means: Brammer, Chair; Miller and Rosenberg.

House File 2003

Ways and Means: O'Kane, Chair; Carpenter and Oxley.

House File 2004

Ways and Means: Connolly, Chair; Arnould and Lageschulte.

House File 2005

Ways and Means: Chapman, Chair; Groninga and Siegrist.

House File 2007

Ways and Means: Fey, Chair; Cochran and Renken.

House File 2008

Ways and Means: Chapman, Chair; Groninga and Siegrist.

House File 2010

State Government: Pavich, Chair; Doderer and Siegrist.

House File 2023

State Government: Doderer, Chair; Blanshan, Carpenter, Hammond and Swearingen.

House File 2031

State Government: Carter, Chair; Arnould and Carpenter.

House File 2033

Ways and Means: Holveck, Chair; Peterson of Carroll and Schnekloth.

House File 2034

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

House File 2037

Ways and Means: Rosenberg, Chair; Connolly and Siegrist.

House File 2040

Ways and Means: O'Kane, Chair; Carpenter and Oxley.

House File 2046

Ways and Means: O'Kane, Chair; Carpenter and Oxley.

House File 2048

Ways and Means: Parker, Chair; Daggett and Osterberg.

House File 2050 (Reassigned)

Agriculture: Fogarty, Chair; Carter, Rensink, Van Maanen and Zimmerman.

House File 2051

Ways and Means: O'Kane, Chair; Carpenter and Oxley.

House File 2055

Agriculture: Koenigs, Chair; De Groot, Handorf, Hatch and Skow.

House File 2058

State Government: Teaford, Chair; Pavich and Van Maanen.

House File 2059

State Government: Teaford, Chair; Pavich and Van Maanen.

House File 2061

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

House File 2062

Agriculture: Hughes, Chair; Cochran and Stueland.

House File 2063

Ways and Means: Chapman, Chair; Groninga and Siegrist.

House File 2071

State Government: Beatty, Chair; Cochran and Swearingen.

House File 2072

Agriculture: Blanshan, Chair; Branstad and Muhlbauer.

House File 2074

State Government: Beatty, Chair; Blanshan and Daggett.

House File 2076

Economic Development: Parker, Chair; Arnould and Hanson.

House File 2079

Ways and Means: Arnould, Chair; De Groot and Parker.

House File 2094

Economic Development: Connolly, Chair; Hanson and Parker.

House File 2102

Ways and Means: O'Kane, Chair; Carpenter and Oxley.

House File 2107

Ways and Means: Tabor, Chair; Miller and Osterberg.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 509**

Ways and Means: Groth, Chair; Arnould and Petersen of Muscatine.

Study Bill 512

Economic Development: Parker, Chair; Connolly and Hanson.

Study Bill 514

State Government: Doderer, Chair; Blanshan, Carpenter, Hammond and Swearingen.

Study Bill 548

Ways and Means: Doderer, Chair; Rosenberg and Schneklath.

Study Bill 549

Ways and Means: O'Kane, Chair; Carpenter and Oxley.

Study Bill 550

Ways and Means: Brammer, Chair; Hanson and Parker. ⁸

Study Bill 551

Ways and Means: Peterson of Carroll, Chair; Cochran and Renken.

Study Bill 558

Agriculture: Koenigs, Chair; Branstad, De Groot, Gruhn, Hatch, Skow and Stueland.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 35, a bill for an act relating to animal waste water pollution by providing for an animal waste grant program, and requiring certain earthen manure storage facilities to meet technical standards.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5034**, January 22, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 530, a bill for an act relating to the parole of persons convicted for the offenses of sexual abuse and lascivious acts with a child.

Fiscal Note is not required.

Recommended **Do Pass** January 22, 1986.

COMMITTEE ON LOCAL GOVERNMENT

House File 2014, a bill for an act to repeal chapter 361 relating to weather modification.

Fiscal Note is not required.

Recommended **Do Pass** January 22, 1986.

COMMITTEE ON STATE GOVERNMENT

Senate Joint Resolution 1, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5035**, January 22, 1986.

AMENDMENTS FILED

H—5034	S.F.	35	Committee on Agriculture
H—5035	S.J.R.	1	Committee on State Government
H—5038	H.F.	2118	Hatch of Polk
H—5042	S.F.	297	Fey of Scott
H—5043	H.F.	166	Sullivan of Van Buren

On motion by Norland of Worth, the House adjourned at 4:10 p.m., until 9:00 a.m., Friday, January 24, 1986.

JOURNAL OF THE HOUSE

Twelfth Calendar Day—Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 24, 1986

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

Prayer was offered by the Honorable John Connors, state representative from Polk County.

The Journal of Thursday, January 23, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Ollie of Clinton; Zimmerman of Dallas on request of Carl of Poweshiek.

INTRODUCTION OF BILLS

House Joint Resolution 2002, by Miller, a joint resolution proposing an amendment to the Constitution of the State of Iowa to repeal the requirement that each Act shall have one subject which shall be expressed in the title.

Read first time and referred to committee on **state government**.

House File 2140, by Osterberg, a bill for an act relating to conservation easements.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2141, by Osterberg and Johnson, a bill for an act relating to the purification of certain waters, and incorporating a penalty.

Read first time and referred to committee on **energy and environmental protection**.

House File 2142, by Fogarty, De Groot, Halvorson of Clayton, Bennett, McIntee and Stromer, a bill for an act exempting electric cooperative corporations and associations and electric public utilities from the rate regulation authority of the Iowa state commerce commission if they have less than twenty-five thousand customers.

Read first time and referred to committee on **energy and environmental protection**.

House File 2143, by Miller, a bill for an act relating to attorney fees awarded pursuant to a contingent fee arrangement.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2144, by Ollie, a bill for an act to decrease the appropriation to the jobs now capitals account for the world trade center and to appropriate moneys from the Iowa plan fund to the education and agriculture research and development account for deposit in the first in the nation in education fund when certain conditions have been met, and to provide that the Act will take effect upon its publication.

Read first time and referred to committee on **economic development**.

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 January 23, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 104, paying tribute to Edward H. Jones and his memory.

Also: That the Senate has on January 23, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2064, a bill for an act relating to licensed dealers and warehouses for agricultural products, and providing an effective date.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2064, by committee on agriculture, a bill for an act relating to licensed dealers and warehouses for agricultural products, and providing an effective date.

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

**ADOPTION OF THE REPORT
OF THE CONFERENCE COMMITTEE
(House File 764)**

Rosenberg of Story called up for consideration the report of the conference committee on House File 764 as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 764**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to consider the difference between the House of Representatives on House File 764, a bill for an act relating to unpaid taxes and enforcement of taxes administered by the department of revenue, making an appropriation, and providing civil and criminal penalties, respectfully submit the following report:

1. That the Senate recede from its amendment.
2. That House File 764, as amended, passed, and reprinted by the House be amended as follows:
 1. Page 1, line 15, by striking the figure "1984" and inserting the following: "1985".
 2. Page 1, line 17, by striking the figure "1984" and inserting the following: "1985".
 3. Page 1, line 18, by striking the figure "1984" and inserting the following: "1985".
 4. Page 1, by striking line 23 and inserting the following: "September 2, 1986 through October 31, 1986 for any tax".
 5. Page 1, line 24, by striking the figure "1984" and inserting the following: "1985".
 6. Page 1, line 30, by striking the figure "1984" and inserting the following: "1985".
 7. Page 1, line 35, by striking the figure "1984" and inserting the following: "1985".
 8. By striking page 2, line 31 through page 3, line 1 and inserting the following:

"b. The department may deny the issuance of a permit to a distributor, wholesaler, vendor or retailer who is substantially delinquent in the payment of a tax due, or the interest or penalty on the tax, administered by the department at the time of application. If the applicant is a partnership, a permit may be denied if a partner is substantially delinquent on".

9. Page 3, by striking lines 3 and 4 and inserting the following: "a corporation, a permit may be denied if any officer having a substantial legal or".

10. Page 3, line 6, by inserting after the word "penalty" the following: "of the applicant corporation".

11. Page 3, by striking line 15 and inserting the following: "promulgated adopted under this division, or is substantially delinquent in the payment of a".

12. Page 3, line 17, by inserting after the word "tax," the following: "or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department,".

13. Page 4, line 5, by striking the word "ten" and inserting the following: "seven and one-half".

14. Page 4, line 5, by inserting after the word "tax" the following: ", except as provided in section 421.27".

15. Page 5, line 8, by striking the words "ten" and inserting the following: "seven and one-half".

16. Page 5, line 9, by inserting after the word "paid" the following: ", except as provided in section 421.27".

17. Page 5, line 12, by striking the word "fifty" and inserting the following: "fifty seventy-five".

18. Page 5, line 16, by striking the word "fifty" and inserting the following: "fifty seventy-five".

19. Page 5, by striking lines 23 through 27 and inserting the following: "The department may deny the issuance of a license to an applicant who is substantially delinquent in the payment of a tax due, or the interest or penalty on the tax, administered by the department of revenue. If the applicant is a partnership, a license may be denied if a partner".

20. Page 5, by striking lines 29 and 30 and inserting the following: "applicant is a corporation, a license may be denied if any officer having a".

21. Page 5, line 32, by inserting after the word "penalty" the following: "of the applicant corporation".

22. Page 6, line 4, by striking the word "ten" and inserting the following: "seven and one-half".

23. Page 6, line 5, by inserting after the word "due" the following: "except as provided in section 421.27".

24. Page 6, by inserting after line 9 the following:

"Sec. 50. Section 324.65, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The appropriate state agency shall not remit any part of a penalty for delinquent payment where the delinquency results from the fact that a check given in payment is not honored because of insufficient funds in the account upon which the check was drawn. However, if it appears as a result of an investigation or from a preponderance of the evidence adduced at a hearing that there has been a deliberate attempt on the part of a licensee or other person to evade payment of fuel taxes there shall be added to the assessment against the offending person and collected a penalty of fifty seventy-five percent of the tax due. Any report required of licensees or persons operating under divisions I, II and III, upon which no tax may be due, is subject to a penalty of ten dollars if the report is not timely filed with the appropriate state agency."

25. Page 6, by striking lines 11 through 20 and inserting the following: "the following new unnumbered paragraph:".

26. Page 6, by striking lines 25 through 34 and inserting the following: "time required by law. The immediate successor to the licensee or other person, if any, shall withhold sufficient of the purchase price, in money or money's worth, to pay the amount of any delinquent tax, interest or penalty due and unpaid. If the immediate successor of the business or stock of goods intentionally fails to withhold any amount due from the purchase price as provided in this paragraph, the immediate successor is".

27. Page 7, by striking lines 2 through 4 and inserting the following: "business by the immediate former licensee or other person, except when the purchase is made in good faith as provided in section 421.28. However, a person foreclosing on a".

28. Page 7, line 6, by striking the words "a "successor" " and inserting the following: "an "immediate successor" ".

29. Page 7, line 7, by inserting after the word "paragraph" the following: "The department may waive the liability of the immediate successor under this paragraph if the immediate successor exercised good faith in establishing the amount of the previous liability."

30. Page 7, by striking line 23 and inserting the following: "is substantially delinquent in paying a tax due, owing and administered by the department of".

31. Page 7, line 24, by inserting after the word "appropriate," the following: "or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the licensee corporation; or interest or penalty on the tax, administered by the department,".

32. Page 7, by inserting after line 34 the following:

"Sec. _____. Section 421.7, subsection 2, Code 1985, is amended to read as follows:

2. The rate of interest that shall be in effect during a calendar year shall be the rate which is ~~two percentage points less than~~ the numerical average, rounded to the nearest one percent, of the respective prime rates for each of the months in the twelve-month period that ends September 30 of the previous calendar year. The rate of interest established by this subsection takes effect January 1, and applies to any amount which is due or becomes payable on or after that date."

33. Page 8, line 13, by inserting after the word "Code" the following: "Supplement".

34. Page 8, line 15, by striking the figure "26."

35. Page 8, by inserting after line 29 the following:

"Sec. _____. NEW SECTION. 421.26 LIABILITY FOR TAX DUE.

If a licensee or other person under section 324.65, a retailer or purchaser under section 422.52, or a retailer or purchaser under section 423.13 fails to pay a tax under those sections when due, any officer of a corporation or association, or any partner of a partnership, having control or supervision of or the authority for remitting the tax payments and having a substantial legal or equitable interest in the ownership of the corporation or partnership, who has intentionally failed to pay the tax is personally liable for the payment of the tax, interest and penalty due and unpaid. However, this section shall not apply to taxes on accounts receivable. The dissolution of a corporation, association or partnership shall not discharge a person's liability for failure to remit the tax due."

36. Page 8, by inserting after line 29 the following:

"Sec. 51. NEW SECTION. 421.27 EXCEPTIONS FROM PENALTY PROVISIONS.

The penalty provided for failure to remit at least ninety percent of the tax due or of the tax due with the filing of the deposit form or return or to pay at least ninety percent of the tax required to be shown on the return under section 98.28, 98.46, 324.65, 422.16, 422.25, 422.58, 422.66, 423.18, 435.5, 450.63, 450A.12, or 451.12 shall not be assessed by the department under any of the following conditions:

1. The taxpayer voluntarily files an amended return and pays all tax shown to be due on the return prior to any contact by the department.

2. The taxpayer provides written notification to the department of a federal audit while it is in progress and voluntarily files an amended return within sixty days of the final disposition of the federal government's audit.

3. The return is timely, but erroneously, mailed with adequate postage to the internal revenue service or another state agency and the taxpayer provides proof of timely mailing with adequate postage.

4. The return is timely mailed with adequate postage to the department of revenue and the taxpayer provides proof of timely mailing with adequate postage.

5. The taxpayer presents proof that the taxpayer relied upon documented written erroneous advice from the department, county treasurer, or federal internal revenue service, whichever is appropriate."

37. Page 8, by inserting after line 29 the following:

"Sec. _____. NEW SECTION. 421.28 EXCEPTIONS TO SUCCESSOR LIABILITY.

The immediate successor to a licensee's or retailer's business or stock of goods under section 324.65, 422.52, or 423.13 is not personally liable for the amount of delinquent tax, interest, or penalty due and unpaid if the immediate successor shows that the purchase of the business or stock of goods was made in good faith that no delinquent tax, interest, or penalty was due and unpaid. For purposes of this section the immediate successor shows good faith by evidence that no tax liens were filed, that the department had informed the immediate successor that no delinquent tax, interest, or penalty is unpaid, or that the immediate successor had taken in good faith a certified statement from the licensee or retailer that no delinquent tax, interest, or penalty is unpaid. When requested to do so by a person with whom the licensee or retailer is negotiating the sale of the business or stock of goods, the director of revenue shall, upon being satisfied that such a situation exists, inform that person as to the amount of unpaid delinquent tax, interest, or penalty due by the licensee or the retailer. The giving of the information under this circumstance is not a violation of section 324.63, 422.20, or 422.72."

38. Page 8, by inserting after line 29 the following:

"Sec. 40. Section 422.10, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The taxes imposed under this division shall be reduced by a state tax credit for increasing research activities in this state. For individuals, the credit shall equal six and one-half percent of the state's apportioned share of the qualifying expenditures for increasing research activities. The state's apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state to total qualified research expenditures. For purposes of this section, an individual may claim a research credit for qualifying research expenditures incurred by a partnership, subchapter S corporation, and estate or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of a partnership, subchapter S corporation, or estate or trust. For purposes of this section, "qualifying expenditures for increasing research activities" means the qualifying expenditures as defined for the federal credit for increasing research activities ~~computed which would be allowable under section 30 of the Internal Revenue Code of 1954, as amended to and including in effect on January 1, 1983~~ 1985. The research activities credit is applicable for taxable years beginning after December 31, 1985 to the same extent that the credit is applicable for federal income tax purposes for taxable years beginning after December 31, 1985."

39. Page 9, line 4, by striking the word "twenty" and inserting the following: "fifteen".

40. Page 9, line 4, by inserting after the word "due" the following: ", except as provided in section 421.27".

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

"Sec. 52. Section 422.16, subsection 10, paragraph b, unnumbered paragraph 2, Code 1985, is amended to read as follows:

In the case of willful failure to file a semimonthly, monthly, or quarterly deposit form with intent to evade tax or willful filing of a false semimonthly, monthly, or quarterly deposit form with intent to evade tax, in lieu of the penalty otherwise provided in this paragraph, there is added to the amount required to be shown as tax on the semimonthly, monthly, or quarterly deposit form, fifty seventy-five percent of the amount of the tax. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7, for each month counting each fraction of a month as an entire month, computed from the date the semimonthly, monthly, or quarterly deposit form was required to be filed. The penalty and interest become a part of the tax due from the withholding agent. The penalty imposed under this subsection is not subject to waiver."

42. Page 9, line 35, by striking the word "ten" and inserting the following: "seven and one-half".

43. Page 10, line 1, by inserting after the word "due" the following: ", except as provided in section 421.27".

44. Page 10, line 5, by inserting after the word "return" the following: "fifty".

45. Page 10, by inserting after line 34 the following:

"Sec. 41. Section 422.33, subsection 5, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The taxes imposed under this division shall be reduced by a state tax credit for increasing research activities in this state equal to six and one-half percent of the state's apportioned share of the qualifying expenditures for increasing research activities. The state's apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state to the total qualified research expenditures. For purposes of this subsection, "qualifying expenditures for increasing research activities" means the qualifying expenditures as defined for the federal credit for increasing research activities computed which would be allowable under section 30 of the Internal Revenue Code of 1954, as amended to and including in effect on January 1, 1983 1985. The research activities credit is applicable for taxable years beginning after December 31, 1985 to the same extent that the credit is applicable for federal income tax purposes for taxable years beginning after December 31, 1985."

46. By striking page 11, line 29 through page 12, line 2.

47. Page 12, by striking lines 6 through 20 and inserting the following: "within the time required by law. The immediate successor to the retailer, if any, shall withhold sufficient of the purchase price, in money or money's worth, to pay the amount of delinquent tax, interest or penalty due and unpaid. If the immediate successor of the business or stock of goods intentionally fails to withhold the amount due from the purchase price as provided in this paragraph, the immediate successor is personally liable for the payment of the delinquent taxes, interest and penalty accrued and unpaid on account of the operation of the business by the immediate former retailer, except when the purchase is made in good faith as provided in section 421.28. However, a person foreclosing on a valid".

48. Page 12, line 22, by striking the words "a "successor" " and inserting the following: "an "immediate successor" ".

49. Page 12, line 23, by inserting after the word "paragraph." the following: "The department may waive the liability of the immediate successor under this paragraph if the immediate successor exercised good faith in establishing the amount of the previous liability."

50. Page 12, line 35, by inserting after the word "sponsors." the following: "For purposes of this paragraph a person sponsoring a flea market, or a craft, antique, coin or stamp show or similar event does not include an organization which sponsors an event less than three times a year or a state, county or district agricultural fair."

51. Page 13, by striking lines 4 through 8 and inserting the following: "business. The department may deny a permit to an applicant who is substantially delinquent in paying a tax due, or the interest or penalty on the tax, administered by the department at the time of application. If the applicant is a partnership, a permit may be denied if the partner is substantially delinquent in paying".

52. Page 13, by striking lines 10 and 11 and inserting the following "a corporation, a permit may be denied if any officer having a substantial legal or".

53. Page 13, line 13, by inserting after the word "interest" the following: "of the applicant corporation".

54. Page 13, by striking line 16 and inserting the following: "department adopted under this division or is substantially delinquent in the payment of a tax".

55. Page 13, line 18, by inserting after the word "tax" the following: ", or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department".

56. Page 14, line 1, by striking the word "twenty" and inserting the following: "fifteen".

57. Page 14, line 2, by inserting after the word "due" the following: ", except as provided in section 421.27".

58. Page 14, line 9, by inserting after the word "return" the following: "~~fifty~~".

59. Page 15, by striking lines 23 through 27 and inserting the following: "other places of business in this state. The department may deny the issuance of a permit to a retailer who is substantially delinquent in paying a tax due, or the interest or penalty on the tax, administered by the department at the time of application. If the applicant is a partnership, a permit may be denied if a partner".

60. Page 15, by striking lines 29 and 30 and inserting the following: "applicant is a corporation, a permit may be denied if any officer having a".

61. Page 15, line 32, by inserting after the word "interest" the following: "of the applicant corporation".

62. By striking page 15, line 34 through page 16, line 7 and inserting the following: "the following new unnumbered paragraph:".

63. Page 16, by striking lines 11 through 25 and inserting the following: "within the time required by law. The immediate successor to the retailer, if any, shall withhold sufficient of the purchase price, in money or money's worth; to pay the amount of delinquent tax, interest or penalty due and unpaid. If the immediate successor of the business or stock of goods intentionally fails to withhold the amount due from the purchase price as provided in this paragraph, the immediate successor is personally liable for the payment of delinquent taxes, interest and penalty accrued and unpaid on account of the operation of the business by the immediate former retailer, except when the purchase is made in good faith as provided in section 421.28. However, a person foreclosing on a valid".

64. Page 16, line 27, by striking the words "a "successor" " and inserting "an "immediate successor" ".

65. Page 16, line 28, by inserting after the word "paragraph." the following: "The department may waive the liability of the immediate successor under this paragraph if the immediate successor exercised good faith in establishing the amount of the previous liability."

66. Page 17, line 4, by striking the word "ten" and inserting the following: "seven and one-half".

67. Page 17, line 4, by inserting after the word "due" the following: ", except as provided in section 421.27".

68. Page 17, line 12, by inserting after the word "return" the following: "fifty".

69. Page 17, by striking line 30 and inserting the following: "and adopted under this chapter, or is substantially delinquent in the payment of a tax".

70. Page 17, line 32, by inserting after the word "tax," the following: "or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department,".

71. Page 18, line 25, by striking the word "ten" and inserting the following: "seven and one-half".

72. Page 18, line 25, by inserting after the word "due" the following: ", except as provided in section 421.27".

73. Page 18, line 30, by inserting after the word "return" the following: "fifty".

74. Page 19, line 4, by striking the words "ten" and inserting the following: "seven and one-half".

75. Page 19, line 4, by inserting after the word "due" the following: ", except as provided in section 421.27".

76. By striking page 19, line 32 through page 20, line 6.

77. Page 20, by inserting after line 6 the following:

"Sec. _____. Section 805.8, subsection 2, paragraph p, Code Supplement 1985, is amended by striking the paragraph.

Sec. _____. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the sum of two hundred fifty thousand (250,000) dollars or so much thereof as necessary, to be used to administer this Act. There is also appropriated for the purpose of increasing the auditing and enforcement activities of the department, not to exceed an additional thirty-six full-time equivalent positions, the sum of one million (1,000,000) dollars, or so much thereof as is necessary. The department shall report the gross revenue collected under each tax pursuant to the amnesty program as soon as practicable after the close of the amnesty period but prior to February 1, 1987. The department shall also report its estimates of the additional revenue collected as a result of any increase in auditing and enforcement activities provided for under this appropriation. Notwithstanding section 8.33, moneys remaining of the appropriation under this section on June 30, 1986 shall not revert to the general fund.

Sec. _____. It is the intent of the general assembly in enacting the Iowa tax amnesty Act that the general assembly and the state shall not conduct another tax amnesty program prior to January 1, 2000.

Sec. _____. Sections 40 and 41 of this Act are retroactive to January 1, 1986 for tax years beginning on or after that date.

Sec. _____. Sections 5, 6, 7, 9, 10, 11, 13, 14, 15, 17, 18, 19, 21, 23, 24, 26, 28, 29, 30, 31, 50, 51, and 52 are effective January 1, 1987 for taxes due and payable on or after that date.

Sec. _____. Sections 8, 16, 20, and 32 are effective January 1, 1987 for assessments made on or after that date.

Sec. _____. This Act, except for sections 5 through 11, 13 through 21, 23, 24, 26, 28 through 32, 40, 41, and 50 through 52, being deemed of immediate importance, takes

effect from and after its publication in The Nevada Evening Journal, a newspaper published in Nevada, Iowa, and in The Toledo Chronicle, a newspaper published in Toledo, Iowa."

78. Amend the title, line 1, by inserting after the words "unpaid taxes" the following: ", tax credits".

79. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chair
JAMES D. O'KANE
DAVID TABOR
DARRELL R. HANSON
HUGO SCHNEKLOTH

ON THE PART OF THE SENATE:

CHARLES BRUNER, Chair
EMIL J. HUSAK
THOMAS MANN, Jr.

The House stood at ease at 9:35 a.m., until the fall of the gavel.

The House resumed session and consideration of the conference committee report on House File 764 at 10:45 a.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Pavich of Pottawattamie; Jay of Appanoose on request of Rosenberg of Story; Schneklloth of Scott on request of Stromer of Hancock.

Rosenberg of Story moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 58, nays 25.

The motion prevailed and the report was adopted.

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

On the question "Shall the bill pass?" (H.F. 764)

The ayes were, 62:

Beatty	Black	Buhr	Carl
Carpenter	Carter	Clark	Cochran
Connolly	Connors	Cooper	Diemer
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. A.	Hammond
Hanson	Hatch	Haverland	Holveck
Hughes	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	McIntee	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Swartz
Swearingen	Tabor	Teaford	Varn
Woods	Mr. Speaker		

The nays were, 27:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Halvorson, R. N.	Handorf
Hermann	Hester	Hummel	Maulsby
McKean	Metcalf	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Running	Skow	Stueland	Sullivan
Van Camp	Van Maanen	Welden	

Absent or not voting, 11:

Arnould	Baxter	Blanshan	Brammer
Chapman	Harbor	Jay	O'Kane
Schnekloth	Sturgeon	Zimmerman	

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

RULE 57 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a committee on agriculture meeting upon adjournment to consider Senate File 2064.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 560 Transportation

Authorizing the temporary transfer of funds from the farm-to-market road fund to the primary road fund.

S.B. 561 Transportation

Relating to road use tax fund allocations by increasing the allocation to the primary road fund for services provided by the department to counties and cities and striking a duplicative reversionary provision for the grade crossing surface repair fund.

S.B. 562 Transportation

Authorizing the issuance of all-system permits by the state department of transportation for the movement of vehicles of excessive size and weight subject to a permit fee.

S.B. 563 Transportation

Authorizing concurrent jurisdiction over state park and institutional roads which are extensions of municipal streets.

S.B. 564 Transportation

Authorizing the appropriation of certain vehicle fines to the department of transportation for the costs of facilities and equipment used in the weighing and inspection of vehicles.

S.B. 565 Economic Development

To establish the Iowa tourism marketing account.

S.B. 566 Ways and Means

Relating to the exemption from the use tax of transactions subject to the sales tax.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2064, a bill for an act relating to licensed dealers and warehouses for agricultural products, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 1986

AMENDMENTS FILED

H-5044	S.F.	499	Pavich of Pottawattamie
Renaud of Polk			Van Camp of Scott
Muhlbauer of Crawford			Running of Linn
Poncy of Wapello			Corey of Louisa
H-5045	S.F.	19	Fey of Scott
H-5046	S.F.	19	Fey of Scott

On motion by Norland of Worth, the House adjourned at 11:30 a.m. until 10:00 a.m., Monday, January 27, 1986.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day—Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 27, 1986

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by Reverend Ray Birkner, pastor of the United Church of Christ, Cedar Falls.

The Journal of Friday, January 24, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Taylor, McKean of Jones and McIntee of Black Hawk on request of Bennett of Ida; Clark of Cerro Gordo on request of Hummel of Benton; Brammer of Linn on request of Peick of Linn, all until their arrival.

INTRODUCTION OF BILL

House File 2145, by Hatch, Connors, Baxter, Woods, Rosenberg and Haverland, a bill for an act relating to pilot programs for energy conservation improvements and providing an effective date.

Read first time and referred to committee on **energy and environmental protection**.

HOUSE FILE 166 AND SENATE FILE 530 DEFERRED

Norland of Worth asked and received unanimous consent that House File 166 and Senate File 530 be deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2014, a bill for an act to repeal chapter 361 relating to weather modification, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2014)

The ayes were, 88:

Arnould	Avenson	Beatty	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Connolly	Cooper	Corey	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Shoning
Siegrist	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Connors)

The nays were, 4:

Cochran	Sherzan	Shoultz	Tabor
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Absent or not voting, 8:

Baxter	Brammer	Clark	Daggett
Jay	McIntee	McKean	Stromer

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

The House stood at ease' at 10:30 a.m., until the fall of the gavel.

The House resumed session at 11:16 a.m., Speaker Avenson in the chair.

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules for the immediate consideration of Senate File 2064 and amendments thereto.

Objection was raised.

Norland of Worth moved that the rules be suspended for the immediate consideration of Senate File 2064.

Roll call was requested by Halvorson of Webster and Connors of Polk.

On the question "Shall the rules be suspended to consider Senate File 2064?"

The ayes were, 54:

Arnould	Beatty	Black	Blanshan
Branstad	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jochum	Johnson	Knapp
Koenigs	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Skow	Spear	Sturgeon	Sullivan
Tabor	Teaford	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 36:

Bennett	Carpenter	Corey	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Royer	Schneklath
Shoning	Siegrist	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	Welden

Absent or not voting, 10:

Baxter
Jay
Shoultz

Brammer
Lloyd-Jones
Swartz

Clark
Loneragan

Daggett
McKean

The motion prevailed and the rules were suspended.

RULE 31.8 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments on Senate File 2064.

Senate File 2064, a bill for an act relating to licensed dealers and warehouses for agricultural products, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware offered the following amendment H—5047 filed by him from the floor:

H—5047

- 1 Amend Senate File 2064 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 "Sec._____. Section 542.3, subsection 2, paragraph
- 6 b, Code Supplement 1985, is amended to read as
- 7 follows:
- 8 "b. A class 2 license is required for any grain
- 9 dealer not holding a class 1 license. A class 2
- 10 licensee whose purchases from producers during a
- 11 fiscal year exceed a limit of five hundred thousand
- 12 dollars in value shall file within thirty days of the
- 13 date the limit is reached a complete application for a
- 14 class 1 license. If a class 1 license is denied, the
- 15 person immediately shall cease doing business as a
- 16 grain dealer. However, if the class 2 licensee's
- 17 purchases are five hundred thousand dollars or more
- 18 within a three month period and the licensee can prove
- 19 to the satisfaction of the commission that there are
- 20 no outstanding obligations for purchases made during
- 21 that period, the class 2 licensee need not file for a
- 22 class 1 license and need not cease doing business as a
- 23 grain dealer."

Cochran of Webster rose on a point of order that amendment H—5047 was not germane.

The Speaker ruled the point well taken and amendment H—5047 not germane.

Hanson of Delaware asked for unanimous consent to suspend the rules to consider amendment H—5047.

Objection was raised.

Hanson of Delaware moved that the rules be suspended to consider amendment H—5047.

Roll call was requested by Hanson of Delaware and Halvorson of Clayton.

On the question "Shall the rules be suspended to consider amendment H—5047?"

The ayes were, 36:

Bennett	Branstad	Carpenter	Corey
De Groot	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Royer	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	Welden

The nays were, 56:

Arnould	Beatty	Black	Blanshan
Buhr	Carl	Carter	Chapman
Cochran	Connolly	Connors	Cooper
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jochum	Johnson	Koenigs
Lloyd-Jones	Lonerger	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 8:

Baxter
Jay

Brammer
Knapp

Clark
McKean

Daggett
Shultz

The motion lost.

Skow of Guthrie offered the following amendment H — 5048 filed from the floor by him and Koenigs of Mitchell:

H — 5048

1 Amend Senate File 2064 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 5, by striking lines 6 through 8, and
4 inserting the following:
5 Sec. 7. The legislature finds that there is an
6 emergency condition confronting grain dealers and
7 warehouse operators, as the availability of the
8 bonding necessary for licensure has become extremely
9 limited. However, it is also necessary for the
10 protection of the public that there is no lapse in
11 coverage of a grain dealer or warehouse operator.
12 Therefore, due to the crisis situation facing grain
13 dealers and warehouse operators who are attempting to
14 procure bonding in this state, the provisions of this
15 bill are made retroactive to January 1, 1986. Notices
16 of cancellation of bond made on or after January 1,
17 1986, are deemed to be one hundred twenty day notices
18 in the case of warehouse operators, and ninety days
19 notices in the case of grain dealers. Warehouse
20 operators whose sureties give notice of cancellations
21 of bond on or after January 1, 1986, are given sixty
22 days until their license is suspended."
23 2. Page 5, line 13, by inserting after the word
24 "Iowa" the words ", and is retroactive to January 1,
25 1986".

Halvorson of Clayton rose on a point of order that amendment H — 5048 was not germane.

The Speaker ruled the point not well taken and amendment H — 5048 germane.

Groninga of Cerro Gordo in the chair at 11:46 a.m.

Skow of Guthrie moved the adoption of amendment H — 5048.

Roll call was requested by Skow of Guthrie and Koenigs of Mitchell.

On the question "Shall amendment H—5048 be adopted?"

The ayes were, 54:

Arnould	Avenson	Beatty	Black
Blanshan	Branstad	Buhr	Carl
Carter	Cochran	Connolly	Connors
Cooper	Doderer	Fey	Fogarty
Groth	Gruhn	Halvorson, R. N.	Hammond
Hatch	Haverland	Holveck	Hughes
Johnson	Knapp	Koenigs	Lloyd-Jones
Lonergan	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Skow	Spear	Sullivan	Swartz
Tabor	Teaford	Varn	Woods
Zimmerman	Mr. Speaker (Groninga)		

The nays were, 42:

Bennett	Brammer	Carpenter	Chapman
Clark	Corey	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Jochum	Kremer	Lageschulte	Maulsby
McIntee	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Royer	Schneklloth
Shoning	Shoultz	Siegrist	Stromer
Stueland	Sturgeon	Swearingen	Van Camp
Van Maanen	Welden		

Absent or not voting, 4:

Baxter	Daggett	Jay	McKean
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Amendment H—5048 was adopted.

Speaker Avenson in the chair at 12:14 p.m.

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

On the question "Shall the bill pass?" (S.F. 2064)

The ayes were, 62:

Arnould	Beatty	Black	Blanshan
Brammer	Branstad	Buhr	Carter
Chapman	Cochran	Connolly	Connors
Cooper	De Groot	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hanson	Hatch
Haverland	Hester	Holveck	Hughes
Johnson	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Loneragan	McIntee	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Peterson, M. K.	Rosenberg	Sherzan
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Varn
Zimmerman	Mr. Speaker		

The nays were, 30:

Bennett	Carpenter	Clark	Corey
Diemer	Doderer	Grandia	Halvorson, R. A.
Harbor	Hermann	Hummel	Jochum
Kremer	Maulsby	Metcalf	Miller
Mullins	Paulin	Petersen, D. F.	Platt
Renken	Rensink	Royer	Running
Schnekloth	Shoning	Shoultz	Van Camp
Van Maanen	Welden		

Absent or not voting, 8:

Baxter	Carl	Daggett	Jay
McKean	Poncy	Renaud	Woods

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

OBJECTION TO IMMEDIATE MESSAGE

Norland of Worth asked for unanimous consent to immediately message Senate File 2064 to the Senate.

Objection was raised.

MOTION TO RECONSIDER LOST

Norland of Worth moved to reconsider the vote by which Senate File 2064 passed the House on January 27, 1986.

A non-record roll call was requested.

The ayes were 35, nays 51.

The motion to reconsider lost.

SPECIAL PRESENTATION

Norland of Worth presented to the House the Honorable Richard Gephardt, United States Congressman from Missouri.

PRESENTATION OF VISITORS

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

Eleven Boy Scouts from Troop 155, Sheldon, Iowa, accompanied by Pete Hamill and Bruce Waddingham. By De Groot of Lyon.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA ENERGY POLICY COUNCIL

A report from the Iowa Energy Policy Council, pursuant to Chapter 93.7(1), Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 567 Judiciary and Law Enforcement

Relating to the liability of social hosts for injuries to persons as a result of intoxication.

S.B. 568 Local Government

Relating to the combining of county offices.

S.B. 569 Local Government

Relating to the power of a city council over variances granted by a board of adjustment.

S.B. 570 Small Business and Commerce

To prohibit discrimination in payment or reimbursement to a person defined as a physician for services provided or a condition treated within the lawful scope of practice and making corporations organized by chiropractors for establishing, maintaining and operating a medical and surgical service plan subject to chapter 514.

SUBCOMMITTEE ASSIGNMENTS**House File 2141**

Energy and Environmental Protection: Osterberg, Chair; Johnson and Petersen of Muscatine.

House File 2142

Energy and Environmental Protection: Rosenberg, Chair; Black, De Groot, Mullins and Osterberg.

House File 2145

Energy and Environmental Protection: Hatch, Chair; Hughes, Osterberg, Petersen of Muscatine and Van Camp.

STUDY BILL SUBCOMMITTEE ASSIGNMENT**Study Bill 565**

Economic Development: Black, Chair; Branstad and Connolly.

On motion by Norland of Worth, the House adjourned at 12:35 p.m., until 9:00 a.m., Tuesday, January 28, 1986.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day — Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 28, 1986

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

Prayer was offered by Reverend Orrin Potter, pastor of the Aldersgate United Methodist Church, Urbandale.

The Journal of Monday, January 27, 1986 was approved.

INTRODUCTION OF BILLS

House File 2146, by Blanshan, a bill for an act relating to cases involving minors who are alleged perpetrators or victims of criminal acts.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2147, by Blanshan, a bill for an act relating to the plans for electing county supervisors.

Read first time and referred to committee on **local government**.

House File 2148, by Beatty, a bill for an act relating to the deferment of judgments.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2149, by Beatty, a bill for an act relating to grey-market merchandise and providing penalties.

Read first time and referred to committee on **small business and commerce**.

House File 2150, by McIntee, a bill for an act establishing a special unemployment compensation contribution rate for certain

expanding employers, and making the Act retroactive and conditional.

Read first time and referred to committee on **labor and industrial relations.**

House File 2151, by Woods, a bill for an act to repeal the groundwater fund and tonnage fee for landfills.

Read first time and referred to committee on **energy and environmental protection.**

House File 2152, by Johnson, a bill for an act to provide for supplemental salary payments to teachers based upon their performance and to provide for the levy of a salary supplement property tax by boards of school districts to fund the payments.

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

House File 2153, by Fey, a bill for an act setting the statute of limitations for the commencement of an action against a municipality at two years from the accrual of the claim.

Read first time and referred to committee on **local government.**

House File 2154, by Platt and Spear, a bill for an act relating to licenses for the taking of animals.

Read first time and referred to committee on **natural resources and outdoor recreation.**

House File 2155, by Varn, a bill for an act to provide for an apportionment of interest moneys from the permanent school fund to the first in the nation in education fund upon the receipt of certain other moneys by the first in the nation in education board.

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

House File 2156, by O'Kane, Clark, Carpenter, and Rosenberg, a bill for an act relating to requirements of certain providers of education for students.

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

House File 2157, by Schnekloth, De Groot, Stueland, Rensink, and Cochran, a bill for an act relating to the requirement that the actual value of property for purposes of property taxation shall not exceed its fair and reasonable market value and providing an effective date.

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

House File 2158, by Buhr, Hatch, Rosenberg, Hammond, Haverland, Hughes, Johnson, Shoultz, Lloyd-Jones, Teafor, Beatty, Brammer, Sturgeon, Holveck, Osterberg, and Spear, a bill for an act to make the birthday of Dr. Martin Luther King, Jr. a legal public holiday.

Read first time and referred to committee on **state government**.

House File 2159, by Van Camp, a bill for an act providing a preference for disabled veterans with regard to a reduction in force or reemployment in public employment.

Read first time and referred to committee on **labor and industrial relations**.

House File 2160, by Rosenberg, a bill for an act relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty.

Read first time and referred to committee on **labor and industrial relations**.

House File 2161, by Hatch, Parker, Hanson, and Blanshan, a bill for an act requiring that a lender in a loan for the purchase of a single-family or two-family home shall provide a copy of certain loan processing documents to the borrower.

Read first time and referred to committee on **small business and commerce**.

House File 2162, by Carter, a bill for an act relating to the selection of medical care under the workers' compensation law.

Read first time and referred to committee on **labor and industrial relations**.

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 January 20, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2042, a bill for an act relating to the costs of collecting and distributing support payments.

K. MARIE THAYER, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 105

Norland of Worth asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 105, relating to Congressman Cooper Evans.

Renken of Grundy moved the adoption of the resolution, which motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

(House Concurrent Resolution 105)

Norland of Worth asked and received unanimous consent to immediately message House Concurrent Resolution 105 to the Senate.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on January 27, 1986, he approved and transmitted to the Secretary of State the following bill:

House File 244, an act relating to programs relating to substance abuse and providing an effective date.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

DEPARTMENT OF CORRECTIONS

A progress report regarding salary ranges for judicial district employees, pursuant to Senate File 552, first session, Seventy-first General Assembly.

DEPARTMENT OF TRANSPORTATION

The annual report July 1, 1984 to June 30, 1985, of the Department of Transportation, pursuant to Chapter 310.36, Code of Iowa.

IOWA YOUTH CORPS

The annual report of the Iowa Youth Corps, pursuant to Chapter 7.12, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 571 Small Business and Commerce**

To establish a consignment relationship between artists and art dealers for the sale of the artist's works.

S.B. 572 Agriculture

Relating to grain dealers and warehouses, by providing licensing requirements and establishing a grain depositors and sellers indemnity fund.

SUBCOMMITTEE ASSIGNMENTS**House File 2075**

Transportation: Peterson of Carroll, Chair; Muhlbauer and Royer.

House File 2085

Transportation: Renaud, Chair; Peterson of Carroll and Platt.

House File 2097

Transportation: Renaud, Chair; Corey and Woods.

House File 2109

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2110

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2112

Human Resources: Sturgeon, Chair; Carl, Fey, Platt and Shoning.

House File 2113

Transportation: Koenigs, Chair; Cooper and De Groot.

House File 2121

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2137

Transportation: Cooper, Chair; Muhlbauer and Pellett.

House File 2140

Natural Resources and Outdoor Recreation: Varn, Chair; Black and Hanson.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 547

Natural Resources and Outdoor Recreation: Gruhn, Chair; Black and Diemer.

Study Bill 560

Transportation: Peterson of Carroll, Chair; Cooper and De Groot.

Study Bill 561

Transportation: Cooper, Chair; Muhlbauer and Pellett.

Study Bill 562

Transportation: Pavich, Chair; Corey and Woods.

Study Bill 563

Transportation: Sullivan, Chair; Gruhn and Harbor.

Study Bill 564

Transportation: Jay, Chair; Fogarty and Royer.

Study Bill 570

Small Business and Commerce: Lonergan, Chair; Renken and Skow.

Study Bill 572

Agriculture: Koenigs, Chair; Branstad, De Groot, Gruhn, Muhlbauer, Skow and Stueland.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly Study Bill 512), relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, and the use of lottery tickets.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 27, 1986.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 249, a bill for an act relating to workers' compensation benefits for persons domiciled in this state but injured outside the state.

Fiscal Note is required.

Recommended **Do Pass** January 27, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly Study Bill 531), establishing the Iowa comprehensive health association, providing for a plan of operation, establishing financial procedures, providing eligible expenses, excluding certain requirements, and relating to other provisions of health insurance coverage.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 27, 1986.

AMENDMENT FILED

H—5049

S.F. 499

Chapman of Linn
Branstad of Winnebago

On motion by Norland of Worth, the House adjourned at 9:20 a.m., until 9:00 a.m., Wednesday, January 29, 1986.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day — Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 29, 1986

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

Prayer was offered by Father Jerry Ryan, pastor of St. Anthony's Catholic Church, Des Moines.

The Journal of Tuesday, January 28, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Brammer of Linn, from thirty-five constituents opposing IPERS money being used for farm bailouts or uses other than its intended purpose for retirement only.

INTRODUCTION OF BILLS

House File 2163, by Beatty, a bill for an act relating to court costs and fees.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2164, by Hatch, a bill for an act to provide for a public policy research foundation.

Read first time and referred to committee on **state government**.

House File 2165, by Corey, a bill for an act relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law.

Read first time and referred to committee on **labor and industrial relations**.

House File 2166, by Arnould, Fey, Ollie, Tabor, Connolly, Jochum, Poncy, Parker, Platt, Knapp, Hanson, Carter, Groninga, and Woods, a bill for an act relating to the promotion and development of recreation and tourism along the Mississippi river, creating a Mississippi river valley tourism and recreation corridor and a corridor commission, specifying the powers and duties of the commission, and providing for an interim study.

Read first time and referred to committee on **economic development**.

House File 2167, by Daggett, a bill for an act relating to the time allowed for persons to file additional objections to a school reorganization petition if the board continues the hearing on the petition.

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

SENATE MESSAGE CONSIDERED

Senate File 2042, by committee on judiciary, a bill for an act relating to the costs of collecting and distributing support payments.

Read first time and referred to committee on **judiciary and law enforcement**.

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 January 27, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 645, a bill for an act relating to the appointment of a clerk to the board of supervisors.

Also: That the Senate has, on January 27, 1986, adopted the conference committee report and passed House File 764, a bill for an act relating to unpaid taxes and enforcement of taxes administered by the department of revenue, making an appropriation, and providing civil and criminal penalties.

Also: That the Senate has on January 27, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 184, a bill for an act authorizing a county having a population of one hundred thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

Also: That the Senate has on January 27, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 397, a bill for an act to require drivers of certain school buses to wear seat belts when the school bus is in motion and providing a penalty.

Also: That the Senate has on January 27, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2003, a bill for an act relating to the establishment of a drainage sub-district.

Also: That the Senate has on January 27, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2054, a bill for an act to require that information relating to drunken driving be issued to drivers at the time of license renewal.

Also: That the Senate has on January 27, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2063, a bill for an act relating to loans for ethanol production.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 9:13 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 573 State Government

Relating to the reorganization of the state's economic development programs, activities, and agencies and providing for effective dates.

S.B. 574 Local Government

Relating to the collection of prosecution costs by a city or county, and providing for punishment for contempt.

S.B. 575 Judiciary and Law Enforcement

Relating to the definition of the term "felony" for purposes of the law relating to possession of weapons, and affecting penalties.

S.B. 576 State Government

Relating to games of skill, games of chance, and raffles.

SUBCOMMITTEE ASSIGNMENTS**House File 2026**

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

House File 2116

Local Government: Groninga, Chair; Cooper and Petersen of Muscatine.

House File 2128

Local Government: Royer, Chair; Black, Cooper, Grandia and Renken.

House File 2129

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

House File 2147

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 568**

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

Study Bill 569

Local Government: Teaford, Chair; O'Kane and Platt.

Study Bill 574

Local Government: Platt, Chair; Baxter and O'Kane.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 340, a bill for an act relating to the operation of bed and breakfast homes.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1986.

House File 665, a bill for an act relating to the operation of motorboats.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1986.

AMENDMENTS FILED

H—5050	S.F.	499	Parker of Jasper Hanson of Delaware
H—5051	S.F.	499	Peterson of Carroll Haverland of Polk Clark of Cerro Gordo McIntee of Black Hawk Koenigs of Mitchell Varn of Johnson
H—5052	S.F.	499	Van Camp of Scott

On motion by Arnould of Scott, the House adjourned at 3:40 p.m., until 9:00 a.m., Thursday, January 30, 1986.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day — Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 30, 1986

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

Prayer was offered by Father Donald Schmitt, Principal of the LaSalle High School, Cedar Rapids.

The Journal of Wednesday, January 29, 1986 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2003, by Parker, a joint resolution to nullify an administrative rule of the state fair board.

Read first time and referred to committee on **state government**.

House File 2168, by Sturgeon, a bill for an act relating to the display of material depicting certain portions of a person's body in such a manner that it is reasonably foreseeable that minors may view such material, and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2169, by Diemer, a bill for an act relating to meetings and records of public hospitals.

Read first time and referred to committee on **state government**.

House File 2170, by Schnekloth, a bill for an act relating to the posting of bond for costs and fees when bringing an action pursuant to the law of comparative fault.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2171, by Daggett, a bill for an act prohibiting an insurer who has issued a liability insurance policy to a political sub-

division in the state from cancelling the policy or increasing the premium for the policy during the term of the policy.

Read first time and referred to committee on **local government**.

House File 2172, by Parker, a bill for an act relating to mechanic's liens.

Read first time and referred to committee on **small business and commerce**.

House File 2173, by Hammond, a bill for an act relating to the disclosure of conciliation agreements in civil rights matters when a governmental body is a party.

Read first time and referred to committee on **state government**.

House File 2174, by O'Kane and Black, a bill for an act relating to the price of the wildlife habitat stamp.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2175, by Hanson, Kremer, Swearingen and Hester, a bill for an act relating to the security interest in farm products and providing for an effective date.

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

House File 2176, by Rosenberg, a bill for an act establishing a municipal sewer and wastewater treatment plant construction financing program within the Iowa housing finance authority for the purpose of issuing bonds to assist municipalities in financing sewer and wastewater treatment plants.

Read first time and referred to committee on **energy and environmental protection**.

House File 2177, by Black, a bill for an act to prohibit the use of radio in hunting fur-bearing animals.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2178, by Rosenberg and Swartz, a bill for an act to establish a consignment relationship between artists and art dealers for the sale of the artist's works.

Read first time and referred to committee on **small business and commerce**.

SENATE MESSAGES CONSIDERED

Senate File 184, by Kinley, Gentleman, Readinger, Palmer and Mann, a bill for an act authorizing a county having a population of one hundred thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

Read first time and referred to committee on **local government**.

Senate File 397, by committee on education, a bill for an act to require drivers of certain school buses to wear seat belts when the school bus is in motion and providing a penalty.

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

Senate File 2003, by Hutchins, a bill for an act relating to the establishment of a drainage subdistrict.

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

Senate File 2054, by committee on judiciary, a bill for an act to require that information relating to drunken driving be issued to drivers at the time of license renewal.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2063, by committee on agriculture, a bill for an act relating to loans for ethanol production.

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

SENATE FILE 530 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 530 be deferred and that the bill retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk, for the morning session, on request of Renken of Grundy.

CONSIDERATION OF BILL Regular Calendar

Senate File 499, a bill for an act establishing applicable standards for motor vehicle safety belts and safety harnesses, mandating safety belt and safety harness use with certain exceptions, requiring the establishment of education programs, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5031 filed by the committee on transportation:

H—5031

- 1 Amend Senate File 499 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "bicycles," the words and figure "1966 model year or
- 5 newer".
- 6 2. Page 1, line 27, by striking the words "motor
- 7 vehicle" and inserting the words "type of motor
- 8 vehicle which is".
- 9 3. Page 2, by striking lines 21 through 23.
- 10 4. Page 2, by inserting before line 24 the
- 11 following:
- 12 "_____. Front seat occupants of an authorized
- 13 emergency vehicle while they are being transported in
- 14 an emergency. However, this exemption does not apply
- 15 to the driver of the authorized emergency vehicle."
- 16 5. Page 2, line 24, by striking the figure "1985"
- 17 and inserting the figure "1986".
- 18 6. Page 2, line 25, by striking the figure "1985"
- 19 and inserting the figure "1986".
- 20 7. Page 3, by striking lines 18 through 31.
- 21 8. Title page, lines 4 and 5, by striking the
- 22 words "providing a penalty" and inserting the words
- 23 "making penalties applicable".
- 24 9. Renumber as necessary.

Peterson of Carroll offered the following amendment H—5051, to the committee amendment H—5031, filed by Peterson of Carroll, et al., and moved its adoption:

H—5051

- 1 Amend the Committee amendment, H—5031, to Senate
- 2 File 499 as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by inserting after line 19 the
- 5 following:
- 6 "_____. By striking page 2, line 34 through page 3,
- 7 line 1."
- 8 2. Renumber as necessary.

Amendment H—5051 was adopted, placing out of order amendment H—5049 filed by Chapman of Linn and Branstad of Winnebago on January 28, 1986.

Van Camp of Scott offered the following amendment H—5053, to the committee amendment H—5031, filed by him from the floor:

H—5053

- 1 Amend the Committee amendment, H—5031, to Senate
- 2 File 499 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking line 20 and inserting the
- 5 following:
- 6 "_____. Page 3, line 31, by striking the word "ten"
- 7 and inserting the word "twenty-five".
- 8 2. Page 1, by striking lines 21 through 23.

Blanshan of Greene in the chair at 9:35 a.m.

Van Camp of Scott moved the adoption of amendment H—5053, to the committee amendment H—5031.

A non-record roll call was requested.

The ayes were 23, nays 63.

Amendment H—5053 lost.

On motion by Koenigs of Mitchell, the committee amendment H—5031, as amended, was adopted.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—5052 filed by him on January 29, 1986.

Pavich of Pottawattamie offered the following amendment H—5044 filed by Pavich, et al.:

H—5044

- 1 Amend Senate File 499, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 28, the
- 4 following:
- 5 "Except for drivers subject to federal motor
- 6 carrier safety regulation 49 C.F.R. § 392.16, a peace
- 7 officer shall not enforce this subsection except as a
- 8 secondary action when a driver of a motor vehicle has
- 9 been stopped for a suspected violation of some other
- 10 section of the Code or some other offense."

Speaker Avenson in the chair at 9:50 a.m.

Pavich of Pottawattamie moved the adoption of amendment
H—5044.

A non-record roll call was requested.

The ayes were 39, nays 51.

Amendment H—5044 lost.

Parker of Jasper offered the following amendment H—5050
filed by him and Hanson of Delaware:

H—5050

- 1 Amend Senate File 499, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 17 the
- 4 following:
- 5 "Sec._____. The commissioner of insurance shall
- 6 require that insurance companies transacting business
- 7 in this state reduce the automobile liability
- 8 insurance premiums charged insureds in this state for
- 9 liability insurance renewed or issued on or after the
- 10 effective date of this Act. The reduction in
- 11 insurance premiums, on a statewide basis, shall be at
- 12 least eighteen million dollars per year or whatever
- 13 greater amount the commissioner of insurance deems
- 14 appropriate as reflecting the reduction in annual
- 15 losses incurred by the insurance companies with the
- 16 enactment of this Act. As used in this section,
- 17 "automobile liability insurance" means insurance
- 18 policies issued by an insurance carrier authorized to
- 19 do business in this state to or for the benefit of the
- 20 person named in the policy as insured against loss

21 from liability imposed by law for damages arising out
22 of the ownership, maintenance, or use of an insured
23 automobile."

Koenigs of Mitchell rose on a point of order that amendment H—5050 was not germane.

The Speaker ruled the point well taken and amendment H—5050 not germane.

Fey of Scott moved to reconsider the vote by which the committee amendment H—5031, as amended, was adopted by the House on January 30, 1986.

The motion to reconsider lost.

Norland of Worth asked and received unanimous consent that Senate File 499 be temporarily deferred and that the bill retain its place on the calendar.

HOUSE FILE 180 WITHDRAWN

Fey of Scott asked and received unanimous consent to withdraw House File 180 from further consideration by the House.

HOUSE FILE 671 WITHDRAWN

Tabor of Jackson asked and received unanimous consent to withdraw House File 671 from further consideration by the House.

HOUSE FILE 252 WITHDRAWN

Running of Linn asked and received unanimous consent to withdraw House File 252 from further consideration by the House.

HOUSE FILE 472 WITHDRAWN

Holveck of Polk asked and received unanimous consent to withdraw House File 472 from further consideration by the House.

HOUSE FILE 479 WITHDRAWN

Koenigs of Mitchell asked and received unanimous consent to withdraw House File 479 from further consideration by the House.

HOUSE FILE 528 WITHDRAWN

Connolly of Dubuque asked and received unanimous consent to withdraw House File 528 from further consideration by the House.

HOUSE FILE 470 WITHDRAWN

Lloyd-Jones of Johnson asked and received unanimous consent to withdraw House File 470 from further consideration by the House.

HOUSE FILE 21 WITHDRAWN

Daggett of Taylor asked and received unanimous consent to withdraw House File 21 from further consideration by the House.

HOUSE FILE 213 WITHDRAWN

Knapp of Dubuque asked and received unanimous consent to withdraw House File 213 from further consideration by the House.

HOUSE FILE 228 WITHDRAWN

Osterberg of Linn asked and received unanimous consent to withdraw House File 228 from further consideration by the House.

HOUSE FILE 405 WITHDRAWN

Mullins of Kossuth asked and received unanimous consent to withdraw House File 405 from further consideration by the House.

HOUSE FILE 23 WITHDRAWN

Spear of Lee asked and received unanimous consent to withdraw House File 23 from further consideration by the House.

HOUSE FILE 275 WITHDRAWN

Platt of Muscatine asked and received unanimous consent to withdraw House File 275 from further consideration by the House.

HOUSE FILE 215 WITHDRAWN

McIntee of Black Hawk asked and received unanimous consent to withdraw House File 215 from further consideration by the House.

HOUSE FILE 246 WITHDRAWN

Miller of Cherokee asked and received unanimous consent to withdraw House File 246 from further consideration by the House.

On motion by Norland of Worth, the House was recessed at 10:37 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 30, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2049, a bill for an act relating to the purchases of American made products and purchases from American based businesses.

Also: That the Senate has on January 30, 1986, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2064, a bill for an act relating to licensed dealers and warehouses for agricultural products.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **Senate File 499**, a bill for an act establishing applicable standards for motor vehicle safety belts and safety harnesses, mandating safety belt and safety harness use with certain exceptions, requiring the establishment of education programs, and providing a penalty, temporarily deferred.

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

On the question "Shall the bill pass?" (S.F. 499)

The ayes were, 62:

Arnould	Baxter	Beatty	Bennett
Brammer	Branstad	Carpenter	Carter
Chapman	Clark	Connolly	Connors
Cooper	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Hammond	Handorf	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Jochum	Johnson
Koenigs	Kremer	Lloyd-Jones	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Paulin	Peick	Pellet	Peterson, M. K.
Platt	Rensink	Royer	Schneklath
Sherzan	Shoning	Shoultz	Stromer
Stueland	Sturgeon	Sullivan	Swearingen
Teaford	Zimmerman		

The nays were, 38:

Black	Blanshan	Buhr	Carl
Cochran	Corey	Daggett	De Groot
Grandia	Halvorson, R. N.	Hanson	Hummel
Jay	Knapp	Lageschulte	Lonergan
Maulsby	Osterberg	Oxley	Parker
Pavich	Petersen, D. F.	Poncy	Renaud
Renken	Rosenberg	Running	Siegrist
Skow	Spear	Swartz	Tabor
Van Camp	Van Maanen	Varn	Welden
Woods	Mr. Speaker		

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.

Senate File 530, a bill for an act relating to the parole of persons convicted for the offenses of sexual abuse and lascivious acts with a child, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 530)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Koenigs	Lageschulte
Lonerган	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Taber	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 9:

Buhr	Doderer	Hammond	Knapp
Kremer	Lloyd-Jones	Mullins	Osterberg
Rosenberg			

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.

INTRODUCTION OF BILL

House File 2179, by Osterberg, a bill for an act relating to disclosure of costs assessed to customers of a gas or electric public utility.

Read first time and referred to committee on **energy and environmental protection**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of January, 1986: House Files 736 and 2017.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA RAILWAY FINANCE AUTHORITY

The annual report of the Iowa Railway Finance Authority, pursuant to Chapter 307B.8(6), Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 577 Local Government

Relating to the publication of proceedings, expenditures, notices, tax lists, and reports by public boards or agencies, assignees, and corporations.

S.B. 578 Labor and Industrial Relations

Relating to the transfer of moneys in the temporary emergency surcharge fund to the unemployment compensation fund under certain circumstances, and repealing the authorization to collect a temporary emergency surcharge.

SUBCOMMITTEE ASSIGNMENTS

House File 2151

Energy and Environmental Protection: Johnson, Chair; Hughes, Mullins, Osterberg and Paulin.

House File 2176

Energy and Environmental Protection: Rosenberg, Chair; Hatch, Parker, Paulin and Welden.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2091, a bill for an act relating to the inspection of explosive storage facilities.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1986.

Senate File 314, a bill for an act to repeal the rebuttable presumption of negligence on the part of persons operating electrical transmission lines for injuries to person or property.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1986.

COMMITTEE ON LOCAL GOVERNMENT

House File 2041, a bill for an act requiring an abstractor's lien search and attorney's opinion on certain plats submitted for approval of the city council.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1986.

AMENDMENT FILED

H—5055

S.F. 2064

Senate Amendment

On motion by Norland of Worth, the House adjourned at 3:33 p.m., until 10:00 a.m., Monday, February 3, 1986.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day—Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 3, 1986

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

Prayer was offered by Reverend Gary Hatcher, associate pastor of the Zion Evangelical Lutheran Church, Clinton.

The Journal of Thursday, January 30, 1986 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Haverland of Polk from eighty-one constituents opposing Senate File 450, an act passed last year implementing an energy conservation pilot program.

By Running of Linn from thirty-five constituents of the 51st District opposing IPERS money being used for farm bailouts or uses other than its intended purposes for retirement only.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for February 3 and 4, 1986, on request of Stromer of Hancock; Osterberg of Linn, until his arrival, on request of Rosenberg of Story.

INTRODUCTION OF BILLS

House File 2180, by Hammond, a bill for an act exempting the fees paid to cities and counties for the privilege of participating in any athletic sports from the state sales, services, and use tax.

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

House File 2181, by committee on small business and commerce, a bill for an act establishing the Iowa comprehensive health associa-

tion, providing for a plan of operation, establishing financial procedures, providing eligible expenses, excluding certain requirements, and relating to other provisions of health insurance coverage.

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

House File 2182, by Diemer, Teaford, Shoultz, McIntee, Cooper, Paulin, Knapp, Renken, Muhlbauer, Royer, Haverland, Beatty, Miller, Hester, Groth, Hermann, Renaud, Petersen of Muscatine, Osterberg, Kremer, Hughes, Halvorson of Clayton, Siegrist, O'Kane, Stueland, Grandia, Shoning, Fogarty, Van Camp, Woods, Branstad, Peick, Handorf, Hatch, Jay, Pellett, Connors, Platt, Clark, Gruhn, Corey, De Groot, Fey, Carpenter, Maulsby, Zimmerman, Stromer, Bennett, Sturgeon, Lonergan, and Buhr, a bill for an act requiring certain athletic competitions to take place between the university of Iowa, Iowa state university of science and technology, and the university of northern Iowa on a regular basis and providing an effective date.

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

House File 2183, by Carter, a bill for an act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

Read first time and referred to committee on **state government**.

House File 2184, by Parker, a bill for an act exempting from the state individual and corporate income taxes interest from certain bonds or notes issued by the state of Iowa or its political subdivisions and providing an effective date.

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

House File 2185, by Corey, a bill for an act relating to the maximum workers' compensation benefits payable to workers injured on or after the effective date of this Act.

Read first time and referred to committee on **labor and industrial relations**.

House File 2186, by Hughes, a bill for an act increasing the state sales, services, and use tax, providing for refunds under certain circumstances for contractors, and providing a penalty.

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

House File 2187, by Halvorson of Clayton, a bill for an act relating to the elimination of sanitary landfills as a method of waste disposal and subjecting violators to a civil penalty.

Read first time and referred to committee on **energy and environmental protection**.

House File 2188, by Fey, a bill for an act establishing a child support pilot project.

Read first time and referred to committee on **human resources**.

House File 2189, by Sherzan, a bill for an act relating to the appointment of citizen members to the board of directors of a judicial district department of correctional services.

Read first time and referred to committee on **state government**.

House File 2190, by Cochran, Muhlbauer, Carter, Fogarty, Koenigs, Gruhn, Rensink, De Groot, Bennett, Halvorson of Webster, Blanshan, Branstad, Hughes, Stueland, Zimmerman, Handorf, Pellett, Hatch, Harbor, Cooper, Peick, Johnson, Mullins, Knapp, Running, Sullivan, Hester, Daggett, Tabor, Fey, Siegrist, Kremer, Baxter, Skow, Peterson of Carroll, Black, Osterberg, Maulsby, Van Maanen, Lonergan, Connors, Rosenberg, Parker, Swartz, Groth, Connolly, Schneklath, Lageschulte, Brammer, O'Kane, and Haverland, a bill for an act relating to agricultural economic diversification by making an appropriation.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 340, a bill for an act relating to the operation of bed and breakfast homes, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 340)

The ayes were, 97:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Clark

Loneragan

Osterberg

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

House File 166, a bill for an act requiring the Iowa development commission to collect information regarding farm tourism, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque offered the following amendment H—5043 filed by Sullivan of Van Buren and moved its adoption:

H—5043

- 1 Amend House File 166 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "Code" the word "Supplement".
- 4 2. Page 1, line 3, by striking the numeral "10"
- 5 and inserting the numeral "12".

Amendment H—5043 was adopted.

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

On the question "Shall the bill pass?" (H.F. 166)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rensink	Rosenberg
Royer	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Zimmerman
Mr. Speaker			

The nays were, 3:

Renken	Schnekloth	Woods
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Absent or not voting, 4:

Clark

Loneragan

Osterberg

Swartz

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

HOUSE FILE 2032 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2032 be temporarily deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED

Koenigs of Mitchell called up for consideration **Senate File 2064**, a bill for an act relating to licensed dealers and warehouses for agricultural products, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5055, to the House amendment:

H—5055

- 1 Amend the House amendment S—5018 to Senate File
- 2 2064 as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 9 through 25, and
- 5 inserting the following: "limited. Therefore, this
- 6 bill applies to sureties which issue a notice of
- 7 cancellation of a grain dealer's or warehouse
- 8 operator's bond on or after the effective date of this
- 9 Act, and applies to licensed grain dealers and
- 10 licensed warehouse operators whose sureties issue a
- 11 notice of bond cancellation on or after the effective
- 12 date of this Act."

The motion prevailed and the House concurred in the Senate amendment H—5055.

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

On the question "Shall the bill pass?" (S.F. 2064)

The ayes were, 91:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 3:

Grandia	Maulsby	Welden
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Absent or not voting, 6:

Baxter	Clark	Cochran	Loneragan
Osterberg	Swartz		

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

Regular Calendar

House File 2032, a bill for an act relating to combined hunting, fishing, and fur harvesting licenses, temporarily deferred and with report of committee recommending amendment and passage was taken up for consideration.

Black of Jasper offered the following amendment H—5032 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—5032

1 Amend House File 2032 as follows:

2 1. Page 1, by striking lines 5 and 6 and
3 inserting the following:

4 "a. Annual fur, fish and game
5 license for residents\$28.50".

6 2. Page 1, by striking lines 7 and 8.

7 3. Page 1, by inserting after line 8 the
8 following:

9 "Sec. 2. Section 110.3, Code 1985, is amended to
10 read as follows:

11 110.3 WILDLIFE HABITAT STAMP.

12 A resident or nonresident person required to have a
13 hunting, ~~or fur harvester or~~ fur, fish and game
14 license shall not hunt or trap unless the person
15 carries a valid wildlife habitat stamp signed in ink
16 with the person's signature across the face of the
17 stamp. This section shall not apply to residents who
18 are permanently disabled or who are younger than
19 sixteen or older than sixty-five years of age.

20 Special wildlife habitat stamps shall be administered
21 in the same manner as hunting and fur harvester
22 licenses except all revenue derived from the sale of
23 the wildlife habitat stamps shall be used within the
24 state of Iowa for habitat development and shall be
25 deposited in the state fish and game protection fund.
26 The revenue may be used for the matching of federal
27 funds. The revenues and any matched federal funds
28 shall be used for acquisition of land, leasing of land
29 or obtaining of easements from willing sellers for use
30 as wildlife habitats. Notwithstanding the exemption
31 provided by section 427.1, any land acquired with the
32 revenues and matched federal funds shall be subject to
33 the full consolidated levy of property taxes which
34 shall be paid from those revenues. In addition such
35 revenue may be used for the development and
36 enhancement of wildlife lands and habitat areas. Not
37 less than fifty percent of all revenue from the sale
38 of wildlife habitat stamps shall be used by the
39 commission to enter into agreements with county
40 conservation boards or other public agencies in order
41 to carry out the purposes of this section. The state
42 share of funding of those agreements provided by the
43 revenue from the sale of wildlife habitat stamps shall
44 not exceed seventy-five percent.

45 Sec. 3. Section 110.5, Code Supplement 1985, is

- 46 amended to read as follows:
 47 110.5 FUR HARVESTER LICENSE.
 48 A fur harvester license or fur, fish and game
 49 license is required to hunt and to trap any fur-
 50 bearing animal. A hunting license is not required

Page 2

- 1 when hunting furbearers with a fur harvester license.
 2 However, coyote and groundhog may be hunted with
 3 either a hunting, or a fur harvester or a fur, fish
 4 and game license."

The committee amendment H—5032 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2032)

The ayes were, 83:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Kremer	Lageschulte	Lloyd-Jones
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Oxley	Parker	Paulin	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sullivan	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Zimmerman	Mr. Speaker	

The nays were, 8:

Branstad	Carpenter	Maulsby	O'Kane
Peick	Poncy	Renaud	Woods

Absent or not voting, 9:

Baxter
Lonergan
Welden

Clark
Osterberg

Cochran
Sturgeon

Koenigs
Swartz

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

REPORT OF COMMITTEE ON WAYS AND MEANS

House File 774, a bill for an act relating to the licensing and regulation of mobile homes and mobile home parks.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1986.

REREFERRED TO COMMITTEE ON WAYS AND MEANS (House File 774)

Doderer of Johnson asked and received unanimous consent to refer House File 774, (recommended "do pass" by the committee on **ways and means** on January 30, 1986) to the committee on **ways and means**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, January 21, 1986 and Monday, January 27, 1986. Had I been present, I would have voted "aye" on House Files 2014, 2068 and 2070.

McINTEE of Black Hawk

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

IOWA ENERGY POLICY COUNCIL

A report on the Institutional Conservation Program and the State Building Energy Management Program, pursuant to Chapter 260, Section 7, 1985 Iowa Acts.

IOWA HEALTH DEPARTMENT

The 1986 State Radiation Safety Plan, pursuant to Section 136B, Code of Iowa.

OFFICE FOR PLANNING AND PROGRAMMING

The annual report for 1985, pursuant to Chapter 7A, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 579 Energy and Environmental Protection**

Relating to energy management by school districts and merged area schools, requiring periodic energy audits, providing financial and technical assistance for energy conservation for school districts and merged area schools, and providing an appropriation.

S.B. 580 Energy and Environmental Protection

To require the certification of sanitary landfill operators and providing a penalty.

S.B. 581 Energy and Environmental Protection

To increase the handling fee for beverage containers.

S.B. 582 Energy and Environmental Protection

Providing that the hazardous chemicals risk right to know Act does not apply to employers not regulated by the federal occupational safety and health administration's hazard communication regulation with respect to hazardous chemicals which are consumer products as defined in, labeled, and regulated pursuant to the federal Consumer Product Safety Act.

S.B. 583 Energy and Environmental Protection

Relating to monitoring at sanitary disposal projects.

S.B. 584 Natural Resources and Outdoor Recreation

Relating to the finances of the Iowa state conservation commission.

S.B. 585 Natural Resources and Outdoor Recreation

To establish the Iowa conservation corps and making an appropriation.

S.B. 586 Natural Resources and Outdoor Recreation

To increase snowmobile registration fees.

S.B. 587 Judiciary and Law Enforcement

Making corrections and additions to the law dealing with alcoholic liquor, wine, and beer by amending the definition of beer to reflect current commercial practices, and by including a reference to wine in the section allowing the sale of alcoholic beverages or beer for consumption on the premises by licensees or permittees on the Sunday before New Years Day.

S.B. 588 Local Government

Relating to the publication of official public notices by providing for the selection of official newspapers, by establishing fees for the publication of official notices, and by providing for enforcement of official publication requirements, and subjecting violators to penalties.

S.B. 589 Local Government

Relating to the operation of city civil service commissions.

S.B. 590 Local Government

Relating to the population of cities in which substandard housing and related buildings are subject to abatement under chapter 657A.

S.B. 591 Natural Resources and Outdoor Recreation

Relating to the acquisition and development of recreation, tourism, and leisure projects; by creating a recreation-tourism-leisure lands fund; by providing revenue for the fund by transferring money from the Iowa plan fund; and by imposing a tax on real estate transfers.

S.B. 592 Natural Resources and Outdoor Recreation

Making appropriations to the state conservation commission for the acquisition of land for recreational trails.

S.B. 593 Natural Resources and Outdoor Recreation

To establish the Iowa tourism marketing account.

S.B. 594 Natural Resources and Outdoor Recreation

Appropriating funds for the acquisition of Blood Run National Historic Landmark land.

S.B. 595 Transportation

Prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties.

S.B. 596 Transportation

Relating to the liability of governmental entities.

S.B. 597 Labor and Industrial Relations

Relating to agreements entered into under job training Acts.

S.B. 598 Ways and Means

Relating to the exemption from the sales, services, and use tax of the sale, furnishing, or service of utilities to be used in agricultural production for market.

SUBCOMMITTEE ASSIGNMENTS**House File 2036**

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2038

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2043

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2045

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

House File 2049 (CORRECTED)

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2060

Judiciary and Law Enforcement: Clark, Chair; Chapman and Shoning.

House File 2064

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2073

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schneklath and Tabor.

House File 2086

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schneklath and Tabor.

House File 2087

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2088

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2089

Judiciary and Law Enforcement: Holveck, Chair; Lageschulte and Peterson of Carroll.

House File 2090

Judiciary and Law Enforcement: Shoning, Chair; Knapp and Peterson of Carroll.

House File 2091

Judiciary and Law Enforcement: Tabor, Chair; Knapp and Kremer.

House File 2098

Judiciary and Law Enforcement: Rosenberg, Chair; Carl and Siegrist.

House File 2105

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schneklath and Tabor.

House File 2114

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2122

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

House File 2123

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

House File 2124

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

House File 2125

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

House File 2127

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

House File 2130

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2134

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2135

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2143

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2146

Judiciary and Law Enforcement: Chapman, Chair; Clark, Doderer, Haverland, Holveck, Shoning and Siegrist.

House File 2148

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schneklath and Tabor.

House File 2152

Education: Varn, Chair; Daggett, Groth, Haverland and McKean.

House File 2155

Education: Groth, Chair; Daggett, Ollie, Siegrist and Varn.

House File 2156

Education: Hughes, Chair; Carpenter and Spear.

House File 2157

Ways and Means: O'Kane, Chair; Bennett and Doderer.

House File 2167

Education: Haverland, Chair; Daggett and Zimmerman.

House File 2171

Local Government: Petersen of Muscatine, Chair; Cooper and Daggett.

House File 2182

Education: Hughes, Chair; Carpenter and Teaford.

Senate File 184

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 517**

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

Study Bill 534

Judiciary and Law Enforcement: Haverland, Chair; Chapman and Shoning.

Study Bill 535

Judiciary and Law Enforcement: Haverland, Chair; Chapman and Shoning.

Study Bill 536

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 537

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 538

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schneklath and Tabor.

Study Bill 539

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 540

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 541

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 546

Judiciary and Law Enforcement: Brammer, Chair; Carl and Shoning.

Study Bill 552

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 566

Ways and Means: Chapman, Chair; Groninga and Siegrist.

Study Bill 567

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 577

Local Government: Spear, Chair; Miller and Renken.

Study Bill 588

Local Government: Spear, Chair; Miller and Renken.

Study Bill 589

Local Government: Connors, Chair; Diemer and Groninga.

Study Bill 590

Local Government: Beatty, Chair; Renken and Sullivan.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 3, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 736, a bill for an act to include a physician's assistant on the Board of Medical Examiners.

House File 2017, a bill for an act relating to gambling by permitting lottery tickets and shares to be sold on the premises of establishments that serve or sell alcoholic beverages, wine, or beer, providing that the pari-mutuel betting and lottery statutes are exceptions to gambling restrictions contained in Chapter 99B, and providing for 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.

JOSEPH O'HERN
Chief Clerk of the House

**CORRECTED REPORT OF COMMITTEE ON NATURAL RESOURCES AND
OUTDOOR RECREATION**

House File 665, a bill for an act relating to the operation of motorboats.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5057, January 28, 1986.

COMMITTEE ON WAYS AND MEANS

House File 716, a bill for an act repealing the Iowa unfair cigarette sales Act.

Committee Action: Failed to Pass January 30, 1986.

RESOLUTION FILED

HCR 106, by Peick, a concurrent resolution relating to American Indian recognition.

Laid over under Rule 25.

AMENDMENTS FILED

H-5056	H.F.	2060	Running of Linn
H-5057	H.F.	665	Committee on Natural
			Resources and Outdoor
			Recreation
H-5058	H.F.	2168	Spear of Lee
H-5059	H.F.	2177	Spear of Lee

On motion by Norland of Worth, the House adjourned at 11:00 a.m., until 9:00 a.m., Tuesday, February 4, 1986.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day — Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 4, 1986

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

Prayer was offered by Father Thomas Munn, pastor of the St. Bernard Catholic Church, Breda.

The Journal of Monday, February 3, 1986 was approved.

INTRODUCTION OF BILLS

House File 2191, by Swartz, a bill for an act relating to the disclosure of suggested price information by the retail seller of certain motor vehicles, and providing a penalty.

Read first time and referred to committee on **small business and commerce**.

House File 2192, by Skow and Halvorson of Clayton, a bill for an act relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law.

Read first time and referred to committee on **labor and industrial relations**.

House File 2193, by Connors and Parker, a bill for an act requiring financial institutions to credit deposits to accounts on the same calendar day the deposits are made.

Read first time and referred to committee on **small business and commerce**.

House File 2194, by Black, a bill for an act relating to the reassessment for property tax purposes of land which received an exemption from property taxes as a result of being a natural conservation or wildlife area, native prairie, or wildlife habitat.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2195, by Hughes, a bill for an act exempting full-time instructors at certain schools from the state individual income tax and providing an effective date.

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

House File 2196, by Daggett, a bill for an act relating to the interest penalty imposed on delinquent property taxes.

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

House File 2197, by committee on economic development, a bill for an act relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date.

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

House File 2198, by Woods, Carpenter, Renaud and Sherzan, a bill for an act repealing the energy conservation improvement pilot programs.

Read first time and referred to committee on **energy and environmental protection**.

House File 2199, by Corey, a bill for an act relating to unemployment compensation by modifying the formula for calculating the weekly benefit amount, by permanently setting the amount of taxable wages, and by making the one-week waiting period permanent.

Read first time and referred to committee on **labor and industrial relations**.

House File 2200, by Peick, a bill for an act relating to rules of the state department of health regarding the minimum hours of resident care personnel in intermediate care facilities.

Read first time and referred to committee on **human resources**.

House File 2201, by Hanson, a bill for an act relating to damages from drainage.

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

SENATE MESSAGE CONSIDERED

Senate File 2049, by committee on transportation, a bill for an act relating to the purchases of American made products and purchases from American based businesses.

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

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 January 30, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 105, relating to Congressman Cooper Evans.

Also: That the Senate has on January 30, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 195, a bill for an act relating to the location of depositories of public funds.

Also: That the Senate has on January 30, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2030, a bill for an act relating to the livestock health advisory council, by including horse and dog breeders on the council.

K. MARIE THAYER, Secretary

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 4th day of February, 1986: House File 645.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 599 Human Resources**

Relating to the reporting of limitation, suspension, or revocation of a physician's privilege to practice in a hospital.

S.B. 600 Human Resources

Relating to the regulation of continuing-care facilities, and providing penalties.

S.B. 601 State Government

Establishing a state management training program and a management training revolving fund.

S.B. 602 State Government

Proposing an amendment to the Constitution of the State of Iowa defining "item" and "appropriation bill" for the exercise of the item veto power.

S.B. 603 Economic Development

Endorsing "Iowa Homecoming '86".

SUBCOMMITTEE ASSIGNMENTS**House File 2052**

Small Business and Commerce: Swartz, Chair; Brammer, Hummel, Kremer and Parker.

House File 2077

Small Business and Commerce: Brammer, Chair; Halvorson of Clayton and Holveck.

House File 2096

Small Business and Commerce: Sherzan, Chair; Oxley and Schnekloth.

House File 2111

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 2139

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

House File 2149

Small Business and Commerce: Beatty, Chair; Hatch and Metcalf.

House File 2161

Small Business and Commerce: Blanshan, Chair; Schnekloth and Skow.

House File 2172

Small Business and Commerce: Parker, Chair; Chapman and Diemer.

House File 2175

Agriculture: Fogarty, Chair; Carter, Rensink, Van Maanen and Zimmerman.

House File 2178

Small Business and Commerce: Baxter, Chair; Brammer and Shoning.

House File 2179

Energy and Environmental Protection: Osterberg, Chair; Mullins and Rosenberg.

House File 2187

Energy and Environmental Protection: Johnson, Chair; Hughes, Mullins, Osterberg and Paulin.

House File 2190

Agriculture: Cochran, Chair; Blanshan, Branstad, De Groot, Hatch, Hughes and Van Maanen.

House File 2198

Energy and Environmental Protection: Hatch, Chair; Hughes, Osterberg, Petersen of Muscatine and Van Camp.

House File 2200

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Senate File 397

Transportation: Koenigs, Chair; Platt and Woods.

Senate File 2003

Agriculture: Fogarty, Chair; Gruhn and Handorf.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 579

Energy and Environmental Protection: Hughes, Chair; De Groot and Hatch.

Study Bill 580

Energy and Environmental Protection: Johnson, Chair; Hughes, Mullins, Osterberg and Paulin.

Study Bill 582

Energy and Environmental Protection: Peterson of Carroll, Chair; Petersen of Muscatine and Skow.

Study Bill 583

Energy and Environmental Protection: Johnson, Chair; Hughes, Mullins, Osterberg and Paulin.

Study Bill 595

Transportation: Jay, Chair; Harbor and Woods.

Study Bill 596

Transportation: Jay, Chair; Cooper, Koenigs, Lageschulte, Platt and Woods.

Study Bill 599

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 600

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

House File 254, a bill for an act allowing public school districts to charge a fee for driver education courses.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H — 5061, February 3, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly Study Bill 522), relating to the authority of the department of water, air and waste management over hazardous substances and hazardous conditions.

Fiscal Note is not required.

Committee Action: Failed to Pass February 3, 1986.

Committee Bill (Formerly Study Bill 523), providing for modifications of the authority of the department of water, air and waste management over water pollution, flood plain construction, and water use.

Fiscal Note is not required.

Recommended Amend and Do Pass February 3, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 276, a bill for an act relating to the jurisdiction of district associate judges.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H — 5060, February 3, 1986.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly Study Bill 569), relating to the power of a city council over variances granted by a board of adjustment.

Fiscal Note is not required.

Recommended Amend and Do Pass February 3, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly Study Bill 507), relating to the disclosure of information regarding credit card fees.

Fiscal Note is not required.

Recommended Amend and Do Pass February 3, 1986.

Committee Bill (Formerly Study Bill 570), to prohibit discrimination in payment or reimbursement to a person defined as a physician for services provided or a condition treated within the lawful scope of practice and making corporations organized by

chiropractors for establishing, maintaining and operating a medical and surgical service plan subject to chapter 514.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1986.

COMMITTEE ON TRANSPORTATION

House File 2097, a bill for an act to exempt authorized emergency vehicles from the child restraint law.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1986.

Committee Bill (Formerly Study Bill 562), to authorize the issuance of all-system permits by the state department of transportation for the movement of vehicles of excessive size and weight subject to a permit fee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1986.

RESOLUTION FILED

HCR 107, by O'Kane, a concurrent resolution requesting the federal government and its respective agencies to make full payments in lieu of taxes for land withdrawn, purchased, or brought under trust status by the federal government.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5060	S.F.	276	Committee on Judiciary and Law Enforcement
H—5061	H.F.	254	Committee on Education

On motion by Norland of Worth, the House adjourned at 9:11 a.m., until 9:00 a.m., Wednesday, February 5, 1986.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day—Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 5, 1986

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

Prayer was offered by Reverend Perry De Groot, pastor of the Bethany Reformed Church, Des Moines.

The Journal of Tuesday, February 4, 1986 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2004, by Schneklath, Bennett, Petersen of Muscatine, Van Camp, Platt, Poncy, Stueland, Pellett, Kremer, Maulsby, Hanson, Halvorson of Clayton, Lageschulte, Rensink, McKean, and Corey, a joint resolution nullifying an administrative rule of the department of revenue relating to the valuation of agricultural property for property tax purposes.

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

House File 2202, by Diemer, a bill for an act related to the disbursement of municipal utility revenues.

Read first time and referred to committee on **energy and environmental protection**.

House File 2203, by Hanson, a bill for an act relating to the licensure of private investigative agencies and private security agencies.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2204, by Skow and Peterson of Carroll, a bill for an act to require the state department of transportation to place appropriate highway signs along interstate highways to guide traffic to tourist attractions which are located within thirty miles of the interstate highway and which receive fifteen thousand or more visitors annually.

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

House File 2205, by Varn, a bill for an act relating to the acceptance by the clerk of the district court of automatic electronic bank deposits as payments of support obligations.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2206, by Running, a bill for an act relating to the applicability of handicapped access standards to public buildings or facilities existing prior to adoption of the standards.

Read first time and referred to committee on **state government**.

House File 2207, by Van Camp, a bill for an act related to reciprocity and bonding requirements for contractors.

Read first time and referred to committee on **local government**.

House File 2208, by Black, a bill for an act to require state conservation commission approval of county conservation board projects for acquisition or exchange of land and general development plans where the costs of the project exceed twenty-five thousand dollars.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2209, by Hammond, Daggett, and Hughes, a bill for an act to amend zoning statutes to authorize allowing elderly and handicapped persons to reside in temporary housing on the same property as a principal dwelling and to require the state building code commissioner to adopt rules.

Read first time and referred to committee on **human resources**.

House File 2210, by Bennett, a bill for an act prohibiting video lottery games.

Read first time and referred to committee on **economic development**.

House File 2211, by committee on transportation, a bill for an act relating to the movement of vehicles of excessive size and weight.

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

House File 2212, by Grandia, Shoning, Cooper, Miller, Gruhn, Royer, Handorf, Van Maanen, Platt, Petersen of Muscatine, Hermann, Branstad, Paulin, Muhlbauer, De Groot, Maulsby, and Metcalf, a bill for an act relating to actions against a manufacturer or seller of a product seeking recovery for personal injury, death, or property damage.

Read first time and referred to committee on **small business and commerce**.

House File 2213, by Koenigs, a bill for an act to remove the financial responsibility requirements of liquor control licensees and class "B" beer permittees.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2214, by Sturgeon, a bill for an act relating to the definition of the term "promote" for purposes of the prohibition against sexual exploitation of children.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2215, by Sturgeon, a bill for an act relating to sexual abuse in the third degree and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2216, by Running and Varn, a bill for an act providing that a judicial district department of correctional services is a state agency for purposes of coverage under the Iowa tort claims Act.

Read first time and referred to committee on **state government**.

House File 2217, by Swartz, Brammer, Fey, Rosenberg, Baxter, Gruhn, Running, Hughes, Renaud, Haverland, Johnson, and Connors, a bill for an act to require that the school curriculum include topics relating to mental retardation prevention and related issues and to make an appropriation.

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

House File 2218, by Black, a bill for an act relating to governmental liability for the operation or maintenance of recreational facilities, and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2219, by committee on small business and commerce, a bill for an act to prohibit discrimination in payment or reimbursement to a person defined as a physician for services provided or a condition treated within the lawful scope of practice, making corporations organized by chiropractors for establishing, maintaining, and operating a medical and surgical service plan subject to chapter 514 and requiring chapter 514 corporations and physician providers to establish utilization review programs for purposes of health care cost control.

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

House File 2220, by committee on local government, a bill for an act relating to the power of a city council over variances granted by a board of adjustment.

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

House File 2221, by committee on energy and environmental protection, a bill for an act providing for modifications of the authority of the department of water, air and waste management over water pollution, flood plain construction, and water use.

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

House File 2222, by Sherzan, a bill for an act relating to the number of state officers or employees required to request payroll deduction for purposes of purchasing insurance.

Read first time and referred to committee on **state government**.

House File 2223, by Harbor, a bill for an act relating to the imposition of the penalty provided for failure to be present when the assessor appears.

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

SENATE MESSAGES CONSIDERED

Senate File 195, by Deluhery, a bill for an act relating to the location of depositories of public funds.

Read first time and referred to committee on **local government**.

Senate File 2030, by Priebe, a bill for an act relating to the livestock health advisory council, by including horse and dog breeders on the council.

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

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 February 3, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 590, a bill for an act relating to mobile deputy registrars.

Also: That the Senate has on February 3, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2051, a bill for an act relating to the attachment of child and spousal support liens to real property and providing a retroactive effective date.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 9:12 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

COMMUNICATION FROM SECRETARY OF STATE

February 4, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
L O C A L

Dear Mr. O'Hern:

I hereby certify that House File 244 was published in The Cascade Pioneer-Advertiser, Cascade, Iowa on January 29, 1986 and in The Boone News-Republic, Boone, Iowa on January 30, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

A 1985 report from IPERS, pursuant to Chapter 97B.2, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 604 State Government

To establish a public retirement systems committee of the general assembly.

S.B. 605 State Government

To establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

S.B. 606 Labor and Industrial Relations

Relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law.

S.B. 607 Labor and Industrial Relations

Relating to the maximum workers' compensation benefits payable to workers injured on or after the effective date of this Act.

S.B. 608 Labor and Industrial Relations

Relating to unemployment compensation by modifying the formula for calculating the weekly benefit amount, by permanently setting the amount of taxable wages, and by making the one-week waiting period permanent.

S.B. 609 Ways and Means

Relating to taxation, by amending administrative requirements of taxpayers, taxpayers' representatives, and public and taxing authorities, including nonsubstantive and technical corrections and making certain provisions of the Act retroactive.

S.B. 610 Ways and Means

To allow a city or county to grant a partial exemption from property taxes on value added to a livestock production facility.

S.B. 611 Judiciary and Law Enforcement

To remove the notice requirement to the department of revenue relating to the discharge of a personal representative and making the Act retroactive.

S.B. 612 Judiciary and Law Enforcement

Relating to the penalties for violations of law involving the promotion of obscene material and the sexual exploitation of children.

S.B. 613 Judiciary and Law Enforcement

Relating to the operation of a motor vehicle while under the influence of alcohol or a drug.

S.B. 614 Judiciary and Law Enforcement

Relating to the sale, possession, and use of certain weapons and

devices which by electronic pulse or current or by chemical means are capable of immobilizing a victim temporarily, and providing penalties.

S.B. 615 Judiciary and Law Enforcement

Relating to victims and witnesses of criminal offenses, and providing penalties.

S.B. 616 Economic Development

Relating to the allocation of lottery funds for the 1985-1986 fiscal year and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2002

State Government: Spear, Chair; Beatty and Daggett.

House Joint Resolution 2003

State Government: Beatty, Chair; Cochran and Van Maanen.

House File 2104

State Government: Carter, Chair; Arnould and Carpenter.

House File 2117

State Government: Carter, Chair; Arnould and Carpenter.

House File 2126

State Government: Pavich, Chair; Beatty and Van Maanen.

House File 2132

State Government: Buhr, Chair; Carter and Renken.

House File 2133

State Government: Buhr, Chair; Carter and Renken.

House File 2138

State Government: Swearingen, Chair; Cochran and Spear.

House File 2154

Natural Resources and Outdoor Recreation: Black, Chair; Cooper and Paulin.

House File 2158

State Government: Buhr, Chair; Siegrist and Teaford.

House File 2164

State Government: Carter, Chair; Arnould and Siegrist.

House File 2169

State Government: Carpenter, Chair; Arnould and Swearingen.

House File 2173

State Government: Hammond, Chair; Shoning and Spear.

House File 2174

Natural Resources and Outdoor Recreation: Woods, Chair; Knapp and Pellett.

House File 2177

Natural Resources and Outdoor Recreation: Black, Chair; Fogarty and Grandia.

House File 2183

State Government: Carter, Chair; Halvorson of Webster and Siegrist.

House File 2189

State Government: Teaford, Chair; Halvorson of Webster and Van Maanen.

Senate File 2052

State Government: Blanshan, Chair; Carpenter and Doderer.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 533

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

Study Bill 559

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 573

State Government: Lloyd-Jones, Chair; Halvorson of Webster, Hammond, Hanson and Swearingen.

Study Bill 584

Natural Resources and Outdoor Recreation: Knapp, Chair; Johnson and Paulin.

Study Bill 585

Natural Resources and Outdoor Recreation: Black, Chair; Diemer and Johnson.

Study Bill 586

Natural Resources and Outdoor Recreation: Rensink, Chair; Diemer and Fogarty.

Study Bill 591

Natural Resources and Outdoor Recreation: O'Kane, Chair; Black and Diemer.

Study Bill 592

Natural Resources and Outdoor Recreation: Diemer, Chair; Black and McKean.

Study Bill 593

Natural Resources and Outdoor Recreation: Diemer, Chair; Black and McKean.

Study Bill 594

Natural Resources and Outdoor Recreation: Black, Chair; Diemer and Johnson.

Study Bill 601

State Government: Carter, Chair; Buhr and Renken.

Study Bill 602

State Government: Doderer, Chair; Daggett and Spear.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 553), relating to hospitals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 1986.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 2006, a bill for an act related to the posting of property for purposes of preventing trespass.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1986.

House File 2078, a bill for an act relating to navigation near a diving flag and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5063**, February 4, 1986.

Senate File 159, a bill for an act eliminating penalties for registrations of snowmobiles which have not been registered for two subsequent registration periods.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5062**, February 4, 1986.

Committee Bill (Formerly Study Bill 547), relating to the confidentiality of archaeological site or resource information and subjecting violators to civil and criminal penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 1986.

AMENDMENTS FILED

H—5062	S.F.	159	Committee on Natural Resources and Outdoor Recreation
H—5063	H.F.	2078	Committee on Natural Resources and Outdoor Recreation
H—5064	H.F.	2097	Paulin of Plymouth
H—5065	H.F.	665	Haverland of Polk

H—5066	H.F. 254	Maulsby of Calhoun Varn of Johnson
H—5067	H.F. 2197	Paulin of Plymouth Varn of Johnson

On motion by Norland of Worth, the House adjourned at 12:30 p.m., until 9:00 a.m., Thursday, February 6, 1986.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day — Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 6, 1986

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

Prayer was offered by Reverend Arthur Hill, pastor of the United Methodist Church, Bagley.

The Journal of Wednesday, February 5, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk, for the morning session, on request of Ollie of Clinton; Clark of Cerro Gordo on request of Stromer of Hancock.

INTRODUCTION OF BILLS

House File 2224, by Ollie, a bill for an act requiring the department of public instruction to develop a model curriculum for family life education instruction.

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

House File 2225, by Halvorson of Webster, a bill for an act relating to the apportionment of the interest from the permanent school fund, including an elimination of school census requirements, and providing that the Act takes effect upon its publication.

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

House File 2226, by Johnson, Cooper, Gruhn and Black, a bill for an act relating to the licenses issued to landowners or tenants for the taking of deer and wild turkey.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2227, by Daggett, Rensink, Paulin, Shoning, Miller, Swearingen, Branstad, Stueland, Lageschulte, Kremer, Hanson, Van Maanen, Hester, Handorf, Hermann, Maulsby, Stromer, Bennett, McIntee, Mullins, Van Camp, Renken, Welden, Clark, Corey, Carpenter, Hummel, Schneklath, Royer, Diemer, Pellett, De Groot, McKean and Grandia, a bill for an act relating to the offer and termination of teacher contracts for the school year beginning July 1, 1986 and providing that the Act takes effect upon its publication.

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

House File 2228, by Carpenter and Swearingen, a bill for an act relating to absentee voting by qualified electors who are residing or stationed outside of the continental United States.

Read first time and referred to committee on **state government**.

HOUSE FILES 2041 AND 2091 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2041 and 2091 be temporarily deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 314, a bill for an act to repeal the rebuttable presumption of negligence on the part of persons operating electrical transmission lines for injuries to person or property, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 314)

The ayes were, 94:

Arnould
Black

Baxter
Blanshan

Beatty
Brammer

Bennett
Branstad

Buhr	Carl	Carpenter	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalfe	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 1:

Parker

Absent or not voting, 5:

Clark	Haverland	Jay	Jochum
O'Kane			

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

HOUSE FILE 511 WITHDRAWN

Schnekloth of Scott asked and received unanimous consent to withdraw House File 511 from further consideration by the House.

House File 2041, a bill for an act requiring an abstractor's lien search and attorney's opinion on certain plats submitted for approval of the city council, with report of committee recommending passage, was taken up for consideration.

Beatty of Warren 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. 2041)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark	Haverland	Jay	Jochum
O'Kane			

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

House File 2091, a bill for an act relating to the inspection of explosive storage facilities, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2091)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark	Haverland	Jay	Jochum
O'Kane			

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

On motion by Norland of Worth, the House was recessed at 9:38 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2229, by committee on human resources, a bill for an act relating to hospitals by permitting the sale or lease of property

owned by the hospital upon approval by the board of trustees, permitting commercial use of portions of hospital property, permitting certain hospitals to sell or lease property with a public notice and a public hearing, requiring a commission which manages a county memorial hospital to request a county appropriation for the hospital from the county board of supervisors, permitting licensed practitioners and physicians to serve as county public hospital trustees, prohibiting trustees from receiving compensation from the county public hospital, and requiring the department of health to provide technical assistance to hospitals when funding is available.

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

House File 2230, by committee on small business and commerce, a bill for an act relating to the disclosure of information regarding open-end credit accounts, credit cards, and financial services.

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

SENATE MESSAGE CONSIDERED

Senate File 2051, by committee on judiciary, a bill for an act relating to the attachment of child and spousal support liens to real property and providing a retroactive effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

CONSIDERATION OF BILL Regular Calendar

House File 665, a bill for an act relating to the operation of motorboats, with report of committee recommending amendment and passage was taken up for consideration.

Paulin of Plymouth offered the following amendment H—5057 filed by the committee on natural resources and outdoor recreation:

H—5057

- 1 Amend House File 665 as follows:
- 2 1. Page 1, by striking lines 1 through 3 and
- 3 inserting the following:

4 "Section 1. Section 106.31, subsection 1,
 5 paragraph b, Code 1985, is amended by striking the
 6 paragraph and inserting in lieu thereof the following:
 7 b. A motorboat equipped with any".
 8 2. Page 1, by striking lines 7 through 10 and
 9 inserting the following: "commission. This paragraph
 10 does not limit".

Haverland of Polk offered the following amendment H—5065, to the committee amendment H—5057, filed by him and moved its adoption:

H—5065

1 Amend the amendment H—5057 to House File 665 as
 2 follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "commission" the words ", except for Big Creek lake
 5 and lake Macbride".

A non-record roll call was requested.

The ayes were 36, nays 55.

Amendment H—5065 lost.

On motion by Paulin of Plymouth, the committee amendment H—5057 was adopted.

Paulin of Plymouth 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. 665)

The ayes were, 50:

Arnould	Baxter	Bennett	Black
Blanshan	Carl	Carter	Connors
Cooper	Daggett	De Groot	Diemer
Fogarty	Grandia	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hanson	Harbor
Hatch	Hester	Hughes	Hummel
Jay	Jochum	Johnson	Kremer
Miller	Muhlbauer	Mullins	Oxley
Parker	Paulin	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Renken	Rensink

Royer	Schnekloth	Shoning	Spear
Stueland	Sullivan	Swartz	Welden
Woods	Mr. Speaker		

The nays were, 49:

Beatty	Brammer	Branstad	Buhr
Carpenter	Chapman	Cochran	Connolly
Corey	Doderer	Fey	Groninga
Hammond	Handorf	Haverland	Hermann
Holveck	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Norland	O'Kane
Ollie	Osterberg	Peick	Platt
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Siegrist	Skow
Stromer	Sturgeon	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Zimmerman			

Absent or not voting, 1:

Clark

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

MOTIONS TO RECONSIDER (Senate File 314)

I move to reconsider the vote by which Senate File 314 passed the House on February 6, 1986.

STURGEON of Woodbury

(House File 665)

I move to reconsider the vote by which House File 665 failed to pass the House on February 6, 1986.

VARN of Johnson

I move to reconsider the vote by which House File 665 failed to pass the House on February 6, 1986.

CONNOLLY of Dubuque

25th Day

THURSDAY, FEBRUARY 6, 1986

(House File 665)

I move to reconsider the vote by which House File 665 fa.
pass the House on February 6, 1986.

HAVERLAND of Pa

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 617 Education

Relating to providing private instruction or instruction in a non-public school.

S.B. 618 Education

To provide for the payment of state aid for school districts which reduce their administrative costs.

S.B. 619 Education

To provide for maintaining the supplementary weighting funding for school districts that reorganize.

S.B. 620 Education

Relating to the authority of the state board of public instruction acting as the board of educational examiners to prescribe a reduced teaching load for certain teachers.

S.B. 621 Education

Establishing a beginning teacher incentive to supplement salaries of beginning teachers and making an appropriation.

S.B. 622 Natural Resources and Outdoor Recreation

Relating to the registration of snowmobiles.

S.B. 623 Small Business and Commerce

Relating to the disclosure of information on professional liability and products liability insurance.

4 Ways and Means

ing to the state individual and corporate income tax credit for easing research activities in the state and providing a retroactive effective date.

S.B. 625 Agriculture

Urging adoption of a long-term supply management program.

S.B. 626 Agriculture

Relating to bovine brucellosis, by providing definitions, and providing for branding of feeders, vaccination requirements, the adoption of rules, the movement of cattle, and reimbursement and indemnification for spayed and slaughtered cattle.

S.B. 627 Agriculture

Requesting federal action to assign or employ federal grain inspectors at foreign ports of destination for the grading of grain shipped from the United States.

S.B. 628 Agriculture

Relating to and making an appropriation to the state board of regents for a farmer-creditor mediation service, and providing an effective date.

S.B. 629 Agriculture

Relating to the retail sale and service of farm equipment.

S.B. 630 Agriculture

Defining conservancy districts as state agencies for purposes of the state tort claims Act.

S.B. 631 Agriculture

To allow an individual income tax credit for health insurance premiums paid by a taxpayer on income earned from self-employment in computing state individual income tax.

S.B. 632 Energy and Environmental Protection

Extending the authorization of the toxic cleanup days pilot program.

S.B. 633 Judiciary and Law Enforcement

Relating to the election of county magistrate appointing commissioners.

S.B. 634 Judiciary and Law Enforcement

Relating to the prevention of the offense of operating a motor vehicle while under the influence of alcohol or drugs by requiring the posting of notice in state liquor stores and licensed premises explaining the laws which prohibit the operation of a motor vehicle by a person who is intoxicated, and by requiring the inclusion of instruction concerning substance abuse in approved driver education courses, and by requiring that information related to drunken driving be issued to drivers at the time of license renewal.

S.B. 635 Judiciary and Law Enforcement

Relating to notices of forfeiture of real estate contracts by limiting the mortgagees to whom notice must be given.

S.B. 636 Agriculture

Relating to drainage assessments on lands under the jurisdiction of the state conservation commission.

S.B. 637 Human Resources

Relating to the monetary penalties for violation of the health care facilities' licensing law.

SUBCOMMITTEE ASSIGNMENTS**House File 2150**

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

House File 2159

Labor and Industrial Relations: Poncy, Chair; Bennett and Brammer.

House File 2160

Labor and Industrial Relations: Sherzan, Chair; Kremer and Poncy.

House File 2162

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

House File 2165

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

House File 2166

Economic Development: Ollie, Chair; Arnould, Groninga, Hanson and Metcalf.

House File 2185

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

House File 2192

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

House File 2199

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 515**

State Government: Doderer, Chair; Blanshan, Carpenter, Hammond and Swearingen.

Study Bill 578

Labor and Industrial Relations: Ollie, Chair; Fey and Hermann.

Study Bill 597

Labor and Industrial Relations: Peick, Chair; Hester and Renaud.

Study Bill 603

Economic Development: Baxter, Chair; Cochran and Miller.

Study Bill 606

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

Study Bill 607

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

Study Bill 608

Labor and Industrial Relations: Running, Chair; Hester and Renaud.

Study Bill 616

Economic Development: Connolly, Chair; Branstad, Groninga, Kremer and Parker.

Study Bill 623

Small Business and Commerce: Swartz, Chair; Brammer and Hummel.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 2145), relating to pilot programs for energy conservation improvements and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1986.

Committee Bill (Formerly House File 2179), relating to disclosure of costs assessed to customers of a gas or electric public utility.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1986.

Committee Bill (Formerly Study Bill 72), restricting the provision of certain services by public utilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1986.

COMMITTEE ON STATE GOVERNMENT

Senate File 421, a bill for an act to require the director of the Iowa beer and liquor control department to suspend rather than dismiss vendors who are convicted of selling alcohol to minors.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 1986.

COMMITTEE ON WAYS AND MEANS

House File 716, a bill for an act repealing the Iowa unfair cigarette sales tax Act.

Fiscal Note is not required.

Reconsidered and Recommended **Do Pass** February 5, 1986.

Committee Bill (Formerly House File 2095), relating to the repeal of a local option sales and services tax in certain counties and providing for an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1986.

AMENDMENTS FILED

H—5068	S.F.	421	Carter of Henry Van Maanen of Mahaska
H—5069	H.F.	2168	Spear of Lee
H—5070	H.F.	2197	Schnekloth of Scott
H—5071	H.F.	2197	Mullins of Kossuth Osterberg of Linn

On motion by Norland of Worth, the House adjourned at 3:03 p.m., until 9:00 a.m., Friday, February 7, 1986.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day — Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 7, 1986

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

Prayer was offered by the Honorable John Connors, state representative from Polk County.

The Journal of Thursday, February 6, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Harbor of Mills; Pellett of Cass; Hester, Pavich and Siegrist, all of Pottawattamie; a resolution passed by the Pottawattamie County Board of Supervisors urging the State of Iowa to carry out its commitment to assume the cost of clerks of court offices as scheduled, urging the General Assembly to place limitations on the amount of awards from court actions against counties, and urging the State of Iowa to increase funding for mental health.

INTRODUCTION OF BILLS

House File 2231, by committee on energy and environmental protection, a bill for an act relating to disclosure of costs assessed to customers of an electric public utility.

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

House File 2232, by committee on energy and environmental protection, a bill for an act restricting the provision of certain services by public utilities.

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

House File 2233, by committee on energy and environmental protection, a bill for an act relating to pilot programs for energy conservation improvements and providing an effective date.

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

House File 2234, by Hammond, a bill for an act providing for the creation of county review commissions, specifying their powers and duties, and providing for the implementation of their recommendations.

Read first time and referred to committee on **local government**.

House File 2235, by Connors, a bill for an act relating to the regulation of vicious dogs and providing a penalty and an effective date.

Read first time and referred to committee on **local government**.

House File 2236, by Oxley, a bill for an act relating to actions for damages resulting from injury or death to a person or injury to property.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2237, by Running, a bill for an act relating to rules of the state department of health regarding the minimum hours of resident care, minimum number of personnel, and personnel training requirements in intermediate care facilities.

Read first time and referred to committee on **human resources**.

House File 2238, by Groninga, Chapman, Baxter, Brammer, Sherzan, Hermann, and Shoning, a bill for an act relating to the conditions of acquisition of an interest in banks located in Iowa or bank holding companies controlling one or more banks located in Iowa by an out-of-state bank holding company.

Read first time and referred to committee on **small business and commerce**.

House File 2239, by Brammer, a bill for an act relating to criminal offenses committed against or with children and to court testimony by children.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2240, by Cooper, a bill for an act to limit free park user permits to one per household and to take effect upon publication.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2241, by Sturgeon, a bill for an act relating to the compensation of personal representatives, assistants to personal representatives, and other fiduciaries, and providing review for the compensation under the probate code of Iowa.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2242, by O'Kane, a bill for an act relating to the capitalization rate to be used in valuing agricultural property for property tax purposes.

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

House File 2243, by Bennett, a bill for an act creating a mandatory arbitration system for certain cases.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2244, by Pavich, a bill for an act relating to dog racing where pari-mutuel racing is permitted.

Read first time and referred to committee on **state government**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 7, 1986, he approved and transmitted to the Secretary of State the following bill:

House File 645, an act relating to the appointment of a clerk to the board of supervisors.

SUBCOMMITTEE ASSIGNMENTS

House File 2152 (Reassigned)

Education: Groth, Chair; Daggett, Ollie, Siegrist and Varn.

House File 2155 (Reassigned)

Education: Varn, Chair; Daggett, Groth, Haverland and McKean.

House File 2167 (Reassigned)

Education: Haverland, Chair; Daggett and Spear.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 536), relating to the liability of social hosts for injuries to persons as a result of intoxication.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1986.

Committee Bill (Formerly Study Bill 634), relating to the prevention of the offense of operating a motor vehicle while under the influence of alcohol or drugs by requiring the posting of notice in state liquor stores and licensed premises explaining the laws which prohibit the operation of a motor vehicle by a person who is intoxicated, and by requiring the inclusion of instruction concerning substance abuse in approved driver education courses, and by requiring that information related to drunken driving be issued to drivers at the time of license renewal.

Fiscal Note is required.

Recommended **Do Pass** February 6, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2178, a bill for an act to establish a consignment relationship between artists and art dealers for the sale of the artist's works.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5072, February 6, 1986.

AMENDMENTS FILED

H—5072	H.F.	2178	Committee on Small Business and Commerce
H—5073	S.F.	276	Black of Jasper
H—5074	H.F.	2197	Osterberg of Linn Mullins of Kossuth

On motion by Norland of Worth, the House adjourned at 9:35 a.m., until 9:30 a.m., Tuesday, February 11, 1986.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 11, 1986

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

Prayer was offered by Reverend Carl L. Cooper, pastor of the Central Presbyterian Church, Des Moines.

The Journal of Friday, February 7, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sullivan of Van Buren, for February 11 and 12, 1986, on request of Rosenberg of Story.

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 February 7, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2116, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date.

K. MARIE THAYER, Secretary

INTRODUCTION OF BILLS

House File 2245, by committee on natural resources, a bill for an act relating to the confidentiality of archaeological sites or resource information and subjecting violators to civil and criminal penalties.

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

House File 2246, by Knapp, Platt and Black, a bill for an act to require a certificate of title to identify a rebuilt motor vehicle.

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

House File 2247, by Brammer, a bill for an act relating to designations for funding as providers of services to victims of domestic abuse.

Read first time and referred to committee on **human resources**.

House File 2248, by Peick, a bill for an act relating to the statutory definition of physical therapy.

Read first time and referred to committee on **human resources**.

House File 2249, by Rosenberg, a bill for an act relating to the imposition of a foreclosure tax upon financial institutions and insurance companies for the foreclosing of mortgages or deeds of trust of real estate and providing penalties.

Read first time and referred to committee on **small business and commerce**.

House File 2250, by Running, a bill for an act relating to the licensing of cosmetology schools and barber schools.

Read first time and referred to committee on **state government**.

House File 2251, by Black, a bill for an act relating to governmental liability for parks, playgrounds, or open areas for recreational purposes, and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2252, by Carl, a bill for an act relating to the proving of paternity for purposes of inheritance.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2253, by Hughes, a bill for an act permitting hospitals to purchase or construct and operate and maintain a community recreation center.

Read first time and referred to committee on **local government**.

House File 2254, by Peick, a bill for an act relating to the certification of nurses' aides.

Read first time and referred to committee on **human resources**.

House File 2255, by Hammond, a bill for an act relating to authorizations, permits, and approvals for construction and operation of public treatment works.

Read first time and referred to committee on **energy and environmental protection**.

House File 2256, by Gruhn, a bill for an act relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

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

SENATE MESSAGE CONSIDERED

Senate File 2116, by committee on agriculture, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date.

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

HOUSE FILE 115 WITHDRAWN

Schnekloth of Scott asked and received unanimous consent to withdraw House File 115 from further consideration by the House.

HOUSE FILES 141 AND 715 WITHDRAWN

Rosenberg of Story asked and received unanimous consent to withdraw House Files 141 and 715 from further consideration by the House.

HOUSE FILES 152 AND 362 WITHDRAWN

Halvorson of Clayton asked and received unanimous consent to withdraw House Files 152 and 362 from further consideration by the House.

On motion by Norland of Worth, the House was recessed at 10:04 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

On motion by Norland of Worth, the House was recessed at 12:09 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

INTRODUCTION OF BILL

House File 2257, by committee on ways and means, a bill for an act relating to the local option taxes and providing effective dates.

Read first time and placed on the **ways and means 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 11th day of February, 1986: House File 764.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 10, 1986, he approved and transmitted to the Secretary of State the following bills:

Senate File 530, an act relating to the parole of persons convicted for the offenses of sexual abuse and lascivious acts with a child.

Senate File 2064, an act relating to licensed dealers and warehouses for agricultural products, and providing an effective date.

PRESENTATION OF VISITORS

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

One hundred twenty-five sixth grade students from B. R. Miller Junior High School, Marshalltown, accompanied by Ron Crow. By Swartz of Marshall.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 638 Agriculture

Relating to the sale and storage of grain, by providing licensing requirements for grain dealers and warehouse operators, establishing a grain depositors and sellers indemnity fund, and providing an effective date.

S.B. 639 Local Government

Authorizing cities to establish civil penalties not to exceed one hundred dollars for violations of city codes, zoning ordinances, and regulations.

S.B. 640 Local Government

Authorizing the reorganization of county government by establishing a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter; and by authorizing shared county offices.

S.B. 641 Human Resources

Relating to the establishment, implementation, and enforcement of minimum licensing standards for birthing centers, and providing civil and criminal penalties.

S.B. 642 Human Resources

Relating to the rights of grandparents.

S.B. 643 State Government

Relating to the requirements for licenses to practice medicine and surgery and osteopathic medicine and surgery.

S.B. 644 State Government

Relating to the issuance of temporary certificates by the board of medical examiners.

S.B. 645 State Government

Relating to the transferability of medical license restrictions imposed by another state.

S.B. 646 Human Resources

Relating to payments of money to inmates of state correctional institutions upon discharge, parole, or placement on work release.

S.B. 647 Human Resources

Excluding residential care facilities from certificate-of-need reviews for two fiscal years.

CERTIFICATES OF RECOGNITION

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

- | | |
|--------|---|
| 1986-1 | West Bend Pacesetters, West Bend — Winning state championship honors in the 1985 Iowa drill team competition. |
| 1986-2 | Lewis Central Community School District, Council Bluffs — 25th anniversary. |
| 1986-3 | Iowa Western Community College, Council Bluffs — Thirty students who graduated in June, 1985, from the Associated Nursing Degree Program, tallied the highest mean score in the state on the national certifying examination. |

JOSEPH O'HERN
Chief Clerk of the House

AMENDMENTS FILED

H-5075	H.F. 2197	Haverland of Polk Carl of Poweshiek Peterson of Carroll
H-5076	H.F. 2229	Spear of Lee
H-5077	H.F. 2052	Kremer of Buchanan
H-5078	H.F. 2211	Platt of Muscatine Woods of Polk
H-5079	H.F. 2197	Arnould of Scott
H-5080	H.F. 254	Swearingen of Keokuk Varn of Johnson
H-5081	H.F. 2164	Hatch of Polk
H-5082	H.F. 2197	Hanson of Delaware

On motion by Norland of Worth, the House adjourned at 4:18 p.m., until 9:00 a.m., Wednesday, February 12, 1986.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day — Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 12, 1986

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

Prayer was offered by Bishop Maurice J. Dingman, of the Catholic Diocese of Southwest Iowa, Des Moines.

The Journal of Tuesday, February 11, 1986 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Harbor of Mills, Pellett of Cass and Royer of Page, from forty-five citizens favoring the passage of corrective proposals addressing liability limitation concerns during the 1986 session.

By Kremer of Buchanan, from fourteen citizens favoring corrective proposals addressing liability limitations.

By Lageschulte of Bremer, from one hundred seventy-five constituents of the 22nd District opposing the closing of the State liquor store in Sumner, Iowa.

By Miller of Cherokee, from ninety citizens favoring legislation be passed during 1986 addressing liability limitation concerns.

By O'Kane of Woodbury, from forty-two Sioux City school administrators favoring the current law that requires children to attend schools with state-certified teachers.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hatch of Polk, for February 12 and 13, 1986, on request of Norland of Worth.

INTRODUCTION OF BILLS

House File 2258, by Parker, a bill for an act specifying conditions under which savings and loan associations are required to pay interest on real estate escrow payments.

Read first time and referred to committee on **small business and commerce**.

House File 2259, by Teafor and Lageschulte, a bill for an act relating to dissolution of marriage and related proceedings, providing for mediation of contested issues of child custody, visitation, property division, and support, revising provisions on investigations and joint custody, providing confidentiality, and authorizing a supplemental levy to cover costs of mediation procedures.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2260, by Van Maanen, a bill for an act providing for refunds of registration fees for motor vehicles which are sold and for which a replacement vehicle is not acquired.

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

House File 2261, by Parker, a bill for an act providing that certain loans are not consumer loans under the Iowa consumer credit code.

Read first time and referred to committee on **small business and commerce**.

House File 2262, by Parker and McIntee, a bill for an act relating to planning and design services which may be provided by persons who are not registered architects.

Read first time and referred to committee on **small business and commerce**.

House File 2263, by Cooper, Poncy, Running, Hummel, Pavich, Sullivan, Royer, Hermann, Tabor, Renken, Paulin, Woods, Harbor, Peick, Diemer, Connors, Renaud, Corey, Halvorson of Clayton, Varn, Sherzan, De Groot, Pellett, Connolly, Cochran, Rensink, Stueland, Koenigs, Daggett, Knapp, Van Camp, Petersen of Muscatine, Shoning, Grandia, Oxley, Van Maanen, Bennett, Black, Hughes, Schnekloth, Lageschulte, Hatch, Skow, Muhlbauer, Hester, Fogarty, Branstad, Miller, Kremer, Swearingen, Maulsby and Platt, a bill for an act providing Veterans Day as a paid state holiday and providing an effective date.

Read first time and referred to committee on **state government**.

House File 2264, by Hatch, a bill for an act relating to the establishment of private sector small-business development corporations.

Read first time and referred to committee on **small business and commerce**.

House File 2265, by Halvorson of Clayton, a bill for an act relating to actions against persons within the first degree of consanguinity or affinity.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2266, by Parker, McIntee, and O'Kane, a bill for an act relating to real property by providing certain statutory warranties in the sale of a new dwelling by the builder, establishing the duration of the warranties, and providing remedies for breach of the warranties; and by providing a statute of limitations for certain actions arising out of improvements to real property.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2267, by Black, a bill for an act relating to lighting devices on law enforcement vehicles.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2268, by Diemer, a bill for an act relating to the definition of a transporter.

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

House File 2269, by Royer and Harbor, a bill for an act relating to the authority of the county board of supervisors regarding roads established or improved by petition of landowners.

Read first time and referred to committee on **local government**.

House File 2270, by Arnould, a bill for an act relating to a low-interest loan program to provide assistance for the removal of asbestos from residential dwellings.

Read first time and referred to committee on **energy and environmental protection**.

House File 2271, by committee on judiciary and law enforcement, a bill for an act relating to the prevention of the offense of operating a motor vehicle while under the influence of alcohol or drugs by requiring the posting of notice in state liquor stores and licensed premises explaining the laws which prohibit the operation of a motor vehicle by a person who is intoxicated, and by requiring the inclusion of instruction concerning substance abuse in approved driver education courses, and by requiring that information related to drunken driving be issued to drivers at the time of license renewal.

Read first time and placed on the **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 February 7, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 497, a bill for an act relating to procedures for the establishment of priorities for property tax exemptions for wetlands, recreational lakes, forest covers, rivers and streams, river and stream banks, and open prairies.

Also: That the Senate has on February 7, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 635, a bill for an act relating to the payment of drainage assessments against lands under the jurisdiction of the state conservation commission.

Also: That the Senate has on February 7, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2029, a bill for an act relating to the sending, or causing to be sent, of a minor to a place of prostitution or to become a prostitute, and providing penalties.

Also: That the Senate has on February 7, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2037, a bill for an act relating to the labeling of fuel sold as kerosene.

Also: That the Senate has on February 11, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2084, a bill for an act prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties.

Also: That the Senate has on February 7, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2092, a bill for an act requiring the posting of notice in state liquor stores and licensed premises explaining the operation of and penalties of the laws which prohibit the operation of a motor vehicle by a person who is intoxicated.

Also: That the Senate has on February 7, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 104, regarding the investigation of grain standards.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 9:35 a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SPONSOR WITHDRAWN
(House Joint Resolution 2004)

Pellett of Cass requested to be withdrawn as a sponsor of House Joint Resolution 2004.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 648 Ways and Means**

Exempting an employer within the motion picture industry from the requirement to withhold state income taxes from payments made to nonresident employees.

S.B. 649 Ways and Means

Relating to the purchase of motor fuel by a regional transit system, providing for a tax refund, subject to penalties provided by law.

S.B. 650 Small Business and Commerce

Relating to the senior debt of an industrial loan company.

S.B. 651 Small Business and Commerce

Relating to the registration of a mark which has become distinctive of the applicant's goods or services.

S.B. 652 Small Business and Commerce

Relating to statutory requirements for corporations and limited partnerships by revising provisions governing filings, fees, reports, service of process, and publication of notice.

S.B. 653 State Government

Relating to the licensure of veterinary distributors.

S.B. 654 State Government

Relating to the duties of the department of health.

S.B. 655 State Government

Relating to the requirement for a public hearing prior to a decision by the department of beer and liquor control to establish, relocate, or discontinue a state liquor store.

S.B. 656 State Government

Relating to empty bottles on licensed premises.

S.B. 657 State Government

To increase the bond required of class "A" wine and class "A" beer permittees.

S.B. 658 State Government

Relating to election laws.

S.B. 659 State Government

Relating to the mailing of absentee ballots to electors.

S.B. 660 Human Resources

Relating to the establishment, implementation, and enforcement of minimum licensing standards for ambulatory surgical centers, and providing civil and criminal penalties.

S.B. 661 Small Business and Commerce

Relating to the powers of the administrator of the department of credit unions in taking over the management of credit unions.

S.B. 662 Labor and Industrial Relations

Relating to workers' compensation rate filings with the commissioner of insurance.

S.B. 663 Labor and Industrial Relations

Relating to public employee grievance procedures.

S.B. 664 Judiciary and Law Enforcement

Relating to the provision of risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare.

S.B. 665 Agriculture

Relating to excavation for underground facilities.

S.B. 666 Agriculture

Relating to the executive committee of the beef cattle producers association.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 2004**

Ways and Means: Connolly, Chair; Fey and Schnekloth.

House File 8 (Reassigned)

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 40

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 143 (Reassigned)

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

House File 248 (Reassigned)

Small Business and Commerce: Parker, Chair; Beatty and Kremer.

House File 353 (Reassigned)

Small Business and Commerce: Groninga, Chair; Brammer, Chapman, Diemer and Metcalf.

House File 412

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 459 (Reassigned)

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

House File 517

Small Business and Commerce: Skow, Chair; Hatch and Kremer.

House File 524

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 536

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 611

Small Business and Commerce: Swartz, Chair; Holveck and Hummel.

House File 624 (Reassigned)

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

House File 632

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 633

Small Business and Commerce: Brammer, Chair; Halvorson of Clayton and Skow.

House File 667

Small Business and Commerce: Brammer, Chair; Halvorson of Clayton and Skow.

House File 719

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 2119

Judiciary and Law Enforcement: Carl, Chair; Clark and Haverland.

House File 2136

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Doderer and Siegrist.

House File 2163

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

House File 2168

Judiciary and Law Enforcement: Tabor, Chair; Hammond and Siegrist.

House File 2170

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2180

Ways and Means: Chapman, Chair; Groninga and Siegrist.

House File 2184

Ways and Means: Arnould, Chair; Connolly and Hanson.

House File 2186

Ways and Means: Chapman, Chair; Groninga and Siegrist.

House File 2191

Small Business and Commerce: Sherzan, Chair; Holveck and Shoning.

House File 2193

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schneklath.

House File 2194

Natural Resources and Outdoor Recreation: Groth, Chair; Black and Welden.

House File 2196

Ways and Means: Tabor, Chair; Fey and Hanson.

House File 2201

Agriculture: Fogarty, Chair; Gruhn and Handorf.

House File 2203

Judiciary and Law Enforcement: Siegrist, Chair; Maulsby and Renaud.

House File 2204

Transportation: Peterson of Carroll, Chair; Corey and Koenigs.

House File 2205

Judiciary and Law Enforcement: Chapman, Chair; Holveck and Schneklath.

House File 2208

Natural Resources and Outdoor Recreation: Groth, Chair; Black and Stueland.

House File 2212

Small Business and Commerce: Groninga, Chair; Brammer, Chapman, Diemer and Metcalf.

House File 2213

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

House File 2214

Judiciary and Law Enforcement: Tabor, Chair; Hammond and Siegrist.

House File 2215

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Doderer and Siegrist.

House File 2218

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2223

Ways and Means: Osterberg, Chair; Lageschulte and Miller.

House File 2234

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

House File 2238

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 2242

Ways and Means: Arnould, Chair; Brammer and Hanson.

House File 2246

Transportation: Platt, Chair; Fogarty and Muhlbauer.

House File 2249

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 2256

Transportation: Gruhn, Chair; Cooper and De Groot.

Senate File 2030

Agriculture: Muhlbauer, Chair; Branstad and Hughes.

Senate File 2041

Judiciary and Law Enforcement: Knapp, Chair; Kremer and Siegrist.

Senate File 2042

Judiciary and Law Enforcement: Clark, Chair; Chapman and Maulsby.

Senate File 2043

Judiciary and Law Enforcement: Haverland, Chair; Carl and McKean.

Senate File 2044

Judiciary and Law Enforcement: Kremer, Chair; Hammond and Rosenberg.

Senate File 2049

Transportation: Renaud, Chair; Pellett and Woods.

Senate File 2054

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Senate File 2063

Agriculture: Carter, Chair; Bennett and Blanshan.

Senate File 2116

Agriculture: Koenigs, Chair; Branstad, De Groot, Gruhn, Muhlbauer, Skow and Stueland.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 598**

Ways and Means: Chapman, Chair; Groninga and Siegrist.

Study Bill 609

Ways and Means: Doderer, Chair; Rosenberg and Schneklath.

Study Bill 611

Judiciary and Law Enforcement: Lageschulte, Chair; McIntee and Peterson of Carroll.

Study Bill 612

Judiciary and Law Enforcement: Tabor, Chair; Hammond and Siegrist.

Study Bill 613

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

Study Bill 614

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schnekloth and Tabor.

Study Bill 615

Judiciary and Law Enforcement: Carl, Chair; Haverland and Kremer.

Study Bill 622

Natural Resources and Outdoor Recreation: Fogarty, Chair; Pavich and Rensink.

Study Bill 625

Agriculture: Gruhn, Chair; Handorf and Osterberg.

Study Bill 626

Agriculture: Zimmerman, Chair; Muhlbauer and Stueland.

Study Bill 627

Agriculture: Koenigs, Chair; De Groot and Hatch.

Study Bill 628

Agriculture: Skow, Chair; Cochran and Van Maanen.

Study Bill 629

Agriculture: Hughes, Chair; Bennett and Halvorson of Webster.

Study Bill 630

Agriculture: Osterberg, Chair; Carter and Pellett.

Study Bill 631

Agriculture: Blanshan, Chair; Gruhn and Handorf.

Study Bill 633

Judiciary and Law Enforcement: Chapman, Chair; Holveck and McIntee.

Study Bill 634

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 635

Judiciary and Law Enforcement: Running, Chair; Chapman and Halvorson of Clayton.

Study Bill 636

Agriculture: Fogarty, Chair; Gruhn and Handorf.

Study Bill 638

Agriculture: Koenigs, Chair; Branstad, De Groot, Gruhn, Muhlbauer, Skow and Stueland.

Study Bill 639

Local Government: Platt, Chair; Baxter and O'Kane.

Study Bill 640

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

Study Bill 662

Labor and Industrial Relations: Ollie, Chair; Kremer and Running.

Study Bill 663

Labor and Industrial Relations: Sherzan, Chair; Hester and Poncy.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2190, a bill for an act relating to agricultural economic diversification by making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1986.

Pursuant to Rule 31.7, House File 2190 was referred to the committee on appropriations.

COMMITTEE ON EDUCATION

House File 2100, a bill for an act relating to motorcycle and motorized bicycle education, to establish a motorcycle rider education fund, and to appropriate moneys from the fund to the department of public instruction for the costs of motorcycle and motorized bicycle education courses.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5085**, February 11, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 541), relating to the offense of operating a motor vehicle while under the influence of alcohol or drugs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1986.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 326, a bill for an act relating to the selection of official newspapers.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5083**, February 11, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly House File 2172), relating to mechanic's liens.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1986.

RESOLUTION FILED

SCR 104, by Priebe and Wells, a concurrent resolution regarding the investigation of grain standards.

Referred to committee on **agriculture**.

AMENDMENTS FILED

H-5083	S.F.	326	Committee on Local Government
H-5084	H.F.	497	Senate Amendment
H-5085	H.F.	2100	Committee on Education
H-5086	S.F.	159	Black of Jasper
H-5087	H.F.	2232	Fogarty of Palo Alto Jochum of Dubuque De Groot of Lyon
H-5088	H.F.	2231	Fogarty of Palo Alto Jochum of Dubuque De Groot of Lyon

On motion by Norland of Worth, the House adjourned at 5:05 p.m., until 9:00 a.m., Thursday, February 13, 1986.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day—Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 13, 1986

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

Prayer was offered by Reverend John M. Palmer, pastor of the First Assembly of God Church, Des Moines.

The Journal of Wednesday, February 12, 1986 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Muhlbauer of Crawford, from four hundred fifty western Iowa citizens favoring property tax relief and sharing the costs of local government on an equitable basis.

Schnekloth of Scott, from sixteen citizens favoring the passage of corrective proposals addressing liability limitation concerns during the 1986 session.

INTRODUCTION OF BILLS

House File 2272, by Skow, a bill for an act relating to the guaranty capital of a mutual insurance company.

Read first time and referred to committee on **small business and commerce**.

House File 2273, by Clark, a bill for an act relating to the compensation of personal representatives, assistants to personal representatives, and other fiduciaries, and providing review for the compensation under the probate code of Iowa.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2274, by Running and Rensink, a bill for an act relating to compensation of persons suffering loss as a result of medical malpractice, providing for confidential peer review and required reporting, establishing attorney fee standards, modifying the basic requirements for malicious prosecution actions, eliminating certain exemplary or punitive damages, providing a remedy for certain false statements, establishing a required form for verdicts, establishing expert witness standards and requiring expert certification of claims by affidavit, providing for preliminary dismissal in certain circumstances, establishing a limitation on damages, affecting the statute of limitations for malpractice claims brought by minors and mentally ill persons, and providing for payment of judgments in malpractice actions.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2275, by Daggett and Handorf, a bill for an act relating to providing private instruction or instruction in a non-public school.

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

House File 2276, by Muhlbauer, a bill for an act relating to agricultural grain marketing, by adopting the interstate compact on agricultural grain marketing, and providing an effective date.

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

House File 2277, by Hanson, a bill for an act relating to deer hunting by landowners on their land which is located in two deer hunting zones.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2278, by Schnekloth, a bill for an act relating to corporations by eliminating special reporting requirements for farm corporations and requiring additional information in business corporation reports.

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

House File 2279, by Schnekloth and Hermann, a bill for an act relating to the membership of a county compensation board, the adoption of a biennial compensation schedule, and the record of actions taken by the board.

Read first time and referred to committee on **local government**.

House File 2280, by Haverland, a bill for an act relating to violations of child custody orders and making penalties applicable.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2281, by Doderer, a bill for an act to define items of appropriation bills.

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

House File 2282, by Carter, a bill for an act creating an Iowa unoccupied building insurance association to provide property and casualty coverage for asbestos contractors.

Read first time and referred to committee on **small business and commerce**.

House File 2283, by Muhlbauer, a bill for an act relating to procedures for incorporation, discontinuance, or boundary adjustment of a city.

Read first time and referred to committee on **local government**.

House File 2284, by Cooper, Black and Daggett, a bill for an act relating to the age at retirement, years of service, and costs of retirement for certain peace officers under the Iowa public employees' retirement system.

Read first time and referred to committee on **state government**.

House File 2285, by De Groot, a bill for an act to provide membership service credit under the Iowa public employees' retirement system for certain active duty in the armed forces of the United States.

Read first time and referred to committee on **state government**.

House File 2286, by Daggett, a bill for an act relating to electronically transmitted educational programs.

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

House File 2287, by committee on small business and commerce, a bill for an act relating to mechanic's liens.

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

SENATE MESSAGES CONSIDERED

Senate File 2029, by Doyle, a bill for an act relating to the sending, or causing to be sent, of a minor to a place of prostitution or to become a prostitute, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2037, by Priebe, a bill for an act relating to the labeling of fuel sold as kerosene.

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

Senate File 2084, by committee on transportation, a bill for an act prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties.

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

Senate File 2092, by committee on judiciary, a bill for an act requiring the posting of notice in state liquor stores and licensed premises explaining the operation of and penalties of the laws which prohibit the operation of a motor vehicle by a person who is intoxicated.

Read first time and referred to committee on **judiciary and law enforcement**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 20, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2050, a bill for an act relating to the security interest in farm products and providing an effective date.

K. MARIE THAYER, Secretary

HOUSE FILE 2181 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2181 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2097, a bill for an act to exempt authorized emergency vehicles from the child restraint law, with report of committee recommending passage was taken up for consideration.

Paulin of Plymouth offered the following amendment H—5064 filed by him and moved its adoption:

H—5064

- 1 Amend House File 2097 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 "nonresidents of Iowa or to".

Amendment H—5064 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2097)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey

Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 3:

Lonergan	Maulsby	Renken
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Absent or not voting, 2:

Hatch	Jochum
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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 2006, a bill for an act related to the posting of property for purposes of preventing trespass, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that House File 2006 be deferred and that the bill retain its place on the calendar.

House File 2197, a bill for an act relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date, was taken up for consideration.

Arnould of Scott offered the following amendment H—5079 filed by him and moved its adoption:

H-5079

- 1 Amend House File 2197 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 "Sec. _____. Section 99E.9, subsection 3, Code
- 5 Supplement 1985, is amended by adding the following
- 6 new lettered paragraph:
- 7 NEW LETTERED PARAGRAPH. o. Requirement that a
- 8 licensee either print or stamp the licensee's name and
- 9 address on the back of each ticket."

Amendment H-5079 was adopted.

Schnekloth of Scott offered the following amendment H-5070 filed by him and moved its adoption:

H-5070

- 1 Amend House File 2197 as follows:
- 2 1. Page 2, by inserting after line 15 the
- 3 following new section:
- 4 "Sec. _____. Section 99E.9, Code Supplement 1985, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 7. The board and the commissioner
- 7 shall determine the number and size of prizes for each
- 8 game and each licensee shall prominently display the
- 9 information to ticket purchasers. The information to
- 10 be displayed shall indicate the odds of winning prizes
- 11 available and the amount paid by the state for a
- 12 twenty year annuity to pay out prizes in amounts of
- 13 one hundred thousand dollars."
- 14 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 33, nays 45.

Amendment H-5070 lost.

Haverland of Polk offered the following amendment H-5075 filed by Haverland, et al.:

H-5075

- 1 Amend House File 2197 as follows:
- 2 1. By striking page 2, line 29 through page 3,
- 3 line 1.
- 4 2. Page 6, by striking lines 5 through 9.

Johnson of Winneshiek in the chair at 10:11 a.m.

Speaker Avenson in the chair at 10:35 a.m.

Haverland of Polk moved the adoption of amendment H—5075.

Roll call was requested by Parker of Jasper and Groninga of Cerro Gordo.

On the question "Shall amendment H—5075 be adopted?"

The ayes were, 54:

Beatty	Bennett	Blanshan	Branstad
Carl	Carpenter	Carter	Chapman
Clark	Connolly	Corey	Daggett
De Groot	Doderer	Grandia	Groth
Gruhn	Hammond	Handorf	Hanson
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Johnson	Knapp
Kremer	Lloyd-Jones	Loneragan	Maulsby
McKean	Miller	Muhlbauer	Mullins
O'Kane	Osterberg	Pellett	Petersen, D. F.
Peterson, M. K.	Renken	Rensink	Rosenberg
Schneklath	Shoning	Spear	Stueland
Sturgeon	Swearingen	Van Maanen	Varn
Welden	Zimmerman		

The nays were, 38:

Arnould	Baxter	Black	Brammer
Buhr	Connors	Diemer	Fey
Fogarty	Groninga	Halvorson, R. A.	Halvorson, R. N.
Harbor	Jay	Koenigs	McIntee
Metcalf	Norland	Ollie	Parker
Paulin	Pavich	Peick	Platt
Poney	Renaud	Running	Sherzan
Shoultz	Siegrist	Skow	Sullivan
Swartz	Tabor	Teaford	Van Camp
Woods	Mr. Speaker		

Absent or not voting, 8:

Cochran	Cooper	Hatch	Jochum
Lageschulte	Oxley	Royer	Stromer

Amendment H—5075 was adopted, placing out of order amendment H—5067 filed by Paulin of Plymouth and Varn of Johnson on February 5, 1986.

Peick of Linn in the chair at 10:43 a.m.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—5082 filed by him on February 11, 1986.

Osterberg of Linn offered the following amendment H—5074 filed by him and Mullins of Kossuth:

H—5074

- 1 Amend House File 2197 as follows:
- 2 1. Page 3, line 28, by inserting after the word
- 3 "mail." the following: "However, the lottery agency
- 4 may sell lottery tickets or shares over the telephone
- 5 or through the mail only if the telephone call or the
- 6 mailing is an intrastate transaction."

Mullins of Kossuth offered the following amendment H—5090, to amendment H—5074, filed by her and Osterberg of Linn from the floor and moved its adoption:

H—5090

- 1 Amend amendment H—5074 to House File 2197 as follows:
- 2 1. Page 1, by striking lines 5 and 6, and inserting
- 3 the following: "or through intrastate mail."

Amendment H—5090 was adopted.

On motion by Osterberg of Linn, amendment H—5074, as amended, was adopted.

Mullins of Kossuth asked and received unanimous consent to withdraw amendment H—5071 filed by her and Osterberg of Linn on February 6, 1986.

Speaker Avenson in the chair at 10:52 a.m.

Arnould of Scott asked and received unanimous consent that House File 2197 be deferred and that the bill retain its place on the calendar.

MOTIONS TO RECONSIDER
(Amendment H—5075 to House File 2197)

I move to reconsider the vote by which amendment H—5075 to

House File 2197 was adopted by the House on February 13, 1986.

CONNOLLY of Dubuque

(Amendment H—5064 to House File 2097)

I move to reconsider the vote by which amendment H—5064 to House File 2097 was adopted by the House on February 13, 1986.

HUMMEL of Benton

(House File 2097)

I move to reconsider the vote by which House File 2097 passed the House on February 13, 1986.

HUMMEL of Benton

REREFERRED TO COMMITTEE ON STATE GOVERNMENT
(House File 2262)

The Speaker announced that House File 2262, previously referred to the committee on **small business and commerce**, was rereferred to the committee on **state government**.

COMMUNICATION FROM SECRETARY OF STATE

February 11, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
L O C A L

Dear Mr. O'Hern:

I hereby certify that House File 2017 was published in The Winthrop News, Winthrop, Iowa, on February 6, 1986, and in The Dubuque Leader, Dubuque, Iowa, on February 7, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

Fey of Scott presented the Honorable Greg Cusack, former member of the House representing Scott County.

Connors of Polk presented to the House Foreign Exchange Student, Namiko Fujiyama from Kawasaki City, Japan.

Lageschulte of Bremer presented to the House Foreign Exchange Students: Jesus Amado, Mexico; Adriana Brandao, Brazil; Janeth Lansisalmi, Finland; Jessica Olesen, Denmark. The students are attending Sumner High School, Sumner.

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

Eighteen students from Ames High School, Ames, accompanied by Don Faas. By Hammond and Rosenberg of Story.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 667 Agriculture

Specifying the membership of the Iowa pork producers council and providing for the appointment, duties, and term of office of members of this council.

S.B. 668 Agriculture

Providing for a referendum to terminate the collection of the excise tax under chapter 181 and the promotional order under chapter 185.

S.B. 669 Local Government

To limit property taxes levied by cities and counties.

S.B. 670 Education

Relating to structure and staffing of area education agencies.

S.B. 671 Judiciary and Law Enforcement

Relating to the adoption of the uniform transfers to minors Act.

S.B. 672 Judiciary and Law Enforcement

Relating to the assault and domestic abuse of persons, and providing penalties.

S.B. 673 Judiciary and Law Enforcement

Relating to mineral interests by providing for the lapse of stale mineral interests under certain circumstances.

S.B. 674 Judiciary and Law Enforcement

Relating to the disposition of seizable and forfeitable property, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS**House File 2035**

Local Government: Platt, Chair; Connors and Poney.

House File 2108

Local Government: Cooper, Chair; Miller and Spear.

House File 2131

Local Government: Buhr, Chair; Cooper and Petersen of Muscatine.

House File 2153

Local Government: Baxter, Chair; Platt and Teaford.

House File 2195

Education: Groth, Chair; Branstad, Daggett, Ollie and Shoultz.

House File 2206

State Government: Beatty, Chair; Carter and Shoning.

House File 2207

Local Government: O'Kane, Chair; Connors and Diemer.

House File 2209

Human Resources: Sturgeon, Chair; Clark, Lonergan, Ollie and Van Camp.

House File 2216

State Government: Hammond, Chair; Doderer and Hanson.

House File 2217

Education: Running, Chair; Johnson and Maulsby.

House File 2222

State Government: Halvorson of Webster, Chair; Beatty and Swearingen.

House File 2224

Education: Johnson, Chair; Hester and Running.

House File 2225

Education: Groth, Chair; Branstad, Daggett, Ollie and Shoultz.

House File 2227

Education: Daggett, Chair; Johnson and Poncy.

House File 2228

State Government: Arnould, Chair; Buhr and Renken.

House File 2237

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

House File 2244

State Government: Teaford, Chair; Buhr and Van Maanen.

House File 2247

Human Resources: Shoultz, Chair; Buhr, Hammond and Hermann.

House File 2248

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

House File 2250

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

House File 2253

Local Government: O'Kane, Chair; Poncy and Royer.

House File 2254

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

House File 2279

Local Government: Renken, Chair; Oxley and Royer.

Senate File 97 (Reassigned)

State Government: Blanshan, Chair; Arnould and Daggett.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 575**

Judiciary and Law Enforcement: Woods, Chair; Jay, Knapp, Kremer, Maulsby, McIntee and Renaud.

Study Bill 576

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 617

Education: Hughes, Chair; Carpenter and Spear.

Study Bill 618

Education: Haverland, Chair; Branstad, Hughes, Johnson and Swearingen.

Study Bill 619

Education: Haverland, Chair; Branstad, Hughes, Johnson and Swearingen.

Study Bill 620

Education: Groth, Chair; Daggett, Ollie, Siegrist and Varn.

Study Bill 621

Education: Groth, Chair; Daggett, Ollie, Siegrist and Varn.

Study Bill 637

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 641

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 642

Human Resources: Sturgeon, Chair; Clark, Lonergan, Ollie and Van Camp.

Study Bill 644

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

Study Bill 646

Human Resources: Spear, Chair; Buhr, Corey, Shoning and Shoultz.

Study Bill 647

Human Resources: Sturgeon, Chair; Clark, Lonergan, Ollie and Van Camp.

Study Bill 653

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

Study Bill 655

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 656

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 657

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 658

State Government: Arnould, Chair; Buhr and Renken.

Study Bill 659

State Government: Arnould, Chair; Buhr and Renken.

Study Bill 660

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 665

Agriculture: Osterberg, Chair; Halvorson of Webster and Van Maanen.

Study Bill 666

Agriculture: Zimmerman, Chair; Bennett and Muhlbauer.

Study Bill 667

Agriculture: Carter, Chair; Cochran, Muhlbauer, Pellett and Stueland.

Study Bill 668

Agriculture: Carter, Chair; Cochran, Muhlbauer, Pellett and Stueland.

Study Bill 669

Local Government: O'Kane, Chair; Buhr and Renken.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly Study Bill 520), relating to sanitary disposal projects.

Fiscal Note is not required.

Recommended Amend and Do Pass February 12, 1986.

COMMITTEE ON HUMAN RESOURCES

House File 2019, a bill for an act to amend zoning statutes to authorize allowing older persons to reside in temporary housing on the same property as a primary dwelling and to require the state building code commissioner to adopt rules.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5096, February 12, 1986.

House File 2049, a bill for an act transferring the responsibility for abuse investigations from the department of human services to the department of public safety.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5093, February 12, 1986.

House File 2110, a bill for an act relating to the membership of the state day care advisory committee.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1986.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 187, a bill for an act to prohibit retributive actions of employers against employees serving as jurors, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3261** (filed March 6, 1985, by Committee on Labor and Industrial Relations), February 12, 1986.

House File 2001, a bill for an act relating to the length of exposure in the last employment to the hazards of pneumoconiosis under the workers' compensation law.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1986.

Committee Bill (Formerly Study Bill 578), relating to the transfer of moneys in the temporary emergency surcharge fund to the unemployment compensation fund under certain circumstances, and repealing the authorization to collect a temporary emergency surcharge.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 1986.

Committee Bill (Formerly Study Bill 597), relating to agreements entered into under job training Acts.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1986.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly Study Bill 526), relating to the meetings of the state conservation commission.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1986.

Committee Bill (Formerly Study Bill 586), to increase snowmobile registration fees.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1986.

COMMITTEE ON STATE GOVERNMENT

House File 2158, a bill for an act to make the birthday of Dr. Martin Luther King, Jr. a legal public holiday.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1986.

Senate File 432, a bill for an act relating to the makeup of the board of nursing examiners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5091**, February 12, 1986.

Senate File 447, a bill for an act to license operators of radiation emitting equipment.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5092**, February 12, 1986.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 550), striking a special provision relating to the apportionment of net income of a farm corporation for purposes of the corporate income tax, striking a provision prohibiting a sales, services, and use tax refund or claim for taxes voluntarily paid based upon an alleged mistake of law, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 1986.

AMENDMENTS FILED

H-5089	H.F.	2181	Brammer of Linn
H-5091	S.F.	432	Committee on State Government
H-5092	S.F.	447	Committee on State Government
H-5093	H.F.	2049	Committee on Human Resources
H-5094	H.F.	2229	Zimmerman of Dallas Ollie of Clinton Hester of Pottawattamie

H-5095	H.F. 2066	Jay of Appanoose
H-5096	H.F. 2019	Committee on
		Human Resources
H-5097	H.F. 2227	Daggett of Taylor
H-5098	H.F. 2181	Brammer of Linn
H-5099	H.F. 2197	Parker of Jasper
		Paulin of Plymouth
H-5100	H.F. 2230	Parker of Jasper
		Hummel of Benton
H-5101	H.F. 2006	Kremer of Buchanan
H-5102	H.F. 2197	Hanson of Delaware
		Parker of Jasper

On motion by Arnould of Scott, the House adjourned at 10:57 a.m., until 9:00 a.m., Friday, February 14, 1986.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day — Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 14, 1986

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

Prayer was offered by the Honorable Betty Jean Clark, state representative from Cerro Gordo County.

The Journal of Thursday, February 13, 1986 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Fogarty of Palo Alto, from five hundred thirty-four constituents of the 11th District, and by Gruhn of Dickinson from one hundred twenty-one constituents, all favoring property tax relief and sharing the costs of local government on an equitable basis.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peterson of Carroll on request of Norland of Worth; Carl of Poweshiek on request of Zimmerman of Dallas; Harbor of Mills and Baxter of Des Moines, until their arrival, on request of Hummel of Benton; Hatch of Polk, until his arrival, on request of Norland of Worth.

INTRODUCTION OF BILLS

House File 2288, by committee on ways and means, a bill for an act striking a special provision relating to the apportionment of net income of a farm corporation for purposes of the corporate income tax, striking a provision prohibiting a sales, services, and use tax refund or claim for taxes voluntarily paid based upon an alleged mistake of law, and providing effective dates.

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

House File 2289, by Buhr, a bill for an act relating to county reimbursements to the department of human services for medical assistance provided for the care of county residents in intermediate care facilities for the mentally retarded.

Read first time and referred to committee on **human resources**.

House File 2290, by Harbor, Royer, and Siegrist, a bill for an act relating to insurance coverage requirements for motor vehicles in this state and providing a penalty and effective dates..

Read first time and referred to committee on **small business and commerce**.

House File 2291, by Varn, a bill for an act to appropriate funds to Iowa state university of science and technology to conduct a study of container shipments of grain and oilseeds.

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

House File 2292, by Harbor, a bill for an act to provide that a homestead tax credit claim need not be refiled when the homestead is transferred to one of the spouses pursuant to a dissolution of marriage.

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

House File 2293, by Carpenter, Woods and Harbor, a bill for an act relating to the definition of a transporter.

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

House File 2294, by Fey, a bill for an act relating to recounts for municipal primaries.

Read first time and referred to committee on **local government**.

House File 2295, by Hummel, a bill for an act relating to accounting methods which may be used by a county.

Read first time and referred to committee on **local government**.

House File 2296, by Koenigs, a bill for an act transferring the duties of the Iowa railway finance authority to the state department of transportation and abolishing the Iowa railway finance authority.

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

House File 2297, by committee on natural resources and outdoor recreation, a bill for an act relating to the meetings of the state conservation commission.

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

House File 2298, by committee on labor and industrial relations, a bill for an act relating to agreements entered into under job training Acts.

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

House File 2299, by committee on natural resources and outdoor recreation, a bill for an act to increase snowmobile registration fees and providing an effective date.

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

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 February 12, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 499, a bill for an act establishing applicable standards for motor vehicle safety belts and safety harnesses, mandating safety belt and safety harness use with certain exceptions, requiring the establishment of education programs, and providing a penalty.

K. MARIE THAYER, Secretary

PRESENTATION OF 1986 IOWA EASTER SEAL AMBASSADOR

Sturgeon of Woodbury escorted to the front of the Speaker's station and presented to the House the Honorable Robert D. Ray, former Governor of Iowa, and Honorary State Chairman of the Easter Seal Society. Governor Ray addressed the House briefly.

Representative Sturgeon then presented Jennifer Lofgren, 1986 Iowa Easter Seal Ambassador. Jenny, a third grade student from Sioux City, was accompanied by her parents, Ron and Kathy Lofgren, as well as brothers Chris and Andy; grandmothers, Dorothy Oliver and Vivian Kelly, and teacher Helen Flugum. Jenny, who is afflicted with spinal artery syndrome, enjoys playing the piano, needlework, reading and horseback riding and attends Camp Sunnyside during the summer. Jenny wished everyone a happy Valentine's Day and the House rose and expressed its welcome.

CONSIDERATION OF BILLS

Regular Calendar

House File 2078, a bill for an act relating to navigation near a diving flag and subjecting violators to a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Grandia of Marion offered the following amendment H—5063 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—5063

- 1 Amend House File 2078 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 "motorboat, canoe, or wind-propelled".

The committee amendment H—5063 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2078)

The ayes were, 92:

Arnould
Blanshan
Carpenter
Cochran
Corey
Doderer

Beatty
Brammer
Carter
Connolly
Daggett
Fey

Bennett
Branstad
Chapman
Connors
De Groot
Fogarty

Black
Buhr
Clark
Cooper
Diemer
Grandia

Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 2:

Hester Welden

Absent or not voting, 6:

Baxter Carl Groth Harbor
Hatch Peterson, M. K.

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

HOUSE FILE 2197 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2197 be deferred and that the bill retain its place on the calendar.

House File 2221, a bill for an act providing for modifications of the authority of the department of water, air and waste management over water pollution, flood plain construction, and water use, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2221)

The ayes were, 93:

Arnould	Beatty	Bennett	Black
Brammer	Branstad	Buhr	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Petersen, D. F.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Baxter	Blanshan	Carl	Groth
Harbor	Hatch	Peterson, M. K.	

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

House File 2181, a bill for an act establishing the Iowa comprehensive health association, providing for a plan of operation, establishing financial procedures, providing eligible expenses, excluding certain requirements, and relating to other provisions of health insurance coverage, was taken up for consideration.

Daggett of Taylor in the chair at 9:45 a.m.

The House stood at ease at 10:00 a.m., until the fall of the gavel.

The House resumed session at 10:57 a.m., Tabor of Jackson in the chair.

Brammer of Linn offered the following amendment H—5089 filed by him and moved its adoption:

H—5089

- 1 Amend House File 2181 as follows:
- 2 1. Page 1, by striking lines 27 through 34 and
- 3 inserting in lieu thereof the following:
- 4 "7. "Health care services" means services, the
- 5 coverage of which is authorized under chapter 509,
- 6 chapter 514, chapter 514A, or chapter 514B as limited
- 7 by sections 514E.4 and 514E.5, and includes services
- 8 for the purposes of preventing, alleviating, curing,
- 9 or healing human illness, injury or physical
- 10 disability."

Amendment H—5089 was adopted.

Brammer of Linn offered the following amendment H—5098 filed by him and moved its adoption:

H—5098

- 1 Amend House File 2181 as follows:
- 2 1. Page 8, by striking line 31 and inserting the
- 3 following: "treasury. Commencing July".
- 4 2. Page 17, by inserting after line 19 the
- 5 following:
- 6 "Sec. _____. There is appropriated from the general
- 7 fund of the state on January 1, 1987 for the period
- 8 January 1, 1987 to July 1, 1987, to the Iowa
- 9 comprehensive health association the sum of twenty-
- 10 five thousand (25,000) dollars or as much thereof as
- 11 necessary for salaries and expenses."

Amendment H—5098 was adopted.

Brammer of Linn rose on a point of order and invoked Rule 32 to refer House File 2181 to the committee on appropriations.

The Speaker ruled the point well taken and House File 2181 referred to the committee on appropriations.

Speaker Avenson in the chair at 11:05 a.m.

SENATE JOINT RESOLUTION 1 DEFERRED

Norland of Worth asked and received unanimous consent that Senate Joint Resolution 1 be deferred and that the joint resolution retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McIntee of Black Hawk on request of Connors of Polk and Koenigs of Mitchell on request of Black of Jasper, both for the remainder of the day.

House File 2230, a bill for an act relating to the disclosure of information regarding open-end credit accounts, credit cards, and financial services, was taken up for consideration.

Parker of Jasper offered the following amendment H—5100 filed by him and Hummel of Benton and moved its adoption:

H—5100

- 1 Amend House File 2230 as follows:
- 2 1. Page 1, by striking lines 11 and 12 and
- 3 inserting the following: "mean as defined in section
- 4 537.1301."

Amendment H—5100 was adopted.

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

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

The ayes were, 73:

Arnould	Beatty	Black	Blanshan
Brammer	Buhr	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	Diemer
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Kremer
Lageschulte	Lloyd-Jones	Lonergan	McKean

Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Platt	Poncy	Renaud	Rosenberg
Running	Shoultz	Siegrist	Skow
Spear	Stromer	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 18:

Bennett	Branstad	Carpenter	De Groot
Grandia	Hermann	Hester	Maulsby
Metcalf	Pellett	Renken	Rensink
Royer	Schnekloth	Shoning	Stueland
Van Maanen	Welden		

Absent or not voting, 9:

Baxter	Carl	Doderer	Groth
Koenigs	McIntee	Petersen, D. F.	Peterson, M. K.
Sherzan			

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

Senate File 276, a bill for an act relating to the jurisdiction of district associate judges, with report of committee recommending amendment and passage was taken up for consideration.

Woods of Polk offered the following amendment H—5060 filed by the committee on judiciary and law enforcement:

H—5060

- 1 Amend Senate File 276 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 602.6201, subsection 3, para-
- 6 graph f, Code 1985, is amended to read as follows:
- 7 f. The filings included in the determinations to
- 8 be made under this subsection shall include juvenile
- 9 court filings after July 1, 1985, shall not include
- 10 small claims or nonindictable misdemeanors, and shall
- 11 not include either civil actions for money judgment
- 12 where the amount in controversy does not exceed three
- 13 five thousand dollars or indictable misdemeanors or

14 felony violations of section 321.281, which were
15 assigned to district associate judges and judicial
16 magistrates as shown on their administrative reports,
17 but shall include appeals from decisions of judicial
18 magistrates, district associate judges, and district
19 judges sitting as judicial magistrates. The figures
20 on filings shall be the average for the latest
21 available previous three-year period and when current
22 census figures on population are not available,
23 figures shall be taken from the state department of
24 health computations.

25 Sec. 2. Section 602.6306, subsection 2, Code 1985,
26 is amended to read as follows:

27 2. District associate judges also have
28 jurisdiction in civil actions for money judgment where
29 the amount in controversy does not exceed three five
30 thousand dollars, jurisdiction of indictable
31 misdemeanors, and felony violations of section
32 321.281, and the jurisdiction provided in section
33 602.7101 when designated as a judge of the juvenile
34 court. While presiding in these subject matters a
35 district associate judge shall employ district judges'
36 practice and procedure."

Black of Jasper offered the following amendment H—5073, to the committee amendment H—5060, filed by him:

H—5073

1 Amend House Amendment H—5060 to Senate File 276 as
2 passed by the Senate as follows:

3 1. Page 1, by inserting after line 24 the
4 following:

5 "Sec. _____. Section 602.6201, subsection 10, Code
6 1985, is amended to read as follows:

7 10. Notwithstanding the formula for determining
8 the number of judgeships in this section, the number
9 of district judges shall not exceed ninety-nine during
10 the period commencing July 1, 1983 and ending as the
11 general assembly shall specify one hundred."

12 2. By numbering and renumbering as necessary.

Jay of Appanoose rose on a point of order that amendment H—5073 was not germane.

The Speaker ruled the point well taken and amendment H—5073 not germane.

On motion by Woods of Polk, the committee amendment H—5060 was adopted.

Woods 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. 276)

The ayes were, 92:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Baxter	Carl	Doderer	Groth
Koenigs	Kremer	McIntee	Peterson, M. K.

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:

Harbor of Mills, for the remainder of the day, on request of Pavich of Pottawat-tamie.

House File 2229, a bill for an act relating to hospitals by permitting the sale or lease of property owned by the hospital upon approval by the board of trustees, permitting commercial use of portions of hospital property, permitting certain hospitals to sell or lease property with a public notice and a public hearing, requiring a commission which manages a county memorial hospital to request a county appropriation for the hospital from the county board of supervisors, permitting licensed practitioners and physicians to serve as county public hospital trustees, prohibiting trustees from receiving compensation from the county public hospital, and requiring the department of health to provide technical assistance to hospitals when funding is available, was taken up for consideration.

Spear of Lee offered the following amendment H—5076 filed by him and moved its adoption:

H—5076

- 1 Amend House File 2229 as follows:
- 2 1. Page 3, line 5, by striking the words "or
- 3 village" and inserting the following: "or village".

Amendment H—5076 was adopted.

Zimmerman of Dallas offered the following amendment H—5094 filed by Zimmerman, et al., and moved its adoption:

H—5094

- 1 Amend House File 2229 as follows:
- 2 1. Page 4, line 18, by inserting after the word
- 3 "status" the following: "except that portion of
- 4 hospital property which is used for other than
- 5 nonprofit, health-related purposes shall be subject to
- 6 property tax as provided for in section 427.1,
- 7 subsection 23".

Amendment H—5094 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2229)

The ayes were, 89:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Pellett	Petersen, D. F.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 1:

Paulin

Absent or not voting, 10:

Baxter	Carl	Doderer	Groth
Gruhn	Harbor	Koenigs	McIntee
Peterson, M. K.	Sullivan		

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

INTRODUCTION OF BILL

House File 2300, by committee on labor and industrial relations, a bill for an act relating to the transfer of moneys in the temporary emergency surcharge fund to the unemployment compensation fund under certain circumstances.

Read first time and placed on the calendar.

Connors of Polk in the chair at 11:35 a.m.

**REREFERRED TO COMMITTEE ON TRANSPORTATION
(House File 2100)**

The Speaker announced that House File 2100, presently on the regular calendar, was rereferred to the committee on transportation.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 675 Economic Development

Relating to the establishment and operation of a state of Iowa office in Washington, D.C. and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

House File 2258

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schneklath.

House File 2261

Small Business and Commerce: Blanshan, Chair; Holveck and Schneklath.

House File 2264

Small Business and Commerce: Groninga, Chair; Hatch, McIntee, Metcalf and Sturgeon.

House File 2275

Education: Hughes, Chair; Carpenter and Spear.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 650

Small Business and Commerce: Blanshan, Chair; Shoning and Skow.

Study Bill 651

Small Business and Commerce: Skow, Chair; Baxter and Rensink.

Study Bill 652

Small Business and Commerce: Skow, Chair; Baxter and Rensink.

Study Bill 661

Small Business and Commerce: Sherzan, Chair; Hatch and Renken.

Study Bill 670

Education: Groth, Chair; Daggett, Ollie, Siegrist and Varn.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 630), defining conservancy districts as state agencies for purposes of the state tort claims Act.

Fiscal Note is not required.

Recommended Do Pass February 13, 1986.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House File 685), creating a linked deposit program to provide moneys for below-market interest rates for eligible small business and farming organizations and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass February 13, 1986.

Committee Bill (Formerly House File 2166), relating to the promotion and development of recreation and tourism along the Mississippi river, creating a Mississippi river valley tourism and recreation corridor and a corridor commission, specifying the powers and duties of the commission, and providing for an interim study.

Fiscal Note is not required.

Recommended Amend and Do Pass February 13, 1986.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2155), to provide for an apportionment of interest moneys from the permanent school fund to the first in the nation in education fund upon the receipt of certain other moneys by the first in the nation in education board.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 13, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly Study Bill 516), relating to the authority of the department of water, air and waste management to remove and compel removal of hazardous substances or hazardous wastes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1986.

Committee Bill (Formerly House File 2101), to require a one-time, extensive test for water contaminants in public water supplies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1986.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 2159, a bill for an act providing a preference for disabled veterans with regard to a reduction in force or reemployment in public employment.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1986.

House File 2160, a bill for an act relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1986.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly Study Bill 593), to establish the Iowa tourism marketing account.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1986.

RESOLUTIONS FILED

HCR 108, by Doderer, a concurrent resolution to define an appropriation bill in the joint rules.

Referred to committee on **rules and administration**.

HR 101, by Doderer, a resolution to amend the House rules by providing a definition of appropriation bills.

Referred to committee on **rules and administration**.

AMENDMENTS FILED

H—5103	H.F. 2233	Hatch of Polk
H—5104	H.F. 2056	Hatch of Polk

On motion by Norland of Worth, the House adjourned at 11:38 a.m., until 10:00 a.m., Monday, February 17, 1986.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day — Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 17, 1986

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

Prayer was offered by Reverend Paul Jordan, pastor of the Zion United Church of Christ, Lowden.

The Journal of Friday, February 14, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jay of Appanoose, on request of Brammer of Linn; Platt of Muscatine on request of Petersen of Muscatine; Corey of Louisa on request of Van Maanen of Mahaska; Carter of Henry on request of Gruhn of Dickinson; Oxley of Linn on request of Cochran of Webster; Lonergan of Boone on request of Connors of Polk, all until their arrival.

INTRODUCTION OF BILLS

House Joint Resolution 2005, by Hatch, a joint resolution to repeal a constitutional provision relating to the call for a constitutional convention.

Read first time and referred to committee on **state government**.

House File 2301, by committee on energy and environmental protection, a bill for an act relating to sanitary disposal projects.

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

House File 2302, by committee on agriculture, a bill for an act defining conservancy districts as state agencies for purposes of the state tort claims Act.

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

House File 2303, by committee on energy and environmental protection, a bill for an act to require a one-time, extensive test for water contaminants in certain public water supplies.

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

House File 2304, by committee on energy and environmental protection, a bill for an act relating to the authority of the department of water, air and waste management to remove and compel removal of hazardous substances or hazardous wastes.

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

House File 2305, by Harbor, a bill for an act to require sales finance companies to pay interest to motor vehicle retail sellers on reserve accounts required by the sales finance companies.

Read first time and referred to committee on **small business and commerce**.

House File 2306, by Arnould, a bill for an act relating to the detention of juveniles.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2307, by Hughes, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises.

Read first time and referred to committee on **state government**.

House File 2308, by Ollie, a bill for an act relating to continuing education for persons required to report cases of child abuse.

Read first time and referred to committee on **human resources**.

House File 2309, by Daggett, a bill for an act to increase the handling fee for beverage containers.

Read first time and referred to committee on **energy and environmental protection**.

SENATE MESSAGE CONSIDERED

Senate File 2050, by committee on agriculture, a bill for an act relating to the security interest in farm products and providing an effective date.

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

CONSIDERATION OF BILLS**Regular Calendar**

Senate Joint Resolution 1, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of governor and lieutenant governor, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—5035 filed by the committee on state government and moved its adoption:

H—5035

- 1 Amend Senate Joint Resolution 1 as passed by the
- 2 Senate as follows:
- 3 1. Page 2, by striking line 25 through page 3,
- 4 line 33.

A non-record roll call was requested.

The ayes were 53, nays 28.

The committee amendment H—5035 was adopted.

Halvorson of Clayton asked for unanimous consent that Senate Joint Resolution 1 be deferred and retain its place on the calendar.

Objection was raised.

Halvorson of Clayton moved that Senate Joint Resolution 1 be deferred and retain its place on the calendar.

A non-record roll call was requested.

The ayes were 34, nays 51.

The motion to defer lost.

Spear of Lee moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

Senate Joint Resolution 1, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

3. Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

4. Section 5 of Article IV of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Sec. 3. The foregoing proposed amendment, having been adopted and agreed to by the Seventieth General Assembly, thereafter duly published, and now adopted and agreed to by the Seventy-first General Assembly, in this Joint Resolution, shall be submitted to the people of the state of Iowa at the general election in November of the year nineteen hundred eighty-six (1986) in the manner required by the Constitution of the State of Iowa and the laws of the state of Iowa.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 1)

The yeas were, 71:

Arnould	Beatty	Black	Blanshan
Brammer	Buhr	Carl	Carpenter
Chapman	Clark	Connolly	Connors
Cooper	Daggett	De Groot	Diemer
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Holveck	Hughes	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	McIntee	Metcalfe	Miller
Mullins	Norland	O'Kane	Ollie
Osterberg	Parker	Paulin	Pavich
Peick	Pellet	Petersen, D. F.	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Teaford	Van Camp	Mr. Speaker	

The nays were, 23:

Baxter	Bennett	Branstad	Cochran
Doderer	Grandia	Halvorson, R. A.	Hester
Hummel	Maulsby	McKean	Muhlbauer
Oxley	Peterson, M. K.	Poncy	Renaud
Renken	Tabor	Van Maanen	Varn
Welden	Woods	Zimmerman	

Absent or not voting, 6:

Carter	Corey	Groth	Jay
Lonergan	Platt		

The joint resolution having received a constitutional majority was declared adopted and agreed to by the House.

HOUSE FILE 2178 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2178 be deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

House File 2257, a bill for an act relating to the local option taxes and providing effective dates, was taken up for consideration.

O'Kane 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. 2257)

The ayes were, 81:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Holveck
Hughes	Jochum	Johnson	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Metcalf	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Sherzan
Shoning	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Teaford	Van Camp
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 13:

Baxter	Branstad	Daggett	De Groot
Hester	Hummel	Knapp	Miller
Rensink	Schneklath	Siegrist	Taber
Van Maanen			

Absent or not voting, 6:

Carter	Corey	Groth	Jay
Loneragan	Platt		

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

MOTIONS TO RECONSIDER WITHDRAWN (House File 2097 and amendment H-5064)

Hummel of Benton asked and received unanimous consent to

withdraw the motion to reconsider House File 2097, a bill for an act to exempt authorized emergency vehicles from the child restraint law, and the motion to reconsider amendment H-5064, both filed by him on February 13, 1986.

IMMEDIATE MESSAGE
(House File 2257)

Norland of Worth asked and received unanimous consent that House File 2257 be immediately messaged to the Senate.

MOTION TO RECONSIDER
(Senate Joint Resolution 1)

I move to reconsider the vote by which Senate Joint Resolution 1 was adopted and agreed to by the House on February 17, 1986.

HARBOR of Mills

GOVERNOR'S ITEM VETO MESSAGE

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

February 14, 1986

The Honorable Donald Avenson
Speaker
House of Representatives
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 764, an act relating to unpaid taxes, tax credits and enforcement of taxes administered by the department of revenue, making an appropriation, and providing civil and criminal penalties.

House File 764 is approved February 14, 1986, with the following exception which I hereby disapprove.

I am unable to approve the item designated in Section 42, which reads as follows:

There is also appropriated for the purpose of increasing the auditing and enforcement activities of the department, not to exceed an additional thirty-six full-time equivalent positions, the sum of one million (1,000,000) dollars, or so much thereof as is necessary.

House File 764 establishes a tax amnesty program. The tax amnesty program will run from September 2, through October 31 of this year. The bill also provides for stiffer penalties for tax evaders following the amnesty period. An appropriation of \$250,000 is provided to the Department of Revenue to administer the program and an additional \$1,000,000 is appropriated in this fiscal year to hire up to an additional 36 tax collection agents.

The tax amnesty program is projected to provide the state with up to \$5,000,000 in additional revenue which was projected in the Fiscal Year 1987 budget. In addition, the tax evasion penalties and the \$250,000 appropriation are provided in order to successfully implement the amnesty program.

However, the \$1,000,000 appropriated by the General Assembly this fiscal year is untimely, unnecessary and excessive spending. Although appropriated this year, the funds could not be spent until after the amnesty period — that is next fiscal year. Although a carryover of the funds is provided for, this appropriation would needlessly threaten to place the state's budget in the red this year.

Moreover, the budgets for both 1986 and 1987 fiscal years are extremely tight, with little discretionary funds available for additional expenditures. I question the need for an additional 36 revenue agents at a time when the state is working to reduce its payroll by over 960 positions.

I understand that other states have put in place additional revenue collection capabilities following an amnesty period. The stiffer tax evasion penalties in the bill should help with the enforcement effort. Reallocation may also be necessary to provide needed assistance to the Department. And I have indicated to legislators that I am willing to consider a modest appropriation to the Department in fiscal year 1987, if it can be done without putting the budget in the red.

For the above reasons, I hereby respectfully disapprove of this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 764 are hereby approved as of this date.

Very truly yours,
Terry E. Branstad
Governor

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber the morning of February 17, 1986. Had I been present, I would have voted "aye" on House File 2257 and "nay" on Senate Joint Resolution 1.

COREY of Louisa

I was necessarily absent from the House chamber the morning of February 17, 1986. Had I been present, I would have voted "aye" on House File 2257 and Senate Joint Resolution 1.

LONERGAN of Boone

I was necessarily absent from the House chamber on Friday February 14, 1986. Had I been present, I would have voted "aye" on House Files 2229, 2230 and Senate File 276.

McINTEE of Black Hawk

I was necessarily absent from the House chamber of Friday, February 14, 1986. Had I been present, I would have voted "aye" on House Files 2078, 2221, 2229, 2230 and Senate File 276.

PETERSON of Carroll

I was necessarily absent from the House chamber the morning of February 17, 1986. Had I been present I would have voted "aye" on Senate Joint Resolution 1 and amendment H-5035 to Senate Joint Resolution 1; "nay" on House File 2257.

PLATT of Muscatine

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2005

State Government: Spear, Chair; Beatty and Daggett.

House File 2202

Energy and Environmental Protection: Rosenberg, Chair; Black, De Groot, Mullins and Osterberg.

House File 2226

Natural Resources and Outdoor Recreation: Johnson, Chair; Stueland and Woods.

House File 2240

Natural Resources and Outdoor Recreation: Cooper, Chair; Grandia and Pavich.

House File 2255

Energy and Environmental Protection: Hughes, Chair; Carl and Welden.

House File 2263

State Government: Halvorson of Webster, Chair; Swearingen and Teaford.

House File 2270

Energy and Environmental Protection: Shoultz, Chair; Petersen of Muscatine and Sturgeon.

House File 2284

State Government: Blanshan, Chair; Carpenter, Doderer, Hammond and Swearingen.

House File 2285

State Government: Blanshan, Chair; Carpenter, Doderer, Hammond and Swearingen.

House File 2307

State Government: Pavich, Chair; Beatty and Van Maanen.

House File 2309

Energy and Environmental Protection: Carl, Chair; McIntee and Peterson of Carroll.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 581**

Energy and Environmental Protection: Carl, Chair; McIntee and Peterson of Carroll.

Study Bill 632

Energy and Environmental Protection: Osterberg, Chair; Hatch, Hughes, Lageschulte and Royer.

Study Bill 675

Economic Development: Connolly, Chair; Baxter, Groninga, Hanson and Miller.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 676 Agriculture**

Relating to drainage districts.

S.B. 677 Transportation

Relating to aircraft by providing for a staggered registration year for newly registered aircraft and eliminating the refund of taxes paid on aviation fuel.

S.B. 678 Transportation

Eliminating prohibitions against altering the center of gravity of motor vehicles.

S.B. 679 Agriculture

Relating to the Iowa family farm development authority, by providing for an agricultural loan assistance program, providing for the

adoption of penalties, making an appropriation, and providing for an effective date.

S.B. 680 Agriculture

Relating to the Iowa family farm development authority, by changing the name of the authority to the agricultural development authority, and by empowering the authority to undertake agricultural producer financial assistance programs.

S.B. 681 Judiciary and Law Enforcement

Relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations.

S.B. 682 Energy and Environmental Protection

Prohibiting certain electric public utilities from including in their charges or rates to customers costs of construction of electric generating power plants which have not been placed in on-line operation.

RESOLUTION FILED

HCR 109, by Koenigs, Black and Skow, a concurrent resolution directing the college aid commission to disseminate information about educational loans, scholarships, and grants.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5105	H.F. 2231	Osterberg of Linn
H-5106	S.F. 447	Blanshan of Greene
H-5107	H.F. 2303	Mullins of Kossuth
		Van Camp of Scott
		Osterberg of Linn
H-5108	H.F. 2006	Corey of Louisa
H-5109	H.F. 2178	Paulin of Plymouth

On motion by Norland of Worth, the House adjourned at 11:01 a.m., until 9:00 a.m., Tuesday, February 18, 1986.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day—Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 18, 1986

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

Prayer was offered by Reverend Lawrence A. Beeson, pastor of the St. Peter's Catholic Church, Defiance.

The Journal of Monday, February 17, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk on request of Royer of Page and Carl of Poweshiek on request of Gruhn of Dickinson, until their arrival; Connors of Polk on request of Lonergan of Boone.

PETITION FILED

The following petition was received and placed on file:

By Teafor and Shoultz of Black Hawk, from 484 citizens of northeast Iowa opposing a proposed budget freeze for local schools.

INTRODUCTION OF BILLS

House File 2310, by committee on judiciary and law enforcement, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication.

Read first time and placed on the calendar.

House File 2311, by Woods, a bill for an act relating to the minimum annual salary for county sheriffs.

Read first time and referred to committee on local government.

House File 2312, by Connolly, a bill for an act relating to conducting games of skill, games of chance, and raffles.

Read first time and referred to committee on **state government**.

House File 2313, by committee on economic development, a bill for an act relating to horticultural crops and nontraditional crops by creating a linked deposit program to provide loan moneys for the production, processing, and marketing of horticultural crops or non-traditional crops and providing a preference for purchasing horticultural products grown in this state, and providing for a repeal.

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

House File 2314, by committee on natural resources and outdoor recreation, a bill for an act to establish the Iowa tourism marketing account and making an appropriation.

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

House File 2315, by committee on economic development, a bill for an act to provide for an interim study relating to the promotion and development of recreation and tourism along the Mississippi river.

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

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 February 14, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2032, a bill for an act to require the county treasurer to provide property tax statements to each property owner.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2178, a bill for an act to establish a consignment relationship between artists and art dealers for the sale of the artist's works, with report of committee recommending amendment and passage was taken up for consideration.

Baxter of Des Moines offered the following amendment H—5072 filed by the committee on small business and commerce:

H—5072

- 1 Amend House File 2178 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 "art" the words ", unless otherwise mutually agreed
- 4 upon in writing between the artist and art dealer in
- 5 which case the art dealer shall be required to
- 6 exercise all due diligence and care with regard to the
- 7 work of fine art."

Rosenberg of Story offered the following amendment H—5111, to the committee amendment H—5072, filed by him and Hummel of Benton from the floor and moved its adoption:

H—5111

- 1 Amend amendment H—5072 to House File 2178 as follows:
- 2 1. Page 1, line 7, by inserting after the word "art."
- 3 the following: "In case of a waiver, the burden shall
- 4 be on the dealer to demonstrate the waiver was entered
- 5 into in good faith."

Amendment H—5111 was adopted.

On motion by Baxter of Des Moines, the committee amendment H—5072, as amended, was adopted.

Paulin of Plymouth offered the following amendment H—5109 filed by him and moved its adoption:

H—5109

- 1 Amend House File 2178 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "media" the words "with an individual retail value of
- 4 more than fifty (50) dollars".
- 5 2. Page 1, line 13, by inserting after the word
- 6 "materials" the words "with an individual retail value
- 7 of more than fifty (50) dollars".
- 8 3. Page 1, by inserting after line 22 the
- 9 following:
- 10 "5. "Stated value" means the amount agreed to be
- 11 paid to the consignor."
- 12 4. Page 2, by striking line 2 and inserting the
- 13 following:
- 14 "1. That the amount of the proceeds due the artist

15 from the sale of the work of fine art".
 16 5. Page 2, by striking lines 15 and 16, and
 17 inserting the following: "consent of the artist. The
 18 artist may require that the artist be acknowledged in
 19 the use of the work of fine art."

Amendment H—5109 was adopted.

Baxter 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?" (H.F. 2178)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Clark
Cochran	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Carl	Chapman	Connolly	Connors
Groth	Hatch	Jochum	Metcalf
Running			

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

Senate File 421, a bill for an act to require the director of the Iowa beer and liquor control department to suspend rather than dismiss vendors who are convicted of selling alcohol to minors, with report of committee recommending passage was taken up for consideration.

Carter of Henry offered the following amendment H—5068 filed by him and Van Maanen of Mahaska and moved its adoption:

H—5068

- 1 Amend Senate File 421 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 10, by striking the word "may" and
- 4 inserting the word "shall".
- 5 2. Page 1, line 11, by striking the word "may".
- 6 3. Page 1, line 12, by inserting after the word
- 7 "person." the following: "After a third conviction,
- 8 the director shall dismiss the person."

A non-record roll call was requested.

The ayes were 38, nays 13.

Amendment H—5068 was adopted.

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

On the question "Shall the bill pass?" (S.F. 421)

The ayes were, 77:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carpenter
Carter	Clark	Cochran	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hester	Holveck	Hughes
Jay	Johnson	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Loneragan	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick

Pellett	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Teaford
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 14:

Bennett	Branstad	Halvorson, R. A.	Hummel
Kremer	Maulsby	McIntee	Petersen, D. F.
Royer	Schneklath	Stromer	Tabor
Van Camp	Welden		

Absent or not voting, 9:

Carl	Chapman	Connolly	Connors
Groth	Hatch	Jochum	Metcalf
Running			

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:

Running of Linn, until his arrival, on request of Poncy of Wapello.

Senate File 326, a bill for an act relating to the selection of official newspapers, with report of committee recommending amendment and passage was taken up for consideration.

Miller of Cherokee offered the following amendment H—5083 filed by the committee on local government and moved its adoption:

H—5083

- 1 Amend Senate File 326 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 11 and
- 4 inserting the following:
- 5 "NEW UNNUMBERED PARAGRAPH. For purposes of this
- 6 section, in counties where there are more newspapers
- 7 than the number required for official county
- 8 newspapers, newspapers under common ownership
- 9 published in the same city, and having approximately

10 the same subscriber list or offered for sale in or
 11 delivered to the same geographic area, shall be
 12 treated as one newspaper. Each such newspaper under
 13 common ownership should be considered eligible for
 14 publishing public notices, but such newspapers shall
 15 be treated as one newspaper for payment purposes to
 16 allow for flexibility in notice publication
 17 schedules."

18 2. Page 1, by inserting after line 11 the
 19 following:

20 "Sec. 2. This Act becomes effective January 1,
 21 1987."

The committee amendment H—5083 was adopted.

Miller of Cherokee 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. 326)

The ayes were, 89:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Clark
Cochran	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Schnekloth	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Carl	Chapman	Connolly	Connors
Groth	Hatch	Jochum	Metcalf
Running	Sherzan	Swartz	

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

HOUSE FILE 187 AND SENATE FILE 447 DEFERRED

Norland of Worth asked and received unanimous consent that House File 187 and Senate File 447 be deferred and that the bills retain their place on the calendar.

House File 2245, a bill for an act relating to the confidentiality of archaeological sites or resource information and subjecting violators to civil and criminal penalties, was taken up for consideration.

Gruhn of Dickinson 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. 2245)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Clark
Cochran	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow

Spear	Stromer	Stueland	Sturgeon
Sullivan	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Carl	Chapman	Connolly	Connors
Groth	Jochum	Metcalf	Running
Swartz			

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

House File 254, a bill for an act allowing public school districts to charge a fee for driver education courses, with report of committee recommending amendment and passage was taken up for consideration.

Hanson of Delaware in the chair at 9:56 a.m.

Varn of Johnson offered the following amendment H—5061 filed by the committee on education and moved its adoption:

H—5061

- 1 Amend House File 254 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "instruction." the following: "The fee charged to
- 4 students for a driver education course shall not
- 5 exceed one hundred dollars per student."

The committee amendment H—5061 lost.

Swearingen of Keokuk offered the following amendment H—5080 filed by him and Varn of Johnson and moved its adoption:

H—5080

- 1 Amend House File 254 as follows:
- 2 1. Page 1, by striking lines 20 through 22 and
- 3 inserting the following: "student's household income
- 4 qualifies the student for free lunch under the federal
- 5 school lunch program. Fee moneys received are
- 6 miscellaneous income".

Amendment H—5080 was adopted.

Maulsby of Calhoun offered the following amendment H—5066 filed by him and Varn of Johnson and moved its adoption:

H—5066

- 1 Amend House File 254 as follows:
- 2 1. Page 1, line 23, by inserting after the figure
- 3 "442.5" the words "and shall be deposited in the
- 4 school district's general fund and used only for
- 5 instructional purposes".

Amendment H—5066 was adopted.

Varn 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 254)

The ayes were, 46:

Arnould	Avenson	Beatty	Brammer
Buhr	Carter	Clark	Cooper
Corey	Daggett	Diemer	Doderer
Fey	Halvorson, R. N.	Hammond	Hatch
Haverland	Hester	Holveck	Hughes
Jay	Johnson	Knapp	Kremer
Lageschulte	Lloyd-Jones	Loneragan	McKean
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Parker	Pavich	Poncy
Rosenberg	Shoultz	Siegrist	Spear
Sturgeon	Taber	Teaford	Van Camp
Varn	Mr. Speaker (Hanson)		

The nays were, 46:

Baxter	Bennett	Black	Blanshan
Branstad	Carpenter	Cochran	De Groot
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Handorf	Harbor	Hermann
Hummel	Koenigs	Maulsby	McIntee
Miller	Mullins	Oxley	Paulin
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Renaud	Renken	Rensink
Royer	Schneklath	Sherzan	Shoning
Skow	Stromer	Stueland	Sullivan

Swartz
Woods

Swearingen
Zimmerman

Van Maanen

Welden

Absent or not voting, 8:

Carl
Groth

Chapman
Jochum

Connolly
Metcalf

Connors
Running

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

HOUSE FILES 2001, 2019 AND 2271 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2001, 2019 and 2271 be deferred and that the bills retain their place on the calendar.

House File 2049, a bill for an act transferring the responsibility for abuse investigations from the department of human services to the department of public safety, with report of committee recommending amendment and passage was taken up for consideration.

Speaker Avenson in the chair at 10:25 a.m.

Mullins of Kossuth offered the following amendment H—5093 filed by the committee on human resources and moved its adoption:

H—5093

- 1 Amend House File 2049 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. CHILD ABUSE INVESTIGATIONS —
- 5 COORDINATED TEAM APPROACH. The department of human
- 6 services, the department of public safety, and the
- 7 Iowa law enforcement academy shall develop
- 8 cooperatively a coordinated team approach for the
- 9 investigation of child abuse cases and shall implement
- 10 the coordinated team approach in all areas of the
- 11 state where feasible and appropriate. The departments
- 12 and the academy shall report their progress on
- 13 developing and implementing the coordinated team
- 14 approach and any legislative recommendations relating
- 15 to the investigation of child abuse cases to the
- 16 chairpersons of the committees on human resources of
- 17 the general assembly by January 15, 1987."
- 18 2. Title page, by striking lines 1 through 3 and

19 inserting the following: "An Act relating to the
20 development and implementation of a coordinated team
21 approach for the investigation of child abuse cases."

The committee amendment H — 5093 was adopted.

Mullins of Kossuth 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. 2049)

The ayes were, 90:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Clark
Cochran	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 1:

Welden

Absent or not voting, 9:

Carl	Chapman	Connolly	Connors
Groth	Jochum	Metcalf	Miller
Running			

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

House File 2110, a bill for an act relating to the membership of the state day care advisory committee, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2110)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Clark
Cochran	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Carl	Chapman	Connolly	Connors
Groth	Jochum	Metcalf	Running

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

**MOTIONS TO RECONSIDER
(House File 254)**

I move to reconsider the vote by which House File 254 failed to pass the House on February 18, 1986.

STROMER of Hancock

(Senate File 421)

I move to reconsider the vote by which Senate File 421 passed the House on February 18, 1986.

KOENIGS of Mitchell

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 February, 1986: House File 635.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 18, 1986. Had I been present, I would have voted "aye" on House File 2178 and Senate Files 326 and 421.

HATCH of Polk

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC INSTRUCTION

A report entitled "Nonpublic Student Transportation Parent Reimbursement Provisions", pursuant to House File 747, Section 9, Seventy-first General Assembly, 1985 Session.

SUBCOMMITTEE ASSIGNMENTS

House File 2100

Transportation: Woods, Chair; Lageschulte and Renaud.

House File 2260

Transportation: Pavich, Chair; Van Camp and Woods.

House File 2268

Transportation: Harbor, Chair; Cooper, Corey, Jay and Woods.

House File 2276

Agriculture: Muhlbauer, Chair; De Groot and Hughes.

House File 2278

Agriculture: Halvorson of Webster, Chair; Bennett and Skow.

House File 2293

Transportation: Harbor, Chair; Cooper, Corey, Jay and Woods.

House File 2296

Transportation: Koenigs, Chair; Harbor and Lloyd-Jones.

Senate File 2037

Agriculture: Gruhn, Chair; Blanshan and Rensink.

Senate File 2050

Agriculture: Fogarty, Chair; Carter, Rensink, Van Maanen and Zimmerman.

Senate File 2084

Transportation: Jay, Chair; Harbor and Woods.

Senate Concurrent Resolution 104

Agriculture: Koenigs, Chair; De Groot and Hatch.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 676

Agriculture: Fogarty, Chair; Gruhn and Handorf.

Study Bill 677

Transportation: Fogarty, Chair; Cooper and De Groot.

Study Bill 678

Transportation: Peterson of Carroll, Chair; Lageschulte and Renaud.

Study Bill 679

Agriculture: Skow, Chair; Blanshan, Branstad, Muhlbauer and Stueland.

Study Bill 680

Agriculture: Skow, Chair; Blanshan, Branstad, Muhlbauer and Stueland.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 683 Natural Resources and Outdoor Recreation**

Relating to commercial fishing and providing penalties.

S.B. 684 Judiciary and Law Enforcement

Relating to the tort liability of the state.

S.B. 685 Energy and Environmental Protection

Establishing liability of persons responsible for hazardous conditions for reasonable costs incurred by the state in responding to the conditions, and providing for the credit of recoveries for the liabilities.

S.B. 686 State Government

Establishing as the policy of the state that employees of merged areas, including area vocational schools and area community colleges, shall be paid at a rate based on comparable worth, requiring studies, and delaying the implementation of the policy.

S.B. 687 State Government

Relating to studies by cities, counties, school districts, and area education agencies for the purpose of evaluating jobs on the basis of their comparable worth.

S.B. 688 State Government

Requesting the Legislative Council to establish a study committee or request a standing committee to appoint a subcommittee to continue monitoring the implementation of the state comparable worth policy and restructuring of state personnel systems.

S.B. 689 State Government

Establishing a state affirmative action policy and providing for the implementation of state affirmative action plans by all state agencies and merged area schools.

S.B. 690 Natural Resources and Outdoor Recreation

Relating to the acquisition and development of recreation, tourism, and leisure projects; by creating a recreation-tourism-leisure lands fund; by providing revenue for the fund by transferring money from the Iowa plan fund; and by imposing a tax on real estate transfers.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Resolution (Formerly Study Bill 625), a concurrent resolution urging adoption of a long-term supply management program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1986.

Committee Resolution (Formerly Study Bill 627), a concurrent resolution requesting federal action to assign or employ federal grain inspectors at foreign ports of destination for the grading of grain shipped from the United States.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1986.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Resolution (Formerly Study Bill 603), a concurrent resolution endorsing "Iowa Homecoming '86".

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly Study Bill 522), relating to the authority of the department of water, air and waste management over hazardous substances and hazardous conditions.

Fiscal Note is not required.

Reconsidered and Recommended **Amend and Do Pass** February 17, 1986.

Committee Bill (Formerly House File 2056), relating to the testing and sale or advertisement of water sold in containers for public consumption, and providing for a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1986.

Committee Bill (Formerly House File 2142), exempting electric cooperative corporations and associations and electric public utilities from the rate regulation authority of the Iowa state commerce commission if they have less than twenty-five thousand customers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 664), relating to the provision of risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 17, 1986.

Committee Bill (Formerly House File 2170), relating to the posting of bond for costs and fees when bringing an action pursuant to the law of comparative fault.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1986.

COMMITTEE ON STATE GOVERNMENT

House File 2173, a bill for an act relating to the disclosure of conciliation agreements in civil rights matters when a governmental body is a party.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1986.

AMENDMENTS FILED

H-5110	H.F. 2001	Kremer of Buchanan
H-5112	H.F. 651	Cochran of Webster
		Clark of Cerro Gordo
H-5113	H.F. 2303	Paulin of Plymouth
H-5114	H.F. 2300	Ollie of Clinton
H-5115	H.F. 2233	Woods of Polk
		Carpenter of Polk
		Metcalf of Polk
		Renaud of Polk
		Royer of Page
		Van Camp of Scott
		Van Maanen of Mahaska
H-5116	H.F. 2019	Paulin of Plymouth

On motion by Norland of Worth, the House adjourned at 10:35 a.m., until 9:00 a.m., Wednesday, February 19, 1986.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day—Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 19, 1986

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

Prayer was offered by Reverend Charles Daugherty, pastor of the Fellowship Christian Center, Cedar Rapids.

The Journal of Tuesday, February 18, 1986 was approved.

INTRODUCTION OF BILLS

House File 2316, by Stromer and Maulsby, a bill for an act providing that a person who buys farm products from a person engaged in farming takes the products subject to any security interest on the products.

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

House File 2317, by Fogarty, a bill for an act relating to the cost of reclassification of a drainage district.

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

House File 2318, by Arnould, a bill for an act relating to the disclosure of mental health information and providing an effective date.

Read first time and referred to committee on **human resources**.

House File 2319, by Spear and Corey, a bill for an act relating to the sale of unused right of way by the county board of supervisors.

Read first time and referred to committee on **local government**.

House File 2320, by Cochran, a bill for an act to authorize the payment of property taxes on a monthly basis.

Read first time and referred to committee on **local government**.

House File 2321, by Brammer, a bill for an act relating to the female and minority small business set-aside program.

Read first time and referred to committee on **small business and commerce**.

House File 2322, by Carter, a bill for an act to provide for the revocation of an operator's license or nonoperator's identification card when used for identification in committing theft by issuing a worthless check.

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

House File 2323, by Arnould and Fey, a bill for an act requiring a lender to obtain the signature of a cosignor or guarantor on the loan prior to disbursement of the proceeds in order for that person to be liable on the loan.

Read first time and referred to committee on **small business and commerce**.

House File 2324, by Mullins, Stueland, McIntee, Kremer, Swearingen, Paulin, Pellett, Cooper, Muhlbauer, Daggett, Fogarty, Branstad and De Groot, a bill for an act relating to and making an appropriation to the state board of regents for new Iowa meat product development.

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

SENATE MESSAGE CONSIDERED

Senate File 2032, by Priebe, a bill for an act to require the county treasurer to provide property tax statements to each property owner.

Read first time and referred to committee on **local government**.

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 February 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 425, a bill for an act relating to special absentee ballots.

Also: That the Senate has on February 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2123, a bill for an act relating to the judgeship formula for the apportionment of district judges.

Also: That the Senate has on February 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2124, a bill for an act relating to the appointment of a district associate judge in lieu of magistrates.

K. MARIE THAYER, Secretary

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules and take up out of order Senate File 432.

CONSIDERATION OF BILLS Regular Calendar

Senate File 432, a bill for an act relating to the makeup of the board of nursing examiners, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5091 filed by the committee on state government and moved its adoption:

H—5091

- 1 Amend Senate File 432 as passed and reprinted by
- 2 the Senate as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 147.14, subsection 3, Code
- 6 Supplement 1985, is amended to read as follows:
- 7 3. For nursing examiners, one four registered
- 8 nurse representing the colleges and universities, one
- 9 registered nurse representing the hospital conducted
- 10 schools of nursing, one registered nurse representing
- 11 the area community and vocational technical nursing
- 12 department, one registered nurse practitioner, nurses,
- 13 one of whom shall be actively engaged in practice,
- 14 three of whom shall be nurse educators from nursing
- 15 education programs: of these one in higher education,
- 16 one in diploma education, and one in area community
- 17 and vocational technical registered nurse education;
- 18 one licensed practical nurse practitioner, actively

19 engaged in practice, and two members not registered
 20 nurses or licensed practical nurses and who shall
 21 represent the general public. The representatives of
 22 the general public shall not be members of health care
 23 delivery systems. A majority of the members of the
 24 board shall ~~constitute~~ constitutes a quorum."

The committee amendment H — 5091 was adopted.

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

On the question "Shall the bill pass?" (S.F. 432)

The ayes were, 97:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Fey

O'Kane

Parker

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

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules and take up out of order House File 2158.

House File 2158, a bill for an act to make the birthday of Dr. Martin Luther King, Jr. a legal public holiday, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2158)

The ayes were, 66:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Diemer
Doderer	Fey	Fogarty	Groth
Gruhn	Halvorson, R. N.	Hammond	Hanson
Hatch	Haverland	Holveck	Hughes
Jay	Jochum	Johnson	Koenigs
Lloyd-Jones	Loneragan	McIntee	McKean
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 28:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Groninga	Handorf
Harbor	Hermann	Hester	Hummel
Knapp	Lageschulte	Maulsby	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Van Camp	Van Maanen	Welden

Absent or not voting, 6:

Carter	Halvorson, R. A.	Kremer	O'Kane
Parker	Stromer		

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

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules and take up out of order House File 2160.

House File 2160, a bill for an act relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Arnould of Scott in the chair at 9:29 a.m.

Speaker Avenson in the chair at 9:46 a.m.

Brammer of Linn asked and received unanimous consent to suspend Rule 31.8, relating to the filing of amendments, for the immediate consideration of amendment H—5117 filed by him from the floor as follows:

H—5117

- 1 Amend House File 2160 as follows:
- 2 1. Page 1, by inserting after line 35, the
- 3 following:
- 4 "Sec. 2. NEW SECTION. 730.5 CIVIL ACTION FOR
- 5 DAMAGES.
- 6 If a person is discharged, disciplined, denied a
- 7 promotion, change in status of employment, or benefit
- 8 or privilege of employment, or otherwise discriminated
- 9 against, for refusing to take or submit to a polygraph
- 10 examination which was requested or required by an
- 11 employer in violation of section 730.4, the person may
- 12 recover from the employer in a civil action twice the
- 13 actual damages sustained as a result of the employer's
- 14 action, plus reasonable attorney fees."
- 15 2. Title page, line 2, after the word
- 16 "employment," by inserting the words "providing for
- 17 damages,".

Brammer of Linn moved the adoption of amendment H—5117.

Amendment H—5117 lost.

Sherzan 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. 2160)

The ayes were, 76:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hanson	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 24:

Bennett	Corey	Daggett	De Groot
Grandia	Halvorson, R. A.	Handorf	Harbor
Hermann	Hester	Hummel	Maulsby
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schneklath	Stromer	Van Maanen

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.

House File 2297, a bill for an act relating to the meetings of the state conservation commission, was taken up for consideration.

Welden 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?" (H.F. 2297)

The ayes were, 100:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Lonerger	Maulsby
McIntee	McKean	Metcalfe	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

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.

House File 2300, a bill for an act relating to the transfer of moneys in the temporary emergency surcharge fund to the unemployment compensation fund under certain circumstances, was taken up for consideration.

Ollie of Clinton offered the following amendment H—5114 filed by him and moved its adoption:

H—5114

- 1 Amend House File 2300 as follows:
- 2 1. Page 1, by striking lines 12 through 17 and
- 3 inserting the following: "unemployment compensation
- 4 fund for the payment of benefits. The moneys".

Amendment H—5114 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2300)

The ayes were, 100:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

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.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules and take up out of order House File 2197.

The House resumed consideration of **House File 2197**, a bill for an act relating to gambling by making changes in the operation of

the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date, deferred on February 13 and 14, 1986.

Hanson of Delaware offered the following amendment H—5102 filed by him and Parker of Jasper and moved its adoption:

H—5102

- 1 Amend House File 2197 as follows:
- 2 1. Page 1, by striking lines 1 through 15.
- 3 2. Page 4, by striking lines 31 through 33 and
- 4 inserting the following: "registration plates, and
- 5 persons in the Iowa lottery agency whose regularly
- 6 assigned duties relating to security or the carrying
- 7 of lottery tickets cannot reasonably be conducted with
- 8 a vehicle displaying "official" registration plates.
- 9 For purposes of sale of exempted vehicles,".
- 10 3. Renumber as necessary.

Amendment H—5102 was adopted.

Parker of Jasper offered the following amendment H—5099 filed by him and Paulin of Plymouth and moved its adoption:

H—5099

- 1 Amend House File 2197 as follows:
- 2 1. Page 6, by inserting after line 4 the
- 3 following:
- 4 "Sec._____. Lottery agency expense incurred for
- 5 educational and informational material for the lotto
- 6 game during the first six months following the
- 7 effective date of this Act shall not exceed eight
- 8 hundred and fifty thousand dollars and shall not be
- 9 included to determine compliance with the four percent
- 10 limitation imposed in section 99E.10. Marketing and
- 11 promotional materials for the lotto game are subject
- 12 to the four percent limitation."
- 13 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 56, nays 37.

Amendment H—5099 was adopted.

Connolly of Dubuque asked and received unanimous consent to withdraw the motion to reconsider amendment H—5075 filed by him on February 13, 1986.

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

On the question "Shall the bill pass?" (H.F. 2197)

The ayes were, 71:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Halvorson, R. A.	Halvorson, R. N.	Hanson	Harbor
Hatch	Haverland	Hughes	Jay
Jochum	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	McIntee	Metcalf
Muhlbauer	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Van Camp	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 29:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Grandia
Gruhn	Hammond	Handorf	Hermann
Hester	Holveck	Hummel	Johnson
Lloyd-Jones	Maulsby	McKean	Miller
Mullins	O'Kane	Pellett	Petersen, D. F.
Renken	Rensink	Schneklloth	Swearingen
Van Maanen			

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 MESSAGES

Norland of Worth asked and received unanimous consent to immediately message to the Senate: House Files 2197, 2300 and 2160.

On motion by Norland of Worth, the House was recessed at 10:59 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the Chair.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules and take up out of order House File 2287.

CONSIDERATION OF BILL Regular Calendar

House File 2287, a bill for an act relating to mechanic's liens, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2287)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Connolly	Cooper
Corey	Daggett	De Groot	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Norland	O'Kane	Ollie	Osterberg

Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Cochran	Connors	Diemer	Lloyd-Jones
Muhlbauer	Mullins	Zimmerman	

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

IMMEDIATE MESSAGE

(House File 2287)

Norland of Worth asked and received unanimous consent that House File 2287 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER

(Amendment H—5068 to Senate File 421)

I move to reconsider the vote by which amendment H—5068 to Senate File 421 was adopted by the House on February 18, 1986.

HUMMEL of Benton

(House File 254)

I move to reconsider the vote by which House File 254 failed to pass the House on February 18, 1986.

SKOW of Guthrie

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 18, 1986. Had I been present, I would have voted "aye" on House

Files: 2049, 2110, 2178, 2245 and Senate Files: 326 and 421; "nay" on House File 254.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on February 18, 1986. Had I been present, I would have voted "aye" on House Files: 2049, 2110, 2178, 2245 and Senate Files: 326 and 421.

METCALF of Polk

PRESENTATION OF VISITORS

Peick of Linn presented to the House the Honorable James Jordan, former member of the House representing Linn County.

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

Eight students from Children's Square, U.S.A., Council Bluffs, accompanied by Sophie Branche, Ron Parker, Ruth Few, Gavina Salvidar and Fred Ainslie. By Pavich of Pottawattamie.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 691 Human Resources

Relating to the detention of juveniles in adult jail facilities.

S.B. 692 Local Government

Relating to the administration of the local police and fire retirement systems.

S.B. 693 Agriculture

Relating to bovine brucellosis, by providing definitions, and providing for branding of feeders, vaccination requirements, the adoption of rules, the movement of cattle, and reimbursement and indemnification for sprayed and slaughtered cattle.

S.B. 694 Agriculture

Relating to income tax credits for cattle production.

S.B. 695 Agriculture

Recommending adequate funding of research projects at Iowa State University.

S.B. 696 Education

Relating to the use of insurance proceeds from destruction of a school building for property tax reduction.

S.B. 697 Education

Relating to the sale, lease, or disposal of property of a school corporation.

SUBCOMMITTEE ASSIGNMENTS**House File 2262**

State Government: Carpenter, Chair; Lloyd-Jones and Pavich.

House File 2269

Local Government: Cooper, Chair; Buhr and Royer.

House File 2277

Natural Resources and Outdoor Recreation: Hanson, Chair; Black and Cooper.

House File 2282

Small Business and Commerce: Swartz, Chair; Brammer, Hummel, Kremer and Parker.

House File 2283

Local Government: Connors, Chair; Diemer and Platt.

House File 2290

Small Business and Commerce: Holveck, Chair; Halvorson of Clayton and Swartz.

House File 2295

Local Government: Black, Chair; Cooper and Renken.

House File 2305

Small Business and Commerce: Groninga, Chair; Hatch, McIntee, Metcalf and Sturgeon.

House File 2312

State Government: Pavich, Chair; Beatty and Van Maanen.

House File 2316

Agriculture: Fogarty, Chair; Carter, Rensink, Van Maanen and Zimmerman.

House File 2317

Agriculture: Gruhn, Chair; Bennett and Halvorson of Webster.

House File 2319

Local Government: Cooper, Chair; Buhr and Royer.

House File 2320

Local Government: Cooper, Chair; Daggett and Peick.

Senate File 2032

Local Government: Cooper, Chair; Daggett and Peick.

Senate File 2052 (Reassigned)

State Government: Blanshan, Chair; Carpenter, Doderer, Hammond and Swearingen.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 682

Energy and Environmental Protection: Osterberg, Chair; Mullins and Rosenberg.

Study Bill 683

Natural Resources and Outdoor Recreation: Groth, Chair; Knapp and Stueland.

Study Bill 685

Energy and Environmental Protection: Shoultz, Chair; Hatch, Jay, McIntee and Welden.

Study Bill 686

State Government: Doderer, Chair; Blanshan and Carpenter.

Study Bill 687

State Government: Doderer, Chair; Blanshan and Carpenter.

Study Bill 690

Natural Resources and Outdoor Recreation: O'Kane, Chair; Black and Diemer.

Study Bill 692

Local Government: Connors, Chair; Platt and Poncy.

Study Bill 693

Agriculture: Zimmerman, Chair; Blanshan and Van Maanen.

Study Bill 694

Agriculture: Fogarty, Chair; Handorf and Muhlbauer.

Study Bill 695

Agriculture: Blanshan, Chair; Hughes and Van Maanen.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 2154, a bill for an act relating to licenses for the taking of animals.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5118, February 18, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2149, a bill for an act relating to grey-market merchandise and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5119**, February 18, 1986.

Committee Bill (Formerly Study Bill 527), relating to the Iowa insurance guaranty association.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 1986.

Committee Bill (Formerly Study Bill 529), relating to insurance guaranty associations by creating an Iowa life and health insurance guaranty association.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1986.

RESOLUTION FILED

HCR 110, by committee on agriculture, requesting federal action to assign or employ federal grain inspectors at foreign ports of destination for the grading of grain shipped from the United States.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5118	H.F. 2154	Committee on Natural Resources and Outdoor Recreation
H—5119	H.F. 2149	Committee on Small Business and Commerce
H—5120	H.F. 2233	Woods of Polk
		Carpenter of Polk
		Renaud of Polk
		Sherzan of Polk
		Van Camp of Scott
		Van Maanen of Mahaska
H—5121	H.F. 2211	Platt of Muscatine
H—5122	S.F. 421	Koenigs of Mitchell
		Black of Jasper
		Halvorson of Clayton
		Hummel of Benton
H—5123	S.F. 447	Groninga of Cerro Gordo

H-5124	H.F.	2182	Paulin of Plymouth
H-5125	S.F.	447	Carpenter of Polk
			Blanshan of Greene
H-5126	S.F.	297	Fey of Scott
H-5127	H.F.	2211	Woods of Polk
			Branstad of Winnebago
			Pavich of Pottawattamie
			Platt of Muscatine

On motion by Norland of Worth, the House adjourned at 2:56 p.m., until 9:00 a.m., Thursday, February 20, 1986.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day — Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 20, 1986

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

Prayer was offered by Reverend Brian Sullivan, pastor of the Galva United Methodist Church, Galva.

The Journal of Wednesday, February 19, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McIntee of Black Hawk, until his arrival, on request of Halvorson of Clayton.

INTRODUCTION OF BILLS

House File 2325, by committee on energy and environmental protection, a bill for an act exempting electric public utilities having less than ten thousand customers and electric cooperative corporations and associations from the rate regulation authority of the Iowa commerce commission and defining the areas in which such utilities remain subject to regulation.

Read first time and placed on the calendar.

House File 2326, by Carter, a bill for an act relating to the payment by the state of a portion of the state's share of the cost of state health or medical service group insurance for members of the general assembly.

Read first time and referred to committee on state government.

House File 2327, by Holveck, Hanson, Cochran, Spear, Blanshan, Hammond, Teafor, Lloyd-Jones, Carter, Siegrist, Halvorson of Webster, Pavich, Buhr, Arnould, and Doderer, a bill for an act relating to employment discrimination.

Read first time and referred to committee on **state government**.

House File 2328, by Connors, a bill for an act requiring an insurance company or a nonprofit health service company that is an administrator of a self-insured health care plan to disclose that the coverage is being provided under a self-insured plan and that the company is the administrator of the plan.

Read first time and referred to committee on **small business and commerce**.

House File 2329, by Cochran, a bill for an act allowing refunds or income tax credits for payments of motor fuel and special fuel taxes for fuel used for the purpose of operating or propelling self-propelled implements of husbandry.

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

House File 2330, by Muhlbauer, a bill for an act to allow the registration of trailers and semitrailers for a period of six registration years.

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

House File 2331, by Holveck, a bill for an act relating to the visitation rights of grandparents.

Read first time and referred to committee on **human resources**.

House File 2332, by Halvorson of Clayton, a bill for an act to establish the Iowa plane coordinate system.

Read first time and referred to committee on **state government**.

House File 2333, by Clark, a bill for an act relating to the conversion privileges of a former spouse in relation to health care coverages.

Read first time and referred to committee on **small business and commerce**.

House File 2334, by Hummel, a bill for an act prohibiting new primary road construction until road improvements are made to equalize the condition of the primary roads with certain exceptions.

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

House File 2335, by Buhr, a bill for an act relating to the computation of the average daily patient costs at the state mental health institutes and hospital-schools.

Read first time and referred to committee on **human resources**.

House File 2336, by committee on energy and and environmental protection, a bill for an act relating to the authority of the department of water, air and waste management over hazardous substances and hazardous conditions.

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

House File 2337, by committee on small business and commerce, a bill for an act relating to insurance guaranty associations by creating an Iowa life and health insurance guaranty association.

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

SENATE MESSAGES CONSIDERED

Senate File 425, by Bruner, a bill for an act relating to special absentee ballots.

Read first time and referred to committee on **state government**.

Senate File 2123, by committee on judiciary, a bill for an act relating to the judgeship formula for the apportionment of district judges.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2124, by committee on judiciary, a bill for an act relating to the appointment of a district associate judge in lieu of magistrates.

Read first time and referred to committee on **judiciary and law enforcement**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2070, a bill for an act relating to the filing fees of statutory liens for filing with the clerk of district court.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 2211, a bill for an act relating to the movement of vehicles of excessive size and weight, was taken up for consideration.

Platt of Muscatine offered the following amendment H—5078 filed by him and Woods of Polk and moved its adoption:

H—5078

- 1 Amend House File 2211 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following new section:
- 4 "Sec._____, Section 321.437, Code 1985, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding this
- 7 chapter or chapter 321E, a combination of vehicles
- 8 coupled together which is used exclusively for the
- 9 transportation of passenger vehicles, light delivery
- 10 trucks, panel delivery trucks, pickups, boats, and
- 11 recreational chassis, may permanently attach a convex-
- 12 type mirror on either or both of the vertical
- 13 supports, forward of the steering axle of the power
- 14 unit, provided that the mirror shall not extend beyond
- 15 the limit of any other rearview mirror on the
- 16 vehicle."
- 17 2. Renumber sections and correct internal
- 18 references as necessary in accordance with this
- 19 amendment.

Amendment H—5078 was adopted.

Woods of Polk offered the following amendment H—5127 filed by Woods, et al., and moved its adoption:

H-5127

1 Amend House File 2211 as follows:

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

4 "Sec. _____. Section 321.1, subsection 71, Code
5 1985, is amended to read as follows:

6 71. A "special truck" means a motor truck or truck
7 tractor not used for hire with a gross weight
8 registration of six through twenty thirty-two tons
9 used by a person engaged in farming to transport
10 commodities produced only by the owner, or to
11 transport commodities purchased by the owner for use
12 in the owner's own farming operation or occasional use
13 for charitable purposes. "Special truck" also means a
14 truck tractor which is modified by removal of a fifth
15 wheel and carries the full load on the motor truck and
16 which by reason of its conversion becomes a motor
17 truck.

18 Sec. _____. Section 321.121, Code 1985, is amended
19 by adding the following new unnumbered paragraph:
20 NEW UNNUMBERED PARAGRAPH. The additional
21 registration fee for a special truck for a gross
22 weight in excess of twenty tons is twenty-five dollars
23 for each ton over twenty tons and not exceeding
24 thirty-two tons."

25 2. Page 1, by inserting after line 17 the
26 following:

27 "Sec. _____. Section 321.473, unnumbered paragraph
28 2, Code 1985, is amended to read as follows:

29 The department may issue annual special permits for
30 the operation of ~~compacted rubbish~~ compacted-rubbish
31 vehicles and vehicles which transport compacted
32 rubbish from a rubbish collection point to a landfill
33 area, exceeding the ~~weight limitation~~ provisions of
34 section 321.463, but not exceeding a rear axle gross
35 weight for two-axle vehicles of ~~twenty-two~~ twenty-four
36 thousand pounds ~~for the period commencing July 1, 1978~~
37 ~~and ending June 30, 1986~~ and twenty thousand pounds
38 ~~commencing July 1, 1986~~ and thereafter, and for tandem
39 axle vehicles or transferable auxiliary axle vehicles
40 not exceeding a gross weight on the rear axles of
41 ~~thirty-six~~ forty thousand pounds. The maximum gross
42 weight of the vehicle shall not exceed sixty thousand
43 pounds. Annual special permits for the operation on
44 secondary roads shall be approved by the county
45 engineer. Annual special permits for a particular
46 vehicle shall not be issued by the department unless
47 prior approval is given by the county engineer of the
48 county in which the vehicle will be operated. Annual
49 special permits for operation on primary roads shall
50 be approved by the state department of transportation.

Page 2

1 ~~Compacted rubbish~~ Compacted-rubbish vehicles and
2 vehicles which transport compacted rubbish from a
3 rubbish collection point to a landfill area operated
4 pursuant to an annual special permit shall be operated
5 only over routes designated by the local authority.
6 Annual special permits for a particular vehicle shall
7 not be issued by the department unless approved by the
8 local authority responsible for the roads over which
9 the vehicle will be operated. Annual special permits
10 approved by the issuing authority shall be issued upon
11 payment of an annual fee, in addition to other
12 registration fees imposed, of one hundred dollars to
13 be paid to the department for all nongovernmental
14 vehicles. As used in this section, a compacted-
15 rubbish vehicle includes such vehicles utilizing roll-
16 off systems. If a violation occurs relating to the
17 weight limitations imposed under this paragraph, the
18 weight limitations of section 321.463 shall apply to
19 the vehicle and the fine shall be assessed in
20 accordance with that section."
21 3. Renumber as necessary.

Amendment H—5127 was adopted.

Platt of Muscatine offered the following amendment H—5121
filed by him:

H—5121

1 Amend House File 2211 as follows:
2 1. Page 1, by striking line 29 and inserting the
3 words "jurisdiction of either the state or those local
4 authorities which have indicated in writing to the
5 department those streets or highways for which an all-
6 system permit is valid."

The following amendment H—5128, to amendment H—5121,
filed by Platt of Muscatine from the floor was adopted by unanimous
consent:

H—5128

1 Amend amendment H—5121 to House File 2211 as
2 follows:
3 1. Page 1, line 6, by inserting after the word "is"
4 the word "not".

On motion by Platt of Muscatine, amendment H—5121, as
amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2211)

The ayes were, 86:

Baxter	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Groth
Halvorson, R. A.	Halvorson, R. N.	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Hughes	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman		

The nays were, 9:

Arnould	Gruhn	Hammond	Holveck
Hummel	Osterberg	Sherzan	Teaford
Mr. Speaker			

Absent or not voting, 5:

Carter	Fey	Groninga	Jochum
McIntee			

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

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules and take up out of order House File 187.

House File 187, a bill for an act to prohibit retributive actions of employers against employees serving as jurors, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk in the chair at 9:42 a.m.

Chapman of Linn offered the following amendment H—3261 filed by the committee on labor and industrial relations and moved its adoption:

H—3261

1 Amend House File 187 as follows:

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

4 "Section 1. Section 607.3, Code 1985, is amended
5 to read as follows:

6 607.3 JURORS EXCUSED.

7 The court may defer a term of grand or petit juror
8 service upon a finding of hardship, inconvenience, or
9 public necessity, however the juror must serve at a
10 later date established by the court. The court may
11 excuse a person from grand juror service in part or in
12 full, upon a finding of hardship, inconvenience, or
13 public necessity, considering the length of grand
14 juror service. The court may excuse a person from
15 petit juror service, in part or in full, upon a
16 finding of extreme hardship. The courts shall
17 exercise this authority strictly. However, in
18 exercising this authority the court shall allow the
19 employer of the person being asked to serve to give
20 testimony in support of a request by the person for
21 deferral or excuse. The court may dismiss a juror at
22 any time in the interest of justice."

23 2. Title page, line 2, by inserting after the
24 word "jurors," the following: "to allow employers to
25 give testimony relating to an employee's request for
26 deferral or excuse,".

27 3. By renumbering as necessary to conform to this
28 amendment.

The committee amendment H—3261 was adopted.

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

On the question "Shall the bill pass?" (H.F. 187)

The ayes were, 96:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Sherzan)

The nays were, none.

Absent or not voting, 4:

Groninga	Jochum	McIntee	Ollie
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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.

House File 2019, a bill for an act to amend zoning statutes to authorize allowing older persons to reside in temporary housing on the same property as a primary dwelling and to require the state building code commissioner to adopt rules, with report of committee recommending amendment and passage was taken up for consideration.

Sturgeon of Woodbury offered the following amendment H-5096 filed by the committee on human resources:

H—5096

1 Amend House File 2019 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. LEGISLATIVE FINDINGS. The legislature
5 finds that:

6 1. The tradition of the family in the United
7 States is one of the foundations upon which our
8 society is based.

9 2. In our increasingly complex and expensive
10 society, substantial numbers of homes do not have
11 adequate space to provide suitable accommodations for
12 an elderly or handicapped parent or other relative of
13 the occupants to live with them as has been
14 traditional in the past.

15 3. It is increasingly expensive for elderly or
16 handicapped persons to provide separate housing for
17 themselves with the necessary support services.

18 4. Providing suitable public housing for the
19 elderly and handicapped is increasingly expensive.

20 5. It is in the interests of society to provide
21 alternatives for housing elderly and handicapped
22 persons and to encourage housing arrangements for
23 those persons whereby members of families may provide
24 assistance, support, and companionship for each other.

25 Sec. 2. NEW SECTION. 103A.24 ECHO HOUSING UNIT
26 RULES.

27 The commissioner shall adopt rules relating to the
28 construction, erection, or installation of ECHO
29 housing units to provide for standards and
30 requirements for construction, materials, mechanical
31 equipment, electrical wiring, plumbing, fire
32 protection, connections to utilities, sanitation, and
33 habitability. The rules shall allow the connection of
34 utility services for the ECHO housing unit to the
35 utility services of the principal dwelling associated
36 with the unit. "ECHO housing unit" and "principal
37 dwelling" mean as defined in section 358A.31,
38 subsection 2.

39 Sec. 3. NEW SECTION. 358A.31 ECHO HOUSING.

40 1. It is the intent of this section to encourage
41 and assist the provision of alternative housing
42 opportunities for senior citizens and handicapped
43 persons by providing for the location of cottages for
44 elderly or handicapped relatives of persons residing
45 in dwellings on the same residential lot and
46 associated with the principal dwelling on the lot in
47 order that families may be reunited and support and
48 assist each other at reduced costs while maintaining
49 elderly or handicapped relatives in independent living
50 arrangements and preventing the isolation of elderly

Page 2

- 1 or handicapped relatives, to the substantial benefit
- 2 of society. This section shall be liberally construed
- 3 to implement its intent.
- 4 2. As used in this section:
- 5 a. "ECHO" means elder and handicapped cottage
- 6 housing opportunity.
- 7 b. "ECHO housing unit" means a detached cottage
- 8 constructed, erected, or installed in association with
- 9 a principal dwelling on a lot zoned for single-family
- 10 or one-or two-family residence purposes which meets
- 11 the following criteria:
- 12 (1) Is one story in height.
- 13 (2) Its floor area does not exceed six hundred
- 14 forty square feet.
- 15 (3) Is constructed or erected in such a manner as
- 16 to be movable from one location to another.
- 17 (4) Is owned by a nonprofit corporation or by a
- 18 unit of government, or a governmental agency or
- 19 instrumentality.
- 20 (5) Is to be occupied as a residence by one or two
- 21 adult persons, at least one of whom is related within
- 22 the third degree of consanguinity to one of the
- 23 occupants of the principal dwelling located on the
- 24 lot, and who meet one of the following conditions:
- 25 (a) The person, if only one, or both persons are
- 26 at least sixty-two years of age or handicapped.
- 27 (b) One person is at least sixty-two years of age
- 28 or handicapped and the other person is the spouse of
- 29 the person who is at least sixty-two years of age or
- 30 handicapped.
- 31 c. "Handicapped person" means a physically or
- 32 mentally handicapped person as determined pursuant to
- 33 county ordinance.
- 34 d. "Permitted use" means a use which by right is
- 35 authorized in a residential zoning district.
- 36 e. "Principal dwelling" means a single-family
- 37 dwelling constructed or erected and occupied in
- 38 accordance with local zoning and building codes, if
- 39 any, on a lot upon which an ECHO housing unit is
- 40 constructed or erected.
- 41 f. "Residence" means a dwelling unit regularly
- 42 used by its occupants as a permanent place of abode as
- 43 one's home and not as a place of business, profession,
- 44 trade, or occupation and which has housekeeping and
- 45 cooking facilities for its occupants only.
- 46 3. Notwithstanding any provision of this chapter
- 47 or any county ordinance or regulation to the contrary,
- 48 an ECHO housing unit is a permitted use on any lot or
- 49 parcel of not less than six thousand square feet in
- 50 any single-family or any one-or two-family residential

Page 3

1 zoned district, subject to the requirements of, and
2 the restrictions permitted by, this section.

3 4. By ordinance, a county may require a special
4 occupancy permit for a proposed ECHO housing unit
5 which may be specific as to the occupants of the unit
6 and as to the occupants of the principal dwelling on
7 the lot upon which the ECHO housing unit is proposed
8 to be constructed, erected, or installed and may
9 require a bond for the reasonable costs of removal of
10 the ECHO housing unit at such time as the unit or the
11 principal dwelling are no longer occupied by the
12 persons specified in the occupancy permit. A county
13 may require that the owner of the lot upon which the
14 ECHO housing unit is proposed to be constructed,
15 erected, or installed and the owner of the ECHO
16 housing unit submit to the county in writing their
17 consent that the county may enter the lot and remove
18 the ECHO housing unit or cause the unit to be removed
19 if the ECHO housing unit or the principal dwelling are
20 no longer occupied by the persons specified in the
21 special occupancy permit and the owner of the ECHO
22 housing unit has not caused it to be removed, and
23 their waiver of all damages resulting from the entry
24 or removal.

25 5. By ordinance, a county may establish yard
26 requirements for an ECHO housing unit which shall not
27 be more restrictive than as follows:

28 a. An ECHO housing unit may be excluded from any
29 front yard required by the zoning regulations in the
30 zoning district in which the unit is to be located.

31 b. Side yards and rear yards shall not be required
32 to be more than five feet from the property line.

33 c. An ECHO housing unit shall not cover more than
34 thirty percent of any rear yard required by the zoning
35 regulations in the zoning district in which the unit
36 is to be located. The percentage of the rear yard
37 covered by the ECHO housing unit shall not include as
38 square footage covered by the ECHO housing unit any
39 covered walk or breezeway connecting the unit to the
40 principal dwelling or any walks, patios, stoops, or
41 steps whether covered or open, associated with the
42 ECHO housing unit or any roof overhangs.

43 6. An ECHO housing unit may be connected or
44 attached to the principal dwelling by a covered walk
45 or breezeway.

46 7. The rules adopted by the state building code
47 commissioner pursuant to section 103A.24 are
48 applicable to ECHO housing units. The provisions of
49 any building, housing, sanitation, fire, electrical,
50 plumbing, or mechanical codes, ordinances, or regula-

Page 4

1 tions of any city, county, governmental subdivision,
2 the state, or a state agency or department are not
3 applicable to ECHO housing units to the extent they
4 are in conflict with the rules adopted by the state
5 building code commissioner pursuant to section
6 103A.24.

7 8. A restriction, reservation, condition,
8 exception, or covenant in any subdivision plan, deed,
9 of other instrument of or pertaining to the transfer,
10 sale, lease, or use of property which permits
11 residential use of property but which would prohibit
12 the use of property for an ECHO housing unit or the
13 construction, erection, or installation of an ECHO
14 housing unit in association with a principal dwelling
15 as permitted by this section, to the extent of the
16 prohibition, is void as against the public policy of
17 this state and shall not be given legal or equitable
18 effect.

19 Sec. 4. NEW SECTION. 414.29 ECHO HOUSING.

20 1. It is the intent of this section to encourage
21 and assist the provision of alternative housing
22 opportunities for senior citizens and handicapped
23 persons by providing for the location of cottages for
24 elderly or handicapped relatives of persons residing
25 in dwellings on the same residential lot and
26 associated with the principal dwelling on the lot in
27 order that families may be reunited and support and
28 assist each other at reduced costs while maintaining
29 elderly or handicapped relatives in independent living
30 arrangements and preventing the isolation of elderly
31 or handicapped relatives, to the substantial benefit
32 of society. This section shall be liberally construed
33 to implement its intent.

34 2. As used in this section:

35 a. "ECHO" means elder and handicapped cottage
36 housing opportunity.

37 b. "ECHO housing unit" means a detached cottage
38 constructed, erected or installed in association with
39 a principal dwelling on a lot zoned for single-family
40 or one-or two-family residence purposes which meets
41 the following criteria:

42 (1) Is one story in height.

43 (2) Its floor area does not exceed six hundred
44 forty square feet.

45 (3) Is constructed or erected in such a manner as
46 to be movable from one location to another.

47 (4) Is owned by a nonprofit corporation or by a
48 unit of government, governmental agency or
49 instrumentality.

50 (5) Is to be occupied as a residence by one or two

Page 5

1 adult persons, one of whom is sixty-two years of age
2 or older or handicapped and the other is also sixty-
3 two years of age or older or handicapped or is the
4 first person's spouse, and one of whom is related
5 within the third degree of consanguinity to one of the
6 occupants of the principal dwelling located on the
7 lot.

8 c. "Handicapped person" means a physically or
9 mentally handicapped person as determined pursuant to
10 city ordinance.

11 d. "Permitted use" means a use which by right is
12 authorized in a residential zoning district.

13 e. "Principal dwelling" means a single family
14 dwelling constructed or erected and occupied in
15 accordance with local zoning and building codes, if
16 any, on a lot upon which an ECHO housing unit is
17 constructed or erected.

18 f. "Residence" means a dwelling unit regularly
19 used by its occupants as a permanent place of abode as
20 one's home and not as a place of business, profession,
21 trade or occupation and which has housekeeping and
22 cooking facilities for its occupants only.

23 3. Notwithstanding any provision of this chapter
24 or any city ordinance or regulation to the contrary,
25 an ECHO housing unit shall be a permitted use on any
26 lot or parcel of not less than six thousand square
27 feet in any single-family or any one-or two-family
28 residential zoned district, subject to the require-
29 ments of, and the restrictions permitted by, this
30 section.

31 4. By ordinance, a city may require a special
32 occupancy permit for a proposed ECHO housing unit
33 which may be specific as to the occupants of the unit
34 and as to the occupants of the principal dwelling on
35 the lot upon which the ECHO housing unit is proposed
36 to be constructed, erected or installed and may
37 require a bond for the reasonable costs of removal of
38 the ECHO housing unit at such time as the unit or the
39 principal dwelling are no longer occupied by the
40 persons specified in the occupancy permit. A city may
41 require that the owner of the lot upon which the ECHO
42 housing unit is proposed to be constructed, erected,
43 or installed and the owner of the ECHO housing unit
44 submit to the city in writing their consent that the
45 city may enter the lot and remove the ECHO housing
46 unit or cause the unit to be removed if the ECHO
47 housing unit or the principal dwelling are no longer
48 occupied by the persons specified in the special
49 occupancy permit and the owner of the ECHO housing
50 unit has not caused it to be removed, and their waiver

Page 6

1 of all damages resulting from the entry or removal.

2 5. By ordinance, a city may establish yard
3 requirements for an ECHO housing unit which shall not
4 be more restrictive than as follows:

5 a. An ECHO housing unit may be excluded from any
6 front yard required by the zoning regulations in the
7 zoning district in which the unit is to be located.

8 b. Side yards and rear yards shall not be required
9 to be more than five feet from the property line.

10 c. An ECHO housing unit shall not cover more than
11 thirty percent of any rear yard required by the zoning
12 regulations in the zoning district in which the unit
13 is to be located. The percentage of the rear yard
14 covered by the ECHO housing unit shall not include as
15 square footage covered by the ECHO housing unit any
16 covered walk or breezeway connecting the unit to the
17 principal dwelling or any walks, patios, stoops, or
18 steps whether covered or open, associated with the
19 ECHO housing unit or any roof overhangs.

20 6. An ECHO housing unit may be connected or
21 attached to the principal dwelling by a covered walk
22 or breezeway.

23 7. The rules adopted by the state building code
24 commissioner pursuant to section 103A.24 shall be
25 applicable to ECHO housing units. The provisions of
26 any building, housing, sanitation, fire, electrical,
27 plumbing, or mechanical codes, ordinances, or regula-
28 tions of any city, county, governmental subdivision,
29 the state or a state agency or department shall not be
30 applicable to ECHO housing units to the extent they
31 are in conflict with the rules adopted by the state
32 building code commissioner pursuant to section
33 103A.24.

34 8. A restriction, reservation, condition,
35 exception, or covenant in any subdivision plan, deed,
36 or other instrument of or pertaining to the transfer,
37 sale, lease, or use of property which permits
38 residential use of property but which would prohibit
39 the use of property for an ECHO housing unit or the
40 construction, erection or installation of an ECHO
41 housing unit in association with a principal dwelling
42 as permitted by this section, to the extent of the
43 prohibition, is void as against the public policy of
44 this state and shall not be given legal or equitable
45 effect."

46 2. Title page, line 1, by striking the word
47 "older" and inserting the words "elderly and
48 handicapped".

Paulin of Plymouth offered the following amendment H—5116, to the committee amendment H—5096, filed by him. Division was requested as follows:

H—5116

- 1 Amend the Committee amendment, H—5096, to House
- 2 File 2019, as follows:

H—5116A

- 3 1. Page 2, by striking lines 17, 18 and 19.

H—5116B

- 4 2. Page 2, by striking lines 20 through 30 and
- 5 inserting the following:
- 6 “(5) Is to be occupied as a residence by one or
- 7 two adult persons who meet one of the following
- 8 conditions:
- 9 (a) The person, if only one, or both persons are
- 10 at least sixty-two years of age or handicapped and re-
- 11 lated within the third degree of consanguinity to one
- 12 of the occupants of the principal dwelling located on
- 13 the lot.
- 14 (b) One person is at least sixty-two years of age
- 15 or handicapped and the other person is the spouse of
- 16 the person who is at least sixty-two years of age or
- 17 handicapped. At least one of these persons must be
- 18 related within the third degree of consanguinity to
- 19 one of the occupants of the principal dwelling located
- 20 on the lot.”

H—5116C

- 21 3. Page 2, by inserting after line 30 the follow-
- 22 ing:
- 23 “(6) Is enclosed from the grade level to the
- 24 structure.”

H—5116D

- 25 4. Page 2, by striking lines 46 and 47 and in-
- 26 serting the following:
- 27 “3. A county which chooses to permit ECHO housing
- 28 units in residential zoning districts shall do so by
- 29 ordinance. The ordinance shall provide that”.

H—5116E

- 30 5. Page 3, line 24, by inserting after the word

H-5116E

31 "removal." the following: "If the ECHO housing unit
32 or the principal dwelling has not been occupied by the
33 persons specified in the special occupancy permit for
34 a period of ninety consecutive days, it is deemed to
35 be no longer occupied for purposes of this section.
36 The county may charge the owner of the ECHO housing
37 unit for the costs of removing the unit. The county
38 may prohibit the owner of the principal dwelling from
39 installing structures or obstructions, including
40 trees, shrubs, and fences, which would restrict the
41 removal of the ECHO housing unit."

H-5116F

42 6. Page 3, line 27, by striking the word
43 "follows:" and inserting the following: "follows,
44 except that the county may make the requirements more
45 restrictive if necessary to permit ingress and egress
46 by emergency vehicles:"

H-5116G

47 7. Page 4, by striking lines 16 through 18 and
48 inserting the following: "prohibition, may be voided
49 by a petition to the county signed by a simple
50 majority of the property owners involved."

Page 2

H-5116H

1 8. Page 4, by inserting after line 18 the follow-
2 ing:
3 "9. A public utility shall not require separate
4 metering for the ECHO housing unit. However, separate
5 metering may be requested by the owner of the
6 principal dwelling."

H-5116A

7 9. Page 4, by striking lines 47, 48 and 49.

H-5116B

8 10. By striking page 4, line 50 through page 5,
9 line 7, and inserting the following:
10 "(5) Is to be occupied as a residence by one or
11 two adult persons who meet one of the following
12 conditions:

H-5116B

13 (a) The person, if only one, or both persons are
14 at least sixty-two years of age or handicapped and re-
15 lated within the third degree of consanguinity to one
16 of the occupants of the principal dwelling located on
17 the lot.

18 (b) One person is at least sixty-two years of age
19 or handicapped and the other person is the spouse of
20 the person who is at least sixty-two years of age or
21 handicapped. At least one of these persons must be
22 related within the third degree of consanguinity to
23 one of the occupants of the principal dwelling located
24 on the lot."

H-5116C

25 11. Page 5, by inserting after line 7 the follow-
26 ing:

27 "(6) Is enclosed from the grade level to the
28 structure."

H-5116D

29 12. Page 5, by striking lines 23 and 24 and in-
30 serting the following:

31 "3. A city which chooses to permit ECHO housing
32 units in residential zoning districts shall do so by
33 ordinance. The ordinance shall provide that".

H-5116E

34 13. Page 6, line 1, by inserting after the word
35 "removal." the following: "If the ECHO housing unit
36 or the principal dwelling has not been occupied by the
37 persons specified in the special occupancy permit for
38 a period of ninety consecutive days, it is deemed to
39 be no longer occupied for purposes of this section.
40 The city may charge the owner of the ECHO housing unit
41 for the costs of removing the unit. The city may
42 prohibit the owner of the principal dwelling from in-
43 stalling structures or obstructions, including trees,
44 shrubs, and fences, which would restrict the removal
45 of the ECHO housing unit."

H-5116F

46 14. Page 6, line 4, by striking the word
47 "follows:" and inserting the following: "follows,
48 except that the city may make the requirements more
49 restrictive if necessary to permit ingress and egress
50 by emergency vehicles:"

Page 3

H-5116G

- 1 15. Page 6, by striking lines 43 through 45 and
- 2 inserting the following: "prohibition, may be voided
- 3 by a petition to the city signed by a simple majority
- 4 of the property owners involved."

H-5116H

- 5 16. Page 6, by inserting after line 45 the
- 6 following:
- 7 "9. A public utility shall not require separate
- 8 metering for the ECHO housing unit. However, separate
- 9 metering may be requested by the owner of the
- 10 principal dwelling."
- 11 17. By renumbering as necessary.

Speaker Avenson in the chair at 10:22 a.m.

Norland of Worth asked and received unanimous consent that House File 2019 be deferred and that the bill retain its place on the calendar.

(Amendment H-5116A, to the committee amendment H-5096, pending.)

INTRODUCTION OF BILLS

House File 2338, by committee on judiciary and law enforcement, a bill for an act relating to the provision of risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, and providing an effective date.

Read first time and referred to committee on local government.

House File 2339, by committee on judiciary and law enforcement, a bill for an act relating to the offense of operating a motor vehicle while under the influence of alcohol or a drug by consolidating into a single chapter the provisions in the Code dealing with the offense of operating a motor vehicle while under the influence of alcohol or a drug, by lowering the per se level of alcohol concentration to .10, by providing a presumption that a chemical

test performed within two hours of an arrest indicates the alcohol concentration at the time of arrest, by providing that the period of revocation of a person's privilege to drive upon conviction for the offense of operating a motor vehicle while under the influence of alcohol or a drug conforms to the period of revocation which would have occurred under the administrative process for a test result or implied consent revocation, by providing a six-year limitation on counting previous offenses to determine the degree of the offense under the administrative revocation process, by unifying the provisions of the Code dealing with the issuance of a temporary restricted license, and by providing new criteria for the issuance of a temporary restricted license.

Read first time and placed on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Groninga of Cerro Gordo, until his arrival, on request of Paulin of Plymouth.

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 February 18, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2008, a bill for an act to broaden the goals to be served in the determination of appropriate criminal sentences.

Also: That the Senate has on February 18, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2100, a bill for an act relating to public defenders.

Also: That the Senate has on February 18, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2159, a bill for an act relating to the reduction of recommended salary increases by the board of supervisors.

Also: That the Senate has on February 18, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2165, a bill for an act providing that the hazardous chemicals risk

right to know Act does not apply to employers not regulated by the federal occupational safety and health administration's hazard communication regulation with respect to hazardous chemicals which are consumer products as defined in and regulated pursuant to the federal Consumer Product Safety Act.

Also: That the Senate has on February 18, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2166, a bill for an act relating to the authority of the department of water, air and waste management to remove and compel removal of hazardous substances or hazardous wastes.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 11:04 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

RULE 57 SUSPENDED

Norland of Worth asked for unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee on local government and committee on agriculture meetings.

Objection was raised.

The House stood at ease at 3:36 p.m., until the fall of the gavel.

The House resumed session at 4:07 p.m., Connors of Polk in the chair.

Norland of Worth asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee on agriculture and committee on local government meetings upon recess.

The House stood at ease at 4:10 p.m., until the fall of the gavel.

The House resumed session at 5:25 p.m., Speaker Avenson in the chair.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 20, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 635, an act relating to the payment of drainage assessments against lands under the jurisdiction of the State Conservation Commission.

Senate File 499, an act establishing applicable standards for motor vehicle safety belts and safety harnesses, mandating safety belt and safety harness use with certain exceptions, requiring the establishment of education programs, and making penalties applicable.

Senate File 590, an act relating to mobile deputy registrars.

PRESENTATION OF VISITOR

Maulsby of Calhoun presented to the House the Honorable Warren Johnson, former member of the House representing Woodbury County.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 698 Human Resources

Relating to the provision of medical care to indigent persons and the payment for the medical care from the indigent patient care fund.

S.B. 699 Judiciary and Law Enforcement

Making peer review committee records and proceedings confidential and not subject to discovery, requiring reports of certain physician disciplinary actions, requiring reports of medical malpractice payments by insurers on behalf of health care providers, and requiring insurance reports regarding medical malpractice claims.

S.B. 700 Labor and Industrial Relations

Relating to the filing of a surety bond or depositing of moneys or securities with the department of job service by a nonprofit organization electing to become a reimbursable employer under the unemployment compensation law.

S.B. 701 Local Government

Relating to county officers by providing for the combining of county offices and removing salary restrictions for the combined offices under section 331.323, by amending the duties of certain elected county officers, and by making the Act effective upon publication.

SUBCOMMITTEE ASSIGNMENTS**House File 2306**

Judiciary and Law Enforcement: Chapman, Chair; Clark, Doderer, Haverland, Holveck, Shoning and Siegrist.

House File 2338

Local Government: O'Kane, Chair; Baxter, Groninga, Petersen of Muscatine and Platt.

Senate File 2051

Judiciary and Law Enforcement: Jay, Chair; Clark and Knapp.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 587**

Judiciary and Law Enforcement: Jay, Chair; Kremer and Woods.

Study Bill 671

Judiciary and Law Enforcement: Haverland, Chair; Carl and Kremer.

Study Bill 673

Judiciary and Law Enforcement: Siegrist, Chair; Peterson of Carroll and Tabor.

Study Bill 681

Judiciary and Law Enforcement: Haverland, Chair; Carl and Maulsby.

Study Bill 684

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 676), relating to drainage districts.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly Study Bill 632), extending the authorization of the toxic cleanup days pilot program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2090, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Senate File 477, a bill for an act relating to the search of students or protected student areas.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Senate File 2044, a bill for an act relating to the admissibility of the reports and findings of the criminalistics laboratory in forfeiture proceedings.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Senate File 2051, a bill for an act relating to the attachment of child and spousal support liens to real property and providing a retroactive effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Committee Bill (Formerly Study Bill 534), relating to the judgeship formula for the apportionment of district judges.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Committee Bill (Formerly Study Bill 535), relating to the appointment of a district associate judge in lieu of magistrates.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Committee Bill (Formerly Study Bill 575), relating to the definition of the term "felony" for purposes of the law relating to possession of weapons, and affecting penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1986.

COMMITTEE ON LOCAL GOVERNMENT

House File 2026, a bill for an act related to the appointment of county deputies, assistants, and clerks.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Committee Bill (Formerly Study Bill 588), relating to the publication of official public notices by providing for the selection of official newspapers, by establishing fees for the publication of official notices, and by providing for enforcement of official publication requirements, and subjecting violators to penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1986.

COMMITTEE ON STATE GOVERNMENT

Senate File 120, a bill for an act relating to grave or burial sites by allowing their protection and preservation by law enforcement agencies and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Senate File 199, a bill for an act relating to leaves of absence for a public employee who is a candidate for elective public office.

Fiscal Note is not required.

Recommended **Amend and Do Pass** with amendment H-5131, February 19, 1986.

Senate File 540, a bill for an act relating to the financing of political campaigns and the reporting of that financing.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

Committee Bill (Formerly Study Bill 576), relating to games of skill, games of chance, and raffles.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1986.

RESOLUTION FILED

HCR 111, by committee on agriculture, a concurrent resolution urging adoption of a long-term supply management program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5129	S.F.	540	Swearingen of Keokuk
H-5131	S.F.	199	Committee on State
			Government
H-5132	H.F.	2100	Shoultz of Black Hawk
H-5133	H.F.	2315	Paulin of Plymouth
			Hester of Pottawattamie
			Bennett of Ida
			Pavich of Pottawattamie
			Jay of Appanoose
			Rensink of Sioux
			Harbor of Mills
			Groninga of Cerro Gordo
			Platt of Muscatine
			Kremer of Buchanan
			Sullivan of Van Buren
			Groninga of Cerro Gordo
H-5134	H.F.	254	Connors of Polk
H-5135	H.F.	2019	Platt of Muscatine
			Sherzan of Polk
			McKean of Jones

H—5136

H.F. 2066

Jay of Appanoose

On motion by Norland of Worth, the House adjourned at 5:26 p.m., until 9:00 a.m., Friday, February 21, 1986.

JOURNAL OF THE HOUSE

Fortieth Calendar Day—Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 21, 1986

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

Prayer was offered by Reverend Forrest Clark, pastor of the United Methodist Church, Churdan.

The Journal of Thursday, February 20, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Branstad of Winnebago, from four hundred fifty-one rural taxpayers favoring property tax relief, reduction of current spending and diversion of other forms of state revenue to relieve the property tax burden of rural Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jay of Appanoose on request of Rosenberg of Story.

INTRODUCTION OF BILLS

House File 2340, by committee on judiciary and law enforcement, a bill for an act relating to civil actions for the recovery of damages by limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty, providing sanctions for the filing or commencing of frivolous actions, prohibiting the stating of money damages demanded, providing a rebuttable presumption against the assignment of fault for persons against whom an action is brought for products liability and who can plead and prove conformance with an existing design, engineering, or safety standard, and requiring a party to register expert witnesses of their own selection within one hundred eighty days of the filing of an action, and providing an effective date.

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

House File 2341, by Baxter, a bill for an act authorizing a state individual income tax checkoff to be used to pay the utility bills of indigent people unable to pay those bills and providing a retroactive effective date.

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

House File 2342, by Hanson and Jay, a bill for an act relating to class 2 grain dealers.

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

House File 2343, by Teaford, Chapman and Connors, a bill for an act relating to time limitations when a check deposited in a financial institution doing business in this state is to be made available to the depositor.

Read first time and referred to committee on **small business and commerce**.

House File 2344, by committee on energy and environmental protection, a bill for an act relating to the toxic cleanup days pilot program and providing an effective date.

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

House File 2345, by committee on agriculture, a bill for an act relating to drainage districts.

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

House File 2346, by committee on judiciary and law enforcement, a bill for an act relating to the appointment of a district associate judge in lieu of magistrates.

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

House File 2347, by committee on judiciary and law enforcement, a bill for an act relating to the definition of the term "felony" for purposes of the law relating to possession of weapons, and affecting penalties.

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

House File 2348, by committee on energy and environmental protection, a bill for an act relating to water sold in sealed containers for human consumption and making penalties applicable.

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

SENATE MESSAGES CONSIDERED

Senate File 2008, by Ritsema, a bill for an act to broaden the goals to be served in the determination of appropriate criminal sentences.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2100, by Mann, a bill for an act relating to public defenders.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2159, by committee on local government, a bill for an act relating to the reduction of recommended salary increases by the board of supervisors.

Read first time and referred to committee on **local government**.

Senate File 2165, by committee on energy and environment, a bill for an act providing that the hazardous chemicals risk right to know Act does not apply to employers not regulated by the federal occupational safety and health administration's hazard communication regulation with respect to hazardous chemicals which are consumer products as defined in and regulated pursuant to the federal Consumer Product Safety Act.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2166, by committee on energy and environment, a bill for an act relating to the authority of the department of water, air and waste management to remove and compel removal of hazardous substances or hazardous wastes.

Read first time and **passed on file.**

**HOUSE FILE 2019, SENATE FILE 447, AND
HOUSE FILES 2159 AND 2299 DEFERRED**

Norland of Worth asked and received unanimous consent that House File 2019, Senate File 447 and House Files 2159 and 2299 be deferred and that the bills retain their place on the calendar.

**CONSIDERATION OF BILLS
Regular Calendar**

House File 2001, a bill for an act relating to the length of exposure in the last employment to the hazards of pneumoconiosis under the workers' compensation law, with report of committee recommending passage was taken up for consideration.

Kremer of Buchanan offered the following amendment H—5110 filed by him and moved its adoption:

H—5110

- 1 Amend House File 2001 as follows:
- 2 1. Page 1, by striking lines 9 through 13 and
- 3 inserting the following: "shall be given and made to
- 4 ~~such~~ the employer, provided, that in case of
- 5 pneumoconiosis other than asbestosis, the only
- 6 employer liable ~~shall be~~ is the last employer in whose
- 7 employment the employee was last injuriously exposed
- 8 to the hazards of the disease during a period of not
- 9 less than sixty days as required under this".
- 10 2. Page 1, line 16, by striking the word
- 11 "pneumoconiosis" and inserting the following:
- 12 "asbestosis".
- 13 3. Title page, line 2, by striking the word
- 14 "pneumoconiosis" and inserting the following:
- 15 "asbestosis".

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H—5110 lost.

Connors 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. 2001)

The ayes were, 89:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hester	Holveck	Hughes	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 9:

Grandia	Hermann	Maulsby	Pellett
Renken	Rensink	Schnekloth	Stueland
Welden			

Absent or not voting, 2:

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

GOVERNOR'S ITEM VETO SUSTAINED

Norland of Worth called up for consideration **House File 764**, a bill for an act relating to unpaid taxes, tax credits and enforcement of taxes administered by the department of revenue, making an appropriation, and providing civil and criminal penalties, item vetoed by the Governor on February 14, 1986.

Doderer of Johnson moved that the House on reconsideration agree to pass House File 764, the objections (to appropriation item in Section 42) of the Governor to the contrary notwithstanding.

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 764)

The ayes were, 59:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jochum	Johnson
Knapp	Koenigs	Lloyd-Jones	Loneragan
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 38:

Bennett	Carpenter	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hester	Hummel	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schneklloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Welden		

Absent or not voting, 3:

Branstad	Jay	Kremer
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The motion having failed to receive a two-thirds majority was declared to have lost and the Governor's item veto was sustained.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, for the remainder of the day, on request of Swearingen of Keokuk.

Regular Calendar

The House resumed consideration of **House File 2019**, a bill for an act to amend zoning statutes to authorize allowing older persons to reside in temporary housing on the same property as a primary dwelling and to require the state building code commissioner to adopt rules, and amendment H—5116A (found on pages 394 and 395 of the House Journal) to the committee amendment H—5096 (found on pages 388 through 393 of the House Journal) deferred February 20, 1986.

Chapman of Linn in the chair at 10:28 a.m.

Paulin of Plymouth moved the adoption of amendment H—5116A, to the committee amendment H—5096.

Roll call was requested by Paulin of Plymouth and Lageschulte of Bremer.

On the question "Shall amendment H—5116A, to the committee amendment H—5096, be adopted?"

The ayes were, 39:

Bennett	Cooper	Corey	De Groot
Diemer	Grandia	Groninga	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Lageschulte	Maulsby	McIntee	Metcalf
Miller	Muhlbauer	Oxley	Paulin
Peick	Pellet	Petersen, D. F.	Platt
Renken	Rensink	Royer	Running
Schnekloth	Shoning	Stromer	Stueland
Sullivan	Swartz	Swearingen	Van Maanen
Varn	Welden	Zimmerman	

The nays were, 54:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Clark	Cochran	Connolly
Connors	Daggett	Doderer	Fey
Fogarty	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Hester
Holveck	Hughes	Hummel	Jochum
Johnson	Knapp	Koenigs	Lloyd-Jones
Loneragan	McKean	Mullins	Norland
Ollie	Osterberg	Parker	Pavich
Peterson, M. K.	Poncy	Renaud	Rosenberg
Sherzan	Shoultz	Siegrist	Skow
Spear	Sturgeon	Tabor	Teaford
Van Camp	Madam Speaker (Chapman)		

Absent or not voting, 7:

Avenson .
Kremer

Branstad
O'Kane

Carter
Woods

Jay

Amendment H—5116A lost.

On motion by Paulin of Plymouth, amendment H—5116B (to the committee amendment H—5096) was adopted.

On motion by Paulin of Plymouth, amendment H—5116C (to the committee amendment H—5096) was adopted.

Sturgeon of Woodbury offered the following amendment H—5143, to the committee amendment H—5096, filed by him from the floor and moved its adoption:

H—5143

1 Amend the Committee amendment, H—5096 to House File
2 2019, as follows:

3 1. Page 2, line 47, by inserting after the word
4 "contrary" the words "but subject to the provisions of
5 subsection 9".

6 2. Page 3, line 46, by striking the word "The"
7 and inserting the following: "Subject to the
8 provisions of subsection 9, the".

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

11 "9. Prior to January 1, 1987, the board of
12 supervisors of a county may by affirmative vote
13 exclude the county from the requirements of
14 subsections 3 and 7. If the board of supervisors does
15 not do so before January 1, 1987, an ECHO housing unit
16 is a permitted use and is subject to the rules adopted
17 by the state building code commissioner as provided in
18 those subsections. Action to exclude the county from
19 the requirements does not preclude later action to
20 make the county subject to the requirements."

21 4. Page 5, line 24, by inserting after the word
22 "contrary" the words "but subject to the provisions of
23 subsection 9".

24 5. Page 6, line 23, by striking the word "The"
25 and inserting the following: "Subject to the
26 provisions of subsection 9, the".

27 6. Page 6, by striking lines 45 and inserting the
28 following: "effect."

29 9. Prior to January 1, 1987, the governing body of
30 a city may by affirmative vote exclude the city from
31 the requirements of subsections 3 and 7. If the

32 governing body does not do so before January 1, 1987,
 33 an ECHO housing unit is a permitted use and is subject
 34 to the rules adopted by the state building code
 35 commissioner as provided in those subsections. Action
 36 to exclude the city from the requirements does not
 37 preclude later action to make the city subject to the
 38 requirements."

Roll call was requested by Paulin of Plymouth and Hummel of Benton.

On the question "Shall amendment H—5143 (to the committee amendment H—5096) be adopted?"

The ayes were, 50:

Arnould	Baxter	Beatty	Blanshan
Brammer	Carl	Carter	Clark
Connolly	Connors	Cooper	Daggett
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Hatch	Hughes	Hummel
Jochum	Johnson	Knapp	Lloyd-Jones
Loneragan	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Parker
Pavich	Peterson, M. K.	Poncy	Rosenberg
Running	Shoultz	Siegrist	Sturgeon
Swartz	Teaford	Van Camp	Varn
Zimmerman	Madam Speaker (Chapman)		

The nays were, 42:

Bennett	Black	Buhr	Carpenter
Corey	De Groot	Diemer	Grandia
Halvorson, R. A.	Harbor	Haverland	Hermann
Hester	Holveck	Koenigs	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Oxley	Paulin	Peick
Petersen, D. F.	Platt	Renaud	Renken
Rensink	Royer	Schneklloth	Sherzan
Shoning	Skow	Spear	Stromer
Stueland	Sullivan	Swearingen	Van Maanen
Welden	Woods		

Absent or not voting, 8:

Avenson	Branstad	Cochran	Doderer
Jay	Kremer	Pellett	Tabor

Amendment H—5143 was adopted.

Norland of Worth asked and received unanimous consent that House File 2019 be deferred and that the bill retain its place on the calendar.

INTRODUCTION OF BILLS

House File 2349, by committee on state government, a bill for an act relating to games of skill, games of chance, and raffles.

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

House File 2350, by committee on local government, a bill for an act relating to the publication of official public notices by defining a newspaper, by establishing fees for the publication of official notices, and by providing for enforcement of official publication requirements, and subjecting violators to penalties.

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

House File 2351, by committee on agriculture, a bill for an act relating to the Iowa family farm development authority, by changing the name of the authority to the agricultural development authority, and by empowering the authority to undertake agricultural producer financial assistance programs.

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

House File 2352, by committee on transportation, a bill for an act authorizing the temporary transfer of funds from the farm-to-market road fund to the primary road fund.

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

House File 2353, by committee on agriculture, a bill for an act relating to the Iowa family farm development authority, by providing for an agricultural loan assistance program, providing for the adoption of penalties, making an appropriation, and providing for an effective date.

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

House File 2354, by committee on small business and commerce, a bill for an act relating to the Iowa insurance guaranty association.

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

MOTION TO RECONSIDER WITHDRAWN
(Senate Joint Resolution 1)

Harbor of Mills asked and received unanimous consent to withdraw the motion to reconsider Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the offices of governor and lieutenant governor, filed on February 17, 1986.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, for the remainder of the day, on request of Bennett of Ida.

Regular Calendar

Senate File 447, a bill for an act to license operators of radiation emitting equipment, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5092 filed by the committee on state government:

H—5092

1 Amend Senate File 447, 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 136C.3, subsection 2, Code
6 1985, is amended to read as follows:

7 2. Establish minimum training standards including
8 continuing education requirements, and administer
9 examinations and disciplinary procedures for operators
10 of radiation machines and users of radioactive
11 materials. A state of Iowa license to practice
12 medicine, osteopathy, chiropractic, podiatry,
13 dentistry, dental hygiene, or veterinary medicine
14 satisfies the minimum training standards for operation
15 of radiation machines only.

16 Sec. 2. Section 136C.10, Code 1985, is amended to
17 read as follows:

18 136C.10 FEES.

19 The department shall establish and collect fees for
20 the licensing and amendment of licenses for
21 radioactive materials, the registration of radiation

22 machines, and the periodic inspection of radiation
23 machines and radioactive materials, and the
24 implementation of section 136C.3, subsection 2. Fees
25 shall be in amounts sufficient to defray the cost of
26 administering this chapter. The license fee may
27 include the cost of environmental surveillance
28 activities to assess the radiological impact of
29 activities conducted by licensees. Fees collected
30 shall be remitted to the treasurer of state who shall
31 deposit the funds in the general fund of the state.
32 When a registrant or licensee fails to pay the
33 applicable fee the department may suspend or revoke
34 the registration or license or may issue an
35 appropriate order. Fees for the license, amendment of
36 a license, and inspection of radioactive material
37 shall not exceed the fees prescribed by the United
38 States nuclear regulatory commission."
39 2. Title page, by striking line 1 and inserting
40 the following:
41 "An Act relating to the minimum training standards
42 imposed upon operators of radiation emitting
43 equipment."

Groninga of Cerro Gordo asked and received unanimous consent to withdraw amendment H—5123, to the committee amendment H—5092, filed by him on February 19, 1986.

Blanshan of Green offered the following amendment H—5142, to the committee amendment H—5092, filed from the floor by Blanshan, Groninga and Carpenter and moved its adoption:

H—5142

1 Amend the amendment H—5092 to Senate File 447, as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 13, by inserting after the word
5 "medicine" the following: ", or certification as a
6 physician's assistant as defined in section 148C.1,
7 subsection 6, or certification by the board of dental
8 examiners in dental radiography, or enrollment in a
9 program or course of study approved by the state
10 department of health which includes the application of
11 radiation to humans".

Amendment H—5142 was adopted.

Blanshan of Greene moved the adoption of the committee amendment H—5092, as amended.

A non-record roll call was requested.

The ayes were 62, nays 18.

The committee amendment H—5092, as amended, was adopted placing the following amendments out of order:

H—5106 filed by Blanshan of Greene on February 17, 1986.

H—5125 filed by Carpenter of Polk and Blanshan of Greene on February 19, 1986.

Speaker Avenson in the chair at 11:21 a.m.

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

On the question "Shall the bill pass?" (S.F. 447)

The ayes were, 72:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Buhr	Carl
Carpenter	Clark	Cochran	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Groninga
Groth	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Lloyd-Jones	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Norland
Ollie	Osterberg	Parker	Paulin
Pavich	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Sherzan	Shoning
Siegrist	Spear	Stromer	Stueland
Sullivan	Swearingen	Teaford	Van Camp
Varn	Welden	Woods	Mr. Speaker

The nays were, 22:

Black	Chapman	Connolly	Fogarty
Grandia	Gruhn	Halvorson, R. A.	Koenigs

Lageschulte
Peick
Skow
Van Maanen

Loneragan
Running
Sturgeon
Zimmerman

O'Kane
Schnekloth
Swartz

Oxley
Shoultz
Tabor

Absent or not voting, 6:

Branstad
Mullins

Carter
Pellett

Jay

Kremer

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

PASSED ON FILE
(Senate Files 2123 and 2124)

The Speaker announced that Senate File 2123 and 2124, previously referred to the committee on **judiciary and law enforcement**, are **passed on file**.

REREFERRED TO COMMITTEE ON APPROPRIATIONS
(House File 2138)

The Speaker announced that House File 2138, previously referred to the committee on **state government**, was rereferred to the committee on **appropriations**.

MOTIONS TO RECONSIDER
(Amendment H—5116B, to amendment H—5096, to
House File 2019)

I move to reconsider the vote by which amendment H—5116B, to amendment H—5096, to House File 2019 was adopted by the House on February 21, 1986.

GRONINGA of Cerro Gordo

(Amendment H—5116A, to amendment H—5096, to
House File 2019)

I move to reconsider the vote by which amendment H—5116A, to amendment H—5096, to House File 2019 failed to be adopted by the House on February 21, 1986.

HUMMEL of Benton

(Senate File 447)

I move to reconsider the vote by which Senate file 447 passed the House on February 21, 1986.

TEAFORD of Black Hawk

(Amendment H—5092 to Senate File 447)

I move to reconsider the vote by which amendment H—5092, as amended, to Senate File 447 was adopted by the House on February 21, 1986.

TEAFORD of Black Hawk

COMMUNICATION FROM SECRETARY OF STATE

February 20, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that Senate File 2064 was published in The Algona Upper Des Moines, Algona, Iowa on February 19, 1986, and in The Audubon News-Advocate, Audubon, Iowa on February 19, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

SUBCOMMITTEE ASSIGNMENTS**House File 2286**

Education: Daggett, Chair; Haverland and Johnson.

House File 2289

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

House File 2292

Ways and Means: Siegrist, Chair; Holveck and Osterberg.

House File 2308

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2318

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

House File 2331

Human Resources: Sturgeon, Chair; Clark, Loneragan, Ollie and Van Camp.

House File 2335

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 648**

Ways and Means: Peterson of Carroll, Chair; De Groot and Petersen of Muscatine.

Study Bill 649

Ways and Means: Carpenter, Chair; Cochran and Parker.

Study Bill 691

Human Resources: Sturgeon, Chair; Carl, Fey, Platt and Shoning.

Study Bill 696

Education: Groth, Chair; Branstad and Hughes.

Study Bill 697

Education: Carter, Chair; Swearingen and Varn.

Study Bill 698

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 701

Local Government: Beatty, Chair; Baxter, O'Kane, Renken and Royer.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 702 Judiciary and Law Enforcement**

Transferring certain duties relating to work release of criminal

offenders from the work release committee and officers of institutions to the board of parole and department of corrections.

S.B. 703 Small Business and Commerce

To repeal reporting of mortgage assignments to county auditor.

S.B. 704 Small Business and Commerce

Relating to the powers of savings and loan associations.

S.B. 705 Small Business and Commerce

Relating to the powers of a state-chartered credit union.

S.B. 706 Small Business and Commerce

To establish lifeline telephone service and providing a penalty.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 679), relating to the Iowa family farm development authority, by providing for an agricultural loan assistance program, providing for the adoption of penalties, making an appropriation, and providing for an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass February 20, 1986.

Committee Bill (Formerly Study Bill 680), relating to the Iowa family farm development authority, by changing the name of the authority to the agricultural development authority, and by empowering the authority to undertake agricultural producer financial assistance programs.

Fiscal Note is not required.

Recommended Do Pass February 20, 1986.

COMMITTEE ON EDUCATION

House File 2084, a bill for an act relating to payments to a parent or guardian for transporting children to an elementary school.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5141, February 20, 1986.

House File 2167, a bill for an act relating to the time allowed for persons to file additional objections to a school reorganization petition if the board continues the hearing on the petition.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5139, February 20, 1986.

House File 2225, a bill for an act relating to the apportionment of the interest from the permanent school fund, including an elimination of school census requirements, and providing that the Act takes effect upon its publication.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5140, February 20, 1986.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly Study Bill 590), relating to the population of cities in which substandard housing and related buildings are subject to abatement under chapter 657A.

Fiscal Note is not required.

Recommended Do Pass February 20, 1986.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 2240, a bill for an act to limit free park user permits to one per household and to take effect upon publication.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5144, February 20, 1986.

Committee Bill (Formerly Study Bill 592), making appropriations to the state conservation commission for the acquisition of land for recreational trails.

Fiscal Note is not required.

Recommended Amend and Do Pass February 20, 1986.

Committee Bill (Formerly Study Bill 594), appropriating funds for the acquisition of Blood Run National Historic Landmark land.

Fiscal Note is not required.

Recommended Amend and Do Pass February 20, 1986.

SMALL BUSINESS AND COMMERCE

House File 2191, a bill for an act relating to the disclosure of suggested price information by the retail seller of certain motor vehicles, and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5137, February 20, 1986.

COMMITTEE ON TRANSPORTATION

Senate File 505, a bill for an act relating to the regulation of motor carriers and making penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5138, February 20, 1986.

Committee Bill (Formerly Study Bill 560), authorizing the temporary transfer of funds from the farm-to-market road fund to the primary road fund.

Fiscal Note is not required.

Recommended Amend and Do Pass February 20, 1986.

AMENDMENTS FILED

H-5137	H.F.	2191	Committee on Small Business and Commerce
H-5138	S.F.	505	Committee on Transportation
H-5139	H.F.	2167	Committee on Education
H-5140	H.F.	2225	Committee on Education
H-5141	H.F.	2084	Committee on Education
H-5144	H.F.	2240	Committee on Natural Resources and Outdoor Recreation

H—5145	H.F. 2159	Metcalf of Polk Doderer of Johnson Brammer of Linn
H—5146	H.J.R. 2001	Spear of Lee

On motion by Norland of Worth, the House adjourned at 12:01 p.m., until 10:00 a.m., Monday, February 24, 1986.

JOURNAL OF THE HOUSE

Forty-third Calendar Day — Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 24, 1986

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

Prayer was offered by Reverend Keith Kohlmeier, pastor of the First English Lutheran Church, Spencer.

The Journal of Friday, February 21, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story, for February 24 and 25, 1986, on request of Holveck of Polk; Lageschulte of Bremer, until his arrival, on request of Pellett of Cass.

INTRODUCTION OF BILLS

House File 2355, by committee on judiciary and law enforcement, a bill for an act relating to the judgeship formula for the apportionment of district judges.

Read first time and placed on the calendar.

House File 2356, by committee on natural resources and outdoor recreation, a bill for an act making appropriations to the state conservation commission for the acquisition of land for recreational trails.

Read first time and referred to committee on appropriations.

House File 2357, by committee on natural resources and outdoor recreation, a bill for an act appropriating funds for the acquisition of Blood Run National Historic Landmark land.

Read first time and referred to committee on appropriations.

CONSIDERATION OF BILLS

Regular Calendar

House File 2026, a bill for an act related to the appointment of county deputies, assistants, and clerks, with report of committee recommending passage was taken up for consideration.

Beatty of Warren 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. 2026)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Groninga	Hammond	Jay	Jochum
Lageschulte	Shoultz		

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

House File 2301, a bill for an act relating to sanitary disposal projects, was taken up for consideration.

The following amendment H-5147, filed by Johnson of Winneshiek from the floor, was adopted by unanimous consent:

H-5147

- 1 Amend House File 2301 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the words
- 3 "at a sanitary disposal project." and inserting
- 4 "in a sanitary landfill."

Carl of Poweshiek in the chair at 10:27 a.m.

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

On the question "Shall the bill pass?" (H.F. 2301)

The ayes were, 84:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Lonergan	McIntee	McKean
Metcalf	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Madam Speaker (Carl)

The nays were, 9:

Branstad	De Groot	Grandia	Handorf
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Maulsby
Van Maanen

Pellett

Renken

Schnekloth

Absent or not voting, 7:

Carter
Lageschulte

Hammond
Miller

Jay
Welden

Jochum

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

House File 2090, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance, with report of committee recommending passage was taken up for consideration.

Speaker Avenson in the chair at 10:46 a.m.

Shoning 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. 2090)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp

Varn
Mr. Speaker

Welden

Woods

Zimmerman

The nays were, 3:

Corey

Grandia

Van Maanen

Absent or not voting, 4:

Hammond

Jay

Lageschulte

Platt

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

MOTION TO RECONSIDER WITHDRAWN (House File 2067)

Hummel of Benton asked and received unanimous consent to withdraw the motion to reconsider House File 2067, a bill for an act relating to the false use of a financial instrument and providing penalties, filed on January 23, 1986.

MOTION TO RECONSIDER (House File 2001)

I move to reconsider the vote by which House File 2001 passed the House on February 21, 1986.

KREMER of Buchanan

COMMUNICATION FROM STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 24, 1986 and is on file in the office of the Chief Clerk.

February 18, 1986

Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 15 claims of a general nature. This supplements our filing of January 6, 1986.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

OFFICE OF STATE COMPTROLLER
STATE APPEAL BOARD

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0584	Mahaska County Hospital Oskaloosa, Iowa Outdated Billing	\$ 336.83	Denied
G85-0675	Mark Eugene Hilger Farragut, Iowa License Fee Refund	Undetermined	Denied
G85-0699	Wilma Kesselring Carson, Iowa License Fee Refund	800.00	Denied
G85-0758	David L. Johnson Clinton, Iowa License Fee Refund	45.00	Denied
G85-0762	Norma Lea Williams Clarinda, Iowa 51632 License Fee Refund	56.00	Denied
G85-0774	Shirley Garris Washburn, Iowa License Fee Refund	Undetermined	Denied
G85-0776	Frank Howard Steines Mason City, Iowa License Fee Refund	89.00	Denied
G85-0792	Taylor Industries, Inc. Des Moines, Iowa Outdated Invoice	697.52	Denied
G85-0807	Richard E. Backman Ventura, Iowa License Fee Refund	Undetermined	Denied
G85-0833	Quaker Oats Co. Barrington, Illinois License Fee Refund	78.00	Denied

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0860	Adams Door Co., Inc. Bettendorf, Iowa License Fee Refund	142.00	Denied
G85-0880	Robin Rene Beers Cedar Rapids, Iowa License Fee Refund	20.00	Denied
G85-0887	Dr. Abu Talib Taher Mecca, Saudi Arabia License Fee Refund	Undetermined	Denied
G86-0001	William R. Hibbing Hartley, Iowa License Fee Refund	277.18	Denied
G86-0023	Ellsworth Freight Lines, Inc. Eagle Grove, Iowa License Fee Refund	1,631.84	Denied

SUBCOMMITTEE ASSIGNMENTS

House File 758

Appropriations: Blanshan, Chair; Maulsby and Swartz.

House File 2138 (Rereferred to Appropriations)

Appropriations: Welden, Chair; Blanshan and Poncy.

House File 2181

Appropriations: Swartz, Chair; Halvorson of Clayton and Jochum.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 707 Agriculture

Relating to real estate foreclosures.

S.B. 708 Agriculture

Relating to commodity boards, by providing for their membership, the collection of their assessments, and the appropriation of their funds.

S.B. 709 Energy and Environmental Protection

Requiring each gas and electric utility to create a utility shutoff fund.

S.B. 710 Agriculture

Providing for referendums to terminate the collection of the beef and soybean assessments.

S.B. 711 Economic Development

Relating to the Iowa community development loan program.

S.B. 712 Agriculture

Relating to the production of agricultural commodities by providing for the establishment of a minimum price for certain agricultural commodities sold in the state, and the implementation of supply management and orderly marketing procedures, and providing a penalty.

S.B. 713 Agriculture

Relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate sale of a homestead in relation to a foreclosure on agricultural land, providing for a farm mediation program, establishing a farm crisis program coordinator, and making appropriations.

S.B. 714 Labor and Industrial Relations

Relating to special contribution rates for employers not required to contribute to the unemployment compensation fund and for employers eligible for the expanding employment incentive.

S.B. 715 Judiciary and Law Enforcement

Requiring clerks of the district court to report all medical malpractice judgments entered against physicians, physicians' assistants, advanced emergency medical technicians, and paramedics to the board of medical examiners.

S.B. 716 Human Resources

Relating to the department of human services' authority to investigate certain child sexual abuse cases and control access to certain information in child abuse cases.

S.B. 717 Natural Resources and Outdoor Recreation

To double the acres of woodland in Iowa.

S.B. 718 Judiciary and Law Enforcement

Relating to the mandatory retirement age for senior judges.

S.B. 719 Judiciary and Law Enforcement

Relating to judgment liens on real estate and providing a penalty.

RESOLUTION FILED

HCR 112, by O'Kane, Renken, Miller, Hester, Black, Royer, Platt, Petersen of Muscatine, Cooper, Peick, Diemer, Beatty, Groninga, Connors, Baxter, Buhr, Daggett, Grandia, Shoning, Teaforde, Oxley, Spear, Poncy and Sullivan, a concurrent resolution to provide for an interim study of all aspects of township government.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5148	H.F. 2084	Spear of Lee
H-5149	H.F. 2313	Metcalf of Polk
		Swartz of Marshall
H-5150	H.F. 2310	Doderer of Johnson
		Carpenter of Polk
H-5151	H.F. 2303	Hummel of Benton
H-5152	H.F. 2349	Teaforde of Black Hawk
H-5153	H.F. 2299	Running of Linn
H-5154	H.F. 2350	Peick of Linn

On motion by Norland of Worth, the House adjourned at 10:55 a.m., until 9:00 a.m., Tuesday, February 25, 1986.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day—Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 25, 1986

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

Prayer was offered by Reverend Roy E. Paslay, pastor of the First Baptist Church, Boone.

The Journal of Monday, February 24, 1986 was approved.

INTRODUCTION OF BILLS

House File 2358, by Grandia, Shoning, Bennett, Hummel, Woods, Renaud, Poncy, Branstad, Platt, Hermann and McKean, a bill for an act to provide that certain costs of notice incurred by the clerk of the district court are chargeable as court costs.

Read first time and referred to committee on **local government**.

House File 2359, by Connors, a bill for an act relating to certificates of title for vessels.

Read first time and referred to committee on **natural resources and outdoor recreation**.

House File 2360, by Maulsby, a bill for an act relating to the property taxation of the interest of a mortgagee.

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

House File 2361, by Maulsby, a bill for an act relating to the valuation for property tax purposes of livestock facilities which are not used for economic gain.

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

House File 2362, by Holveck, a bill for an act providing restrictions upon the holding, conducting, or authorizing of shows, auctions, or public offerings of offensive weapons or firearms in places to which the general public is invited.

Read first time and referred to committee on **state government**.

House File 2363, by Rosenberg, a bill for an act amending the juvenile justice code by applying statutes of limitations to delinquency cases, retaining juvenile court jurisdiction for one year beyond the attachment of jurisdiction, providing for the appointment of separate guardians ad litem, providing that adults under the juvenile court's jurisdiction are not bailable but must be detained separately from other adults, providing for chemical dependency evaluations as either physical or mental examinations, providing for the application of civil commitment procedures in delinquency cases, establishing standards of proof for certain proceedings removing persons from the home, providing for the submission of social investigation reports prior to the entering of child-in-need-of-assistance dispositions, providing for involuntary termination of parental rights under certain conditions involving ineffectiveness of corrective services, and providing for appeals of delinquency cases after disposition.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2364, by Doderer, a bill for an act prohibiting discrimination on the basis of sex or marital status in the issuance or operation of an insurance policy or plan or a pension or retirement plan.

Read first time and referred to committee on **state government**.

House File 2365, by Fogarty, a bill for an act relating to a landlord's lien.

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

House File 2366, by Peterson of Carroll, a bill for an act relating to the grounds for termination of parental rights under the juvenile justice code.

Read first time and referred to committee on **human resources**.

House File 2367, by Johnson, a bill for an act to establish a program in which certain high school students may enroll in courses

and programs in certain postsecondary institutions and receive both high school and college credit for successful completion and to provide a method of payment for the course or program and transportation.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2299, a bill for an act to increase snowmobile registration fees and providing an effective date, was taken up for consideration.

Running of Linn offered the following amendment H—5153 filed by him and moved its adoption:

H—5153

1 Amend House File 2299 as follows:

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

4 "Section 1. Section 321G.3, unnumbered paragraph
5 1, Code 1985, is amended to read as follows:

6 Every snowmobile used on public streets, highways,
7 land, or ice of this state shall be currently
8 registered and numbered. No person shall operate,
9 maintain, or give permission for the operation or
10 maintenance of any such a snowmobile on such public
11 land or ice unless the snowmobile is numbered in
12 accordance with this chapter, or in accordance with
13 applicable federal laws, or in accordance with an
14 approved numbering system of another state, and unless
15 the identifying number set forth in the registration
16 is displayed on each side of the forward half of such
17 the snowmobile. The requirements of this paragraph do
18 not apply to a snowmobile while it is being used on
19 public property in a special event authorized by the
20 commission."

21 2. By renumbering to conform with this amendment.

Amendment H—5153 lost.

Rensink 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. 2299)

The ayes were, 78:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Jay	Jochum
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	McIntee	McKean	Metcalf
Miller	Mullins	Norland	O'Kane
Ollie	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Platt	Poncy
Renaud	Rensink	Rosenberg	Shoning
Shoultz	Siegrist	Skow	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Woods
Zimmerman	Mr. Speaker		

The nays were, 19:

Bennett	Daggett	Hummel	Johnson
Knapp	Maulsby	Muhlbauer	Osterberg
Oxley	Pellett	Peterson, M. K.	Renken
Royer	Running	Schnekloth	Spear
Van Camp	Van Maanen	Varn	

Absent or not voting, 3:

Hammond	Sherzan	Welden
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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 2303 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2303 be deferred and that the bill retain its place on the calendar.

House File 2353, a bill for an act relating to the Iowa family farm development authority, by providing for an agricultural loan assistance program, providing for the adoption of penalties, making an appropriation, and providing for an effective date, was taken up for consideration.

RULES 31.8 AND 32 SUSPENDED

Norland of Worth asked for unanimous consent to suspend Rules 31.8 and 32 for the consideration of House File 2353.

Objection was raised.

Norland of Worth moved to suspend Rule 31.8 (relating to the filing of amendments) and Rule 32 (to refer to the committee on appropriations) on House File 2353.

Roll call was requested by Parker of Jasper and Norland of Worth.

On the question "Shall Rules 31.8 and 32 be suspended?"

The ayes were, 58:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Chapman	Cochran	Connolly	Connors
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Lonergan	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 39:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McIntee

McKean
Paulin
Renken
Shoning
Swearingen

Metcalf
Pellett
Rensink
Siegrist
Van Camp

Miller
Petersen, D. F.
Royer
Stromer
Welden

Mullins
Platt
Schneklloth
Stueland

Absent or not voting, 3:

Carter

Cooper

Hammond

The motion prevailed and the rules were suspended.

Skow of Guthrie offered the following amendment H—5155 filed by Skow, Cochran and Pellett from the floor:

H—5155

1 Amend House File 2353 as follows:

2 1. By striking page 4, line 34 through page 5,
3 line 1, and inserting the following: "in addition to
4 the interest rate reduction required pursuant to the
5 federal program."

6 2. Page 5, by inserting after line 6 the
7 following:

8 "6A. Notwithstanding the provisions of subsections
9 4, 5, and 6, upon approval of an eligibility
10 application and a determination by the board of the
11 authority that operating loan assistance will not be
12 available to an individual farmer and lending
13 institution on a timely basis pursuant to an
14 appropriate program of the federal government, the
15 authority may:

16 a. Enter into an agreement with the lending
17 institution and the farmer in which the lending
18 institution shall agree to reduce for one year the
19 interest rate on the farmer's new operating loan to a
20 rate determined by the authority below the lending
21 institution's farm operating loan rate as certified to
22 the authority and the farmer shall agree to comply
23 with the rules and requirements established by the
24 authority.

25 b. Agree to give to the lending institution, for
26 the benefit of the farmer, a grant in the amount, as
27 determined by the authority, up to three percent per
28 annum of the principal balance of the farmer's
29 operating loan outstanding from time to time, for the
30 term of the loan or for one year, whichever is less,
31 to partially reimburse the lending institution for the
32 reduction of the interest rate on the borrower's
33 operating loan. However, the grant shall not exceed
34 fifty percent of the amount of interest foregone by

35 the lending institution pursuant to the rate reduction
36 under paragraph "a".

37 3. Page 5, line 10, by striking the figure "4"
38 and inserting the following: "5 or 6A".

39 4. Page 5, line 30, by inserting after the figure
40 "33." the following: "Not more than one hundred
41 thousand (100,000) dollars, or so much thereof as is
42 necessary, shall be used for general administration,
43 including salaries, support, and miscellaneous
44 purposes."

45 5. Page 5, line 34, by inserting after the word
46 "fund." the following: "Moneys appropriated by this
47 section which are committed for agreements but which
48 are not utilized for the grants by July 1, 1987 revert
49 on a pro rata basis to the general fund and the Iowa
50 plan fund."

Osterberg of Linn asked for unanimous consent to amend amendment H—5155 by inserting on page 1, line 28, after the word "annum" the words "of up to fifty thousand dollars".

Objection was raised.

The House stood at ease at 10:08 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5155, to House File 2353, at 10:25 a.m., Speaker Avenson in the chair.

Osterberg of Linn offered the following amendment H—5159, to amendment H—5155, filed by him from the floor and moved its adoption:

H—5159

- 1 Amend amendment H—5155 to House File 2353 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "annum" the following: "of up to fifty thousand dollars".

Amendment H—5159 was adopted.

On motion by Skow of Guthrie, amendment H—5155, as amended, was adopted.

Skow 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?" (H.F. 2353)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carter	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs .
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 5:

Carpenter	Chapman	Parker	Paulin
Teaford			

Absent or not voting, 1:

Hammond

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

IMMEDIATE MESSAGE (House File 2353)

Norland of Worth asked and received unanimous consent to immediately message House File 2353 to the Senate.

House File 2303, a bill for an act to require a one-time, extensive test for water contaminants in certain public water supplies, previously deferred, was taken up for consideration.

Paulin of Plymouth offered the following amendment H—5113 filed by him:

H—5113

- 1 Amend House File 2303 as follows:
- 2 1. Page 1, line 2, by inserting after the numeral
- 3 "362," the following: "each water system serving a state-
- 4 owned facility regularly housing two hundred or more
- 5 persons,".

Harbor of Mills rose on a point of order and invoked Joint Rule 17, relating to fiscal notes.

The Speaker ruled the point well taken and Joint Rule 17 in order.

Arnould of Scott asked and received unanimous consent that House File 2303 be deferred and that the bill retain its place on the calendar.

(Amendment H—5113 pending.)

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Secretary II	Janis L. Bowden	16-2 + 1 to 16-2 + 1 + 1	S-O	02-07-86
Secretary II	Darlene J. Higginbottom	16-2 + 2 to 16-2 + 2 + 1	S-O	02-07-86
Secretary II	Betty J. LaCava	14-1 + 1 to 16-1 + 2	S-O	02-07-86
Secretary II	Shirley L. Marty	16-1 + 1 to 16-1 + 1 + 1	S-O	02-07-86
Secretary II	Jane M. Wallerstedt	16-1 to 16-1 + 2	S-O	02-07-86

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Secretary II	Phyllis N. Freel	14-4 + 1 to 16-4 + 1	S-O	02-21-86

FEY of Scott, Chair

PRESENTATION OF VISITORS

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

Forty-eight 4-H students from Jones County, accompanied by Varlyn Fink. By McKean of Jones.

SUBCOMMITTEE ASSIGNMENTS

House File 2236

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2239

Judiciary and Law Enforcement: Tabor, Chair; Carl and Siegrist.

House File 2243

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2251

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2252

Judiciary and Law Enforcement: Carl, Chair; Shoning and Siegrist.

House File 2259

Judiciary and Law Enforcement: Carl, Chair; Clark and Peterson of Carroll.

House File 2265

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2266

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2267

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schneklath and Tabor.

House File 2274

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

House File 2280

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schneklath and Tabor.

House File 2322

Transportation: Van Camp, Chair; Fey and Renaud.

House File 2327

State Government: Carpenter, Chair; Arnould and Swearingen.

House File 2330

Transportation: Muhlbauer, Chair; Corey and Peterson of Carroll.

House File 2334

Transportation: Fogarty, Chair; Cooper and Royer.

House File 2342

Agriculture: Koenigs, Chair; Branstad and Gruhn.

Senate File 425

State Government: Arnould, Chair; Buhr and Renken.

Senate File 532

Agriculture: Zimmerman, Chair; Blanshan and Van Maanen.

Senate File 2008

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schnekloth and Tabor.

Senate File 2029

Judiciary and Law Enforcement: Tabor, Chair; Carl and Siegrist.

Senate File 2100

Judiciary and Law Enforcement: Holveck, Chair; Haverland and Lageschulte.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 699**

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

Study Bill 707

Agriculture: Blanshan, Chair; Hughes and Van Maanen.

Study Bill 708

Agriculture: Carter, Chair; Cochran, Muhlbauer, Pellett and Stueland.

Study Bill 710

Agriculture: Carter, Chair; Cochran, Muhlbauer, Pellett and Stueland.

Study Bill 711

Economic Development: Ollie, Chair; Hanson, Koenigs, Metcalf and Varn.

Study Bill 712

Agriculture: Blanshan, Chair; Handorf and Muhlbauer.

Study Bill 713

Agriculture: Cochran, Chair; Bennett, Fogarty, Skow and Stueland.

Study Bill 714

Labor and Industrial Relations: Ollie, Chair; Hester and Sherzan.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 720 Human Resources**

Relating to the creation of an interim study committee relating to health care for the indigent population of Iowa.

S.B. 721 State Government

Relating to sales by the state historical department.

S.B. 722 State Government

Relating to the gallonage tax fund and the barrel tax fund.

S.B. 723 State Government

To allow a brewery to obtain a class "C" beer permit.

S.B. 724 State Government

Providing for temporary liquor control licenses, wine permits, and beer permits.

S.B. 725 State Government

Limiting the importation of wine.

S.B. 726 State Government

Relating to the sale of real estate by auctioneers.

S.B. 727 Small Business and Commerce

Relating to financial transactions.

S.B. 728 Small Business and Commerce

Related to the sale and delivery of preneed funeral services and providing a penalty.

S.B. 729 Human Resources

Relating to physician training in the identification and reporting of child abuse.

S.B. 730 Human Resources

Requiring licensure of hospice programs.

S.B. 731 Natural Resources and Outdoor Recreation

Relating to hunting and fishing.

S.B. 732 Energy and Environmental Protection

Relating to municipally owned utilities.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2276, a bill for an act relating to agricultural grain marketing, by adopting the interstate compact on agricultural grain marketing, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5157, February 24, 1986.

Pursuant to Rule 31.7, House File 2276 was referred to the committee on appropriations.

Senate File 2116, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5166, February 24, 1986.

Committee Bill (Study Bill 708 substituted as revised version of Study Bill 667), relating to commodity boards, by providing for their membership, the collection of their assessments, and the appropriation of their funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1986.

Committee Bill (Study Bill 710 substituted as revised version of Study Bill 668), providing for referendums to terminate the collection of the beef and soybean assessments.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly Study Bill 579), relating to energy management by school districts and merged area schools, requiring periodic energy audits, providing financial and technical assistance for energy conservation for school districts and merged area schools, and providing an appropriation.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 24, 1986.

Committee Bill (Formerly Study Bill 685), establishing liability of persons responsible for hazardous conditions for reasonable costs incurred by the state in responding to the conditions, and providing for the credit of recoveries for the liabilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1986.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly Study Bill 663), relating to public employee grievance procedures.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1986.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly Study Bill 574), relating to the collection of prosecution costs by a city or county, and providing for punishment for contempt.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1986.

Committee Bill (Formerly Study Bill 701), relating to county officers by providing for the combining of county offices and removing salary restrictions for the combined offices under section 331.323, by amending the duties of certain elected county officers, and by making the Act effective upon publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 587), making corrections and additions to the law dealing with alcoholic liquor, wine, and beer by amending the definition of beer to reflect current commercial practices, and by including a reference to wine in the section allowing the sale of alcoholic beverages or beer for consumption on the premises by licensees or permittees on the Sunday before New Years Day.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1986.

Committee Bill (Formerly Study Bill 671), relating to the adoption of the uniform transfers to minors Act.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1986.

Committee Bill (Formerly Study Bill 681), relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1986.

COMMITTEE ON STATE GOVERNMENT

House File 2189, a bill for an act relating to the appointment of citizen members to the board of directors of a judicial district department of correctional services.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1986.

Senate File 97, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5161** February 24, 1986.

AMENDMENTS FILED

H—5156

H.F. 2351

Skow of Guthrie

H—5157

H.F. 2276

Committee on Agriculture

H-5161	S.F.	97	Committee on State Government
H-5162	H.F.	2303	Hummel of Benton
H-5163	H.F.	2310	Van Camp of Scott Halvorson of Webster Woods of Polk Running of Linn
H-5164	H.F.	2159	Hammond of Story Lloyd-Jones of Johnson
H-5165	H.F.	2303	Spear of Lee
H-5166	S.F.	2116	Committee on Agriculture
H-5167	H.F.	2325	Kremer of Buchanan
H-5168	H.F.	2350	Spear of Lee
H-5169	H.F.	2339	McIntee of Black Hawk McKean of Jones Lageschulte of Bremer Halvorson of Clayton
H-5170	S.F.	297	Fey of Scott
H-5171	H.F.	2310	Lageschulte of Bremer

On motion by Arnould of Scott, the House adjourned at 11:05 a.m., until 9:00 a.m., Wednesday, February 26, 1986.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day — Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 26, 1986

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

Prayer was sung by the Algona High School Swing Choir, Algona, under the direction of Peg Thompson.

The Journal of Tuesday, February 25, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Peterson of Carroll, from thirty-eight constituents favoring House Study Bill 207 relating to games of skill, chance and raffles.

INTRODUCTION OF BILLS

House File 2368, by Shoultz, Teafor, Osterberg, Fey, and Jochum, a bill for an act requiring the energy policy council to design and the commerce commission to implement a program providing for certain individuals to pay twelve percent of their income for residential heating and electrical services.

Read first time and referred to committee on **energy and environmental protection**.

House File 2369, by committee on labor and industrial relations, a bill for an act relating to public employee grievance procedures.

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

House File 2370, by committee on local government, a bill for an act relating to county officers by providing for the combining of county offices and removing salary restrictions for the combined offices under section 331.323, by amending the duties of certain elected county officers, and by making the Act effective upon publication.

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

House File 2371, by Baxter, a bill for an act relating to pedestrian and bicycle access to interstate bridges.

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

House File 2372, by committee on judiciary and law enforcement, a bill for an act making corrections and additions to the law dealing with alcoholic liquor, wine, and beer by amending the definition of beer to reflect current commercial practices, and by including a reference to wine in the section allowing the sale of alcoholic beverages or beer for consumption on the premises by licensees or permittees on the Sunday before New Years Day.

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

House File 2373, by committee on judiciary and law enforcement, a bill for an act relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations.

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

House File 2374, by committee on local government, a bill for an act relating to the collection of prosecution costs by a city or county, and providing for punishment for contempt.

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

House File 2375, by Parker, a bill for an act relating to telecommunications by creating a state telecommunications division within the department of general services, regulating charges and rates for telephone customers, exempting the reselling of long distance telephone service from rate regulation, exempting communication services owned by the state, state board of regents, state agencies, and political subdivisions of the state from rate or service regulation by the Iowa state commerce commission, requiring the creation of lifeline telephone service, repealing the communications review committee, and providing a penalty.

Read first time and referred to committee on **small business and commerce**.

House File 2376, by committee on energy and environmental protection, a bill for an act establishing liability of persons responsible for hazardous conditions for reasonable costs incurred by the department of water, air and waste management in responding to the conditions, and providing for the credit of recoveries for the liabilities.

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

House File 2377, by Halvorson of Webster, Lloyd-Jones, Running, Teaford, Beatty, Platt, Hammond, Carter, Clark, Rosenberg, and Mullins, a bill for an act relating to public financing of political campaigns, providing penalties, and making a standing appropriation.

Read first time and referred to committee on **state government**.

House File 2378, by committee on agriculture, a bill for an act providing for referendums to terminate the collection of the beef and soybean assessments.

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

House File 2379, by committee on agriculture, a bill for an act relating to commodity boards, by providing for their membership, the collection of their assessments, and the appropriation of their funds.

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

On motion by Norland of Worth, the House was recessed at 9:31 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2380, by committee on appropriations, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1985 and ending June 30, 1986 and making the Act effective upon publication.

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

House File 2381, by committee on judiciary and law enforcement, a bill for an act relating to the adoption of the uniform transfers to minors Act.

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

CONSIDERATION OF BILLS Regular Calendar

House File 2351, a bill for an act relating to the Iowa family farm development authority, by changing the name of the authority to the agricultural development authority, and by empowering the authority to undertake agricultural producer financial assistance programs, was taken up for consideration.

Skow of Guthrie offered the following amendment H—5156 filed by him and moved its adoption:

H—5156

- 1 Amend House File 2351 as follows:
- 2 1. Page 2, by inserting after line 28 the
- 3 following:
- 4 "Sec._____. This Act, being deemed of immediate
- 5 importance, takes effect from and after its
- 6 publication in The Daily Freeman-Journal, a newspaper
- 7 published in Webster City, Iowa, and in The Winterset
- 8 Madisonian, a newspaper published in Winterset, Iowa."
- 9 2. Title page, line 3, by striking the word
- 10 "and".
- 11 3. Title page, line 4, by inserting after the
- 12 word "programs" the following: ", and providing for
- 13 an effective date".

Amendment H—5156 was adopted.

Skow 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?" (H.F. 2351)

The ayes were, 92:

Arnould

Baxter

Beatty

Black

Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groth
Gruhn	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Bennett	Chapman	Doderer	Groninga
Halvorson, R. N.	Loneragan	Mullins	Tabor

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

House File 2315, a bill for an act to provide for an interim study relating to the promotion and development of recreation and tourism along the Mississippi river, was taken up for consideration.

Paulin of Plymouth offered the following amendment H—5133 filed by Paulin, et al.:

H—5133

- 1 Amend House File 2315 as follows:
- 2 1. Page 1, line 5, by striking the words
- 3 "Mississippi river" and inserting the following:
- 4 "Missouri and Mississippi rivers".
- 5 2. Page 1, lines 9 and 10, by striking the words
- 6 "Mississippi river" and inserting the following:
- 7 "Missouri and Mississippi rivers".

- 8 3. Page 1, line 21, by striking the words
- 9 "Mississippi river" and inserting the following:
- 10 "Missouri and Mississippi rivers".
- 11 4. Page 1, line 22, by striking the words
- 12 "Mississippi river" and inserting the following:
- 13 "Missouri and Mississippi rivers".
- 14 5. Page 1, line 26, by striking the words
- 15 "Mississippi river" and inserting the following:
- 16 "Missouri and Mississippi rivers".
- 17 6. Amend the title, by striking line 3, and
- 18 inserting the following: "Missouri and Mississippi
- 19 rivers."

Welden of Hardin offered the following amendment H—5179, to amendment H—5133, filed by him from the floor:

H—5179

- 1 Amend the amendment, H—5133, to House File 2315 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "_____. Page 1, line 2, by striking the word
- 6 "shall" and inserting the following: "may"."
- 7 2. Page 1, by inserting after line 4 the
- 8 following:
- 9 "_____. Page 1, line 6, by striking the word
- 10 "shall" and inserting the following: "may"."
- 11 3. By renumbering sections as necessary.

Ollie of Clinton rose on a point of order that amendment H—5179 was not germane.

The Speaker ruled the point well taken and amendment H—5179 not germane to amendment H—5133.

Welden of Hardin asked and received unanimous consent to suspend the rules to consider amendment H—5179, to amendment H—5133.

On motion by Welden of Hardin, amendment H—5179 was adopted.

On motion by Paulin of Plymouth, amendment H—5133, as amended, was adopted.

Shoultz of Black Hawk in the chair at 3:17 p.m.

Maulsby of Calhoun rose on a point of order and invoked Rule 32 to refer House File 2315 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

Speaker Avenson in the chair at 3:29 p.m.

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

On the question "Shall the bill pass?" (H.F. 2315)

The ayes were, 73:

Arnould	Baxter	Beatty	Black
Blaushan	Brammer	Buhr	Carl
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Diemer
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Haverland
Hermann	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lloyd-Jones	McIntee	McKean
Metcalf	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Paulin	Pavich
Peick	Peterson, M. K.	Platt	Poncy
Renaud	Rensink	Rosenberg	Royer
Schneklath	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 22:

Bennett	Branstad	Carpenter	Corey
Daggett	De Groot	Grandia	Handorf
Hester	Holveck	Lageschulte	Maulsby
Miller	Osterberg	Oxley	Pellett
Petersen, D. F.	Renken	Running	Stromer
Van Maanen	Welden		

Absent or not voting, 5:

Hatch	Lonergan	Parker	Swartz
Tabor			

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

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

COMMISSION ON THE AGING

A report of the Elderly Services Inter-Agency Coordinating Committee and the Iowa Commission on the Aging, pursuant to Chapter 249B.17, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 733 Agriculture**

Relating to real estate foreclosures.

S.B. 734 State Government

Relating to the campaign finance disclosure commission.

S.B. 735 Natural Resources and Outdoor Recreation

Relating to suspensions or restrictions on water use under the state priority allocation plan.

S.B. 736 Agriculture

Relating to the care of neglected or abused animals, by revising penalties, permitting the collection of the costs of care, authorizing certain persons to destroy disabled animals, and providing for the disposition of neglected or abused animals.

S.B. 737 Education

Relating to the adjusting of the foundation property tax levy of reorganized school districts.

S.B. 738 Local Government

Relating to the lease-purchase of equipment by competitive bid by certain public agencies.

S.B. 739 Agriculture

Regarding the federal government's policy of requiring a minimum interest rate of nine percent on farm contract sales.

S.B. 740 Education

Relating to the levying of property taxes and the payment of state foundation aid to local school districts and area education agencies for the fiscal years beginning July 1, 1986 and July 1, 1987 and providing that the Act will take effect upon its publication.

S.B. 741 Small Business and Commerce

Permitting the inclusion of charges for credit unemployment insurance in consumer credit transactions under the Iowa consumer credit code.

SUBCOMMITTEE ASSIGNMENTS**House File 2272**

Small Business and Commerce: Skow, Chair; Brammer and Halvorson of Clayton.

House File 2321

Small Business and Commerce: Brammer, Chair; Lonergan and Metcalf.

House File 2323

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 2326

State Government: Teaford, Chair; Carter and Renken.

House File 2328

Small Business and Commerce: Swartz, Chair; Brammer and Hummel.

House File 2333

Small Business and Commerce: Brammer, Chair; Hatch, Hummel, Kremer and Swartz.

House File 2343

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

House File 2359

Natural Resources and Outdoor Recreation: Welden, Chair; Fogarty and Haverland.

House File 2362

State Government: Pavich, Chair; Beatty and Van Maanen.

House File 2364

State Government: Doderer, Chair; Blanshan and Carpenter.

House File 2377

State Government: Halvorson of Webster, Chair; Carter, Hammond, Siegrist and Van Maanen.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 703

Small Business and Commerce: Skow, Chair; Schnekloth and Sherzan.

Study Bill 704

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

Study Bill 705

Small Business and Commerce: Sherzan, Chair; Hatch and Renken.

Study Bill 706

Small Business and Commerce: Parker, Chair; Helveck and Hummel.

Study Bill 716

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

Study Bill 717

Natural Resources and Outdoor Recreation: Johnson, Chair; Cooper and McKean.

Study Bill 721

State Government: Carter, Chair; Buhr and Van Maanen.

Study Bill 722

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 723

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 724

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 725

State Government: Pavich, Chair; Beatty and Van Maanen.

Study Bill 726

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

Study Bill 727

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

Study Bill 728

Small Business and Commerce: Brammer, Chair; Rensink and Sherzan.

Study Bill 729

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

Study Bill 730

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 731

Natural Resources and Outdoor Recreation: Black, Chair; Grandia and Sullivan.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2138), relating to the form of bills.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1986.

Committee Bill, relating to and making supplemental appropriations for the fiscal year beginning July 1, 1985 and ending June 30, 1986 and making the Act effective upon publication.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

House File 2181, a bill for an act establishing the Iowa comprehensive health association, providing for a plan of operation, establishing financial procedures, providing eligible expenses, excluding certain requirements, and relating to other provisions of health insurance coverage.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

COMMITTEE ON EDUCATION

House File 2286, a bill for an act relating to electronically transmitted educational programs.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

Committee Bill (Formerly Study Bill 670), relating to structure and staffing of area education agencies.

Committee Action: **Failed to Pass** February 25, 1986.

Committee Bill (Formerly Study Bill 696), relating to the use of insurance proceeds from destruction of a school building for property tax reduction.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 599), relating to the reporting of limitation, suspension, or revocation of a physician's privilege to practice in a hospital.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1986.

Committee Bill (Formerly Study Bill 698), relating to the provision of medical care to indigent persons and the payment for the medical care from the indigent patient care fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1986.

Committee Resolution (Formerly Study Bill 720), a concurrent resolution relating to the creation of an interim study committee relating to health care for the indigent population of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 2194, a bill for an act relating to the reassessment for property tax purposes of land which received an exemption from property taxes as a result of being a natural conservation or wildlife area, native prairie, or wildlife habitat.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5178**, February 25, 1986.

Pursuant to Rule 31.7, House File 2194 was referred to the committee on ways and means.

House File 2208, a bill for an act to require state conservation commission approval of county conservation board projects for acquisition or exchange of land and general development plans where the costs of the project exceed twenty-five thousand dollars.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

House File 2226, a bill for an act relating to the licenses issued to landowners or tenants for the taking of deer and wild turkey.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly Study Bill 528), relating to the regulation of insurance holding companies and providing for penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

Committee Bill (Formerly Study Bill 651), relating to the registration of a mark which has become distinctive of the applicant's goods or services.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1986.

Committee Bill (Formerly Study Bill 652), relating to statutory requirements for corporations and limited partnerships by revising provisions governing filings, fees, reports, service of process, and publication of notice.

Fiscal Note is required.

Recommended **Do Pass** February 25, 1986.

COMMITTEE ON TRANSPORTATION

House File 2293, a bill for an act relating to the definition of a transporter.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5172**, February 25, 1986.

RESOLUTION FILED

HCR 113, by committee on economic development, a concurrent resolution endorsing "Iowa Homecoming '86".

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5172	H.F. 2293	Committee on Transportation
H-5173	H.F. 2231	Corey of Louisa
H-5174	S.F. 2044	Jay of Appanoose
H-5175	H.F. 2340	Jay of Appanoose
H-5176	H.F. 2349	Van Camp of Scott
		Pavich of Pottawattamie
H-5177	H.F. 2309	Daggett of Taylor
H-5178	H.F. 2194	Committee on Natural Resources and Outdoor Recreation

H—5180	H.F. 2313	Swartz of Marshall
H—5181	H.F. 2339	McIntee of Black Hawk
H—5182	H.F. 2313	Harbor of Mills
Shoning of Woodbury		Metcalf of Polk
Royer of Page		Diemer of Black Hawk
Welden of Hardin		Paulin of Plymouth
Hermann of Scott		Branstad of Winnebago
Daggett of Taylor		Halvorson of Clayton

On motion by Norland of Worth, the House adjourned at 3:37 p.m., until 9:00 a.m., Thursday, February 27, 1986.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day — Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 27, 1986

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

Prayer was sung by Evangelist Larry Dodds, gospel singer, Church of the Nazarene, Burlington.

The Journal of Wednesday, February 26, 1986 was approved.

PETITIONS FILED

The following petition was received and placed on file:

By Pellett of Cass, from thirty-one educators of the 97th District opposing legislation imposing a budget freeze on education and from thirty-five residents of the 97th District, favoring legislation to leave senior citizens as a separate division in Senate File 2175.

INTRODUCTION OF BILLS

House File 2382, by Woods, a bill for an act relating to the contents of credit reports, by prohibiting the reporting of a judgment more than one year after its satisfaction, and providing remedies.

Read first time and referred to committee on **small business and commerce**.

House File 2383, by Osterberg, a bill for an act relating to increasing moneys for deposit in the hazardous waste remedial fund by removing an exemption for the transportation of certain hazardous waste and imposing a tax on the first sale of household hazardous materials, and providing penalties.

Read first time and referred to committee on **energy and environmental protection**.

House File 2384, by committee on small business and commerce, a bill for an act relating to the registration of a mark which has become distinctive of the applicant's goods or services.

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

House File 2385, by committee on education, a bill for an act relating to the use of insurance proceeds from destruction of a school building for property tax reduction.

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

House File 2386, by committee on human resources, a bill for an act relating to peer review and licensing board information by providing for the confidentiality of peer review proceedings and records, by providing access to the board of medical examiners to hospital disciplinary information concerning physicians, and by providing for the exchange of confidential investigative information between licensing agencies in this state.

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

House File 2387, by committee on energy and environmental protection, a bill for an act relating to energy management by school districts and merged area schools, requiring periodic energy audits, providing financial and technical assistance for energy conservation for school districts and merged area schools, and providing an appropriation.

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

House File 2388, by committee on small business and commerce, a bill for an act relating to statutory requirements for corporations and limited partnerships by revising provisions governing filings, fees, reports, service of process, and publication of notice.

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

House File 2389, by committee on local government, a bill for an act relating to the population of cities in which substandard housing and related buildings are subject to abatement under chapter 657A.

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

House File 2390, by committee on small business and commerce, a bill for an act relating to the regulation of insurance holding companies and providing for penalties.

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

On motion by Norland of Worth, the House was recessed at 9:41 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2391, by committee on state government, a bill for an act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

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

House File 2392, by committee on human resources, a bill for an act relating to the provisions of medical care to indigent persons and the payment for the medical care from the indigent patient care fund.

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

The House stood at ease at 3:50 p.m., until the fall of the gavel.

The House resumed session at 4:23 p.m., Speaker Avenson in the chair.

HOUSE FILES 2310 AND 2339 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2310 and 2339 be deferred and that the bills retain their place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, until his arrival, on request of Hermann of Scott.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 199, a bill for an act relating to leaves of absence for a public employee who is a candidate for elective public office, with report of committee recommending amendment and passage, was taken up for consideration.

Arnould of Scott offered the following amendment H—5131 filed by the committee on state government and moved its adoption:

H—5131

- 1 Amend Senate File 199 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 19A.18, unnumbered paragraph
- 6 8, Code 1985, is amended by striking the paragraph."
- 7 2. Page 1, by striking line 9 and inserting the
- 8 following: "a period of leave. If the employee is
- 9 under chapter 19A, the employee may choose to use
- 10 accrued vacation leave, accrued compensatory leave or
- 11 leave without pay to cover these periods. The
- 12 appointing authority may authorize other employees to
- 13 use accrued vacation leave or accrued compensatory
- 14 leave instead of leave without pay to cover these
- 15 periods. An employee who is a".
- 16 3. Page 1, by inserting after line 16 the
- 17 following:
- 18 "Sec. 3. Section 400.29, subsection 4, Code 1985,
- 19 is amended by striking the subsection.
- 20 Sec. 4. This Act, being deemed of immediate
- 21 importance, takes effect from and after its
- 22 publication in the Iowa City Press-Citizen, a
- 23 newspaper published in Iowa City, Iowa, and in The
- 24 Daily Nonpareil, a newspaper published in Council
- 25 Bluffs, Iowa and is retroactive to May 3, 1986."

The committee amendment H—5131 was adopted.

Arnould 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. 199)

The ayes were, 69:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connors	Cooper	Diemer
Doderer	Fey	Fogarty	Groth
Gruhn	Halvorson, R. N.	Hammond	Hanson
Hatch	Haverland	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lloyd-Jones
Lonergan	McIntee	McKean	Metcalf
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Van Camp	Varn	Woods
Mr. Speaker			

The nays were, 25:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Halvorson, R. A.	Handorf
Harbor	Hermann	Hummel	Lageschulte
Maulsby	Miller	Paulin	Pellet
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Stromer	Van Maanen
Welden			

Absent or not voting, 6:

Connolly	Groninga	Parker	Sherzan
Swearingen	Zimmerman		

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

HOUSE FILE 2019 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2019 be deferred and that the bill retain its place on the calendar.

House File 2173, a bill for an act relating to the disclosure of conciliation agreements in civil rights matters when a governmental body is a party, with report of committee recommending passage was taken up for consideration.

Sturgeon of Woodbury in the chair at 4:37 p.m.

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

On the question "Shall the bill pass?" (H.F. 2173)

The ayes were, 56:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Clark
Cochran	Cooper	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Hester
Holveck	Hughes	Jay	Johnson
Knapp	Koenigs	Kremer	Lloyd-Jones
Lonergan	Miller	Mullins	Norland
Ollie	Osterberg	Parker	Paulin
Pavich	Peterson, M. K.	Rosenberg	Running
Sherzan	Shoning	Shoultz	Skow
Spear	Sullivan	Swartz	Teaford
Van Camp	Varn	Zimmerman	Mr. Speaker (Sturgeon)

The nays were, 43:

Bennett	Branstad	Carpenter	Connolly
Connors	Corey	Daggett	De Groot
Diemer	Doderer	Grandia	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hummel	Jochum	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Muhlbauer
O'Kane	Peick	Pellett	Petersen, D. F.
Platt	Poncy	Renaud	Renken
Rensink	Royer	Schnekloth	Siegrist
Stromer	Stueland	Swearingen	Tabor
Van Maanen	Welden	Woods	

Absent or not voting, 1:

Oxley

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

Speaker Avenson in the chair at 5:03 p.m.

House File 2154, a bill for an act relating to licenses for the taking of animals, with report of committee recommending amendment and passage was taken up for consideration.

Black of Jasper offered the following amendment H—5118 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—5118

- 1 Amend House File 2154 as follows:
- 2 1. Page 1, line 7, by striking the figure
- 3 "1,000.00" and inserting the figure "1,500.00".
- 4 2. Page 1, by inserting after line 7 the
- 5 following:
- 6 "(4) Nonresident mussel buyer \$2,500.00".
- 7 3. Page 1, by striking lines 8 through 20.

The committee amendment H—5118 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2154)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Clark
Cochran	Connolly	Connors	Cooper
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer

Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 5:

Branstad	Corey	Hester	Hummel
Van Maanen			

Absent or not voting, 1:

Chapman

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

Senate File 2044, a bill for an act relating to the admissibility of the reports and findings of the criminalistics laboratory in forfeiture proceedings, with report of committee recommending passage, was taken up for consideration.

Jay of Appanoose offered the following amendment H—5174 filed by him and moved its adoption:

H—5174

- 1 Amend Senate File 2044 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "proceeding" the words "administrative hearing".
- 5 2. Page 1, line 19, by inserting after the word
- 6 "trial" the words "administrative hearing".
- 7 3. Page 1, line 22, by inserting after the word
- 8 "trial" the words "administrative hearing".
- 9 4. Title page, line 2, by inserting after the
- 10 word "in" the words "administrative hearings and".

Amendment H—5174 was adopted.

Kremer of Buchanan 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. 2044)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carter	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Carpenter Chapman

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

HOUSE FILE 2225 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2225 be temporarily deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2303**, a bill for an act to require a one-time, extensive test for water contaminants in certain public water supplies, and amendment H—5113, found on page 443 of the House Journal.

Spear of Lee offered the following amendment H-5165, to amendment H-5113, filed by him and moved its adoption:

H-5165

- 1 Amend amendment H-5113 to House File 2303 as
- 2 follows:
- 3 1. Page 1, by striking line 3 and inserting the
- 4 following: " "362" the words "or serves a state-".
- 5 2. Page 1, line 5, by striking the word
- 6 "persons," and inserting the word "persons".

Amendment H-5165 was adopted.

On motion by Paulin of Plymouth, amendment H-5113, as amended, was adopted.

Mullins of Kossuth offered the following amendment H-5107 filed by Mullins, et al., and moved its adoption:

H-5107

- 1 Amend House File 2303 as follows:
- 2 1. Page 1, by striking lines 15 through 18 and
- 3 inserting the following: "tests which requires all
- 4 the systems and districts to complete the testing not
- 5 later than".
- 6 2. Page 1, line 22, by inserting after the word
- 7 "well" the words "and privately-owned public water
- 8 supply system".

Amendment H-5107 was adopted.

Hummel of Benton asked and received unanimous consent to withdraw amendment H-5151 filed by him on February 24, 1986.

Hummel of Benton offered the following amendment H-5162 filed by him and moved its adoption:

H-5162

- 1 Amend House File 2303 as follows:
- 2 1. Page 1, line 21, by striking the words
- 3 "initial test" and inserting the words "test required
- 4 by this Act".

Amendment H-5162 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2303)

The ayes were, 99:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbör	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneran	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Chapman

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

House File 2313, a bill for an act relating to horticultural crops and nontraditional crops by creating a linked deposit program to provide loan moneys for the production, processing, and marketing of horticultural crops or nontraditional crops and providing a preference for purchasing horticultural products grown in this state, and providing for a repeal, was taken up for consideration.

Harbor of Mills offered the following amendment H—5182 filed by Harbor, et al., and moved its adoption:

H—5182

- 1 Amend House File 2313 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. **NEW SECTION. 12.31 SHORT TITLE.**
- 5 This division shall be known as the "Iowa Linked
- 6 Deposit Act".
- 7 Sec. 2. **NEW SECTION. 12.32 DEFINITIONS.**
- 8 As used in this division, unless the context
- 9 otherwise requires:
- 10 1. "Eligible lending institution" means a
- 11 financial institution that is empowered to make
- 12 commercial loans, is eligible pursuant to chapter 453
- 13 to be a depository of state funds, and agrees to
- 14 participate in the linked deposit program.
- 15 2. "Eligible small business or farming operation"
- 16 means a person that is engaged in the operation of a
- 17 small business as defined in section 220.1, subsection
- 18 28, or engaged in farming as defined in section
- 19 172C.1, subsection 6, including an individual, an au-
- 20 thorized farm corporation as defined in section
- 21 172C.1, subsection 9, or a family farm corporation as
- 22 defined in section 172C.1, subsection 8 and that has
- 23 all of the following characteristics:
- 24 a. Has its principal place of business in this
- 25 state.
- 26 b. Maintains offices, operating facilities, or
- 27 farming operations exclusively in this state and
- 28 transacts business in this state.
- 29 c. A majority of its employees are residents of
- 30 this state.
- 31 d. Is organized for profit.
- 32 3. "Linked deposit" means a certificate of deposit
- 33 placed by the treasurer of state with an eligible
- 34 lending institution, at three percent below current
- 35 market rates that are determined and calculated by the
- 36 state treasurer, on the condition that the institution
- 37 agrees to lend the value of the deposit, according to
- 38 the deposit agreement provided in section 12.37, to
- 39 eligible small businesses or farming operations at
- 40 three percent below the present borrowing rate
- 41 applicable to the specific business at the time of the
- 42 deposit of state funds in the institution.
- 43 Sec. 3. **NEW SECTION. 12.33 LEGISLATIVE FINDINGS**
- 44 **AND INTENT — PURPOSE.**
- 45 1. The general assembly finds the following:
- 46 a. That many small businesses and farming
- 47 operations throughout the state are experiencing
- 48 economic stagnation or decline.
- 49 b. That high interest rates have caused small
- 50 businesses and farming operation in this state to

Page 2

1 suffer disproportionately in profitability and
2 competition.

3 c. That high interest rates have fostered a
4 serious increase in unemployment and farming operation
5 expenses.

6 2. The linked deposit program provided for in this
7 division is intended to provide a statewide
8 availability of lower cost funds for lending purposes
9 that will materially contribute to the economic and
10 agricultural revitalization of this state.

11 3. It is the public policy of the state through
12 the linked deposit program to create an availability
13 of lower cost funds to inject needed capital into the
14 business and farming communities, sustain or improve
15 business profitability, and protect the existence of
16 the small independent farm and the jobs of citizens of
17 this state.

18 Sec. 4. NEW SECTION. 12.34 LINKED DEPOSITS —
19 LIMITATIONS.

20 The treasurer of state may invest in linked
21 deposits. The total amount so deposited at any one
22 time shall not exceed the lesser of the following:

23 1. Ten percent of the state's total investment
24 portfolio.

25 2. Two hundred million dollars.

26 Sec. 5. NEW SECTION. 12.35 APPLICATION —
27 PENALTY.

28 1. An eligible lending institution that desires to
29 receive a linked deposit shall accept and review
30 applications for loans from eligible small businesses
31 or farming operations. The lending institution shall
32 apply all usual lending standards to determine the
33 credit worthiness of each eligible small business or
34 farming operation. The aggregate outstanding loans to
35 a single eligible small business or farming operation
36 under this program shall not exceed fifty thousand
37 dollars.

38 2. An eligible small business or farming operation
39 shall certify on its loan application that the reduced
40 rate loan will be used exclusively to create new jobs
41 or preserve existing jobs, employment opportunities,
42 and farming operations. A person who knowingly makes
43 a false statement on the application is guilty of an
44 aggravated misdemeanor.

45 3. In considering which eligible small businesses
46 or farm organizations should receive reduced rate
47 loans, the eligible lending institution shall give
48 priority to the economic needs of the area in which
49 the business is located, and the number of jobs to be
50 created or preserved, or to the continuance of a

Page 3

1 farming operation by the receipt of the loan.

2 4. The eligible financial institution shall
3 forward to the state treasurer a linked deposit loan
4 package in the form and manner as prescribed by the
5 treasurer of state. The package shall include
6 information required by the treasurer of state, in-
7 cluding but not limited to the amount of the loan
8 requested and the number of jobs to be created or
9 sustained by each eligible small business and farm
10 operation. The institution shall certify that the
11 applicant is an eligible small business and for each
12 business or farming organization shall certify the
13 present borrowing rate applicable to the specific
14 eligible business or farming organization.

15 Sec. 6. NEW SECTION. 12.36 ACTIONS BY TREASURER.

16 1. The treasurer of state shall accept or reject a
17 linked deposit loan package or any portion of the
18 package based on the ratio of state funds to be
19 deposited to jobs or farming operations sustained or
20 created.

21 2. Upon acceptance of the linked deposit loan
22 package or any portion of the package, the state
23 treasurer shall place certificates of deposit with the
24 eligible lending institution at three percent below
25 current market rates, as determined and calculated by
26 the treasurer of state. When necessary, the treasurer
27 may place certificates of deposit prior to acceptance
28 of a linked deposit loan package.

29 3. The eligible lending institution shall enter
30 into a deposit agreement with the treasurer of state,
31 which shall include requirements necessary to carry
32 out this division. The requirements shall reflect the
33 market conditions prevailing in the eligible lending
34 institution's lending area. The agreement may include
35 a specification of the period of time in which the
36 lending institution is to lend funds upon the
37 placement of a linked deposit, and shall include
38 provisions for the certificates of deposit to be
39 placed for one-year maturities that may be renewed for
40 additional years. Interest shall be paid at the times
41 determined by the treasurer of state.

42 Sec. 7. NEW SECTION. 12.37 LOANS.

43 1. Upon the placement of a linked deposit with an
44 eligible lending institution, the institution is
45 required to lend the funds to the eligible small
46 business and farm operations listed in the linked
47 deposit loan package and in accordance with the
48 deposit agreement. The loan shall be at three percent
49 below the present borrowing rate applicable to the
50 business or farming organization as determined

Page 4

1 pursuant to rules adopted by the treasurer of state
2 pursuant to chapter 17A. The eligible lending insti-
3 tution shall be required to submit a certification of
4 compliance with this section in the form and manner as
5 prescribed by the treasurer of state.

6 2. The treasurer of state shall take all steps
7 necessary to implement the linked deposit program and
8 monitor compliance of eligible lending institutions
9 and eligible small businesses and farm operations.

10 Sec. 8. NEW SECTION. 12.38 REPORTS.

11 By February 1 of each year, the treasurer of state
12 shall report on the linked deposit program for the
13 preceding calendar year to the governor, the speaker
14 of the house of representatives, and the president of
15 the senate. The speaker of the house shall transmit
16 copies of this report to the chairs of the standing
17 committees in the house which customarily consider
18 legislation regarding agriculture and small business,
19 and the president of the senate shall transmit copies
20 of this report to the chairs of the standing
21 committees in the senate which customarily consider
22 legislation regarding agriculture and small business.
23 The report shall set forth the linked deposits made by
24 the treasurer of state under the program during the
25 year and shall include information regarding the
26 nature, terms, and amounts of the loans upon which the
27 linked deposits were based and the eligible small
28 businesses or farm organizations to which the loans
29 were made.

30 Sec. 9. NEW SECTION. 12.39 LIABILITY.

31 The state and the treasurer of state are not liable
32 to an eligible lending institution in any manner for
33 payment of the principal or interest on the loan to an
34 eligible small business or farming organization. Any
35 delay in payments or default on the part of an
36 eligible small business or farming organization does
37 not in any manner affect the deposit agreement between
38 the eligible lending institution and the treasurer of
39 state."

40 2. Title page, by striking lines 1 through 6 and
41 inserting the following: "An Act creating a linked
42 deposit program to provide moneys for below-market
43 interest rates for eligible small business and farming
44 organizations and providing penalties."

Roll call was requested by Stromer of Hancock and Halvorson of
Clayton.

On the question "Shall amendment H—5182 be adopted?"

The ayes were, 39:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Maulsby	McIntee	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schneklloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

The nays were, 57:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carter
Cochran	Connors	Cooper	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hanson	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Loneragan	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 4:

Carl	Chapman	Connolly	Doderer
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Amendment H—5182 lost.

Norland of Worth asked and received unanimous consent that House File 2313 be deferred and that the bill retain its place on the calendar.

House File 2225, a bill for an act relating to the apportionment of the interest from the permanent school fund, including an elimination of school census requirements, and providing that the Act takes effect upon its publication, with report of committee recommending amendment and passage, was taken up for consideration.

Groth of Buena Vista offered amendment H—5140 filed by the committee on education and requested division as follows:

H—5140

- 1 Amend House File 2225 as follows:

H—5140A

- 2 1. Page 1, by striking lines 1 through 9.
3 2. By striking page 1, line 21 through page 2,
4 line 11.

H—5140B

- 5 3. Page 2, by inserting before line 12 the
6 following:
7 "Sec._____. Section 291.9, Code Supplement 1985, is
8 repealed."

Groth of Buena Vista asked and received unanimous consent to withdraw the committee amendment H—5140A.

On motion by Groth of Buena Vista, the committee amendment H—5140B was adopted.

Groth 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. 2225)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Clark
Cochran	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz

Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 2:

O'Kane	Welden
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Absent or not voting, 6:

Carl	Chapman	Connolly	Halvorson, R. N.
Pellett	Swearingen		

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

MOTIONS TO RECONSIDER (House File 2173)

I move to reconsider the vote by which House File 2173 passed the House on February 27, 1986.

VAN CAMP of Scott

(House File 2173)

I move to reconsider the vote by which House File 2173 passed the House on February 27, 1986.

PARKER of Jasper

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 27th day of February, 1986: House File 2070.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 742 Natural Resources and Outdoor Recreation

Relating to the taking of animals.

SUBCOMMITTEE ASSIGNMENTS

House File 2120

Local Government: Spear, Chair; Connors and Grandia.

House File 2194 (Referred to Ways and Means)

Ways and Means: Tabor, Chair; Groth and Hanson.

House File 2235

Local Government: Connors, Chair; Diemer and Spear.

House File 2329

Ways and Means: Connolly, Chair; Brammer and De Groot.

House File 2341

Ways and Means: Groth, Chair; Cochran and Daggett.

House File 2358

Local Government: Grandia, Chair; Platt and Poncy.

House File 2360

Ways and Means: Chapman, Chair; Holveck and Lageschulte.

House File 2361

Ways and Means: Rosenberg, Chair; Fey and Miller.

House File 2365

Agriculture: Fogarty, Chair; Bennett and Muhlbauer.

House File 2385

Ways and Means: Arnould, Chair; Bennett and Osterberg.

Senate File 2159

Local Government: Renken, Chair; Oxley and Royer.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 733**

Agriculture: Cochran, Chair; Blanshan, Hughes, Pellett and Van Maanen.

Study Bill 735

Natural Resources and Outdoor Recreation: Varn, Chair; Groth, Johnson, Paulin and Welden.

Study Bill 736

Agriculture: Hatch, Chair; Halvorson of Webster and Stueland.

Study Bill 738

Local Government: Diemer, Chair; Connors and Sullivan.

Study Bill 739

Agriculture: Halvorson of Webster, Chair; Branstad and Carter.

Study Bill 742

Natural Resources and Outdoor Recreation: Black, Chair; Grandia and Sullivan.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 694), relating to income tax credits for cattle production.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 26, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 2187), relating to the elimination of sanitary landfills as a method of waste disposal and subjecting violators to a civil penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 26, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2060, a bill for an act relating to assignments of income in delinquent support cases and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5184**, February 26, 1986.

House File 2086, a bill for an act relating to stun guns and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5186**, February 26, 1986.

House File 2098, a bill for an act to prohibit the abandonment of dogs and cats and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1986.

House File 2105, a bill for an act relating to the obstruction of emergency communications and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1986.

Senate File 444, a bill for an act relating to the time in which a defendant may waive the defendant's rights to a jury trial.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1986.

COMMITTEE ON LOCAL GOVERNMENT

House File 2269, a bill for an act relating to the authority of the county board of supervisors regarding roads established or improved by petition of landowners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5183**, February 26, 1986.

Committee Bill (Formerly House File 2253), permitting hospitals to purchase or construct and operate and maintain a community recreation center.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1986.

Committee Bill (Formerly Study Bill 639), authorizing cities to establish civil penalties not to exceed one hundred dollars for violations of city codes, zoning ordinances, and regulations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1986.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 2183), to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 26, 1986.

RESOLUTION FILED

HCR 114, by committee on human resources, a concurrent resolution relating to the creation of an interim study committee relating to health care for the indigent population of Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5183	H.F. 2269	Committee on Local Government
H-5184	H.F. 2060	Committee on Judiciary and Law Enforcement
H-5185	S.F. 540	McIntee of Black Hawk
H-5186	H.F. 2086	Committee on Judiciary and Law Enforcement
H-5189	H.F. 2339	McIntee of Black Hawk
H-5190	H.F. 2339	McIntee of Black Hawk
H-5191	H.F. 2339	McIntee of Black Hawk
H-5192	H.F. 2339	Jay of Appanoose

H-5193	H.F.	2352	Koenigs of Mitchell
H-5194	H.F.	2339	Jay of Appanoose
			Arnould of Scott
			Hammond of Story
			Poncy of Wapello
			Zimmerman of Dallas
			Sturgeon of Woodbury
H-5195	H.F.	2339	Tabor of Jackson
			Poncy of Wapello
			Cochran of Webster
H-5196	H.F.	2339	McIntee of Black Hawk
H-5197	H.F.	2339	McIntee of Black Hawk
H-5198	H.F.	2339	Van Camp of Scott
H-5199	H.F.	2380	Welden of Hardin
			Van Maanen of Mahaska
H-5200	H.F.	2310	Doderer of Johnson
			Carpenter of Polk
			McIntee of Black Hawk
			Osterberg of Linn
H-5201	H.F.	2313	Swartz of Marshall
H-5202	H.F.	2339	Jay of Appanoose
H-5203	H.F.	2302	Stromer of Hancock
H-5204	H.F.	2339	Hammond of Story
H-5205	H.F.	2339	Jay of Appanoose
H-5206	H.F.	2339	McIntee of Black Hawk
H-5207	H.F.	2339	Jay of Appanoose

On motion by Norland of Worth, the House adjourned at 5:59 p.m., until 9:00 a.m., Friday, February 28, 1986.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day — Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 28, 1986

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

Prayer was offered by the Honorable Horace Daggett, state representative from Taylor County.

The Journal of Thursday, February 27, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass on request of Stueland of Clinton; Sullivan of Van Buren, until his arrival, on request of Jay of Appanoose.

INTRODUCTION OF BILLS

House File 2393, by committee on local government, a bill for an act authorizing cities and counties to establish civil penalties for violations of ordinances.

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

House File 2394, by committee on agriculture, a bill for an act relating to income tax credits for cattle production.

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

House File 2395, by committee on local government, a bill for an act authorizing a city or county hospital to establish and operate facilities, programs, and services which provide health benefits to persons.

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

House File 2396, by committee on ways and means, a bill for an act relating to the taxation of property of public utilities.

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

MOTION TO RECONSIDER LOST
(House File 2001)

Connors of Polk called up for consideration the motion to reconsider House File 2001, filed by Kremer of Buchanan on February 24, 1986, and moved to reconsider the vote by which House File 2001, a bill for an act relating to the length of exposure in the last employment to the hazards of pneumoconiosis under the workers' compensation law, passed the House and was placed on its last reading on February 21, 1986.

A non-record roll call was requested.

The ayes were 5, nays 61.

The motion to reconsider lost.

HOUSE FILES 2310, 2339, 2019 AND 2313 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2310, 2339, 2019 and 2313 be temporarily deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 120, a bill for an act relating to grave or burial sites by allowing their protection and preservation by law enforcement agencies and providing a penalty, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 120)

The ayes were, 98:

Arnould
Black
Buhr
Chapman

Baxter
Blanshan
Carl
Clark

Beatty
Brammer
Carpenter
Cochran

Bennett
Branstad
Carter
Connolly

Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Weiden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Pellett

Sullivan

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 540**, a bill for an act relating to the financing of political campaigns and the reporting of that financing.

McIntee of Black Hawk offered the following amendment H—3768 filed by him and moved its adoption:

H—3768

1 Amend Senate File 540 as amended, passed and
2 reprinted by the Senate as follows:

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

5 "Sec. 6. Section 56.6, subsection 1, Code 1985, is
6 amended by adding the following new lettered
7 paragraph:

8 NEW LETTERED PARAGRAPH. A candidate's committee of
9 a state officeholder shall file a letter report to be
10 received within fourteen days of the receipt of any
11 contribution from a political committee or from a
12 lobbyist registered under the rules adopted by either
13 house of the general assembly while the general

- 14 assembly is in session. The letter report shall
 15 notify the commission of the following:
 16 (1) The name of the candidate's committee.
 17 (2) The name and complete address of the political
 18 committee or registered lobbyist making the
 19 contribution.
 20 (3) The amount of the contribution.
 21 (4) The date the contribution was received.
 22 (5) In the event the contribution was caused by a
 23 fundraiser, an explanation of the sponsor and type of
 24 event held."

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H—3768 be adopted?"

The ayes were, 74:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Johnson	Knapp	Koenigs	Lageschulte
Loneragan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	Parker	Paulin	Petersen, D. F.
Peterson, M. K.	Platt	Renken	Rensink
Rosenberg	Royer	Schnekloth	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Van Camp	Van Maanen	Varn	Welden
Zimmerman	Mr. Speaker		

The nays were, 23:

Beatty	Carter	Connolly	Fey
Halvorson, R. N.	Haverland	Jay	Jochum
Lloyd-Jones	O'Kane	Ollie	Osterberg
Oxley	Pavich	Peick	Poncy
Renaud	Running	Sherzan	Shoultz
Tabor	Teaford	Woods	

Absent or not voting, 3:

Kremer	Pellett	Sullivan
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Amendment H—3768 was adopted.

McIntee of Black Hawk asked and received unanimous consent to withdraw amendment H—3846 filed by him and Jochum of Dubuque on April 16, 1985 and found on pages 2531 and 2532 of the 1985 House Journal, placing out of order amendment H—5185, to amendment H—3846, filed by him on February 27, 1986.

Swearingen of Keokuk offered the following amendment H—5129 filed by him and moved its adoption:

H—5129

- 1 Amend Senate File 540 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, by inserting after line 28 the
- 4 following:
- 5 "Sec. 12. This Act becomes effective January 1,
- 6 1987."

A non-record roll call was requested.

The ayes were 30, nays 53.

Amendment H—5129 lost.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—4248 filed by Halvorson of Webster, et al., on May 3, 1985 and found on pages 2607 through 2611 of the 1985 House Journal.

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

On the question "Shall the bill pass?" (S.F. 540)

The ayes were, 95:

Arnould
Black
Buhr
Chapman
Connors
De Groot

Baxter
Blanshan
Carl
Clark
Cooper
Diemer

Beatty
Brammer
Carpenter
Cochran
Corey
Doderer

Bennett
Branstad
Carter
Connolly
Daggett
Fey

Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Loneragan	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Haverland	Kremer	Maulsby	Pellett
Sullivan			

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 **House File 2313**, a bill for an act relating to horticultural crops and nontraditional crops by creating a linked deposit program to provide loan moneys for the production, processing, and marketing of horticultural crops or nontraditional crops and providing a preference for purchasing horticultural products grown in this state, and providing for a repeal, deferred February 27, 1986 and temporarily deferred today.

Varn of Johnson in the chair at 10:22 a.m.

Metcalf of Polk offered the following amendment H—5149 filed by her and Swartz of Marshall and moved its adoption:

H—5149

- 1 Amend House File 2313 as follows:
- 2 1. Page 1, line 18, by striking the word "below-
- 3 current" and inserting the following: "an interest
- 4 rate two percent below current".

- 5 2. Page 3, line 12, by striking the words "at the
6 agreed upon rates" and inserting the following: "at a
7 rate two percent below the current market rate".

Amendment H—5149 was adopted.

Swartz of Marshall offered the following amendment H—5201
filed by him and moved its adoption:

H—5201

- 1 Amend House File 2313 as follows:
2 1. Page 5, line 11, by inserting after the word
3 "food" the following: "while the school district is".
4 2. Page 5, by inserting after line 12 the
5 following:
6 "Sec. _____. Section 73.5, Code 1985, is amended to
7 read as follows:
8 73.5 VIOLATIONS.
9 Any An officer or person who is connected with, or
10 is a member or agent or representative of any a
11 commission, board, committee, officer or other
12 governing body of this state, or of any county,
13 township, school district, city, or contractor, who
14 fails to give preference to Iowa labor as required in
15 sections 73.3 and 73.4, shall be this chapter is
16 guilty of a simple misdemeanor. Each separate case of
17 failure to give preference to Iowa labor shall
18 constitute is a separate offense."
19 3. Title page, line 5, by inserting after the
20 word "state," the following: "providing for
21 penalties,".
22 4. Renumber as necessary.

Amendment H—5201 was adopted.

Swartz of Marshall offered the following amendment H—5180
filed by him and moved its adoption:

H—5180

- 1 Amend House File 2313 as follows:
2 1. Page 5, by inserting after line 17 the
3 following:
4 "Sec. _____. This Act, being deemed of immediate
5 importance, takes effect from and after its
6 publication in The Bancroft Register, a newspaper
7 published in Bancroft, Iowa, and in the Marshalltown
8 Times-Republican, a newspaper published in

- 9 Marshalltown, Iowa."
 10 2. Title page, line 5, by striking the word
 11 "and".
 12 3. Title page, line 6, by inserting after the
 13 word "repeal" the following: ", and providing for an
 14 effective date".
 15 4. Renumber as necessary.

Amendment H—5180 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, until his return, on request of Swearingen of Keokuk.

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

On the question "Shall the bill pass?" (H.F. 2313)

The ayes were, 94:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Woods
Zimmerman	Mr. Speaker		
	(Varn)		

The nays were, 4:

Grandia

Metcalf

Schneklath

Welden

Absent or not voting, 2:

Pellett

Sullivan

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

Speaker Avenson in the chair at 11:12 a.m.

House File 2339, a bill for an act relating to the offense of operating a motor vehicle while under the influence of alcohol or a drug by consolidating into a single chapter the provisions in the Code dealing with the offense of operating a motor vehicle while under the influence of alcohol or a drug, by lowering the per se level of alcohol concentration to .10, by providing a presumption that a chemical test performed within two hours of an arrest indicates the alcohol concentration at the time of arrest, by providing that the period of revocation of a person's privilege to drive upon conviction for the offense of operating a motor vehicle while under the influence of alcohol or a drug conforms to the period of revocation which would have occurred under the administrative process for a test result or implied consent revocation, by providing a six-year limitation on counting previous offenses to determine the degree of the offense under the administrative revocation process, by unifying the provisions of the Code dealing with the issuance of a temporary restricted license, and by providing new criteria for the issuance of a temporary restricted license, temporarily deferred, was taken up for consideration.

The House stood at ease at 11:18 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 2339 at 12:07 p.m., Speaker Avenson in the chair.

Jay of Appanoose asked and received unanimous consent to defer action on amendment H—5194.

Jay of Appanoose offered amendment H—5207 filed by him and requested division as follows:

H-5207

1 Amend House File 2339 as follows:

H-5207A

2 1. Page 1, by inserting after line 29 the
3 following:

4 "7. "Serious injury" means disabling mental
5 illness or bodily injury which creates a substantial
6 risk of death or which causes serious permanent
7 disfigurement or protracted loss or impairment of the
8 function of any bodily member or organ."

H-5207B

9 2. Page 2, line 16, by striking the word "and"
10 and inserting the following: "or for a first offense
11 resulting in serious injury and, upon conviction,".

12 3. Page 2, line 23, by striking the word "and"
13 and inserting the following: "or for a second offense
14 resulting in serious injury and, upon conviction,".

H-5207A

15 4. By striking page 2, line 35 through page 3,
16 line 2, and inserting the following: "subsequent
17 offense, deferred judgments pursuant to section 907.3
18 for violations of this section and convictions or the
19 equivalent of deferred judgments for violations in any
20 other states under statutes substantially
21 corresponding to this section shall be counted as
22 previous offenses. The department of transportation
23 shall identify by rule and the courts shall judicially
24 notice the statutes of other states which define
25 offenses substantially equivalent to the one defined
26 in this section and can therefore be considered
27 corresponding statutes. Each previous violation shall
28 be considered a separate previous offense without
29 regard to whether each was complete as to commission
30 and conviction or deferral of judgment following or
31 prior to any other previous violation."

32 5. Page 4, line 9, by striking the words "second
33 or subsequent offense in".

34 6. Page 9, line 16, by striking the word
35 "provide" and inserting the following: "offer".

H-5207B

36 7. By striking page 10, line 25 through page 11,
37 line 2, and inserting the following: "revoked,
38 subject to review as provided in this chapter."

H—5207A

39 8. Page 14, line 11, by striking the words "by a
40 person of the person's own choosing and".

H—5207B

41 9. By striking page 14, line 35 through page 15,
42 line 13 and inserting the following:
43 "Sec. 13. NEW SECTION. 321J.132 NOTICES OF
44 REVOCATION — EFFECTIVE DATES — TEMPORARY LICENSES.
45 The effective date of a revocation under section
46 321J.9 or 321J.12 shall be twenty days after the
47 department has mailed notice of revocation to the
48 person by certified mail. However, the peace officer
49 who requested or directed the administration of the
50 chemical test may, on behalf of the department, serve

Page 2

1 immediate notice of revocation on the person.
2 If the peace officer serves the immediate notice,
3 the peace officer shall take the person's Iowa license
4 or permit, if any, and issue a temporary license that
5 shall remain valid for only twenty days. The peace
6 officer shall immediately send the person's license or
7 permit to the department along with the officer's
8 certificate indicating that the person refused to
9 permit chemical testing or that the person submitted
10 to chemical testing and the results of the test
11 indicated an alcohol concentration of .10 or more."
12 10. Page 18, line 23, by inserting after the word
13 "misdemeanor" the following: "and, upon conviction,
14 shall be imprisoned in the county jail not less than
15 two days for a first offense under this section and
16 not less than seven days for a second or subsequent
17 offense under this section, notwithstanding section
18 907.3".
19 11. By renumbering sections according to this
20 amendment.

On motion by Jay of Appanoose, amendment H—5207A was adopted.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5207B.

Jay of Appanoose offered the following amendment H—5194, previously deferred, filed by him and requested division as follows:

H-5194

1 Amend House File 2339 as follows:

H-5194A

2 1. Page 1, by inserting after line 29 the
3 following:

4 "7. "Serious injury" means disabling mental
5 illness or bodily injury which creates a substantial
6 risk of death or which causes serious permanent
7 disfigurement or protracted loss or impairment of the
8 function of any bodily member or organ."

H-5194B

9 2. Page 2, line 12, by inserting after the words
10 "alternative to" the words "a portion or all of".

11 3. Page 2, line 13, by striking the words "less
12 than fifty nor".

13 4. Page 3, line 32, by inserting after the words
14 "convicted of" the words "or receiving a deferred
15 judgment for".

16 5. By striking page 5, line 28 through page 6,
17 line 1 and inserting the following:

18 "1. If a defendant is convicted of a violation of
19 section 321J.2 and the defendant's license or permit
20 to drive or nonresident operating privilege has not
21 been revoked under section 321J.9 or 321J.12 for the
22 occurrence from which the arrest arose, the department
23 shall revoke the defendant's license or permit to
24 drive or nonresident operation privilege for one
25 hundred eighty days if the defendant has had no
26 previous conviction under section 321J.2 or revocation
27 under section 321J.9 or 321J.12 within the previous
28 six years and for one year if the defendant has had
29 one or more previous convictions or revocations under
30 those sections within the previous six years."

31 6. Page 7, by striking lines 16 through 18 and
32 inserting the following: "section 321J.2 which
33 involved a personal injury, the court shall determine
34 in open court, from consideration of the information
35 in the file and any other evidence the parties may
36 submit, whether a serious injury was sustained by any
37 person other than the defendant and, if so, whether
38 the defendant's conduct in violation of section 321J.2
39 caused the serious injury. If the court so
40 determines, the court shall order the department to".

41 7. Page 7, by striking lines 26 through 28 and
42 inserting the following: "section 321J.2 which
43 involved a death, the court shall determine in open
44 court, from consideration of the information in the

H—5194B

45 file and any other evidence the parties may submit,
46 whether a death occurred and, if so, whether the
47 defendant's conduct in violation of section 321J.2
48 caused the death. If the court so determines, the
49 court shall order the".

50 8. By striking page 7, line 34 through page 8,

Page 2

1 line 3 and inserting the following:

2 "6. If a license or permit to operate a motor
3 vehicle is revoked or denied under this section or
4 section 321J.9 or 321J.12, the period of revocation or
5 denial shall be the period".

6 9. Page 14, lines 7 and 8, by striking the words
7 ", originally factory wrapped, disposable syringes and
8 needles" and inserting the following: "equipment".

9 10. By striking page 18, line 29 through page 22,
10 line 26.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5194A.

On motion by Jay of Appanoose, amendment H—5194B was adopted.

Jay of Appanoose offered the following amendment H—5192 filed by him and moved its adoption:

H—5192

1 Amend House File 2339 as follows:

2 1. Page 1, line 33, by striking the words "shall
3 not operate" and inserting the following: "commits
4 the offense of operating while intoxicated if the
5 person operates".

6 2. Page 2, by striking lines 4 and 5 and
7 inserting the following:

8 "2. A person who violates this section commits:".

9 3. Page 2, line 6, by inserting before the word
10 "shall" the words ", upon conviction,".

11 4. Page 3, by striking lines 4 and 5 and
12 inserting the following: "more than one violation of
13 this section if the violation is shown to have been
14 committed by either or both of the means described in
15 subsection 1 in the same occurrence."

16 5. Page 3, line 7, by striking the words "the
17 judgment sentencing the" and inserting the following:

18 "each order entered with respect to deferral of
19 judgment, deferral of sentence or pronouncement of
20 judgment and sentence for a".

21 6. Page 6, line 9, by striking the word "under"
22 and inserting the following: "from".

23 7. Page 6, line 35, by striking the figures "
24 321J.9, 321J.12,".

25 8. Page 7, line 21, by inserting before the word
26 "revocation" the words "suspension or".

27 9. Page 9, line 21, by striking the words "who is
28 otherwise" and inserting the following: "otherwise".

29 10. Page 10, line 10, by striking the words "a
30 sworn report of the peace officer" and inserting the
31 following: "the peace officer's certification".

32 11. Page 16, line 8, by striking the words "for
33 which the licensee was arrested".

34 12. Page 16, line 10, by striking the word
35 "OTHER" and inserting the following: "ANY".

36 13. Page 16, line 31, by inserting after the word
37 "license" the words "or permit".

38 14. Page 17, line 5, by inserting after the word
39 "license" the words "or permit".

40 15. Page 18, line 22, by striking the words "is
41 guilty of" and inserting the following: "commits".

42 16. By striking page 23, line 30 through page 24,
43 line 13 and inserting the following:

44 "Upon the entering of an order at the conclusion of
45 an adjudicatory hearing under section 232.47 that the
46 child violated a provision of this chapter or chapter
47 321A or chapter 321J for which the penalty is greater
48 than a simple misdemeanor, or that the child refused
49 to submit to chemical testing under section 321B.4,
50 the clerk of the juvenile court in the adjudicatory

Page 2

1 hearing shall forward a copy of the adjudication to
2 the department. Notwithstanding section 232.55, a
3 final adjudication in a juvenile court that the child
4 violated a provision of this chapter or chapter 321A
5 or chapter 321J constitutes a final conviction of a
6 violation of a provision of this chapter or chapter
7 321A or chapter 321J for purposes of section 321.189,
8 subsection 2, paragraph "b", and sections 321.193,
9 321.194, 321.200, 321.209, 321.210, 321.215, and
10 321A.17. Notwithstanding section 232.55, the director
11 shall revoke the license or permit of a child under
12 section 321B.13 upon receipt of a copy of the final
13 adjudication in a juvenile court that the child
14 refused to submit to chemical testing under section
15 321B.4."

Amendment H—5192 was adopted.

McIntee of Black Hawk offered the following amendment H—5206 filed by him and requested division as follows:

H—5206

1 Amend House File 2339 as follows:

H—5206A

2 1. Page 2, line 16, by striking the word "and"

3 and inserting the following: "or for a first offense
4 resulting in serious injury and, upon conviction,".

5 2. Page 2, line 23, by striking the word "and"

6 and inserting the following: "or for a second offense
7 resulting in serious injury and, upon conviction,".

8 3. Page 2, lines 24 and 25, by striking the words

9 "not less than thirty" and inserting the following:
10 "a determinate term of not less than thirty nor more
11 than one hundred eighty".

12 4. By striking page 2, line 35 through page 3,

13 line 2, and inserting the following: "subsequent
14 offense, deferred judgments pursuant to section 907.3

15 for violations of this section and convictions or the
16 equivalent of deferred judgments for violations in any
17 other states under statutes substantially

18 corresponding to this section shall be counted as
19 previous offenses. The department of transportation

20 shall identify by rule and the courts shall judicially

21 notice the statutes of other states which define

22 offenses substantially equivalent to the one defined

23 in this section and can therefore be considered

24 corresponding statutes. Each previous violation shall

25 be considered a separate previous offense without

26 regard to whether each was complete as to commission

27 and conviction or deferral of judgment following or

28 prior to any other previous violation."

H—5206B

29 5. Page 4, line 9, by striking the words "second

30 or subsequent offense in".

H—5206A

31 6. Page 9, line 16, by striking the word

32 "provide" and inserting the following: "offer".

33 7. By striking page 10, line 25 through page 11,

34 line 2, and inserting the following: "revoked,

H-5206A

35 subject to review as provided in this chapter."

36 8. Page 14, line 11, by striking the words "by a
37 person of the person's own choosing and".

38 9. By striking page 14, line 35 through page 15,
39 line 13 and inserting the following:

40 "Sec. 13. NEW SECTION. 321J.132 NOTICES OF
41 REVOCATION — EFFECTIVE DATES — TEMPORARY LICENSES.

42 The effective date of a revocation under section
43 321J.9 or 321J.12 shall be twenty days after the
44 department has mailed notice of revocation to the
45 person by certified mail. However, the peace officer
46 who requested or directed the administration of the
47 chemical test may, on behalf of the department, serve
48 immediate notice of revocation on the person.

49 If the peace officer serves the immediate notice,
50 the peace officer shall take the person's Iowa license

Page 2

1 or permit, if any, and issue a temporary license that
2 shall remain valid for only twenty days. The peace
3 officer shall immediately send the person's license or
4 permit to the department along with the officer's
5 certificate indicating that the person refused to
6 permit chemical testing or that the person submitted
7 to chemical testing and the results of the test
8 indicated an alcohol concentration of .10 or more."

H-5206C

9 10. Page 17, by striking lines 25 through 29 and
10 inserting the following: "to and from the person's
11 principal residence and place of employment; in the
12 course of the person's employment; to and from the
13 person's principal residence and the location at which
14 the person attends evaluation, treatment, or
15 educational services for alcohol or drug dependency;
16 and to and from the person's home and the location at
17 which the person is to perform court-ordered community
18 service if:"

H-5206A

19 11. Page 18, line 23, by inserting after the word
20 "misdemeanor" the following: "and, upon conviction,
21 shall be imprisoned in the county jail not less than
22 two days for a first offense under this section and
23 not less than seven days for a second or subsequent
24 offense under this section, notwithstanding section

H—5206A

25 907.3".

26 12. By renumbering sections according to this
27 amendment.

McIntee of Black Hawk asked and received unanimous consent to withdraw amendment H—5206A.

With the previous adoption of amendment H—5207A, amendment H—5206B was out of order.

McIntee of Black Hawk offered the following amendment H—5191 filed by him and moved its adoption:

H—5191

- 1 Amend House File 2339 as follows:
- 2 1. Page 3, by striking lines 26 through 31 and
- 3 inserting the following: "vehicle."

Amendment H—5191 was adopted.

McIntee of Black Hawk offered the following amendment H—5189 filed by him and moved its adoption:

H—5189

- 1 Amend House File 2339 as follows:
- 2 1. Page 9, by inserting after line 7 the
- 3 following:
- 4 "e. The preliminary breath screening test was
- 5 administered and it indicated an alcohol concentration
- 6 of less than ten one hundredths and the peace officer
- 7 has reasonable grounds to believe that the person was
- 8 under the influence of a drug other than alcohol or a
- 9 combination of alcohol and another drug."
- 10 2. Page 9, by inserting after line 19 the
- 11 following:
- 12 "3. Notwithstanding subsection 2, if the peace
- 13 officer has reasonable grounds to believe that the
- 14 person was under the influence of a drug other than
- 15 alcohol or a combination of alcohol and another drug,
- 16 a urine test may be required even after a blood or
- 17 breath test has been administered. Section 321J.9
- 18 applies to a refusal to submit to a chemical test of
- 19 urine requested under this subsection."

Amendment H—5189 was adopted.

McIntee of Black Hawk asked and received unanimous consent to withdraw amendment H—5190 filed by him on February 27, 1986.

McIntee of Black Hawk offered the following amendment H—5197 filed by him and moved its adoption:

H—5197

- 1 Amend House File 2339 as follows:
- 2 1. Page 17, line 10, by inserting after the word
- 3 "drug" the following: ", including the results of
- 4 chemical tests of specimens of blood, breath or urine
- 5 obtained more than two hours after the person was
- 6 operating a motor vehicle".

Amendment H—5197 was adopted.

McIntee of Black Hawk offered amendment H—5169 filed by McIntee, et al., and requested division as follows:

H—5169

- 1 Amend House File 2339 as follows:

H—5169A

- 2 1. Page 17, line 22, by striking the word "The"
- 3 and inserting the following: "Not less than thirty
- 4 days after the effective date of revocation under this
- 5 section, the".

H—5169B

- 6 2. Page 17, by inserting after line 29 the
- 7 following:
- 8 "a. The person's motor vehicle license has not
- 9 been revoked under 321J.4, 321J.9, or 321J.12 within
- 10 the previous six years.
- 11 3. By relettering paragraphs as required by this
- 12 amendment.

McIntee of Black Hawk offered the following amendment H—5196, to amendment H—5169A, filed by him and moved its adoption:

H—5196

- 1 Amend the amendment H—5169 to House File 2339 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "section"
- 4 and inserting the word "chapter".

Amendment H—5196 was adopted.

Jay of Appanoose asked and received unanimous consent to temporarily defer action on amendment H—5169A, as amended.

The House resumed consideration of amendment H—5206C.

Chapman of Linn in the chair at 12:40 p.m.

McIntee of Black Hawk moved the adoption of amendment H—5206C.

Roll call was requested by Lageschulte of Bremer and Harbor of Mills.

On the question "Shall amendment H—5206C be adopted?"

The ayes were, 42:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Haverland	Hermann	Hester
Holveck	Hummel	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Osterberg	Paulin
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Weiden		

The nays were, 54:

Arnould	Avenson	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Cochran	Connolly	Connors
Cooper	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Muhlbauer	Norland	O'Kane

Ollie	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Swartz
Tabor	Teaford	Varn	Woods
Zimmerman	Madam Speaker (Chapman)		

Absent or not voting, 4:

Baxter	Loneragan	Pellett	Sullivan
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Amendment H—5206C lost.

The House resumed consideration of amendment H—5169B.

McIntee of Black Hawk offered the following amendment H—5210, to amendment H—5169B, filed from the floor by him and Jay of Appanoose and moved its adoption:

H—5210

- 1 Amend amendment H—5169 to House File 2339 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the figure “,
- 4 321J.9.”.
- 5 2. Page 1, by inserting after line 10 the
- 6 following:
- 7 “3. Page 18, line 5, by striking the words “or
- 8 subsequent”.”

Amendment H—5210 was adopted.

On motion by McIntee of Black Hawk, amendment H—5169B, as amended, was adopted.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5204 filed by her on February 27, 1986.

Van Camp of Scott offered the following amendment H—5198 filed by him and moved its adoption:

H—5198

- 1 Amend House File 2339 as follows:
- 2 1. Page 22, by inserting after line 26 the
- 3 following:

4 "Sec. 23. NEW SECTION. SUSPENSION OF VEHICLE
5 REGISTRATION.

6 The department shall suspend the registration for
7 all motor vehicles registered in the name of a person
8 whose license or permit to drive is revoked under
9 section 321J.4, 321J.9, or 321J.12. The period of
10 suspension shall be for the period of the revocation
11 of the person's license or permit to drive and shall
12 continue notwithstanding the fact that the person may
13 qualify for and obtain a temporary restricted
14 license."

Amendment H—5198 lost.

Jay of Appanoose asked and received unanimous consent to withdraw amendments H—5202 and H—5205 filed by him on February 27, 1986.

Tabor of Jackson offered the following amendment H—5195 filed by Tabor, et al., and moved its adoption:

H—5195

1 Amend House File 2339 as follows:

2 1. Page 26, by inserting after line 14 the
3 following:

4 "Sec. 35. NEW SECTION. 707.6A HOMICIDE BY
5 VEHICLE.

6 1. A person commits a class "D" felony when the
7 person unintentionally causes the death of another by
8 either of the following means:

9 a. Operating a motor vehicle while under the
10 influence of alcohol or a drug or a combination of
11 such substances or while having an alcohol
12 concentration of .10 or more, in violation of section
13 321J.2.

14 b. Driving a motor vehicle in a reckless manner
15 with willful or wanton disregard for the safety of
16 persons or property, in violation of section 321.277.

17 2. A person commits an aggravated misdemeanor when
18 the person unintentionally causes the death of another
19 by operating a motor vehicle in any of the following
20 manners:

21 a. Drag racing, in violation of section 321.278.

22 b. Eluding or attempting to elude a pursuing law
23 enforcement vehicle, in violation of section 321.279.

24 3. As used in this section, "motor vehicle"
25 includes any vehicle defined as a motor vehicle in
26 section 321.1."

27 2. By renumbering sections according to this
28 amendment.

Amendment H—5195 was adopted.

McIntee of Black Hawk offered the following amendment H—5181 filed by him and moved its adoption:

H—5181

- 1 Amend House File 2339 as follows:
- 2 1. Page 26, line 33, by inserting after the word
- 3 "section" the following: "the person has
- 4 participated in a deferred prosecution program for an
- 5 arrest for a violation of that section."

Roll call was requested by De Groot of Lyon and Harbor of Mills.

On the question "Shall amendment H—5181 be adopted?"

The ayes were, 43:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hermann	Hester
Holveck	Hummel	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Osterberg	Paulin
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Varn	Welden	

The nays were, 52:

Arnould	Avenson	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Cochran	Connolly	Connors
Cooper	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Hammond
Hatch	Haverland	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Muhlbauer	Norland	O'Kane
Ollie	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Swartz
Tabor	Teaford	Woods	Madam Speaker (Chapman)

Absent or not voting, 5:

Baxter
Zimmerman

Loneragan

Pellett

Sullivan

Amendment H—5181 lost.

The House resumed consideration of amendment H—5169A, as amended, (previously deferred).

Speaker Avenson in the chair at 1:09 p.m.

Groth of Buena Vista offered the following amendment H—5211, to amendment H—5169A, filed by him from the floor:

H—5211

- 1 Amend House amendment H—5169 to House File 2339 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "thirty"
- 4 and inserting the word "sixty".
- 5 2. Page 1, by inserting after line 10 the
- 6 following:
- 7 "3. Page 18, by inserting after line 16 the
- 8 following:
- 9 "4. A person whose license or permit to drive has
- 10 been revoked under this chapter who otherwise
- 11 qualifies for a temporary restricted license may be
- 12 issued a temporary restricted license by the
- 13 department upon application, and the restriction on
- 14 issuing a temporary restricted permit no sooner than
- 15 sixty days after the effective date of revocation
- 16 shall not apply if, after the violation for which the
- 17 person's license or permit to drive was revoked under
- 18 this chapter, the person has undergone a substance
- 19 abuse evaluation and has been found not to have a
- 20 substance abuse problem or if the person has
- 21 successfully completed a treatment program for
- 22 chemical dependency." "
- 23 3. By renumbering according to this amendment.

The House stood at ease at 1:13 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5211, to amendment H—5169A, as amended, at 1:15 p.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hughes of Union, until his return, on request of Connors of Polk; Lonergan of Boone, for the remainder of the day, on request of Blanshan of Greene; Baxter of Des Moines, until her return, on request of Ollie of Clinton; Zimmerman of Dallas, for the remainder of the day, on request of Halvorson of Webster.

Groth of Buena Vista moved the adoption of amendment H—5211, to amendment H—5169A, as amended.

Roll call was requested by Schnekloth of Scott and Harbor of Mills.

Rule 75 was invoked.

On the question "Shall amendment H—5211 be adopted?"

The ayes were, 53:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Chapman	Cochran	Connolly	Connors
Cooper	Daggett	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	McIntee	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Sherzan
Shoultz	Skow	Spear	Sturgeon
Swartz	Tabor	Teaford	Woods
Mr. Speaker			

The nays were, 43:

Bennett	Branstad	Carpenter	Carter
Clark	Corey	De Groot	Diemer
Doderer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Haverland	Hermann
Hester	Hummel	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Peick	Petersen, D. F.
Platt	Renken	Rensink	Royer
Running	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Varn	Welden	

Absent or not voting, 4:

Loneragan

Pellett

Sullivan

Zimmerman

Amendment H—5211 was adopted.

The House stood at ease at 2:06 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5169A, as amended, at 2:09 p.m., Speaker Avenson in the chair.

McIntee of Black Hawk moved to reconsider the vote by which amendment H—5211, to amendment H—5169A, as amended, was adopted by the House on February 28, 1986.

Roll call was requested by McIntee of Black Hawk and Skow of Guthrie.

On the question "Shall amendment H—5211 be reconsidered?"

The ayes were, 38:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McIntee
McKean	Metcalf	Miller	Mullins
Paulin	Petersen, D. F.	Platt	Renken
Rensink	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Welden		

The nays were, 52:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Connolly	Connors	Cooper
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Muhlbauer	Norland	O'Kane
Ollie	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Tabor	Teaford	Varn	Mr. Speaker

Absent or not voting, 10:

Chapman
Osterberg
Woods

Cochran
Pellett
Zimmerman

Doderer
Sullivan

Lonergan
Swartz

The motion to reconsider lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie, for the remainder of the day, on request of Harbor of Mills.

On motion by McIntee of Black Hawk, amendment H—5169A, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2339)

The ayes were, 93:

Arnould
Black
Buhr
Chapman
Connors
De Groot
Fogarty
Gruhn
Handorf
Haverland
Hughes
Johnson
Lageschulte
McKean
Mullins
Osterberg
Pavich
Platt
Rensink
Sherzan
Spear
Swartz

Baxter
Blanshan
Carl
Clark
Cooper
Diemer
Grandia
Halvorson, R. A.
Hanson
Hermann
Hummel
Knapp
Lloyd-Jones
Metcalf
Norland
Oxley
Peick
Poncy
Rosenberg
Shoning
Stromer
Swearingen

Beatty
Brammer
Carpenter
Cochran
Corey
Doderer
Groninga
Halvorson, R. N.
Harbor
Hester
Jay
Koenigs
Maulsby
Miller
O'Kane
Parker
Petersen, D. F.
Renaud
Royer
Shoultz
Stueland
Tabor

Bennett
Branstad
Carter
Connolly
Daggett
Fey
Groth
Hammond
Hatch
Holveck
Jochum
Kremer
McIntee
Muhlbauer
Ollie
Paulin
Peterson, M. K.
Renken
Schneklath
Skow
Sturgeon
Teaford

Van Camp
Mr. Speaker

Van Maanen

Varn

Woods

The nays were, none.

Absent or not voting, 7:

Lonergan
Sullivan

Pellett
Welden

Running
Zimmerman

Siegrist

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

IMMEDIATE MESSAGES (House Files 2339 and 2313)

Norland of Worth asked and received unanimous consent that House Files 2339 and 2313 be immediately messaged to the Senate.

MOTION TO RECONSIDER (House File 2154)

I move to reconsider the vote by which House File 2154 passed the House on February 27, 1986.

HALVORSON of Clayton

PRESENTATION OF VISITORS

Norland of Worth presented to the House, the Honorable Lyle Scheelhaase, former member of the House representing Woodbury County.

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

Students from Morningside Christian School, Sioux City, accompanied by Dennis E. Chapman. By Shoning of Woodbury.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 27, 1986. Had I been present, I would have voted "aye" on House File 2225 and Senate File 199.

SWEARINGEN OF Keokuk

I was temporarily absent from the House chamber on February 28, 1986 when the vote was taken on Senate File 540. Had I been present, I would have voted "aye."

MAULSBY of Calhoun

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 743 Economic Development

Relating to the construction of visitor centers at Mason City, Sioux City, Dubuque, Davenport, and Council Bluffs.

SUBCOMMITTEE ASSIGNMENTS

House File 2241

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

House File 2273

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

House File 2363

Judiciary and Law Enforcement: Chapman, Chair; Clark and Rosenberg.

House File 2367

Education: Johnson, Chair; Carpenter and Shultz.

House File 2375

Small Business and Commerce: Swartz, Chair; Hummel and Parker.

Senate File 2092

Judiciary and Law Enforcement: Woods, Chair; Halvorson of Clayton and Renaud.

STUDY BILL SUBCOMMITTEE ASSIGNMENT

Study Bill 737

Education: Haverland,, Chair; Branstad, Hughes, Johnson and Swearingen.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Resolution (Formerly Study Bill 717), a concurrent resolution to double the acres of woodland in Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2272, a bill for an act relating to the guaranty capital of a mutual insurance company.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1986.

House File 2321, a bill for an act relating to the female and minority small business set aside program.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5208**, February 27, 1986.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 551), relating to the taxation of property of public utilities.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1986.

RESOLUTIONS FILED

HCR 115, by Doderer, Poncy, Running, Woods, Van Maanen, Connors, Harbor, Pavich, Ollie, Arnould, Fey, Swearingen, Renken and Paulin, a concurrent resolution urging the Congress to address the adverse effects of the federal Social Security program which discriminates against certain persons due to their birth dates.

Laid over under **Rule 25**.

HCR 116, by Clark and Lloyd-Jones, a concurrent resolution relating to Women's History Week.

Laid over under **Rule 25**.

HCR 117, by Cochran, a concurrent resolution supporting actions to establish Iowa as a center for biotechnology.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5208	H.F. 2321	Committee on Small Business and Commerce
H-5209	H.F. 2019	Sturgeon of Woodbury Connors of Polk
H-5212	S.F. 397	Koenigs of Mitchell
H-5213	S.F. 159	Running of Linn
H-5214	H.F. 2344	Osterberg of Linn
H-5215	H.F. 2388	Schnekloth of Scott
H-5216	H.F. 2380	Connolly of Dubuque Welden of Hardin
H-5217	S.F. 159	Varn of Johnson

On motion by Norland of Worth, the House adjourned at 2:27 p.m., until 10:00 a.m., Monday, March 3, 1986.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day—Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 3, 1986

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

Prayer was offered by Reverend Marcia Smith-Wood, pastor of the United Christian Presbyterian Church, Bedford.

The Journal of Friday, February 28, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By O'Kane of Woodbury, from officers and members of River City Anglers, Inc. opposing plans to reorganize the Iowa State Conservation Commission under a director appointed by the governor.

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 February 26, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2229, a bill for an act relating to hospitals by permitting the sale or lease of property owned by the hospital upon approval by the board of trustees.

Also: That the Senate has on February 26, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 276, a bill for an act relating to the jurisdiction of district associate judges.

Also: That the Senate has on February 26, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2143, a bill for an act relating to corrections; changing certain administrative provisions; limiting remedies in restitution matters; and providing penalties.

Also: That the Senate has on February 25, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2175, a bill for an act relating to the organization and structure of state government.

K. MARIE THAYER, Secretary

INTRODUCTION OF BILLS

House File 2397, by committee on energy and environmental protection, a bill for an act relating to sanitary landfills.

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

House File 2398, by Jochum, a bill for an act relating to the granting of clinical privileges at hospitals.

Read first time and referred to committee on **human resources**.

House File 2399, by Holveck, a bill for an act relating to the effect of expiration of a writ of execution in garnishment proceedings.

Read first time and referred to committee on **judiciary and law enforcement**.

PRESENTATION OF DISTINGUISHED GUEST

Halvorson of Clayton presented to the House the Honorable Tom Tauke, United States Congressman for Iowa representing the Second District and former member of the House representing Dubuque County.

The House rose and expressed its welcome.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 116

Norland of Worth asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 116, relating to Women's History Week, filed on February 28, 1986.

On motion by Lloyd-Jones of Johnson, House Concurrent Resolution 116 was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 116)

Norland of Worth asked and received unanimous consent that House Concurrent Resolution 116 be immediately messaged to the Senate.

SPECIAL PRESENTATION

Clark of Cerro Gordo presented to the House the following students present in the House chamber, who are winners of the essay contest of the Iowa Commission on the Status of Women to "Write Women Back Into History":

First Place — Frank Sackett, Spencer; Second Place — Christine Faber, Parnell; Third Place — Brent Johnson, Manson; Honorable Mention — Matt Gunderman, West Des Moines; Mary Hutson, Des Moines; Jenny Synhorst, Spencer; Nam Van Cao, Spencer; and Margie Welsh, Argyle.

The House rose and expressed its welcome.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-first General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Stromer of Hancock:

Christine Batterson
Eric Buhr
Thomas Cope
Gayelee Gamet
Traci Gilpatrick
Kathy Ann Grandia

Lori Hess
Lee Hill
Mary Lynn Owens
Suzette Paustian
Christina Raguse
Tonya Wick
Scott Wright

Certificates were also awarded to Natalie Dale and Risa Quade, who were not present.

The House rose and expressed its appreciation.

MOTIONS TO RECONSIDER WITHDRAWN (Senate File 447)

Teaford of Black Hawk asked and received unanimous consent to withdraw the motion to reconsider Senate File 447, a bill for an act to license operators of radiation emitting equipment, and the motion to reconsider amendment H—5092, filed by her on February 21, 1986.

HOUSE FILE 2271 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2271 be deferred and that the bill retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fogarty of Palo Alto on request of Gruhn of Dickinson; Jay of Appanoose on request of Rosenberg of Story, both until their arrival.

CONSIDERATION OF BILLS Appropriations Calendar

The House resumed consideration of **House File 2181**, a bill for an act establishing the Iowa comprehensive health association, providing for a plan of operation, establishing financial procedures, providing eligible expenses, excluding certain requirements, and relating to other provisions of health insurance coverage.

The following amendment H—5220, filed by Brammer of Linn from the floor, was adopted by unanimous consent:

H—5220

- 1 Amend House File 2181 as follows:
- 2 1. Title page, line 5, by inserting after the word
- 3 "coverage" the following: and providing an appropriation".

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

On the question "Shall the bill pass?" (H.F. 2181)

The ayes were, 96:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 2:

Baxter Welden

Absent or not voting, 2:

Fogarty Jay

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

Regular Calendar

House File 2344, a bill for an act relating to the toxic cleanup days pilot program and providing an effective date, was taken up for consideration.

Osterberg of Linn offered the following amendment H—5214 filed by him and moved its adoption:

H—5214

- 1 Amend House File 2344 as follows:
- 2 1. Page 1, by striking lines 20 and 21 and
- 3 inserting the following: "collected. The program
- 4 shall be conducted for one or two days in each county
- 5 designated. The department shall".

Amendment H—5214 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2344)

The ayes were, 90:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Hughes	Hummel	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Maanen	Varn	Welden
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Fogarty	Halvorson, R. N.	Holveck	Jay
Johnson	Loneragan	Ollie	Sturgeon
Van Camp	Woods		

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

House File 2352, a bill for an act authorizing the temporary transfer of funds from the farm-to-market road fund to the primary road fund, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5193 filed by him and moved its adoption:

H—5193

- 1 Amend House File 2352 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "funds." the words "Similar transfers may be made by
- 4 the department from the primary road fund to the farm-
- 5 to-market road fund and these transfers shall be
- 6 subject to the same terms and conditions that
- 7 transfers from the farm-to-market road fund to the
- 8 primary road fund are subject."

Amendment H—5193 was adopted.

The following amendment H—5221, filed from the floor by Kremer of Buchanan, was adopted by unanimous consent:

H—5221

- 1 Amend House File 2352 as follows:
- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting the following: "An Act authorizing the
- 4 temporary transfer of funds between the primary
- 5 road fund and the farm-to-market road fund."

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

On the question "Shall the bill pass?" (H.F. 2352)

The ayes were, 85:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Doderer	Fey	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Harbor	Hatch	Haverland	Hermann

Hester	Holveck	Hughes	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
McIntee	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Oxley	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Zimmerman
Mr. Speaker			

The nays were, 9:

Branstad	Diemer	Grandia	Handorf
Hanson	Maulsby	McKean	Renken
Van Maanen			

Absent or not voting, 6:

Fogarty	Jay	Osterberg	Parker
Welden	Woods		

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

Hanson of Delaware in the chair at 10:54 a.m.

House File 2346, a bill for an act relating to the appointment of a district associate judge in lieu of magistrates, was taken up for consideration.

SENATE FILE 2124 SUBSTITUTED FOR HOUSE FILE 2346

Haverland of Polk asked and received unanimous consent to substitute Senate File 2124 for House File 2346.

Senate File 2124, a bill for an act relating to the appointment of a district associate judge in lieu of magistrates, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2124 be deferred and that the bill retain its place on the calendar.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday afternoon, February 28, 1986. Had I been present, I would have voted "aye" on House File 2339.

SIEGRIST of Pottawattamie

PRESENTATION OF VISITORS

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

Twenty-three seniors from Dows Junior-Senior High School, Dows, accompanied by Gary Koenen. By Stromer of Hancock.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 744 Agriculture

Relating to the property tax livestock credit.

S.B. 745 Judiciary and Law Enforcement

Relating to civil actions for the recovery of damages by exempting certain claims from coverage under the state tort claims Act, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty, providing sanctions for the filing or commencing of frivolous actions, prohibiting the stating of money damages demanded, limiting the conditions under which punitive or exemplary damages may be awarded, providing for the payment of judgments or awards by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to persons against whom a product liability action is brought and who can plead and prove conformance with the state of the art in existence at the time the product was manufactured or the actions regarding the product were taken, and requiring a party to certify expert witnesses of their own selection within one hundred eighty days of the filing of the answer in an action, and providing effective dates.

S.B. 746 Local Government

Relating to the acquisition of legal settlement on the basis of a time period in which a mentally retarded or mentally ill person receives treatment.

S.B. 747 State Government

Relating to the funding of public library resources and development of library materials.

S.B. 748 Education

Relating to the moneys available to school districts for operation of the educational program.

S.B. 749 State Government

Relating to the enforcement of the Iowa food service sanitation code, the Iowa hotel sanitation code, and the Iowa food and beverage vending machine laws.

S.B. 750 State Government

Relating to the percent of the proceeds from the sales of obligations of the Iowa finance authority that are required to be used for newly constructed housing units.

S.B. 751 Economic Development

To provide for the establishment of an Iowa film office within the Iowa development commission.

S.B. 752 Economic Development

Relating to the allocation of lottery funds and programs for which the funds may be used and providing an effective date.

S.B. 753 Labor and Industrial Relations

Appropriating federal moneys, credited to the state of Iowa, to the department of job service for data processing equipment purchases.

S.B. 754 Labor and Industrial Relations

Relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable.

S.B. 755 Education

Relating to tax sheltered annuity contracts by making applicable a current definition of the Internal Revenue Code of 1954.

S.B. 756 Economic Development

Relating to the marketing programs of the Iowa development commission and making an appropriation.

S.B. 757 Economic Development

Creating an Iowa economic bond bank program within the Iowa finance authority to provide financings for economic development and making an appropriation.

S.B. 758 Economic Development

Relating to an export loan assistance program created within the Iowa development commission and making an appropriation.

S.B. 759 Agriculture

Relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate sale of a homestead in relation to a foreclosure on agricultural land, providing for a farm mediation program, designating a farm crisis program coordinator, making appropriations, and providing an effective date.

S.B. 760 Judiciary and Law Enforcement

Relating to the liability of governmental entities.

S.B. 761 Judiciary and Law Enforcement

Recommending that the Legislative Council create an insurance and liability study commission.

S.B. 762 Human Resources

Relating to clinical privileges and staff membership in organized health care systems.

S.B. 763 Judiciary and Law Enforcement

Relating to the release of information from the child abuse registry to the administrator of a regents institution that has responsibility for the care and supervision of juveniles.

S.B. 764 Ways and Means

Providing soil conservation tax credits for certain uses of agricultural land, and providing an effective date.

S.B. 765 Ways and Means

Relating to gasohol, by decreasing the tax on the fuel by one cent per gallon.

S.B. 766 Agriculture

Relating to loans for ethanol production.

S.B. 767 Agriculture

Relating to the assessment of costs incurred due to frivolous or delaying court actions or tactics.

S.B. 768 Agriculture

Relating to an appropriation to the department of agriculture for the 1987 beef expo.

S.B. 769 Agriculture

Relating to slander of title, by providing a penalty.

S.B. 770 Small Business and Commerce

Relating to the attorney general's consumer protection efforts against telephone solicitations, transient merchants, and health club membership sales, and providing penalties.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 700

Labor and Industrial Relations: Ollie, Chair; Hester and Sherzan.

Study Bill 740

Education: Groth, Chair; Miller and Ollie.

Study Bill 745

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

Study Bill 748

Education: Groth, Chair; Daggett, Ollie, Siegrist and Varn.

Study Bill 753

Labor and Industrial Relations: Ollie, Chair; Hester and Sherzan.

Study Bill 754

Labor and Industrial Relations: Kremer, Chair; Connors and Renaud.

Study Bill 755

Education: Haverland, Chair; Johnson and Swearingen.

RESOLUTION FILED

HCR 118, by committee on natural resources and outdoor recreation, a concurrent resolution to double the acres of woodland in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5218	H.F. 2229	Senate Amendment
H-5219	S.F. 159	Running of Linn
H-5222	H.F. 2086	McIntee of Black Hawk
H-5223	H.F. 2387	Rosenberg of Story
H-5224	S.F. 444	Rosenberg of Story
H-5225	H.F. 2159	Carl of Poweshiek
H-5226	H.F. 2381	Haverland of Polk

H—5227

S.F. 2116

Koenigs of Mitchell

H—5228

H.F. 2302

Daggett of Taylor

Black of Jasper

Pellett of Cass

Cooper of Lucas

On motion by Norland of Worth, the House adjourned at 11:09 a.m., until 9:00 a.m., Tuesday, March 4, 1986.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day — Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 4, 1986

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

Prayer was offered by Reverend Mary Katherine Roath, pastor of the Marion Street United Methodist Church, Madrid.

The Journal of Monday, March 3, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schnekloth of Scott on request of Rensink of Sioux; Zimmerman of Dallas on request of Norland of Worth; Groninga of Cerro Gordo on request of Paulin of Plymouth; Sullivan of Van Buren, until his arrival, on request of Varn of Johnson; Connolly of Dubuque on request of O'Kane of Woodbury; Parker of Jasper on request of Swartz of Marshall; Miller of Cherokee on request of Stromer of Hancock; Connors of Polk on request of Lonergan of Boone.

INTRODUCTION OF BILL

House File 2400, by committee on economic development, a bill for an act relating to the Iowa community development loan program.

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

SENATE MESSAGES CONSIDERED

Senate File 2143, by committee on judiciary, a bill for an act relating to corrections; changing certain administrative provisions; limiting remedies in restitution matters; changing the applicability dates of certain provisions relating to inmate discipline and the availability of remedies; and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2175, by committee on state government, a bill for an act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure.

Read first time and referred to committee on **state government**.

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 February 27, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2146, a bill for an act to delay certain deadline dates for school districts for the school year beginning July 1, 1986, including the date for budget certification and the dates relating to the offer and termination of teacher contracts and to provide that the Act takes effect upon its publication.

Also: That the Senate has on February 27, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2177, a bill for an act requiring specific criteria for the acquisition, selection, or approval of a site for a hazardous waste treatment, disposal, or storage facility.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

Senate File 159, a bill for an act eliminating penalties for registrations of snowmobiles which have not been registered for two subsequent registration periods, with report of committee recommending amendment and passage was taken up for consideration.

Varn of Johnson offered the following amendment H—5062 filed by the committee on natural resources and outdoor recreation:

H—5062

- 1 Amend Senate File 159 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. By striking line 11 and inserting the
- 4 following: "registrant may be assigned a new
- 5 registration number or may choose to keep the
- 6 delinquent registration number, and the delinquent
- 7 registrant".
- 8 2. Title page, line 2, by striking the word
- 9 "subsequent" and inserting the word "consecutive".

Varn of Johnson offered the following amendment H—5217, to the committee amendment H—5062, filed by him and moved its adoption:

H—5217

- 1 Amend amendment H—5062 to Senate File 159 as follows:
- 2 1. Page 1, line 3, by striking the word "By" and
- 3 inserting the following: "Page 1, by".

Amendment H—5217 was adopted.

On motion by Varn of Johnson, the committee amendment H—5062, as amended, was adopted.

Black of Jasper offered the following amendment H—5086 filed by him and moved its adoption:

H—5086

- 1 Amend Senate File 159 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following new section:
- 5 "Section 1. Section 321G.5, unnumbered paragraph
- 6 1, Code 1985, is amended by striking the unnumbered
- 7 paragraph."
- 8 2. Renumber sections and correct internal
- 9 references as necessary in accordance with this
- 10 amendment.

Amendment H—5086 was adopted.

Running of Linn asked and received unanimous consent to temporarily defer action on amendment H—5213.

Running of Linn offered the following amendment H—5219 filed by him and moved its adoption:

H—5219

- 1 Amend Senate File 159 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 321G.2, Code 1985, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. Issuance of competition
- 8 registrations and the participation of snowmobiles so
- 9 registered in special events.
- 10 Sec. 2. Section 321G.3, Code 1985, is amended by
- 11 adding the following new unnumbered paragraph:
- 12 NEW UNNUMBERED PARAGRAPH. Upon proper application
- 13 and payment of the registration fee provided in
- 14 section 321G.6, the commission shall issue a
- 15 competition registration for a snowmobile. A
- 16 competition registration authorizes the operation of
- 17 the snowmobile only in special events in which the
- 18 commission has authorized their operation. The fees
- 19 collected for the competition registration shall be
- 20 deposited in the special conservation fund."

Amendment H—5219 was adopted.

Running of Linn asked and received unanimous consent to withdraw amendment H—5213 filed by him on February 28, 1986.

The following amendment H—5233, filed by Running of Linn from the floor, was adopted by unanimous consent:

H—5233

- 1 Amend Senate File 159 as follows:
- 2 1. Title page, line 1, by inserting after the word
- 3 "Act" the following: "relating to registration and
- 4 numbering of snowmobiles and".

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

On the question "Shall the bill pass?" (S.F. 159)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneran
Maulsby	McIntee	McKean	Metcalf
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Weiden	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connolly	Connors	Groninga	Miller
Parker	Schnekloth	Sullivan	Zimmerman

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

The House stood at ease at 9:30 a.m., until the fall of the gavel.

The House resumed session at 10:45 a.m., Speaker Avenson in the chair.

HOUSE FILE 2325 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2325 be deferred and that the bill retain its place on the calendar.

Senate File 2051, a bill for an act relating to the attachment of child and spousal support liens to real property and providing a retroactive effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2051)

The ayes were, 88:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Van Camp	Van Maanen
Varn	Welden	Woods	Mr. Speaker

The nays were, 2:

Hammond	Teaford
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Absent or not voting, 10:

Carter	Connolly	Connors	Groninga
Miller	Parker	Schnekloth	Sherzan
Sullivan	Zimmerman		

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 2124**, a bill for an act relating to the appointment of a district associate judge in lieu of magistrates, deferred March 3, 1986.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2124)

The ayes were, 54:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Chapman	Cochran	Diemer
Fey	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Kremer	Lloyd-Jones	Lonergan
Maulsby	McIntee	Norland	O'Kane
Ollie	Osterberg	Pavich	Peick
Peterson, M. K.	Renaud	Rosenberg	Running
Sherzan	Shoning	Shoultz	Siegrist
Spear	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Woods	Mr. Speaker		

The nays were, 35:

Bennett	Branstad	Clark	Cooper
Corey	Daggett	De Groot	Fogarty
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Koenigs	Lageschulte	McKean	Metcalf
Muhlbauer	Mullins	Oxley	Paulin
Pellett	Petersen, D. F.	Platt	Poncy
Renken	Rensink	Royer	Skow
Stromer	Stueland	Van Maanen	

Absent or not voting, 11:

Carter	Connolly	Connors	Doderer
Groninga	Miller	Parker	Schnekloth
Sullivan	Welden	Zimmerman	

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

COMMUNICATION FROM THE CHIEF CLERK

Mr. Speaker: The Chief Clerk of the House respectfully reports that the House on reconsideration has failed to override the Governor's item veto of House File 764 on February 21, 1986 and has, therefore, on this date returned the bill to the Secretary of State for deposit.

JOSEPH O'HERN
Chief Clerk of the House

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 3, 1986, he approved and transmitted to the Secretary of State the following bill:

House File 2070, an act relating to the filing fees of statutory liens for filing with the Clerk of the District Court.

EXPLANATIONS OF VOTE

On March 3, 1986 I mistakenly pressed the "nay" button. I meant to vote "aye" on House File 2181.

BAXTER of Des Moines

I was necessarily absent from the House chamber on Monday morning, March 3, 1986. Had I been present, I would have voted "aye" on House File 2344.

HOLVECK of Polk

I was necessarily absent from the House chamber on Monday morning, March 3, 1986. Had I been present, I would have voted "aye" on House File 2344.

OLLIE of Clinton

PRESENTATION OF VISITOR

Harbor of Mills presented to the House Foreign Exchange Student Hiroko Urno of Japan. Hiroko is a senior student at Red Oak High School, Red Oak.

SUBCOMMITTEE ASSIGNMENTS

House File 2074 (Reassigned)

State Government: Blanshan, Chair; Beatty and Daggett.

House File 2368

Energy and Environmental Protection: Shoultz, Chair; Lageschulte, Osterberg, Petersen of Muscatine and Rosenberg.

House File 2383

Energy and Environmental Protection: Osterberg, Chair; Mullins and Rosenberg.

House File 2399

Judiciary and Law Enforcement: Holveck, Chair; Halvorson of Clayton and Tabor.

Senate File 2165

Energy and Environmental Protection: Peterson of Carroll, Chair; Petersen of Muscatine and Skow.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 672

Judiciary and Law Enforcement: Brammer, Chair; Carl and Clark.

Study Bill 674

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Hammond and McKean.

Study Bill 702

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schneklath and Tabor.

Study Bill 709

Energy and Environmental Protection: Sturgeon, Chair; Hughes and Mullins.

Study Bill 715

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

Study Bill 718

Judiciary and Law Enforcement: Haverland, Chair; Chapman and Shoning.

Study Bill 719

Judiciary and Law Enforcement: Holveck, Chair; Lageschulte and Running.

Study Bill 732

Energy and Environmental Protection: Rosenberg, Chair; Black, De Groot, Mullins and Osterberg.

Study Bill 743

Economic Development: Groninga, Chair; Connolly and Schneklöth.

Study Bill 744

Agriculture: Muhlbauer, Chair; Gruhn and Rensink.

Study Bill 746

Local Government: Cooper, Chair; Miller and Spear.

Study Bill 747

State Government: Carter, Chair; Arnould and Siegrist.

Study Bill 749

State Government: Beatty, Chair; Arnould and Carpenter.

Study Bill 750

State Government: Pavich, Chair; Beatty and Renken.

Study Bill 751

Economic Development: Groninga, Chair; Connolly and Paulin.

Study Bill 752

Economic Development: Connolly, Chair; Branstad, Groninga, Kremer and Parker.

Study Bill 756

Economic Development: Groninga, Chair; Branstad and Connolly.

Study Bill 757

Economic Development: Parker, Chair; Bennett, Connolly, Groninga and Hanson.

Study Bill 758

Economic Development: Baxter, Chair; Groninga and Metcalf.

Study Bill 759

Agriculture: Cochran, Chair; Bennett, Fogarty, Skow and Stueland.

Study Bill 760

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

Study Bill 761

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland, Jay and Siegrist.

Study Bill 763

Judiciary and Law Enforcement: Siegrist, Chair; Carl and Clark.

Study Bill 766

Agriculture: Fogarty, Chair; Bennett and Muhlbauer.

Study Bill 767

Agriculture: Blanshan, Chair; Branstad and Gruhn.

Study Bill 768

Agriculture: Zimmerman, Chair; Osterberg and Stueland.

Study Bill 769

Agriculture: Hughes, Chair; Handorf and Skow.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 771 Judiciary and Law Enforcement**

Relating to the qualifications to become a senior judge.

S.B. 772 Labor and Industrial Relations

To provide payments to certain members of the police and fire retirement systems following their termination from employment.

S.B. 773 Education

To establish a distinguished Iowa scholars award administered by the Iowa college aid commission and to make an appropriation.

S.B. 774 Ways and Means

To authorize the payment of property taxes on a monthly basis.

S.B. 775 Small Business and Commerce

Relating to insurance.

S.B. 776 Small Business and Commerce

Relating to access to residential rental property by cable television franchisees.

S.B. 777 Agriculture

Relating to cooperative associations.

S.B. 778 Agriculture

Relating to the insurance and tariff provisions for bonded warehouses for agricultural products.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate Concurrent Resolution 104, a concurrent resolution regarding the investigation of grain standards.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1986.

Committee Resolution (Formerly Study Bill 695), a concurrent resolution recommending adequate funding of research projects at Iowa State University.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1986.

Committee Resolution (Formerly Study Bill 739), a concurrent resolution regarding the federal government's policy of requiring a minimum interest rate of nine percent on farm contract sales.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1986.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly Study Bill 711), relating to the Iowa community development loan program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 325), relating to the expunction of arrest records and files and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1986.

Committee Bill (Formerly Study Bill 633), relating to the election of county magistrate appointing commissioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1986.

COMMITTEE ON LOCAL GOVERNMENT

House File 2120, a bill for an act relating to the care of neglected or estray animals.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5234**, March 3, 1986.

House File 2319, a bill for an act relating to the sale of unused right of way by the county board of supervisors.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5229**, March 3, 1986.

House File 2358, a bill for an act to provide that certain costs of notice incurred by the clerk of the district court are chargeable as court costs.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1986.

Committee Bill (Formerly Study Bill 589), relating to the operation of city civil service commissions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1986.

Committee Bill (Formerly Study Bill 692), relating to the administration of the local police and fire retirement systems.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1986.

COMMITTEE ON STATE GOVERNMENT

House File 2216, a bill for an act providing that a judicial district department of correctional services is a state agency for purposes of coverage under the Iowa tort claims Act.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1986.

House File 2364, a bill for an act prohibiting discrimination on the basis of sex or marital status in the issuance or operation of an insurance policy or plan or a pension or retirement plan.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1986.

Committee Bill (Formerly Study Bill 601), establishing a state management training program and a management training revolving fund.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1986.

Committee Bill (Formerly Study Bill 721), relating to sales by the state historical department.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1986.

RESOLUTION FILED

HCR 119, by Poncy, Renaud, Running, Cooper, Harbor, Halvorson of Clayton, Johnson, Diemer, Connors, Rensink, Varn, Loneragan, Mullins, Hummel, Haverland, Pavich, Cochran, Norland, Osterberg, Fey, Woods, Sherzan, Connolly, Paulin, Daggett, Royer, Tabor, Jochum, Sullivan, Hermann, Grandia, Siegrist, Van Camp and Renken, a concurrent resolution honoring and congratulating Dale L. Renaud, an Iowan who is 1985-1986 National Commander of the American Legion.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5229	H.F. 2319	Committee on Local Government
H-5231	H.F. 2380	Jochum of Dubuque
H-5232	H.F. 2392	Kremer of Buchanan
H-5234	H.F. 2120	Committee on Local Government
H-5235	H.F. 2240	Gruhn of Dickinson
H-5236	H.F. 2325	Skow of Guthrie
H-5237	H.F. 2380	Welden of Hardin
H-5238	H.F. 2325	Sturgeon of Woodbury
H-5239	H.F. 2167	Mullins of Kossuth
H-5240	H.F. 2336	Welden of Hardin
H-5241	H.F. 2240	Groth of Buena Vista

On motion by Norland of Worth, the House adjourned at 11:05 a.m., until 9:00 a.m., Wednesday, March 5, 1986.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day — Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 5, 1986

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

Prayer was offered by Reverend Josephine Barnes, pastor of the First Presbyterian Church, Dallas Center.

The Journal of Tuesday, March 4, 1986 was approved.

INTRODUCTION OF BILLS

House File 2401, by committee on state government, a bill for an act establishing a state management training program and a management training revolving fund.

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

House File 2402, by committee on judiciary and law enforcement, a bill for an act relating to the election of judicial nominating commissioners and county magistrate appointing commissioners.

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

House File 2403, by committee on local government, a bill for an act relating to the operation of city civil service commissions.

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

House File 2404, by committee on state government, a bill for an act relating to sales by the state historical department.

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

House File 2405, by committee on local government, a bill for an act relating to the administration of the local police and fire retirement systems.

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

House File 2406, by committee on judiciary and law enforcement, a bill for an act relating to the expunction of arrest data and providing penalties.

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

SENATE MESSAGES CONSIDERED

Senate File 2146, by Gratias, a bill for an act to delay certain deadline dates for school districts for the school year beginning July 1, 1986, including the date for budget certification and the dates relating to the offer and termination of teacher contracts and to provide that the Act takes effect upon its publication.

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

Senate File 2177, by committee on energy and environment, a bill for an act requiring specific criteria for the acquisition, selection, or approval of a site for a hazardous waste treatment, disposal, or storage facility.

Read first time and referred to committee on **energy and environmental protection**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2225, a bill for an act relating to the apportionment of the interest from the permanent school fund, including an elimination of school census requirements, and providing that the Act takes effect upon its publication.

Also: That the Senate has on March 3, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 326, a bill for an act relating to the selection of official newspapers.

Also: That the Senate has on March 3, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2197, a bill for an act directing certain political subdivisions of the state to consider joint purchases of equipment.

Also: That the Senate has on March 3, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 109, recommending adequate funding of research projects at Iowa State University.

K. MARIE THAYER, Secretary

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Handorf of Marshall offered the following House Memorial Resolution 101 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Fred Mohrfeld of Tama County, Iowa, who was a member of the Sixty-second and Sixty-third General Assemblies, passed away October 14, 1985; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Handorf of Marshall, Stromer of Hancock and Welden of Hardin.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Swearingen of Keokuk offered the following House Memorial Resolution 102 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Keith Holland Dunton of Keokuk County, Iowa, who was a member of the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh and Sixty-seventh Extra General Assemblies, passed away April 6, 1985; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Swearingen of Keokuk, Poncy of Wapello and Van Maanen of Mahaska.

CONSIDERATION OF BILLS

Regular Calendar

House File 2349; a bill for an act relating to games of skill, games of chance, and raffles, was taken up for consideration.

Van Camp of Scott offered the following amendment H—5176 filed by him and Pavich of Pottawattamie and moved its adoption:

H—5176

1 Amend House File 2349 as follows:

2 1. Page 1, lines 7 and 8, by striking the word
3 "twenty-five" and inserting the following: "twenty-
4 five thirty".

5 2. Page 3, by inserting after line 23 the
6 following:

7 "Sec. _____. Section 99B.7, subsection 3, paragraph
8 b, Code 1985, is amended to read as follows:

9 b. A person or the agent of a person submitting
10 application to conduct games pursuant to this section
11 as a qualified organization shall certify that the
12 receipts of all games, less reasonable expenses,
13 charges, fees, taxes, and deductions allowed by this
14 chapter, either will be distributed as prizes to
15 participants or will be dedicated and distributed to
16 educational, civic, public, charitable, patriotic or
17 religious uses in this state and that the amount
18 dedicated and distributed will equal at least seventy-
19 five seventy percent of the net receipts.
20 "Educational, civic, public, charitable, patriotic, or
21 religious uses" means uses benefiting a society for
22 the prevention of cruelty to animals or animal rescue
23 league, or uses benefiting an indefinite number of
24 persons either by bringing them under the influence of
25 education or religion or relieving them from disease,
26 suffering, or constraint, or by erecting or
27 maintaining public buildings or works, or otherwise
28 lessening the burden of government, or uses benefiting
29 any bona fide nationally chartered fraternal or
30 military veterans' corporation or organization which
31 operates in Iowa a clubroom, post, dining room, or
32 dance hall, but do not include the erection,
33 acquisition, improvement, maintenance, or repair of
34 real, personal or mixed property unless it is used for
35 one or more of the uses stated. "Public uses"
36 specifically includes dedication of net receipts to
37 political parties as defined in section 43.2.
38 "Charitable uses" includes uses benefiting a definite
39 number of persons who are the victims of loss of home

40 or household possessions through explosion, fire,
41 flood, or storm when the loss is uncompensated by
42 insurance, and uses benefiting a definite number of
43 persons suffering from a seriously disabling disease
44 or injury, causing severe loss of income or incurring
45 extraordinary medical expense when the loss is
46 uncompensated by insurance.
47 Proceeds given to another charitable organization
48 to satisfy the ~~seventy-five~~ seventy percent dedication
49 requirement shall not be used by the donee to pay any
50 expenses in connection with the conducting of bingo by

Page 2

- 1 the donor organization, or for any cause, deed, or
- 2 activity that would not constitute a valid dedication
- 3 under this section."
- 4 3. Renumber as necessary.

Amendment H—5176 was adopted.

Teaford of Black Hawk offered the following amendment
H—5152 filed by her and moved its adoption:

H—5152

- 1 Amend House File 2349 as follows:
- 2 1. Page 3, by inserting after line 23 the
- 3 following:
- 4 "Sec. _____. Section 99B.7, subsection 3, paragraph
- 5 a, Code Supplement 1985, is amended to read as
- 6 follows:
- 7 3. a. A person wishing to conduct games and
- 8 raffles pursuant to this section as a qualified
- 9 organization shall submit an application and a license
- 10 fee of one hundred dollars. However, upon submission
- 11 of an application accompanied by a license fee of
- 12 fifteen dollars, a person may be issued a limited
- 13 license which shall authorize the person to conduct
- 14 all games and raffles pursuant to this section at a
- 15 specified location and during a specified period of
- 16 fourteen consecutive calendar days. A limited license
- 17 shall not be issued more than once during any twelve-
- 18 month period calendar year to the same person, or for
- 19 the same location. For the purposes of this
- 20 paragraph, a limited license is deemed to be issued on
- 21 the first day of the fourteen-day period for which the
- 22 license is issued."
- 23 2. Renumber as necessary.

Amendment H—5152 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2349)

The ayes were, 79:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Cochran
Connolly	Connors	Cooper	Diemer
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Hatch
Haverland	Hermann	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	McIntee	Metcalf	Miller
Muhlbauer	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schneklath	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 19:

Bennett	Branstad	Clark	Corey
Daggett	De Groot	Grandia	Handorf
Hester	Hummel	Maulsby	McKean
Mullins	Pellett	Renken	Rensink
Royer	Van Maanen	Welden	

Absent or not voting, 2:

Norland	Sullivan
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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 2191, a bill for an act relating to the disclosure of suggested price information by the retail seller of certain motor vehicles, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk offered the following amendment H—5137 filed by the committee on small business and commerce and moved its adoption:

H—5137

- 1 Amend House File 2191 as follows:
- 2 1. Page 1, by striking line 4 and inserting the
- 3 following: "new car, multipurpose vehicle, or pickup,
- 4 as those terms are defined".

The committee amendment H—5137 was adopted.

Sherzan 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. 2191)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 5:

Branstad	Daggett	Renken	Van Maanen
Welden			

Absent or not voting, 3:

Blanshan

Norland

Sullivan

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

House File 2240, a bill for an act to limit free park user permits to one per household and to take effect upon publication, with report of committee recommending amendment and passage, was taken up for consideration.

Cooper of Lucas offered the following amendment H—5144 filed by the committee on natural resources and outdoor recreation:

H—5144

- 1 Amend House File 2240 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 111.85, subsection 2,
- 5 paragraph e, Code Supplement 1985, is amended by
- 6 striking the paragraph."
- 7 2. Page 1, line 4, by inserting after the word
- 8 "to" the words "individuals to whom handicapped
- 9 identification devices have been issued under chapter
- 10 601E to".
- 11 3. Page 1, by striking lines 16 through 19, and
- 12 inserting the following:
- 13 "Sec. 2. This Act takes effect January 1, 1987."

Gruhn of Dickinson offered the following amendment H—5235, to the committee amendment H—5144, filed by her and moved its adoption:

H—5235

- 1 Amend amendment H—5144 to House File 2240 as
- 2 follows:
- 3 1. Page 1, by striking lines 11 through 13.

Amendment H—5235 was adopted.

On motion by Cooper of Lucas, the committee amendment H—5144, as amended, was adopted.

Groth of Buena Vista offered the following amendment H—5241 filed by him:

H—5241

- 1 Amend House File 2240 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
- 3 inserting the following: "department of human
- 4 services, or to individuals who show proof of age of
- 5 ~~sixty-five years or older~~ or to individuals who".

Cooper of Lucas rose on a point of order that amendment H—5241 was not germane.

The Speaker ruled the point well taken and amendment H—5241 not germane.

Groth of Buena Vista asked for unanimous consent to consider amendment H—5241.

Objection was raised.

Groth of Buena Vista moved that the rules be suspended to consider amendment H—5241.

A non-record roll call was requested.

The ayes were 47, nays 49.

The motion to suspend the rules lost.

Cooper of Lucas 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. 2240)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel

Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	Metcalf
Miller	Muhlbauer	Mullins	Ollie
Osterberg	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 5:

Branstad	Groninga	McKean	O'Kane
Oxley			

Absent or not voting, 2:

Norland	Sullivan
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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 2302, a bill for an act defining conservancy districts as state agencies for purposes of the state tort claims Act, was taken up for consideration.

Stromer of Hancock offered the following amendment H—5203 filed by him:

H—5203

- 1 Amend House File 2302 as follows:
- 2 1. Page 1, by striking lines 8 and 9 and insert-
- 3 ing the following: "their own names. This definition
- 4 ~~shall does not be construed to include any contractor~~
- 5 or secondary contractor with the state of Iowa. Soil".

Osterberg of Linn rose on a point of order that amendment H—5203 was not germane.

The Speaker ruled the point well taken and amendment H—5203 not germane.

Daggett of Taylor offered the following amendment H—5228 filed by Daggett, et al.:

H—5228

1 Amend House File 2302 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "Sec. _____. Chapter 467D, Code 1985, is repealed.

5 Sec. _____. Section 467A.3, subsection 13, Code
6 1985, is amended by striking the subsection.

7 Sec. _____. Section 467A.4, subsection 1, Code 1985,
8 is amended to read as follows:

9 1. There is established, to serve as an agency of
10 the state and to perform the functions conferred upon
11 it in this chapter, the department of soil
12 conservation. The department shall be administered in
13 accordance with the policies of the state soil
14 conservation committee, which shall approve
15 administrative rules proposed by the department before
16 the rules are adopted pursuant to chapter 17A. The
17 state soil conservation committee shall consist of a
18 chairperson and twelve members. The following shall
19 serve as ex officio nonvoting members of the
20 committee: The director of the state agricultural
21 extension service, or the director's designee, the
22 secretary of agriculture or the secretary's designee,
23 the director of the state conservation commission or
24 the director's designee, and the executive director of
25 the department of water, air and waste management or
26 the executive director's designee. Eight voting
27 members shall be appointed by the governor subject to
28 confirmation by the senate. Six of the appointive
29 members shall be persons engaged in actual farming
30 operations, one of whom shall be a resident of each of
31 the six conservancy districts established by section
32 467D.3, Code 1985, and no more than one of whom shall
33 be a resident of any one county. The seventh and
34 eighth appointive members shall be chosen by the
35 governor from the state at large with one appointed to
36 be a representative of cities and one appointed to be
37 a representative of the mining industry. The
38 committee may invite the secretary of agriculture of
39 the United States to appoint one person to serve with
40 the above-mentioned members, and the president of the
41 Iowa county engineers association may designate a
42 member of the association to serve in the same manner,
43 but these persons shall have no vote and shall serve
44 in an advisory capacity only. The committee shall
45 adopt a seal, which seal shall be judicially noticed,
46 and may perform acts, hold public hearings, and adopt

47 rules as provided in chapter 17A as necessary for the
 48 execution of its functions under this chapter.
 49 Sec. _____. Section 467A.4, subsection 4, paragraphs
 50 g through m, Code 1985, are amended by striking those

Page 2

1 paragraphs.
 2 Sec. 5. Section 467A.42, subsection 1, Code 1985,
 3 is amended to read as follows:
 4 1. "Soil loss limit" means the maximum amount of
 5 soil loss due to erosion by water or wind, expressed
 6 in terms of tons per acre per year, which the
 7 commissioners of the respective soil conservation
 8 districts shall determine is acceptable in order to
 9 meet the objectives expressed in section 467D.1, Code
 10 1985.
 11 Sec. _____. Section 455B.280, Code 1985, is
 12 repealed."

Cochran of Webster rose on a point of order that amendment H—5228 was not germane.

The Speaker ruled the point well taken and amendment H—5228 not germane.

Daggett of Taylor moved that the rules be suspended to consider amendment H—5228.

A non-record roll call was requested.

The ayes were 43, nays 50.

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" (H.F. 2302)

The ayes were, 97:

Arnould
 Black
 Buhr
 Chapman

Baxter
 Blanshan
 Carl
 Clark

Beatty
 Brammer
 Carpenter
 Cochran

Bennett
 Branstad
 Carter
 Connolly

Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Halvorson, R. N. Norland Sullivan

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

HOUSE FILE 2346 WITHDRAWN

Haverland of Polk asked and received unanimous consent to withdraw House File 2346 from further consideration by the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 3, 1986. Had I been present, I would have voted "aye" on House File 2352.

OSTERBERG of Linn

PRESENTATION OF VISITORS

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

Twenty eighth grade students from Corwith-Wesley Lu Verne Middle School, Lu Verne, accompanied by Dennis Holmes. By Mullins of Kossuth.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 779 Ways and Means

Relating to certain nonprofit corporations providing service to disabled persons and adult day care by exempting them from the state sales, services, and use tax and providing for a refund for state sales, services, and use tax paid by the contractors for goods and services used in the fulfillment of a written contract with them, and by providing a retroactive date.

S.B. 780 Labor and Industrial Relations

Relating to public employment collective bargaining.

S.B. 781 Labor and Industrial Relations

Relating to workers' compensation benefits for persons receiving employment training or employment evaluations.

S.B. 782 Judiciary and Law Enforcement

Relating to tax sales and redemptions, by revising provisions governing notice and other procedures.

SUBCOMMITTEE ASSIGNMENTS

House File 2188

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teaford.

House File 2371

Transportation: Renaud, Chair; Lageschulte and Muhlbauer.

House File 2398

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 762

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Study Bill 770

Small Business and Commerce: Chapman, Chair; Metcalf and Swartz.

Study Bill 775

Small Business and Commerce: Groninga, Chair; Brammer, Chapman, Diemer, Halvorson of Clayton, Metcalf and Skow.

Study Bill 776

Small Business and Commerce: Parker, Chair; Hummel and Swartz.

Study Bill 777

Agriculture: Fogarty, Chair; Bennett and Carter.

Study Bill 778

Agriculture: Skow, Chair; Koenigs and Van Maanen.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 697), relating to the sale, lease, or disposal of property of a school corporation.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1986.

COMMITTEE ON HUMAN RESOURCES

House File 2200, a bill for an act relating to rules of the state department of health regarding the minimum hours of resident care personnel in intermediate care facilities.

Fiscal Note is required.

Recommended **Do Pass** March 4, 1986.

Committee Bill (Formerly House File 2331), relating to the visitation rights of grandparents.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 4, 1986.

Committee Bill (Formerly House File 2335), relating to the computation of the average daily patient costs at the state mental health institutes and hospital-schools.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1986.

Committee Bill (Formerly Study Bill 600), relating to the regulation of continuing-care facilities, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1986.

Committee Bill (Formerly Study Bill 637), relating to the monetary penalties for violation of the health care facilities' licensing law.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1986.

Committee Bill (Formerly Study Bill 716), relating to the department of human services' authority to investigate certain child sexual abuse cases and control access to certain information in child abuse cases.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1986.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly Study Bill 584), relating to the finances of the Iowa state conservation commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1986.

Committee Bill (Formerly Study Bill 585), to establish the Iowa conservation corps and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1986.

Committee Bill (Formerly Study Bill 731), relating to hunting and fishing.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1986.

Committee Bill (Formerly Study Bill 735), relating to suspensions or restrictions on water use under the state priority allocation plan.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 248, a bill for an act providing for direct reimbursement for any service which is authorized within the practice of the profession of a registered nurse.

Committee Action: **Failed to Pass** March 4, 1986.

Committee Bill (Formerly Study Bill 530), permitting an individual who is covered by a group health plan to continue coverage under the plan for up to twelve months.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1986.

COMMITTEE ON TRANSPORTATION

House File 2204, a bill for an act to require the state department of transportation to place appropriate highway signs along interstate highways to guide traffic to tourist attractions which are located within thirty miles of the interstate highway and which receive fifteen thousand or more visitors annually.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5243** March 4, 1986.

House File 2330, a bill for an act to allow the registration of trailers and semitrailers for a period of six registration years.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5242** March 4, 1986.

RESOLUTIONS FILED

HCR 120, by committee on agriculture, a concurrent resolution recommending adequate funding of research projects at Iowa State University.

Laid over under **Rule 25**.

HCR 121, by committee on agriculture, a concurrent resolution regarding the federal government's policy of requiring a minimum interest rate of nine percent on farm contract sales.

Laid over under **Rule 25**.

HCR 122, by Skow, Blanshan, Groninga, Cooper, Beatty, Arnould, Osterberg, Knapp, Gruhn, Groth, Norland, Cochran, Holveck, McKean, Koenigs, Carter, Spear, Mullins, Rosenberg, Johnson, Fey, Sturgeon, Ollie, Brammer, Carl, Parker, Black, Woods, Buhr, Peick, O'Kane, Swartz, Connolly, Haverland, Zimmerman, Muhlbauer, Fogarty, Doderer, Shoultz, Renaud, Running, Lonergan, Connors, Sherzan, Clark, Jochum, Pavich, Halvorson of Webster, Tabor, Lloyd-Jones, Hughes, Hammond, Peterson of Carroll, Teaford and Jay, a concurrent resolution requesting Governor Branstad to prevent the sending of Iowa National Guard units to Honduras.

Laid over under **Rule 25**.

SCR 109, by committee on agriculture, a concurrent resolution recommending adequate funding of research projects at Iowa State University.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5242	H.F. 2330	Committee on Transportation
H—5243	H.F. 2204	Committee on Transportation
H—5244	H.F. 2120	Corey of Louisa
H—5245	H.F. 2338	Peick of Linn
H—5246	H.F. 2325	Sturgeon of Woodbury
H—5247	H.F. 2376	Shoultz of Black Hawk

H—5248

H.F. 2325

Skow of Guthrie

On motion by Buhr of Polk, the House adjourned at 10:50 a.m., until 9:00 a.m., Thursday, March 6, 1986.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day — Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 6, 1986

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

Prayer was offered by Reverend Tompsie Smith, pastor of the Emmanuel United Methodist Church, Granger.

The Journal of Wednesday, March 5, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carpenter of Polk, for March 6 and 7, 1986, on request of Stromer of Hancock; Shoultz of Black Hawk, until his arrival, on request of Connors of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Muhlbauer of Crawford, from eight hundred thirty constituents favoring reduction of current spending and diverting other forms of state revenue to relieve the property tax burden of rural Iowa; and from six hundred forty-eight constituents in favor of keeping the state operated liquor store in Schleswig, Iowa.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 660, a bill for an act relating to the reporting of fires and emergency responses to the state fire marshal and the payment of fees for the fire reports.

Also: That the Senate has on March 4, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2068, a bill for an act relating to the suspension of motor vehicle licenses for the failure to pay a fine, penalty, surcharge, or court cost.

Also: That the Senate has on March 4, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2069, a bill for an act prohibiting the transportation of an open container of wine in a motor vehicle and incorporating a penalty.

Also: That the Senate has on March 4, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2007, a bill for an act to provide notice to property owners of unpaid sewer or solid waste charges.

Also: That the Senate has on March 4, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2025, a bill for an act relating to the donation of anatomical gifts after the death of a person.

Also: That the Senate has on March 4, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2152, a bill for an act relating to the authority of the county board of supervisors regarding roads established or improved by petition of landowners.

Also: That the Senate has on March 4, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2155, a bill for an act relating to the powers of the administrator of the department of credit unions in taking over the management of credit unions.

Also: That the Senate has on March 4, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2210, a bill for an act requiring insurance companies to lower automobile liability insurance premiums to reflect the reduction in annual losses occasioned by the enactment of the mandatory seat belt bill.

K. MARIE THAYER, Secretary

INTRODUCTION OF BILL

House File 2407, by committee on education, a bill for an act relating to the sale, lease, or disposal of property of a school corporation.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 2152, by Hultman, a bill for an act relating to the authority of the county board of supervisors regarding roads established or improved by petition of landowners.

Read first time and **passed on file**.

Senate File 2197, by committee on local government, a bill for an act directing certain political subdivisions of the state to consider joint purchases of equipment.

Read first time and referred to committee on **local government**.

MOTION TO INVOKE RULE 60 TABLED

Corey of Louisa invoked Rule 60 to withdraw **House File 2199**, a bill for an act relating to unemployment compensation by modifying the formula for calculating the weekly benefit amount, by permanently setting the amount of taxable wages, and by making the one-week waiting period permanent, from the committee on labor and industrial relations.

Running of Linn moved that the motion to invoke Rule 60 be tabled.

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall the motion to invoke Rule 60 be tabled?"

The ayes were, 60:

Arnould
Blanshan
Carter
Connors
Fogarty
Halvorson, R. N.
Holveck
Johnson
Lonergan

Baxter
Brammer
Chapman
Cooper
Groninga
Hammond
Hughes
Knapp
Muhlbauer

Beatty
Buhr
Cochran
Doderer
Groth
Hatch
Jay
Koenigs
Norland

Black
Carl
Connolly
Fey
Gruhn
Haverland
Jochum
Lloyd-Jones
O'Kane

Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Skow	Spear	Stromer	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 38:

Bennett	Branstad	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Maulsby	McIntee	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Siegrist	Stueland	Swearingen	Van Camp
Van Maanen	Welden		

Absent or not voting, 2:

Carpenter	Shoultz
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The motion to table prevailed.

CONSIDERATION OF BILLS

Regular Calendar

House File 2325, a bill for an act exempting electric public utilities having less than ten thousand customers and electric cooperative corporations and associations from the rate regulation authority of the Iowa commerce commission and defining the areas in which such utilities remain subject to regulation, with report of committee recommending passage was taken up for consideration.

Sturgeon of Woodbury offered the following amendment H-5238 filed by him and moved its adoption:

H-5238

- 1 Amend House File 2325 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 476.1A APPLICABILITY OF
- 5 AUTHORITY - CERTAIN ELECTRIC UTILITIES.
- 6 Electric public utilities having less than ten
- 7 thousand customers are not subject to the rate

8 regulating authority of the commission. Electric
9 cooperative corporations and associations are not
10 subject to the rate regulation authority of the
11 commission if their memberships so elect. Such
12 utilities are subject to all other regulation and
13 enforcement activities of the commission, including:

- 14 1. Assessment of fees for the support of the
15 commission.
- 16 2. Safety and engineering standards for equipment,
17 operations, and procedures.
- 18 3. Assigned area of service.
- 19 4. Pilot projects of the commission.

20 However, sections 476.20, 476.21, 476.41 through
21 476.44, 476.51 and 476.61 and chapters 476A and 478,
22 to the extent applicable, apply to such electric
23 utilities.

24 Electric cooperative corporations and associations
25 and electric public utilities exempt from rate
26 regulation under this section shall not make or grant
27 any unreasonable preferences or advantages as to rates
28 or services to any person or subject any person to any
29 unreasonable prejudice or disadvantage.

30 The membership of an electric cooperative
31 corporation or association may, by an affirmative vote
32 of a majority of the membership, elect to have the
33 cooperative's rates exempt from regulation by the
34 commission. The commission shall adopt rules
35 prescribing the manner in which the membership of an
36 electric cooperative may so elect.

37 Sec. 2. The Iowa state commerce commission shall
38 submit copies of its intended action on rules required
39 under section 1 of this Act to the administrative
40 rules coordinator pursuant to chapter 17A within
41 thirty days from the effective date of this Act."

42 2. Title page, line 2, by inserting before the
43 word "electric" the word "certain".

Amendment H—5238 lost.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—5167 filed by him on February 25, 1986, placing out of order amendment H—5236 (to amendment H—5167) filed by Skow of Guthrie on March 4, 1986.

Groninga of Cerro Gordo in the chair at 10:00 a.m.

Sturgeon of Woodbury offered the following amendment H—5246 filed by him and moved its adoption:

H—5246

1 Amend House File 2325 as follows:

2 1. Page 1, lines 3 and 4, by striking the words
3 "public utilities having less than ten thousand
4 customers and electric".

5 2. Page 1, line 5, by inserting after the word
6 "associations" the words "having less than ten
7 thousand customers".

8 3. Page 1, lines 17 and 18, by striking the words
9 "and electric public utilities".

10 4. Title page, lines 1 and 2, by striking the
11 words "electric public utilities having less than ten
12 thousand customers and".

13 5. Title page, line 3, by inserting after the
14 word "associations" the words "having less than ten
15 thousand customers".

Amendment H—5246 lost.

Skow of Guthrie offered the following amendment H—5248 filed by him and moved its adoption:

H—5248

1 Amend House File 2325 as follows:

2 1. Page 1, line 28, by inserting after the word
3 "elect." the following: "If the board of directors or
4 the membership of an electric cooperative has elected
5 to have the cooperative's rates regulated by the
6 commission, after two years have elapsed from the
7 effective date of such election the membership of the
8 electric cooperative may elect to exempt the
9 cooperative from the rate regulation authority of the
10 commission."

Amendment H—5248 was adopted.

Speaker Avenson in the chair at 10:12 a.m.

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

On the question "Shall the bill pass?" (H.F. 2325)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Schnekloth
Sherzan	Shoning	Shoultz	Skow
Spear	Stromer	Stueland	Sullivan
Swartz	Swearingen	Tabors	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 8:

Brammer	Carter	Holveck	Hummel
Parker	Running	Siegrist	Sturgeon

Absent or not voting, 1:

Carpenter

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

House File 2374, a bill for an act relating to the collection of prosecution costs by a city or county, and providing for punishment for contempt, was taken up for consideration.

Platt 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.

On the question "Shall the bill pass?" (H.F. 2374)

The ayes were, 76:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Hummel	Jochum	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Platt	Poncy
Renaud	Renken	Rensink	Royer
Schnekloth	Sherzan	Shoning	Siegrist
Skow	Stromer	Stueland	Sullivan
Swartz	Swearingen	Tabor	Van Maanen
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 23:

Carl	Carter	Gruhn	Hammond
Haverland	Holveck	Hughes	Jay
Johnson	Knapp	Loneragan	Ollie
Österberg	Oxley	Peterson, M. K.	Rosenberg
Running	Shoultz	Spear	Sturgeon
Teaford	Van Camp	Varn	

Absent or not voting, 1:

Carpenter

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

House File 2381, a bill for an act relating to the adoption of the uniform transfers to minors Act, was taken up for consideration.

Haverland of Polk offered the following amendment H—5226 filed by him and moved its adoption:

H—5226

- 1 Amend House File 2381 as follows:
- 2 1. Page 16, by striking line 28.

Amendment H—5226 was adopted.

Haverland 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. 2381)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Carpenter

Carter

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

House File 2060, a bill for an act relating to assignments of income in delinquent support cases and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Clark of Cerro Gordo offered the following amendment H—5184 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5184

- 1 Amend House File 2060 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "notice" the following: "of the delinquent amount, of
- 4 the amount of income or wages to be withheld, and".

The committee amendment H—5184 was adopted, placing out of order amendment H—5056, filed by Running of Linn on February 3, 1986.

Clark 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. 2060)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Carpenter

Carter

Chapman

Kremer

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

House File 2105, a bill for an act relating to the obstruction of emergency communications and providing penalties, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2105)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorsop, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Peick	Pellet	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Carpenter

Pavich

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

House File 2269, a bill for an act relating to the authority of the county board of supervisors regarding roads established or improved by petition of landowners, with report of committee recommending amendment and passage was taken up for consideration.

Cooper of Lucas offered the following amendment H—5183 filed by the committee on local government and moved its adoption:

H—5183

- 1 Amend House File 2269 as follows:
- 2 1. Page 1, lines 13 and 14, by striking the words
- 3 "for the roads as if those roads were secondary roads"
- 4 and inserting the words "over these roads as secondary
- 5 roads".

The committee amendment H—5183 was adopted.

SENATE FILE 2152 SUBSTITUTED FOR HOUSE FILE 2269

Cooper of Lucas asked and received unanimous consent to substitute Senate File 2152 for House File 2269.

Senate File 2152, a bill for an act relating to the authority of the county board of supervisors regarding roads established or improved by petition of landowners, was taken up for consideration.

Cooper of Lucas 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. 2152)

The ayes were, 96:

Arnould
Black
Buhr
Clark

Baxter
Blanshan
Carl
Cochran

Beatty
Brammer
Carter
Connolly

Bennett
Branstad
Chapman
Connors

Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poney	Renaud	Rénken	Rensink
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Carpenter

Hatch

Osterberg

Welden

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

House File 2304, a bill for an act relating to the authority of the department of water, air and waste management to remove and compel removal of hazardous substances or hazardous wastes, was taken up for consideration.

SENATE FILE 2166 SUBSTITUTED FOR HOUSE FILE 2304

Osterberg of Linn asked and received unanimous consent to substitute Senate File 2166 for House File 2304.

Senate File 2166, a bill for an act relating to the authority of the department of water, air and waste management to remove and compel removal of hazardous substances or hazardous wastes, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2166)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 2:

Maulsby Van Maanen

Absent or not voting, 2:

Carpenter Carter

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

Connors of Polk in the chair at 11:21 a.m.

SPONSOR WITHDRAWN (House Concurrent Resolution 122)

Mullins of Kossuth requested to be withdrawn as a sponsor of House Concurrent Resolution 122.

PRESENTATION OF VISITORS

Grandia of Marion presented to the House Foreign Exchange Students Eugenia Lizano of Heredia, Costa Rica; Francesca Scorza of Verona, Italy; and teacher Kang Li-Xing of Hebei, China.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 783 Ways and Means

Relating to the establishment of economic development areas and providing tax credits, exemptions, refunds, and other incentives.

S.B. 784 Ways and Means

Authorizing counties to issue general obligation, essential corporate purpose bonds to finance the development of areas, jointly or in cooperation with cities, for commercial, industrial, or residential uses.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 772

Labor and Industrial Relations: Renaud, Chair; Hermann and Running.

Study Bill 780

Labor and Industrial Relations: Renaud, Chair; Hermann and Running.

Study Bill 781

Labor and Industrial Relations: Fey, Chair; Connors and Hermann.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2317, a bill for an act relating to the cost of reclassification of a drainage district.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 744), relating to the property tax livestock credit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 759), relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate sale of a homestead in relation to a foreclosure on agricultural land, providing for a farm mediation program, designating a farm crisis program coordinator, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 2141), relating to the purification of certain waters, and incorporating a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly House File 2151), to repeal the groundwater fund and tonnage fee for landfills.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly House File 2255), relating to authorizations, permits, and approvals for construction and operation of public treatment works.

Committee Action: **Failed to Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 521), to establish an Iowa environmental improvement and energy resources authority.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 682), prohibiting certain electric public utilities from including in their charges or rates to customers costs of construction of electric generating power plants which have not been placed in on-line operation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 732), relating to municipally owned utilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2239, a bill for an act relating to criminal offenses committed against or with children and to court testimony by children.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5250** March 5, 1986.

House File 2252, a bill for an act relating to the proving of paternity for purposes of inheritance.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

House File 2280, a bill for an act relating to violations of child custody orders and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

Committee Bill (Formerly House File 2089), relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty and effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly House File 2136), modifying section 709.4, relating to sexual abuse in the third degree, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly House File 2399), relating to the effect of expiration of a writ of execution in garnishment proceedings.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 612), relating to the penalties for violations of law involving the promotion of obscene material and the sexual exploitation of children.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 673), relating to mineral interests by providing for the lapse of stale mineral interests under certain circumstances.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 718), relating to the mandatory retirement age for senior judges.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 745), relating to civil actions for the recovery of damages by exempting certain claims from coverage under the state tort claims Act, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty, providing sanctions for the filing or commencing of frivolous actions, prohibiting the stating of money damages demanded, limiting the conditions under which punitive or exemplary damages may be awarded, providing for the payment of judgments or awards by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to persons against whom a product liability action is brought and who can plead and prove conformance with the state of the art in existence at the time the product was manufactured or the actions regarding the product were taken, and requiring a party to certify expert witnesses of their own selection within one hundred eighty days of the filing of the answer in an action, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 763), relating to the release of information from the child abuse registry to the administrator of a regents institution that has responsibility for the care and supervision of juveniles.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House File 2099), relating to employment of illegal aliens and providing a penalty.

• Fiscal Note is not required.

Recommended Amend and Do Pass March 5, 1986.

Committee Bill (Formerly Study Bill 700), relating to the filing of a surety bond or depositing of moneys or securities with the department of job service by a nonprofit organization electing to become a reimbursable employer under the unemployment compensation law.

Fiscal Note is not required.

Recommended Do Pass March 5, 1986.

Committee Bill (Formerly Study Bill 714), relating to special contribution rates for employers not required to contribute to the unemployment compensation fund and for employers eligible for the expanding employment incentive.

Fiscal Note is not required.

Recommended Amend and Do Pass March 5, 1986.

Committee Bill (Formerly Study Bill 753), appropriating federal moneys, credited to the state of Iowa, to the department of job services for data processing equipment purchases.

Fiscal Note is not required.

Recommended Amend and Do Pass March 5, 1986.

Committee Bill (Formerly Study Bill 754), relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable.

Fiscal Note is not required.

Recommended Do Pass March 5, 1986.

COMMITTEE ON LOCAL GOVERNMENT

House File 2035, a bill for an act relating to the appointment of chiefs of the police department and chiefs of the fire department in cities under civil service.

Fiscal Note is not required.

Recommended Do Pass March 5, 1986.

House File 2082, a bill for an act relating to the exchange of territory between a benefited fire district and a township to provide fire protection services.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

House File 2128, a bill for an act relating to the residency of a township clerk.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

House File 2235, a bill for an act relating to the regulation of vicious dogs and providing a penalty and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

House File 2338, a bill for an act relating to the provision of risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5251** March 5, 1986.

Pursuant to Rule 31.7, House File 2338 was referred to the committee on ways and means.

COMMITTEE ON STATE GOVERNMENT

House File 2164, a bill for an act to provide for a public policy research foundation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5257** March 5, 1986.

House File 2222, a bill for an act relating to the number of state officers or employees required to request payroll deduction for purposes of purchasing insurance.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

House File 2244, a bill for an act relating to dog racing where pari-mutuel racing is permitted.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5259** March 5, 1986.

House File 2327, a bill for an act relating to employment discrimination.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1986.

House File 2377, a bill for an act relating to public financing of political campaigns, providing penalties, and making a standing appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5258** March 5, 1986.

Committee Bill (Formerly House File 2074), to increase the bond of a notary public from five hundred dollars to ten thousand dollars.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

Committee Bill (Formerly Study Bill 658), relating to election laws.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1986.

AMENDMENTS FILED

H—5249	H.F.	2397	O'Kane of Woodbury
H—5250	H.F.	2239	Sturgeon of Woodbury
H—5251	H.F.	2338	Committee on Judiciary and Law Enforcement
H—5252	H.F.	2348	Committee on Local Government
H—5253	H.F.	2338	Hatch of Polk
H—5254	H.F.	2379	Paulin of Plymouth
			Kremer of Buchanan
			Carter of Henry
			Cochran of Webster
			Stueland of Clinton
H—5255	H.F.	2380	Cochran of Webster
			Jochum of Dubuque
H—5256	H.F.	2350	Oxley of Linn
H—5257	H.F.	2164	Committee on State Government
H—5258	H.F.	2377	Committee on State Government

H—5259	H.F. 2244	Committee on State Government
H—5260	H.F. 2219	Parker of Jasper
Kremer of Buchanan		Lonergan of Boone
Skow of Guthrie		Arnould of Scott
Renken of Grundy		Sullivan of Van Buren
		Clark of Cerro Gordo
H—5261	H.F. 2219	Schnekloth of Scott
H—5262	H.F. 2380	Varn of Johnson

On motion by Norland of Worth, the House adjourned at 11:33 a.m., until 9:00 a.m., Friday, March 7, 1986.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day — Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 7, 1986

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

Prayer was offered by the Honorable Betty Jean Clark, state representative from Cerro Gordo County.

The Journal of Thursday, March 6, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk, for March 7, 1986 and until his arrival on March 10, 1986, on request of Ollie of Clinton.

INTRODUCTION OF BILLS

House File 2408, by committee on agriculture, a bill for an act relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate sale of a homestead in relation to a foreclosure on agricultural land, providing for a farm mediation program, designating a farm crisis program coordinator, making appropriations, and providing an effective date.

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

House File 2409, by committee on human resources, a bill for an act relating to the visitation rights of grandparents.

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

House File 2410, by committee on appropriations, a bill for an act relating to the form of bills.

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

House File 2411, by committee on judiciary and law enforcement, a bill for an act relating to civil liability for and the insuring against the recovery of damages by exempting certain claims from coverage under the state tort claims Act, modifying the requirements for finding liability under the dram shop Act, restricting the use of peer review and disciplinary actions, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty, providing sanctions for the filing or commencing of frivolous actions, prohibiting the stating of money damages demanded, limiting the conditions under which punitive or exemplary damages may be awarded, providing for the payment of judgments or awards by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to persons against whom a product liability action is brought and who can plead and prove conformance with the state of the art in existence at the time the product was manufactured or the actions regarding the product were taken, and requiring a party to certify expert witnesses of their own selection within one hundred eighty days of the filing of the answer in an action, creating a study commission on liability and liability insurance and providing effective dates.

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

House File 2412, by committee on economic development, a bill for an act relating to the allocation of lottery funds and programs for which the funds may be used and providing an effective date.

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

House File 2413, by committee on labor and industrial relations, a bill for an act relating to voluntary contributions to the unemployment compensation fund by special zero-rated employers, to special contribution rates for employers not required to contribute to the unemployment compensation fund, and to employers eligible for the expanding employment incentive.

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

House File 2414, by committee on natural resources and outdoor recreation, a bill for an act relating to hunting and fishing.

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

SENATE MESSAGES CONSIDERED

Senate File 2007, by Holden, a bill for an act to provide notice to property owners of unpaid sewer or solid waste charges.

Read first time and referred to committee on **local government**.

Senate File 2025, by Gratias, a bill for an act relating to the donation of anatomical gifts after the death of a person.)

Read first time and referred to committee on **human resources**.

Senate File 2155, by Deluhery, a bill for an act relating to the powers of the administrator of the department of credit unions in taking over the management of credit unions.

Read first time and referred to committee on **small business and commerce**.

Senate File 2210, by committee on transportation, a bill for an act requiring insurance companies to lower automobile liability insurance premiums to reflect the reduction in annual losses occasioned by the enactment of the mandatory seat belt bill.

Read first time and referred to committee on **small business and commerce**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1986, refused to concur in the House amendment to the following joint resolution in which the concurrence of the Senate was asked:

Senate Joint Resolution 1, proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Also: That the Senate has on March 5, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 108, a bill for an act relating to information regarding medicare supplement insurance coverage.

Also: That the Senate has on March 5, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 199, a bill for an act relating to leaves of absence for a public employee who is a candidate for elective public office.

Also: That the Senate has on March 5, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 432, a bill for an act relating to the makeup of the board of nursing examiners.

Also: That the Senate has on March 5, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2167, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication.

Also: That the Senate has on March 5, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2193, a bill for an act to remove the notice requirements to the department of revenue relating to the discharge of a personal representative and making the Act retroactive.

Also: That the Senate has on March 5, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2207, a bill for an act excluding residential care facilities from certificate-of-need reviews for two fiscal years.

K. MARIE THAYER, Secretary

REREFERRED TO COMMITTEE ON APPROPRIATIONS (House File 2377)

The Speaker announced that pursuant to Rule 31.7, House File 2377, presently on the **regular calendar**, was rereferred to the committee on **appropriations**.

The House stood at ease at 9:44 a.m., until the fall of the gavel.

The House resumed session at 10:59 a.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hummel of Benton on request of Stromer of Hancock; Koenigs of Mitchell on request of Black of Jasper.

INTRODUCTION OF BILLS

House File 2415, by committee on judiciary and law enforcement, a bill for an act relating to the effect of expiration of a writ of execution in garnishment proceedings.

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

House File 2416, by committee on labor and industrial relations, a bill for an act relating to the filing of a surety bond or depositing of moneys or securities with the department of job service by a non-profit organization electing to become a reimbursable employer under the unemployment compensation law.

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

House File 2417, by committee on labor and industrial relations, a bill for an act relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable.

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

House File 2418, by committee on labor and industrial relations, a bill for an act relating to employment of illegal aliens and providing a penalty.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 166, a bill for an act to authorize the setting of seasons for pigeons.

K. MARIE THAYER, Secretary

MOTION TO WITHDRAW FROM COMMITTEE LOST (House File 2185)

Bennett of Ida invoked Rule 60 and moved to withdraw House File 2185, a bill for an act relating to the maximum workers' compen-

sation benefits payable to workers injured on or after the effective date of this Act, from the committee on labor and industrial relations.

Roll call was requested by Stromer of Hancock and Connors of Polk.

Rule 75 was invoked.

On the question "Shall the motion to withdraw House File 2185 from committee prevail?"

The ayes were, 38:

Bennett	Branstad	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hester	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Welden		

The nays were, 57:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hatch	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Lloyd-Jones	Lonergan	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 5:

Carpenter	Haverland	Hummel	Koenigs
O'Kane			

The motion to withdraw from committee lost.

REREFERRED TO COMMITTEE ON APPROPRIATIONS
(House File 2200)

Peick of Linn asked and received unanimous consent that House File 2200, presently on the **regular calendar**, be rereferred to the committee on **appropriations**.

REFERRED TO COMMITTEE ON APPROPRIATIONS
(House File 2392)

Jochum of Dubuque asked for unanimous consent to refer House File 2392 to the committee on **appropriations**.

Objection was raised.

Jochum of Dubuque moved that House File 2392, presently on the **regular calendar**, be referred to the committee on **appropriations**.

The motion prevailed.

HOUSE FILE 2219 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2219 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 2380, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1985 and ending June 30, 1986 and making the Act effective upon publication, was taken up for consideration.

Welden of Hardin asked and received unanimous consent to defer action on amendment H—5237.

Poncy of Wapello in the chair at 11:21 a.m.

Jochum of Dubuque offered the following amendment H—5231 filed by him and moved its adoption:

H—5231

1 Amend House File 2380 as follows:

2 1. Page 2, by inserting after line 9 the
3 following new section:
4 "Sec. _____. There is appropriated from the general
5 fund of the state to the department of human services
6 for the fiscal year beginning July 1, 1985, and ending
7 June 30, 1986, the sum of twenty thousand (20,000)
8 dollars, or so much thereof as is necessary, for the
9 preparation of an implementation plan to establish a
10 single central clearinghouse for the receipt and
11 disbursement of child support payments, which shall be
12 completed and reported to the standing committees on
13 appropriations of the general assembly not later than
14 April 15, 1986. The clerks of the district court
15 shall cooperate with the department in the preparation
16 of the implementation plan. The department may
17 contract for preparation of the implementation plan
18 without using request-for-proposal procedures. The
19 implementation plan shall include the financial impact
20 of and methods for implementation of the
21 clearinghouse, the staffing, equipment, and data
22 processing requirements of the clearinghouse, the
23 anticipated federal and state expenditures for the
24 clearinghouse, a cost-benefit analysis of the
25 clearinghouse, the extent to which the implementation
26 of the clearinghouse would conform to federal law and
27 regulation, the impact of the clearinghouse on other
28 state agencies, and a timetable which would assure
29 implementation of the clearinghouse by January 1,
30 1987."
31 2. Renumber sections and correct internal
32 references as necessary in accordance with this
33 amendment.

Amendment H—5231 was adopted.

Cochran of Webster offered the following amendment H—5255
filed by him and Jochum of Dubuque and moved its adoption:

H—5255

1 Amend House File 2380 as follows:

2 1. Page 2, by inserting after line 9 the
3 following new section:
4 "Sec. _____. There is appropriated from the general
5 fund of the state to the state board of regents for
6 the fiscal year beginning July 1, 1985 and ending June
7 30, 1986, the sum of sixty thousand (60,000) dollars,
8 or so much thereof as is necessary, for use of the

9 cooperative extension service in agriculture and home
10 economics of Iowa state university of science and
11 technology. The funds shall be used by the
12 cooperative extension service of agriculture and home
13 economics for continuation of the rural concern hot-
14 line. The funds shall be used to manage and
15 administer the hotline which provides assistance to
16 Iowa farm families needing information, counseling and
17 referral services on farm financial and stress
18 management and issues facing those families currently
19 and in the near future."
20 2. Renumber sections and correct internal
21 references as necessary in accordance with this
22 amendment.

Amendment H—5255 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Pavich of Pottawat-
tanie.

Welden of Hardin offered the following amendment H—5199
filed by him and Van Maanen of Mahaska:

H—5199

- 1 Amend House File 2380 as follows:
- 2 1. Page 2, by striking lines 15 through 35.
- 3 2. Page 4, line 5, by striking the words and
- 4 figure "section 8, is" and inserting the words and
- 5 figures "sections 7 and 8, are".
- 6 3. Renumber sections and correct internal
- 7 references as necessary in accordance with this
- 8 amendment.

Speaker Avenson in the chair at 11:33 a.m.

Welden of Hardin moved the adoption of amendment H—5199.

A non-record roll call was requested.

The ayes were 29, nays 51.

Amendment H—5199 lost.

Connolly of Dubuque offered the following amendment H—5216 filed by him and Welden of Hardin and moved its adoption:

H—5216

- 1 Amend House File 2380 as follows:
- 2 1. Page 3, by striking lines 23 through 30.
- 3 2. Renumber sections and correct internal
- 4 references as necessary in accordance with this
- 5 amendment.

Roll call was requested by Connolly of Dubuque and Cochran of Webster.

Rule 75 was invoked.

On the question "Shall amendment H—5216 be adopted?"

The ayes were, 49:

Bennett	Black	Blanshan	Branstad
Cochran	Connolly	Cooper	Corey
De Groot	Diemer	Grandia	Groth
Gruhn	Halvorson, R. A.	Handorf	Hermann
Hester	Knapp	Kremer	Lageschulte
Maulsby	McIntee	Miller	Muhlbauer
Mullins	O'Kane	Oxley	Parker
Paulin	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Renken	Rensink
Royer	Schnekloth	Skow	Stromer
Stueland	Sturgeon	Sullivan	Swearingen
Tabor	Van Camp	Van Maanen	Welden
Woods			

The nays were, 46:

Arnould	Baxter	Beatty	Brammer
Buhr	Carl	Carter	Chapman
Clark	Connors	Daggett	Doderer
Fey	Fogarty	Groninga	Halvorson, R. N.
Hammond	Hanson	Hatch	Holveck
Hughes	Jay	Jochum	Johnson
Lloyd-Jones	Lonergan	McKean	Metcalf
Norland	Ollie	Osterberg	Pavich
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoning	Shoultz	Siegrist
Spear	Swartz	Teaford	Varn
Zimmerman	Mr. Speaker		

Absent or not voting, 5:

Carpenter
Koenigs

Harbor

Haverland

Hummel

Amendment H—5216 was adopted.

Varn of Johnson offered the following amendment H—5262 filed by him:

H—5262

1 Amend House File 2380 as follows:

2 1. Page 3, by inserting after line 30 the
3 following new section:

4 "Sec. _____. Section 327H.20, unnumbered paragraph
5 1, Code 1985, is amended to read as follows:

6 The department may enter into agreements with
7 railroad corporations, the United States government,
8 persons, cities, and counties for carrying out the
9 purposes of this chapter. Agreements entered into
10 between the department and railroad corporations under
11 this section may require a railroad corporation to
12 reimburse all or part of the costs paid from the
13 railroad assistance fund from revenue derived from all
14 railroad cars and traffic using the main line, branch
15 line, switching yard or sidings defined in the
16 agreement. An agreement which does not require the
17 repayment of railroad assistance funds used for,
18 rehabilitation projects shall require the railroad
19 corporation to establish and maintain a separate
20 corporation account to which an amount equal to all or
21 part of the costs paid from the railroad assistance
22 fund shall be credited from revenue derived from all
23 railroad cars and traffic using the main line, branch
24 line, switching yard or siding defined in the
25 agreement. However, not more than one-half of the
26 funds credited to the railroad assistance fund shall
27 be expended as nonreimbursable grants for
28 rehabilitation programs. Credits to the corporation
29 account by the railroad corporation may be used for
30 the improvement, restoration, or conservation of the
31 railroad corporation's main line, branch lines,
32 switching yards and sidings within the state. The
33 agreement shall stipulate the terms and conditions
34 governing the use of credits to the corporation
35 account as well as a penalty for the use of the
36 account in a manner other than as provided in the
37 agreement."

38 2. Page 4, by inserting after line 4 the

39 following new sections:

40 "Sec._____. Section 601J.6, subsection 4, Code

41 1985, is amended to read as follows:

42 4. Moneys deposited in the public transit
43 assistance fund are not subject to sections 8.33 and
44 section 8.39.

45 Sec._____. 1985 Iowa Acts, chapter 257, section 7,
46 subsection 3, is amended by striking the subsection.

47 Sec._____. Notwithstanding section 99E.10, for the
48 fiscal year beginning July 1, 1985 and ending June 30,
49 1986, any moneys in excess of sixty thousand (60,000)
50 dollars credited to the gamblers assistance fund

Page 2

1 during the fiscal year is transferred to the general
2 fund of the state and is appropriated from the general
3 fund of the state to the department of human services
4 for the fiscal year beginning July 1, 1985 and ending
5 June 30, 1986 for the medical assistance program to
6 supplement funds appropriated by 1985 Iowa Acts,
7 chapter 259, section 3, subsection 2."

8 3. Page 4, by inserting after line 6 the
9 following new section:

10 "Sec._____. There is appropriated from the general
11 fund of the state to the department of general
12 services for the fiscal year beginning July 1, 1985
13 and ending June 30, 1986 the sum of nine hundred
14 thousand (900,000) dollars, or so much thereof as is
15 necessary, to be used for capitol restoration. The
16 moneys appropriated to the department of general
17 services for capitol restoration under this section
18 shall be in addition to any other moneys appropriated
19 for this purpose."

20 4. Page 4, line 9, by striking the words and
21 figure "five hundred thousand (500,000)" and inserting
22 the words and figure "one million five hundred
23 thousand (1,500,000)".

24 5. Renumber sections and correct internal
25 references as necessary in accordance with this
26 amendment.

Varn of Johnson offered the following amendment H—5267, to amendment H—5262, filed by him from the floor and moved its adoption:

H—5267

1 Amend amendment H—5262 to House File 2380 as follows:

2 1. Page 1, line 39, by striking the word "sections"

- 3 and inserting the word "section".
4 2. Page 1, by inserting after line 44, the following:
5 " . Page 4, by inserting after line 4 the following
6 new section:"
7 3. By renumbering as necessary.

Amendment H—5267 was adopted.

Varn of Johnson offered the following amendment H—5269, to amendment H—5262, filed by him from the floor and moved its adoption:

H—5269

- 1 Amend the Varn amendment, H—5262, to House File
2 2380 as follows:
3 1. Page 2, line 12, by striking the word "year"
4 and inserting the word "period".
5 2. Page 2, line 13, by striking the figure "1986"
6 and inserting the figure "1987".
7 3. Page 2, line 19, by inserting after the word
8 "purpose." the words "Notwithstanding section 8.33,
9 unobligated or unencumbered funds appropriated by this
10 section remaining as of June 30, 1987 shall revert to
11 the general fund of the state on September 30, 1987."

Amendment H—5269 was adopted.

Varn of Johnson asked and received unanimous consent to temporarily defer action on amendment H—5262, as amended.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5237 (previously deferred) filed by him on March 4, 1986.

The House stood at ease at 11:33 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5262, as amended, to House File 2380 at 11:37 a.m., Speaker Avenson in the chair.

Varn of Johnson offered the following amendment H—5268, to amendment H—5262, filed by him from the floor and moved its adoption:

H—5268

- 1 Amend the Varn amendment, H—5262, to House File
- 2 2380 as follows:
- 3 1. Page 1, line 25, by striking the words "not
- 4 more than".

Amendment H—5268 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, for the remainder of the day, on request of Halvorson of Webster.

Division of amendment H—5262, as amended, was requested as follows:

H—5262A, lines 2 through 37 and lines 45 through 50, page 1 and all of page 2.

H—5262B, lines 38 through 44, page 1.

On motion by Varn of Johnson, amendment H—5262A, as amended, was adopted.

On motion by Varn of Johnson, amendment H—5262B, as amended, lost.

Varn 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. 2380)

The ayes were, 85:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Hatch	Hermann
Hester	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Kremer
Lageschulte	Lloyd-Jones	Loneran	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie

Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Peterson, M. K.
Platt	Poncy	Renaud	Rensink
Rosenberg	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 9:

Bennett	Branstad	Maulsby	Petersen, D. F.
Renken	Royer	Schneklloth	Stueland
Welden			

Absent or not voting, 6:

Carpenter	Connors	Harbor	Haverland
Hummel	Koenigs		

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

IMMEDIATE MESSAGE (House File 2380)

Norland of Worth asked and received unanimous consent to immediately message House File 2380 to the Senate.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday afternoon, February 28, 1986. Had I been present, I would have voted "aye" on House File 2339.

LONERGAN of Boone

I was necessarily absent from the House chamber on February 20, 1986. Had I been present, I would have voted "aye" on House File 2211.

McINTEE of Black Hawk

COMMUNICATION FROM SECRETARY OF STATE

March 6, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
L O C A L

Dear Mr. O'Hern:

I hereby certify that Senate File 590 was published in the Fairfield Daily Ledger, Fairfield, Iowa, on February 26, 1986, and in The Daily Nonpareil, Council Bluffs, Iowa, on February 27, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITOR

Norland of Worth presented to the House the Honorable Charles F. Mertens, Minority Floor Leader, State of North Dakota.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 785 Ways and Means

To clarify the intended effective date of portions of chapter 239, 1985 Acts, relating to the imposition of a tax on payments received by a nonprofit health service corporation for subscriber contracts.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 771

Judiciary and Law Enforcement: Chapman, Chair; Holveck and Shoning.

Study Bill 782

Judiciary and Law Enforcement: Rosenberg, Chair; Jay and McIntee.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 768), relating to an appropriation to the department of agriculture for the 1987 beef expo.

Committee Action: **Failed to Pass** March 7, 1986.

Committee Bill (Formerly Study Bill 777), relating to cooperative associations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1986.

Committee Bill (Formerly Study Bill 778), relating to the insurance and tariff provisions for bonded warehouses for agricultural products.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1986.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly Study Bill 756), relating to the marketing programs of the Iowa development commission and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1986.

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 737), relating to the adjusting of the foundation property tax levy of reorganized school districts.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 740), relating to the levying of property taxes and the payment of state foundation aid to local school districts and area education agencies for the fiscal years beginning July 1, 1986 and July 1, 1987 and providing that the Act will take effect upon publication.

Committee Action: **Failed to Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 755), relating to tax sheltered annuity contracts by making applicable a current definition of the Internal Revenue Code of 1954.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 773), to establish a distinguished Iowa scholars award administered by the Iowa college aid commission and to make an appropriation.

Committee Action: **Failed to Pass** March 6, 1986.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2112), relating to children in need of assistance, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 544), relating to the control of certain tobacco products.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 555), relating to the health data commission by adding the executive director of the commission on the aging to the membership of the health data commission and permitting the health data commission to collect long-term care data.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 730), requiring licensure of hospice programs.

Committee Action: **Failed to Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 762), relating to clinical privileges and staff membership in organized health care systems.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2127, a bill for an act relating to the proof of financial responsibility required of liquor control licensees and wine and beer permittees.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1986.

House File 2363, a bill for an act amending the juvenile justice code by applying statutes of limitations to delinquency cases, retaining juvenile court jurisdiction for one year beyond the attachment of jurisdiction, providing for the appointment of separate guardians ad litem, providing that adults under the juvenile court's jurisdiction are not bailable but must be detained separately from other adults, providing for chemical dependency evaluations as either physical or mental examinations, providing for the application of civil commitment procedures in delinquency cases, establishing standards of proof for certain proceedings removing persons from the home, providing for the submission of social investigation reports prior to the entering of child-in-need-of-assistance dispositions, providing for involuntary termination of parental rights under certain conditions involving ineffectiveness of corrective services, and providing for appeals of delinquency cases after disposition.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1986.

Committee Bill (Formerly House File 2266), relating to real property by providing certain statutory warranties in the sale of a new dwelling by the builder, establishing the duration of the warranties, and providing remedies for breach of the warranties; and by providing a statute of limitations for certain actions arising out of improvements to real property.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 285), relating to membership in the Iowa public employees' retirement system for judicial hospitalization referees.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 552), providing the right to a chemical test upon arrest on a charge of public intoxication.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 615), relating to victims and witnesses of criminal offenses, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 672), relating to the assault and domestic abuse of persons, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 674), relating to the disposition of seizable and forfeitable property, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 719), relating to judgment liens on real estate and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 771), relating to the qualifications to become a senior judge.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 782), relating to tax sales and redemptions, by revising provisions governing notice and other procedures.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1986.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly Study Bill 781), relating to workers' compensation benefits for persons receiving employment training or employment evaluations.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1986.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly Study Bill 669), to limit property taxes levied by cities and counties.

Committee Action: **Failed to Pass** March 7, 1986.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly Study Bills 510 and 511), relating to free park user permits for persons over age sixty-five, relating to the penalties for violation of the requirements of the user permit for state parks and other state lands.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 683), relating to commercial fishing and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 690), relating to the acquisition and development of recreation, tourism, and leisure projects; by creating a recreation-tourism-leisure lands fund; by providing revenue for the fund by transferring money from the Iowa plan fund; and by imposing a tax on real estate transfers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 742), relating to the taking of animals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly Study Bill 727), relating to financial transactions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 770), relating to the attorney general's consumer protection efforts against telephone solicitations, transient merchants, and health club membership sales, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

Committee Bill (Formerly Study Bill 775), relating to insurance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1986.

COMMITTEE ON TRANSPORTATION

House File 2113, a bill for an act relating to the liability for actions to allow or facilitate the use of land contiguous to highways or roadways.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1986.

House File 2256, a bill for an act relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5265** March 6, 1986.

AMENDMENTS FILED

H—5263	H.F.	2219	Sherzan of Polk
H—5264	H.F.	2379	Carter of Henry
			Cochran of Webster
			Stueland of Clinton
			Pellett of Cass
H—5265	H.F.	2256	Committee on
			Transportation
H—5266	H.F.	2219	Schnekloth of Scott
H—5270	H.F.	2350	Muhlbauer of Crawford
H—5271	S.F.	397	Muhlbauer of Crawford
H—5272	H.C.R.	118	Johnson of Winneshiek
H—5273	S.F.	97	Connolly of Dubuque
H—5274	H.F.	2204	De Groot of Lyon
			Peterson of Carroll
H—5275	H.F.	2392	Mullins of Kossuth
			Zimmerman of Dallas
			Hester of Pottawattamie
			Ollie of Clinton
			Peick of Linn
H—5276	H.F.	2392	Mullins of Kossuth
			Zimmerman of Dallas
			Hester of Pottawattamie
			Ollie of Clinton
			Peick of Linn

H—5277	H.F. 2386	Zimmerman of Dallas
H—5278	H.F. 2252	Carl of Poweshiek

On motion by Norland of Worth, the House adjourned at 12:57 p.m., until 10:00 a.m., Monday, March 10, 1986.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day — Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 10, 1986

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

Prayer was offered by Reverend John O. Propert, pastor of the First Baptist Church, Boone.

The Journal of Friday, March 7, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McIntee of Black Hawk on request of Stromer of Hancock; Teaford of Black Hawk on request of Norland of Worth; Jay of Appanoose on request of Groth of Buena Vista; Shoultz of Black Hawk on request of Running of Linn; Blanshan of Greene on request of Gruhn of Dickinson, all until their arrival; Schnekloth of Scott on request of Rensink of Sioux.

INTRODUCTION OF BILLS

House File 2419, by committee on natural resources and outdoor recreation, a bill for an act relating to the reversion of certain state conservation commission funds received during the last month of the fiscal year.

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

House File 2420, by committee on natural resources and outdoor recreation, a bill for an act relating to suspensions or restrictions under the state priority allocation plan on water use by persons having a contract with the state for water supply before March 5, 1985.

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

House File 2421, by committee on labor and industrial relations, a bill for an act appropriating federal moneys, credited to the state of Iowa, to the department of job service for data processing equipment purchases.

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

House File 2422, by committee on human resources, a bill for an act relating to the department of human services' authority to investigate certain child sexual abuse cases and control access to certain information in child abuse cases.

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

House File 2423, by committee on human resources, a bill for an act relating to the monetary penalties for violation of the health care facilities' licensing law.

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

House File 2424, by committee on human resources, a bill for an act relating to the computation of the average daily patient costs at the state mental health institutes and hospital-schools.

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

House File 2425, by committee on human resources, a bill for an act relating to the disclosure of information by continuing-care facilities, and providing penalties.

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

House File 2426, by committee on judiciary and law enforcement, a bill for an act relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty.

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

House File 2427, by committee on judiciary and law enforcement, a bill for an act relating to the penalties for violations of law involving the promotion of obscene material and the sexual exploitation of children.

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

House File 2428, by committee on judiciary and law enforcement, a bill for an act modifying section 709.4, relating to sexual abuse in the third degree, and providing penalties.

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

House File 2429, by committee on judiciary and law enforcement, a bill for an act relating to the release of information from the child abuse registry to the administrator of a regents institution that has responsibility for the care and supervision of juveniles.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 714, a bill for an act relating to the filing of a protest because of a clerical or mathematical error having been made in the assessment of a person's property.

Also: That the Senate has on March 6, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2091, a bill for an act relating to the inspection of explosive storage facilities.

Also: That the Senate has on March 6, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2287, a bill for an act relating to mechanic's liens.

Also: That the Senate has on March 6, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 540, a bill for an act relating to the financing of political campaigns and the reporting of that financing.

Also: That the Senate has on March 6, 1986, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2044, a bill for an act relating to the admissibility of the reports and findings of the criminalistics laboratory in forfeiture proceedings.

K. MARIE THAYER, Secretary

HOUSE FILES 2219, 2336 AND 2167 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2219, 2336 and 2167 be temporarily deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2347, a bill for an act relating to the definition of the term "felony" for purposes of the law relating to possession of weapons, and affecting penalties, was taken up for consideration.

Woods 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. 2347)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Haverland	Jay	McIntee	Schneklath
Shoultz	Teaford		

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

HOUSE FILE 2189 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2189 be temporarily deferred and that the bill retain its place on the calendar.

House File 2337, a bill for an act relating to insurance guaranty associations by creating an Iowa life and health insurance guaranty association, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2337)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Doderer	Haverland	Jay	Knapp
McIntee	Schnekloth	Shoultz	

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

House File 2167, a bill for an act relating to the time allowed for persons to file additional objections to a school reorganization petition if the board continues the hearing on the petition, with report of committee recommending amendment and passage was taken up for consideration.

Daggett of Taylor offered the following amendment H—5139 filed by the committee on education and moved its adoption:

H—5139

- 1 Amend House File 2167 as follows:
- 2 1. Page 1, line 10, by striking the words
- 3 "working days" and inserting the following: "days,
- 4 not including Saturdays, Sundays, or holidays,".

The committee amendment H—5139 was adopted.

Mullins of Kossuth asked and received unanimous consent to withdraw amendment H—5239 filed by her on March 4, 1986.

Daggett of Taylor 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. 2167)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McKean	Metcalf	Miller
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Sherzan	Shoning	Siegrist

Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Gruhn	Haverland	Jay	McIntee
Muhlbauer	Schnekloth	Shultz	

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

House File 2189, a bill for an act relating to the appointment of citizen members to the board of directors of a judicial district department of correctional services, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2189)

The ayes were, 93:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Hermann	Hester
Holveck	Hughes	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland

Sturgeon
Tabor
Varn
Mr. Speaker

Sullivan
Teaford
Welden

Swartz
Van Camp
Woods

Swearingen
Van Maanen
Zimmerman

The nays were, none.

Absent or not voting, 7:

Beatty
McIntee

Connolly
Schnekloth

Haverland
Shoultz

Jay

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

HOUSE FILE 2226 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2226 be deferred and that the bill retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, until his return, on request of Skow of Guthrie.

House File 2378, a bill for an act providing for referendums to terminate the collection of the beef and soybean assessments was taken up for consideration.

Carter 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?" (H.F. 2378)

The ayes were, 92:

Arnould
Blanshan
Carl
Clark
Cooper
Diemer
Grandia
Halvorson, R. A.

Baxter
Brammer
Carpenter
Cochran
Corey
Doderer
Groninga
Halvorson, R. N.

Beatty
Branstad
Carter
Connolly
Daggett
Fey
Groth
Hammond

Bennett
Buhr
Chapman
Connors
De Groot
Fogarty
Gruhn
Handorf

Harbor	Hatch	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rensink	Rosenberg	Royer	Running
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 3:

Hanson	Hughes	Renken
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Absent or not voting, 5:

Black	Haverland	McIntee	Schnekloth
Shoultz			

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

House File 2400, a bill for an act relating to the Iowa community development loan program, was taken up for consideration.

Fogarty of Palo Alto in the chair at 11:04 a.m.

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

On the question "Shall the bill pass?" (H.F. 2400)

The ayes were, 93:

Arnould	Avenson	Baxter	Beatty
Bennett	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf

Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker (Fogarty)			

The nays were, 2:

O'Kane Welden

Absent or not voting, 5:

Black Haverland McIntee Schnekloth
Shoultz

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

HOUSE FILES 2373 AND 2397 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2373 and 2397 be deferred and that the bills retain their place on the calendar.

The House resumed consideration of **House File 2019**, a bill for an act to amend zoning statutes to authorize allowing older persons to reside in temporary housing on the same property as a primary dwelling and to require the state building code commissioner to adopt rules, and the committee amendment H-5096, found on pages 388 through 393 of the House Journal.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw the motion to reconsider amendment H-5116B filed by him on February 21, 1986 (to the committee amendment H-5096).

The House resumed consideration of amendment H-5116D, to the committee amendment H-5096.

Paulin of Plymouth asked and received unanimous consent to defer action on all divisions of amendment H—5116.

Connors of Polk asked and received unanimous consent to defer action on amendment H—5135, to the committee amendment H—5096.

Sturgeon of Woodbury offered the following amendment H—5209, to the committee amendment H—5096, filed by him and Connors of Polk and moved its adoption:

H—5209

1 Amend amendment H—5096 to House File 2019 as
2 follows:

3 1. By striking page 1, line 27, through page 6,
4 line 48, and inserting the following:

5 "The state building code commissioner shall adopt
6 rules relating to the construction or erection of ECHO
7 housing units. The rules shall not be part of the
8 state building code, but shall serve as a model for
9 adoption as a county or city ordinance. The rules
10 shall provide for standards and requirements for
11 construction, materials, mechanical equipment,
12 electrical wiring, plumbing, fire protection,
13 connections to utilities, sanitation, and
14 habitability. "ECHO" means elder and physically
15 handicapped cottage housing opportunity.

16 Sec. 3. NEW SECTION. 331.910 ECHO HOUSING.

17 Notwithstanding any provision of this Code, any
18 county may enact an ordinance providing for the
19 issuance of special use permits, conditional use
20 permits, or occupancy permits for a dwelling unit to
21 be constructed, or attached to, a primary residence on
22 a parcel zoned for a single-family residence, if the
23 dwelling unit is used solely for the occupancy of one
24 or two adult persons who are either sixty-two years of
25 age or over or physically handicapped, and the area of
26 floor space of the dwelling unit does not exceed six
27 hundred forty square feet.

28 Sec. 4. NEW SECTION. 362.15 ECHO HOUSING.

29 Notwithstanding any provision of this Code, any
30 city may enact an ordinance providing for the issuance
31 of special use permits, conditional use permits, or
32 occupancy permits for a dwelling unit to be
33 constructed, or attached to, a primary residence on a
34 parcel zoned for a single-family residence, if the
35 dwelling unit is used solely for the occupancy of one
36 or two adult persons who are either sixty-two years of
37 age or over or physically handicapped, and the area of
38 floor space of the dwelling unit does not exceed six
39 hundred forty square feet."

Amendment H—5209 was adopted, placing the following amendments (to the committee amendment H—5096) out of order:

H—5116B and H—5116C, both previously adopted and found on pages 394 through 396 of the House Journal.

H—5116D, H—5116E, H—5116F, H—5116G and H—5116H, found on pages 394 through 397 of the House Journal.

H—5135 filed by Connors, et al., on February 20, 1986.

H—5143, previously adopted, and found on pages 413 and 414 of the House Journal.

Hummel of Benton asked and received unanimous consent to withdraw the motion to reconsider amendment H—5116A filed by him on February 21, 1986, (to the committee amendment H—5096).

On motion by Sturgeon of Woodbury, the committee amendment H—5096, as amended, was adopted.

Sturgeon 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. 2019) /

The ayes were, 71:

Arnould	Avenson	Baxter	Beatty
Bennett	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Clark	Cochran	Connolly	Connors
Cooper	Daggett	Diemer	Doderer
Fey	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hanson	Harbor
Hatch	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Loneragan	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Running	Shoning	Siegrist
Spear	Stueland	Sturgeon	Sullivan
Tabor	Teaford	Van Camp	Varn
Woods	Zimmerman	Mr. Speaker	
		(Fogarty)	

The nays were, 23:

Chapman	Corey	De Groot	Grandia
Halvorson, R. A.	Handorf	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Maulsby	Metcalf
Oxley	Pellett	Rensink	Royer
Shoultz	Skow	Stromer	Swartz
Swearingen	Van Maanen	Welden	

Absent or not voting, 6:

Black	Haverland	Hermann	McIntee
Schnekloth	Sherzan		

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

House File 2286, a bill for an act relating to electronically transmitted educational programs, with report of committee recommending passage was taken up for consideration.

Daggett of Taylor 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. 2286)

The ayes were, 90:

Arnould	Avenson	Baxter	Beatty
Bennett	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Grandia
Groninga	Groth	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon

Sullivan
Van Camp
Woods

Swearingen
Van Maanen
Mr. Speaker
(Fogarty)

Tabor
Varn

Teaford
Welden

The nays were, none.

Absent or not voting, 10:

Black
McIntee
Swartz

Connors
Schnekloth
Zimmerman

Gruhn
Sherzan

Haverland
Shoning

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

House File 2379, a bill for an act relating to commodity boards, by providing for their membership, the collection of their assessments, and the appropriation of their funds, was taken up for consideration.

Carter of Henry offered the following amendment H — 5264 filed by Carter, et al., and moved its adoption:

H — 5264

- 1 Amend House File 2379 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 179.5, Code Supplement 1985,
- 5 is amended by adding the following new subsection:
- 6 **NEW SUBSECTION. 5.** The right of a person to a
- 7 refund under this chapter or under chapters 181, 182,
- 8 183A, 184A, 185, 185C, or 196A is not subject to
- 9 execution, levy, attachment, garnishment, or other
- 10 legal process, and is not transferable or assignable
- 11 at law or in equity."

Amendment H — 5264 was adopted.

Carter of Henry offered the following amendment H — 5254 filed by Carter, et al., and moved its adoption:

H — 5254

- 1 Amend House File 2379 as follows:
- 2 1. Page 1, line 18, by striking the word "nine"
- 3 and inserting the word "eight".
- 4 2. Page 1, by striking lines 28 through 31.

- 5 3. By striking page 3, line 31 through page 4,
 6 line 5, and inserting the following:
 7 "Prior to the commencement of the collection of the
 8 assessment pursuant to the Beef Promotion and Research
 9 Act of 1985, the executive committee may seek
 10 certification as a qualified state beef council within
 11 the meaning of that Act. If the executive committee
 12 does not receive certification as a qualified state
 13 beef council it shall, if necessary to prevent
 14 collection of an excise tax on beef cattle in addition
 15 to the national assessment, suspend the collection of
 16 the excise tax provided in this chapter. If the
 17 executive committee does suspend collection of the
 18 excise tax provided in this chapter, the period of
 19 that suspension terminates upon expiration of the
 20 assessment collected pursuant to the Beef Promotion
 21 and Research Act of 1985."
 22 4. Page 4, by striking lines 24 and 25 and
 23 inserting the following: "both foreign and domestic,
 24 including but not limited to public relations and
 25 other promotion techniques;"
 26 5. Page 5, line 19, by inserting after the word
 27 "complete" the word "consecutive".
 28 6. Page 7, line 13, by striking the word
 29 "terminates" and inserting the word "terminate".
 30 7. Page 7, line 23, by striking the word
 31 "elections" and inserting the word "referendums".

Amendment H—5254 was adopted.

Carter 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?" (H.F. 2379)

The ayes were, 94:

Arnould	Avenson	Baxter	Beatty
Bennett	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones

Loneragan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poney
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Fogarty)		

The nays were, none.

Absent or not voting, 6:

Black	Haverland	McIntee	O'Kane
Schnekloth	Sherzan		

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

Speaker Avenson in the chair at 11:51 a.m.

On motion by Norland of Worth, the House was recessed at 11:52 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, until his arrival, on request of Lonergan of Boone.

CONSIDERATION OF BILLS Regular Calendar

House File 2376, a bill for an act establishing liability of persons responsible for hazardous conditions for reasonable costs incurred by the department of water, air and waste management in responding to the conditions, and providing for the credit of recoveries for the liabilities, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H—5247 filed by him and moved its adoption:

H—5247

1. Amend House File 2376 as follows:
2. 1. Page 1, line 16, by inserting after the word
3. "condition" the following: "caused by that person".

Amendment H—5247 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2376)

The ayes were, 67:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Cooper	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Hanson
Hatch	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Parker	Paulin	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Siegrist	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 29:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Halvorson, R. A.	Handorf
Harbor	Hermann	Hester	Kremer
Maulsby	Metcalf	Miller	Oxley
Peick	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Royer	Shoning
Stromer	Swearingen	Van Camp	Van Maanen
Welden			

Absent or not voting, 4:

Black

Connors

Haverland

Schnekloth

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 2430, by committee on judiciary and law enforcement, a bill for an act relating to the mandatory retirement age for senior judges.

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

House File 2431, by committee on agriculture, a bill for an act relating to the property tax livestock credit.

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

House File 2432, by committee on judiciary and law enforcement, a bill for an act relating to mineral interests by providing for the lapse of stale mineral interests under certain circumstances.

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

SENATE MESSAGES CONSIDERED

Senate File 108, by Priebe, a bill for an act relating to information regarding medicare supplement insurance coverage.

Read first time and referred to committee on **human resources**.

Senate File 166, by Miller of Des Moines, a bill for an act to authorize the setting of seasons for pigeons.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 2167, by committee on judiciary, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication.

Read first time and **passed on file**.

Senate File 2193, by committee on judiciary, a bill for an act to remove the notice requirements to the department of revenue relating to the discharge of a personal representative and making the Act retroactive.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2207, by committee on human resources, a bill for an act excluding residential care facilities from certificate-of-need reviews for two fiscal years.

Read first time and referred to committee on **human resources**.

HOUSE FILE 2402 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2402 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2354, a bill for an act relating to the Iowa insurance guaranty association, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2354)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs

Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Black	Haverland	Hermann	Schnekloth
Stromer			

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

HOUSE FILE 2348 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2348 be deferred and that the bill retain its place on the calendar.

House File 2208, a bill for an act to require state conservation commission approval of county conservation board projects for acquisition or exchange of land and general development plans where the costs of the project exceed twenty-five thousand dollars, with report of committee recommending passage was taken up for consideration.

Groth 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. 2208)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Branstad	Buhr

Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Harbor
Hatch	Hermann	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 5:

Grandia	Hammond	Hummel	Lonergan
Van Maanen			

Absent or not voting, 3:

Black	Haverland	Schnekloth
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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 2384, a bill for an act relating to the registration of a mark which has become distinctive of the applicant's goods or services, was taken up for consideration.

Sullivan of Van Buren in the chair at 2:38 p.m.

Skow 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?" (H.F. 2384)

The ayes were, 97:

Arnould	Avenson	Baxter	Beatty
Bennett	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Sullivan)			

The nays were, none.

Absent or not voting, 3:

Black

Haverland

Schneklöth

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

House File 2386, a bill for an act relating to peer review and licensing board information by providing for the confidentiality of peer review proceedings and records, by providing access to the board of medical examiners to hospital disciplinary information concerning physicians, and by providing for the exchange of confidential investigative information between licensing agencies in this state, was taken up for consideration.

Zimmerman of Dallas offered the following amendment H—5277 filed by her and moved its adoption:

H — 5277

1 Amend House File 2386 as follows:

- 2 1. Page 1, line 6, by striking the word "its" and
 3 inserting the following: "a hospital board of
 4 trustees, or their".
 5 2. Page 1, line 7, by inserting after the word
 6 "discipline" the following: "or professional
 7 competence".
 8 3. Page 1, line 11, by inserting after the word
 9 "discipline" the following: "or peer evaluation".
 10 4. Page 1, line 19, by striking the words "civil
 11 action" and inserting the following: "judicial or
 12 administrative proceeding other than a proceeding
 13 involving licensee discipline".
 14 5. Page 2, line 18, by inserting after the word
 15 "proceedings." the following: "As used in this
 16 subsection, "physician" means a person licensed
 17 pursuant to chapter 148, chapter 150, or chapter
 18 150A."

Amendment H — 5277 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2386)

The ayes were, 95:

Arnould	Avenson	Baxter	Beatty
Bennett	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Hammond	Handorf	Hanson
Harbor	Hatch	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Sherzan

Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker (Sullivan)	

The nays were, none.

Absent or not voting, 5:

Black	Clark	Halvorson, R. N.	Haverland
Schnekloth			

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

House File 2395, a bill for an act authorizing a city or county hospital to establish and operate facilities, programs, and services which provide health benefits to persons, was taken up for consideration.

O'Kane 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. 2395)

The ayes were, 97:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Pooney	Renaud
Renken	Rensink	Rosenberg	Royer

Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Sullivan)			

The nays were, none.

Absent or not voting, 3:

Haverland	Ollie	Schnekloth
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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 2370 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2370 be deferred and that the bill retain its place on the calendar.

House File 2216, a bill for an act providing that a judicial district department of correctional services is a state agency for purposes of coverage under the Iowa tort claims Act, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2216)

The ayes were, 96:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer

Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poney	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Sullivan)

The nays were, 1:

Parker

Absent or not voting, 3:

Haverland

Schnekloth

Shoultz

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

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 122

Norland of Worth called up for consideration House Concurrent Resolution 122, requesting Governor Branstad to prevent the sending of Iowa National Guard units to Honduras.

The House stood at ease at 2:57 p.m., until the fall of the gavel.

The House resumed session and consideration of House Concurrent Resolution 122 at 3:45 p.m., Speaker Avenson in the chair.

Hughes of Union in the chair at 4:26 p.m.

Bennett of Ida asked for unanimous consent to defer action on House Concurrent Resolution 122.

Objection was raised.

Daggett of Taylor moved that House Concurrent Resolution 122 be referred to the committee on state government.

Speaker Avenson in the chair at 5:00 p.m.

Skow of Guthrie asked for unanimous consent to amend the resolution by striking the words "or elsewhere in Central American" on page 2, lines 25 and 26.

Objection was raised.

Skow of Guthrie moved to amend House Concurrent Resolution 122.

Stromer of Hancock rose on a point of order that the motion was not in order pursuant to Rule 31.8, relating to the timely filing of amendments.

The Speaker ruled the point well taken and the motion not in order.

Norland of Worth asked and received unanimous consent to temporarily defer action on House Concurrent Resolution 122.

(The motion to refer to committee pending.)

ADOPTION OF HOUSE CONCURRENT RESOLUTION 113

Norland of Worth called up for consideration House Concurrent Resolution 113, endorsing "Iowa Homecoming '86".

Baxter of Des Moines moved the adoption of House Concurrent Resolution 113.

The motion prevailed and the resolution was adopted.

The House stood at ease at 5:07 p.m.

The House resumed session at 5:25 p.m., Speaker Avenson in the chair.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 122

The House resumed consideration of House Concurrent Resolution 122, temporarily deferred, and the motion to refer to the committee on state government.

On the motion to refer to committee, roll call was requested by Daggett of Taylor and Stromer of Hancock.

Rule 75 was invoked.

On the question "Shall House Concurrent Resolution 122 be referred to committee?"

The ayes were, 40:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McIntee
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Poncy
Renken	Rensink	Royer	Running
Shoning	Siegrist	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	Welden

The nays were, 51:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carter
Cochran	Connolly	Connors	Doderer
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hatch	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Lloyd-Jones	McKean
Muhlbauer	Norland	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Renaud	Rosenberg	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 9:

Carl	Chapman	Cooper	Groth
Haverland	Loneragan	O'Kane	Schnekloth
Swartz			

The motion lost.

The House stood at ease at 5:42 p.m., until the fall of the gavel.

The House resumed session and consideration of House Concurrent Resolution 122 at 6:35 p.m., Speaker Avenson in the chair.

(House Concurrent Resolution 122 pending at adjournment.)

EXPLANATION OF VOTE

I was necessarily absent from the House Chamber on Friday, March 7, 1986. Had I been present, I would have voted "aye" on amendment H—5216, to House File 2380, and House File 2380; "nay" on motion to withdraw House File 2185.

KOENIGS of Mitchell

PRESENTATION OF VISITORS

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

Ten National Honor Society students from Manilla High School, Manilla, accompanied by Pat Wuestewald. By Muhlbauer of Crawford.

Thirty-five sixth grade students from Lenox Elementary School, Lenox, accompanied by Mrs. Janet Reed. By Daggett of Taylor.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

STATE OF TENNESSEE

A resolution to designate July, 1986 as "Buy America" month.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

1986-4

Jennifer Rebecca Lofgren — Named "1986 Easter Seal Ambassador."

JOSEPH O'HERN
Chief Clerk of the House

H-5303 S.F. 2167
Carpenter of Polk
Osterberg of Linn

Doderer of Johnson
McIntee of Black Hawk
Johnson of Winneshiek
Rosenberg of Story

H-5304 H.F. 2414
H-5305 H.F. 2403

Groninga of Cerro Gordo
Connors of Polk

On motion by Norland of Worth, the House adjourned at 6:36 p.m., until 9:00 a.m., Tuesday, March 11, 1986.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day—Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 11, 1986

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

Prayer was offered by Reverend Joe Donald, pastor of the Reorganized Church of Jesus Christ of Latter Day Saints, Lamoni.

The Journal of Monday, March 10, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Siegrist of Pottawattamie, from six hundred seventy-eight students and teachers of the 99th District favoring the Iowa Legislature to supply schools with the funding necessary to provide quality education to Iowa's youth.

INTRODUCTION OF BILLS

House File 2433, by committee on judiciary and law enforcement, a bill for an act relating to domestic abuse, and providing penalties.

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

House File 2434, by committee on energy and environmental protection, a bill for an act relating to the treatment of certain waters, incorporating a penalty, and providing an effective date.

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

House File 2435, by committee on judiciary and law enforcement, a bill for an act providing the right to a chemical test upon arrest on a charge of public intoxication.

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

House File 2436, by committee on judiciary and law enforcement, a bill for an act relating to judgment liens on real estate and providing a penalty.

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

House File 2437, by committee on energy and environmental protection, a bill for an act prohibiting certain rate-regulated electric public utilities from including in their charges or rates to customers costs of construction of electric generating power plants which have not been placed in commercial operation with exceptions for certain prudently incurred costs.

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

House File 2438, by committee on human resources, a bill for an act relating to clinical privileges for certified health service providers in psychology.

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

House File 2439, by committee on human resources, a bill for an act relating to the control of certain tobacco products.

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

House File 2440, by committee on natural resources and outdoor recreation, a bill for an act relating to the user permit for state parks and other state lands.

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

House File 2441, by committee on state government, a bill for an act relating to notary publics by increasing the notary public fee, creating a surety bond fund in the office of the secretary of state, providing that a portion of the notary public fee be credited to the surety bond fund and using surety bond fund for notary public bonds.

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

House File 2442, by committee on judiciary and law enforcement, a bill for an act providing a statute of limitations for certain actions arising out of improvements to real property.

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

House File 2443, by committee on natural resources and outdoor recreation, a bill for an act to establish the Iowa conservation corps and making an appropriation.

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

House File 2444, by committee on judiciary and law enforcement, a bill for an act relating to the qualifications to become a senior judge.

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

House File 2445, by committee on judiciary and law enforcement, a bill for an act relating to membership in the Iowa public employees' retirement system for judicial hospitalization referees.

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

House File 2446, by committee on agriculture, a bill for an act relating to the insurance and tariff provisions for bonded warehouses for agricultural products.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 116, relating to Women's History Week.

Also: That the Senate has on March 7, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 112, extending congratulations and giving special recognition to veterans of the China-Burma-India theater of operations during World War II.

K. MARIE THAYER, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connolly of Dubuque, until his arrival, on request of Cochran of Webster.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House Concurrent Resolution 122**, requesting Governor Branstad to prevent the sending of Iowa National Guard units to Honduras, pending at adjournment.

Skow of Guthrie offered the following amendment H—5300 filed by him:

H—5300

- 1 Amend House Concurrent Resolution 122 as follows:
- 2 1. Page 2, lines 25 and 26, by striking the words
- 3 "or elsewhere in Central American".

Kremer of Buchanan moved that House Concurrent Resolution 122 be deferred.

A non-record roll call was requested.

The ayes were 35, nays 46.

The motion to defer lost.

On motion by Skow of Guthrie, amendment H—5300 was adopted.

Stromer of Hancock offered the following amendment H—5302 filed by Stromer, et al., and moved its adoption:

H—5302

- 1 Amend House Concurrent Resolution 122 as follows:
- 2 1. Page 1, by striking line 12 through page 2,
- 3 line 26 and inserting the following:
- 4 "A House Concurrent Resolution requesting Governor
- 5 Branstad to send Iowa National Guard units to Honduras.
- 6 *Whereas*, it was recently announced that an Iowa
- 7 National Guard unit will be sent on a training
- 8 mission to Honduras in the spring or summer of 1986;

- 9 *Now Therefore,*
 10 *Be It Resolved by the House of Representatives,*
 11 *The Senate Concurring, That Iowa Governor Terry E.*
 12 *Branstad should allow the participation of Iowa*
 13 *National Guard units in medical and humanitarian*
 14 *endeavors in Honduras or elsewhere in Central*
 15 *America during 1986."*

Roll call was requested by Skow of Guthrie and Black of Jasper.

Rule 75 was invoked.

On the question "Shall amendment H — 5302 be adopted?"

The ayes were, 42:

Bennett	Branstad	Carpenter	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Poncy
Renken	Rensink	Royer	Schneklath
Shoning	Siegrist	Stromer	Stueland
Sullivan	Swearingen	Van Camp	Van Maanen
Varn	Welden		

The nays were, 56:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Clark	Cochran	Connors
Cooper	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Lloyd-Jones	McKean
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Swartz	Tabor
Teaford	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 2:

Chapman

Connolly

Amendment H — 5302 lost.

Skow of Guthrie moved the adoption of House Concurrent Resolution 122.

Roll call was requested by Skow of Guthrie and Arnould of Scott.

On the question "Shall the resolution be adopted?" (HCR 122)

The ayes were, 54:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Clark	Cochran	Connors
Cooper	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Lloyd-Jones	McKean
Muhlbauer	Norland	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Swartz	Tabor	Teaford
Zimmerman	Mr. Speaker		

The nays were, 42:

Bennett	Branstad	Carpenter	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
Metcalfe	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Poncy
Renken	Rensink	Royer	Schneklath
Shoning	Siegrist	Stromer	Stueland
Sullivan	Swearingen	Van Camp	Van Maanen
Varn	Welden		

Absent or not voting, 4:

Chapman	Connolly	O'Kane	Woods
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The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 2226, a bill for an act relating to the licenses issued to landowners or tenants for the taking of deer and wild turkey, with report of committee recommending passage, was taken up for consideration.

Johnson of Winneshiek offered the following amendment H—5286 filed by him and moved its adoption:

H—5286

- 1 Amend House File 2226 as follows:
- 2 1. Page 1, by striking lines 5 through 12 and
- 3 inserting the following:
- 4 "Upon written application to the state conservation
- 5 commission, one of the following persons who resides
- 6 upon the farm unit shall be issued a one deer or a one
- 7 wild turkey hunting license or both during a calendar
- 8 year:
- 9 1. The owner of a farm unit; ~~or.~~
- 10 2. One member of the family of the farm owner; ~~or.~~
- 11 3. The tenant ~~residing on the farm unit; or.~~
- 12 4. One member of the family of the tenant; ~~who~~
- 13 ~~resides on the farm unit."~~

Amendment H—5286 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2226)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shultz	Siegrist	Skow

Spear
Sullivan
Teaford
Woods

Stromer
Swartz
Van Camp
Zimmerman

Stueland
Swearingen
Van Maanen
Mr. Speaker

Sturgeon
Tabor
Varn

The nays were, 1:

Groth

Absent or not voting, 4:

Branstad

Connolly

Lloyd-Jones

Welden

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

HOUSE FILE 2336 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2336 be deferred and that the bill retain its place on the calendar.

House File 2219, a bill for an act to prohibit discrimination in payment or reimbursement to a person defined as a physician for services provided or a condition treated within the lawful scope of practice, making corporations organized by chiropractors for establishing, maintaining, and operating a medical and surgical service plan subject to chapter 514 and requiring chapter 514 corporations and physician providers to establish utilization review programs for purposes of health care cost control, was taken up for consideration.

Tabor of Jackson in the chair at 10:40 a.m.

Parker of Jasper offered the following amendment H-5260 filed by Parker, et al.:

H-5260

- 1 Amend House File 2219 as follows:
- 2 1. Page 1, by inserting after line 11 the
- 3 following:
- 4 "Sec._____. Section 509.3, Code 1985, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION. 7.** A provision shall be made
- 7 available to policyholders under group policies

8 covering diagnosis and treatment of human ailments for
9 payment or reimbursement for necessary diagnosis or
10 treatment provided by a chiropractor licensed under
11 chapter 151, if the diagnosis or treatment is provided
12 within the scope of the chiropractor's license and if
13 the policy would pay or reimburse for the diagnosis or
14 treatment by a person licensed under chapter 148, 150,
15 or 150A of the human ailment, irrespective of and
16 disregarding variances in terminology employed by the
17 various licensed professions in describing the human
18 ailment or its diagnosis or its treatment. The policy
19 shall provide that the policyholder may reject the
20 coverage or provision if the coverage or provision for
21 diagnosis or treatment of a human ailment by a
22 chiropractor is rejected for all providers of
23 diagnosis or treatment for similar human ailments
24 licensed under chapter 148, 150, 150A, or 151. A
25 policy of group health insurance may limit or make
26 optional the payment or reimbursement for lawful
27 diagnostic or treatment service by all licensees under
28 chapters 148, 150, 150A, and 151 on any rational basis
29 which is not solely related to the license under or
30 the practices authorized by chapter 151 or is not
31 dependent upon a method of classification,
32 categorization, or description based directly or
33 indirectly upon differences in terminology used by
34 different licensees in describing human ailments or
35 their diagnosis or treatment. This subsection applies
36 to group policies delivered or issued for delivery
37 after July 1, 1986, and to existing group policies on
38 their next anniversary or renewal date, or upon
39 expiration of the applicable collective bargaining
40 contract, if any, whichever is later. This subsection
41 does not apply to blanket, short-term travel,
42 accident-only, limited or specified disease, or
43 individual or group conversion policies, or policies
44 under Title XVIII of the Social Security Act, or any
45 other similar coverage under a state or federal
46 government plan."

47 2. Page 1, line 23, by striking the words
48 "medical and surgical" and inserting the following:
49 "~~medical and surgical~~ health care".

50 3. Page 1, line 28, by striking the words

Page 2

1 "medical and surgical" and inserting the following:
2 "~~medical and surgical~~ health care".

3 4. Page 2, line 28, by striking the words
4 "medical and surgical" and inserting the following:
5 "~~medical and surgical~~ health care".

6 5. Page 2, by inserting after line 31 the
7 following:

8 "Sec. _____. Section 514.7, Code 1985, is amended by
9 adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. A provision shall be
11 made available in approved contracts with hospital and
12 medical subscribers under group subscriber contracts
13 or plans covering diagnosis and treatment of human
14 ailments, for payment or reimbursement for necessary
15 diagnosis or treatment provided by a chiropractor
16 licensed under chapter 151 if the diagnosis or
17 treatment is provided within the scope of the
18 chiropractor's license and if the subscriber contract
19 would pay or reimburse for the diagnosis or treatment
20 of the human ailment, irrespective of and disregarding
21 variances in terminology employed by the various
22 licensed professions in describing the human ailment
23 or their diagnosis or treatment, if it were provided
24 by a person licensed under chapter 148, 150, or 150A.
25 The subscriber contract shall also provide that the
26 subscriber may reject the coverage or provision if the
27 coverage or provision for diagnosis or treatment of a
28 human ailment by a chiropractor is rejected for all
29 providers of diagnosis or treatment for similar human
30 ailments licensed under chapter 148, 150, 150A or 151.
31 A group subscriber contract may limit or make optional
32 the payment or reimbursement for lawful diagnostic or
33 treatment service by all licensees under chapters 148,
34 150, 150A, and 151 on any rational basis which is not
35 solely related to the license under or the practices
36 authorized by chapter 151 or is not dependent upon a
37 method of classification, categorization, or
38 description based upon differences in terminology used
39 by different licensees in describing human ailments or
40 their diagnosis or treatment. This paragraph applies
41 to group subscriber contracts delivered after July 1,
42 1986, and to group subscriber contracts on their
43 anniversary or renewal date, or upon the expiration of
44 the applicable collective bargaining contract, if any,
45 whichever is the later. This paragraph does not apply
46 to contracts designed only for issuance to subscribers
47 eligible for coverage under Title XVIII of the Social
48 Security Act, or any other similar coverage under a
49 state or federal government plan."

50 6. Page 3, line 2, by striking the figure

Page 3

1 "507B.10" and inserting the following: "514.7 and
2 shall also be governed by section 509.3, subsection
3 7".

4 7. Page 3, by striking lines 3 through 23 and
5 inserting the following:

6 "Sec. _____. Section 514B.1, subsection 2, Code
7 1985, is amended by adding the following new
8 unnumbered paragraph:

9 **NEW UNNUMBERED PARAGRAPH.** The health care services
10 available to enrollees under prepaid group plans
11 covering diagnosis and treatment of human ailments,
12 shall include a provision for payment of necessary
13 diagnosis or treatment provided by a chiropractor
14 licensed under chapter 151 if the diagnosis or
15 treatment is provided within the scope of the
16 chiropractor's license and if the plan would pay or
17 reimburse for the diagnosis or treatment of human
18 ailment, irrespective of and disregarding variances in
19 terminology employed by the various licensed
20 professions in describing the human ailment or its
21 diagnosis or its treatment, if it were provided by a
22 person licensed under chapter 148, 150, or 150A. The
23 plan shall also provide that the plan enrollees may
24 reject the coverage for diagnosis or treatment of a
25 human ailment by a chiropractor if the coverage is
26 rejected for all providers of diagnosis or treatment
27 for similar human ailments licensed under chapter 148,
28 150, 150A, or 151. A prepaid group plan of health
29 care services may limit or make optional the payment
30 or reimbursement for lawful diagnostic or treatment
31 service by all licensees under chapters 148, 150,
32 150A, and 151 on any rational basis which is not
33 solely related to the license under or the practices
34 authorized by chapter 151 or is not dependent upon a
35 method of classification, categorization, or
36 description based upon differences in terminology used
37 by different licensees in describing human ailments or
38 their diagnosis or treatment. This paragraph applies
39 to services provided under plans made after July 1,
40 1986, and to existing group plans on their next
41 anniversary or renewal date, or upon the expiration of
42 the applicable collective bargaining contract, if any,
43 whichever is the later. This paragraph does not apply
44 to enrollees eligible for coverage under Title XVIII
45 of the Social Security Act, or any other similar
46 coverage under a state or federal government plan."

47 8. Page 3, by striking lines 31 through 33 and
48 inserting the following: "indirectly to circumvent
49 the provisions for payment or reimbursement to
50 providers of health care services as provided in

Page 4

- 1 section 509.3, subsection 7 and section 514.7."
- 2 9. Title page, by striking lines 1 through 5 and
- 3 inserting the following: "An Act providing for
- 4 optional payment by corporations subject to chapters
- 5 509, 514, and 514B for services performed by
- 6 chiropractors, making corporations organized by
- 7 chiropractors for establishing, maintaining, and
- 8 operating a health care service plan".

Sherzan of Polk offered the following amendment H—5263, to amendment H—5260, filed by him and moved its adoption:

H—5263

- 1 Amend H—5260 to House File 2219 as follows:
- 2 1. Page 1, by striking lines 19 through 24 and
- 3 inserting the following: "shall provide the coverage
- 4 unless the policyholder affirmatively elects in
- 5 writing to reject the coverage. A representative of
- 6 the insurer shall not make any statement or do any act
- 7 which is designed to persuade a policyholder not to
- 8 accept the coverage. A".
- 9 2. Page 1, lines 25 and 26, by striking the words
- 10 "or make optional".
- 11 3. Page 2, by striking lines 25 through 30 and
- 12 inserting the following: "The contract shall provide
- 13 the coverage unless the subscriber affirmatively
- 14 elects in writing to reject the coverage. A
- 15 representative of the medical service corporation
- 16 shall not make any statement or do any act which is
- 17 designed to persuade a subscriber not to accept the
- 18 coverage."
- 19 4. Page 2, line 31, by striking the words "or
- 20 make optional".
- 21 5. Page 3, by striking lines 23 through 28 and
- 22 inserting the following: "group plan shall provide
- 23 the coverage unless the enrollee affirmatively elects
- 24 in writing to reject the coverage. A representative
- 25 of the health maintenance corporation shall not make
- 26 any statement or do any act which is designed to
- 27 persuade an enrollee not to accept the coverage. A
- 28 prepaid group plan of health".
- 29 6. Page 3, line 29, by striking the words "or
- 30 make optional".

Roll call was requested by Schnekloth of Scott and Lageschulte of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H—5263, to amendment H—5260, be adopted?"

The ayes were, 26:

Bennett	Brammer	Carpenter	Diemer
Groth	Halvorson, R. A.	Hammond	Harbor
Hermann	Knapp	Lageschulte	McIntee
Metcalf	Miller	Mullins	Oxley
Paulin	Pavich	Petersen, D. F.	Poncy
Rensink	Royer	Schnekloth	Sherzan
Stromer	Welden		

The nays were, 70:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Branstad	Buhr
Carl	Carter	Chapman	Clark
Cochran	Connors	Cooper	Corey
De Groot	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. N.	Handorf
Hanson	Hatch	Haverland	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lloyd-Jones	Loneragan	Maulsby	McKean
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Parker	Peick	Pellett
Peterson, M. K.	Platt	Renaud	Renken
Rosenberg	Running	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker (Tabor)		

Absent or not voting, 4:

Connolly	Daggett	Doderer	Swearingen
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Amendment H—5263 lost.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—5280, to amendment H—5260, filed by him on March 10, 1986.

Schnekloth of Scott offered the following amendment H—5306, to amendment H—5260, filed by him from the floor and moved its option:

H—5306

- 1 Amend amendment H—5260 to House File 2219 as
2 follows:
3 1. Page 1, by striking lines 15 through 35 and
4 inserting the following: "or 150A, under terms and
5 conditions agreed upon between the insurer and the
6 policyholder, subject to utilization controls. This
7 subsection applies".
8 2. Page 2, by striking lines 20 through 40 and
9 inserting the following: "if it was provided by a
10 person licensed under chapter 148, 150, or 150A, under
11 terms and conditions agreed upon between the
12 corporation and subscriber group, subject to
13 utilization controls. This paragraph applies".
14 3. By striking page 2, line 50 through page 3,
15 line 3.
16 4. Page 3, by striking lines 17 through 38 and
17 inserting the following: "reimburse for the diagnosis
18 or treatment if it was provided by a person licensed
19 under chapter 148, 150, or 150A, under terms and
20 conditions agreed upon between the employer purchaser
21 and the health maintenance organization, subject to
22 utilization controls. This paragraph applies".

Roll call was requested by Kremer of Buchanan and Schnekloth of Scott.

Rule 75 was invoked.

On the question "Shall amendment H—5306, to amendment H—5260, be adopted?"

The ayes were, 27:

Bennett	Brammer	Carpenter	Diemer
Doderer	Groth	Hammond	Handorf
Hermann	Knapp	Lageschulte	Maulsby
McIntee	Metcalf	Miller	Mullins
Oxley	Paulin	Petersen, D. F.	Poncy
Rensink	Schnekloth	Stromer	Stueland
Swearingen	Van Maanen	Welden	

The nays were, 70:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Branstad	Buhr
Carl	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey

Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson
Harbor	Hatch	Haverland	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lloyd-Jones	Lonergan	McKean	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Parker	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Renaud	Renken
Rosenberg	Royer	Running	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Sturgeon	Sullivan	Swartz
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker (Tabor)		

Absent or not voting, 3:

Carter

Daggett

De Groot

Amendment H—5306 lost.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—5284, to amendment H—5260, filed by him on March 10, 1986.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5266, to amendment H—5260, filed by him on March 7, 1986.

Groth of Buena Vista offered the following amendment H—5298, to amendment H—5260, filed by him and moved its adoption:

H—5298

- 1 Amend amendment H—5260 to House File 2219 as
- 2 follows:
- 3 1. Page 3, line 50, by inserting after the word
- 4 "services" the following: "by self-insurers and".
- 5 2. Page 4, line 1, by striking the words and
- 6 figure "and section 514.7" and inserting the
- 7 following: "section 514.7, and section 514B.1,
- 8 subsection 2".

Amendment H—5298 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Groot of Lyon, until his return, on request of Maulsby of Calhoun.

Parker of Jasper moved the adoption of amendment H—5260.

A non-record roll call was requested.

The ayes were 54, nays 14.

Amendment H—5260 was adopted.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5261 filed by him on March 6, 1986.

Lonergan of Boone 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. 2219)

The ayes were, 68:

Arnould	Avenson	Baxter	Beatty
Blanshan	Branstad	Buhr	Carl
Carter	Clark	Cochran	Connolly
Connors	Cooper	Corey	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Handorf	Hatch
Haverland	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Koenigs	Kremer	Lloyd-Jones	Lonergan
McKean	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Parker	Pavich
Peick	Pellett	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Sherzan	Shoning
Siegrist	Skow	Spear	Sturgeon
Sullivan	Swartz	Teaford	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker (Tabor)

The nays were, 29:

Bennett	Black	Brammer	Carpenter
Chapman	Diemer	Doderer	Groth
Hammond	Hanson	Harbor	Hermann
Lageschulte	Maulsby	McIntee	Metcalf
Miller	Mullins	Oxley	Paulin
Petersen, D. F.	Rensink	Schnekloth	Shoultz
Stromer	Stueland	Swearingen	Van Maanen
Welden			

Absent or not voting, 3:

Daggett	De Groot	Knapp
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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.

House File 2402, a bill for an act relating to the election of judicial nominating commissioners and county magistrate appointing commissioners, was taken up for consideration.

Chapman of Linn offered the following amendment H—5290 filed by her and moved its adoption:

H—5290

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, line 11, by striking the words
- 3 "supreme court" and inserting the following: "clerk
- 4 of the supreme court, for the purpose of establishing
- 5 eligibility to vote under this section,".

Amendment H—5290 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2402)

The ayes were, 98:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey

Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Tabor)		

The nays were, none.

Absent or not voting, 2:

Daggett

De Groot

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

Speaker Avenson in the chair at 11:37 a.m.

House File 2397, a bill for an act relating to sanitary landfills, was taken up for consideration.

Johnson of Winneshiek offered the following amendment H—5297 filed by him and moved its adoption:

H—5297

- 1 Amend House File 2397 as follows:
- 2 1. Page 2, line 1, by striking the figure "1993"
- 3 and inserting the following: "1994".
- 4 2. Page 2, line 10, by striking the figure "1998"
- 5 and inserting the following: "1997".
- 6 3. Page 2, line 24, by striking the figure "1998"
- 7 and inserting the following: "1997".
- 8 4. Page 4, line 31, by striking the word "five-
- 9 year" and inserting the following: "three-year".

Amendment H—5297 was adopted.

O'Kane of Woodbury offered the following amendment H — 5249 filed by him and Sturgeon of Woodbury and moved its adoption:

H — 5249

- 1 Amend House File 2397 as follows:
- 2 1. Page 4, by inserting after line 6 the
- 3 following:
- 4 "Sec. _____. Section 455B.310, subsection 3, Code
- 5 Supplement 1985, is amended to read as follows:
- 6 3. Solid waste disposal facilities with special
- 7 provisions which limit the site to the disposal of
- 8 construction and demolition waste and solid waste
- 9 materials approved by the department for lining or
- 10 capping or for construction berms, dikes or roads in a
- 11 sanitary disposal project or sanitary landfill or
- 12 which limit the site to the disposal of excess fly ash
- 13 used in the reclamation of strip mined land are exempt
- 14 from the tonnage fees imposed under this section."
- 15 2. Renumber as necessary.

Amendment H — 5249 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2397)

The ayes were, 93:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rensink	Rosenberg	Royer	Running

Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 5:

Bennett	Grandia	Maulsby	Renken
Van Maanen			

Absent or not voting, 2:

Daggett	De Groot
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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 2370, a bill for an act relating to county officers by providing for the combining of county offices and removing salary restrictions for the combined offices under section 331.323, by amending the duties of certain elected county officers, and by making the Act effective upon publication, was taken up for consideration.

Sherzan of Polk offered the following amendment H—5301 filed by him and Hatch of Polk:

H—5301

- 1 Amend House File 2370 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. **NEW SECTION. 331.221 DEFINITIONS.**
- 5 As used in sections 331.221 through 331.228, unless
- 6 the context otherwise requires:
- 7 1. "Board" means the board of supervisors of a
- 8 county.
- 9 2. "Commission" means a charter commission created
- 10 under sections 331.221 through 331.228.
- 11 3. "County officer" means the county auditor,
- 12 sheriff, treasurer, recorder, or attorney.
- 13 4. "County" means a county having a population of
- 14 two hundred fifty thousand or more.
- 15 Sec. 2. **NEW SECTION. 331.222 COUNTY CHARTER**
- 16 **AUTHORIZED—LIMITATIONS.**
- 17 1. A county may adopt or amend a charter for the

18 government of the county subject to the requirements
19 and limitations provided in sections 331.221 through
20 331.228.

21 2. A county charter shall provide for the exercise
22 of home rule power and authority and may include, but
23 is not limited to, provisions for:

24 a. A board of an odd number of members which may
25 exceed the number of members specified in section
26 331.201.

27 b. A supervisor representation plan for the county
28 which may differ from the supervisor representation
29 plans specified in sections 331.206, and 331.208
30 through 331.210.

31 c. The compensation for members of the board and
32 other elected officers.

33 d. The appointment by the board of one or more of
34 the county officers otherwise elected as provided in
35 section 39.17.

36 e. The method of selecting officers of the board
37 and fixing their terms of office which may differ from
38 the requirements of section 331.211.

39 f. Determining meetings of the board and rules of
40 procedure which may differ from the requirements of
41 section 331.213 except the meetings shall be scheduled
42 and conducted in compliance with chapter 21.

43 g. The method of combining the duties of elected
44 county officers which may differ from the requirements
45 of section 331.323.

46 h. The organization of county departments or
47 agencies including, but not limited to, the county
48 commission of veterans affairs organized under chapter
49 250, a board of county public hospital trustees
50 established under chapter 347 or 347A, and a county

Page 2

1 conservation board established under chapter 111A.

2 The organization plan may provide for the abolition of
3 a board or commission and the assumption of its powers
4 and duties by the board of supervisors or another
5 officer.

6 3. A county charter or charter amendment shall not
7 contain a provision which relates to the levy or
8 collection of a tax.

9 Sec. 3. NEW SECTION. 331.223 CHARTER COMMISSION
10 CREATED.

11 The board may by resolution, or shall upon petition
12 of the number of eligible electors of the county equal
13 to at least two percent of the votes cast in the
14 county at the preceding election for the office of
15 president of the United States or governor, create a

16 county charter commission to study and make
17 recommendations for the functions, organization, and
18 structure of county government subject to the
19 requirements and limitations specified in section
20 331.222. The recommendations of the commission shall
21 be presented in the form of a proposed county charter
22 which shall be submitted to the qualified electors of
23 the county for approval or disapproval as provided in
24 sections 331.221 through 331.228.

25 Sec. 4. NEW SECTION. 331.224 APPOINTMENT OF
26 MEMBERSHIP.

27 1. Within forty-five days after the adoption of
28 the resolution creating the commission, the membership
29 of the commission shall be appointed as follows:

30 a. Two members shall be appointed by the board
31 from each legislative district from a list of three
32 names submitted to it by each legislator whose
33 district is located in the county and in which a
34 majority of the electors reside in the county. Each
35 legislator shall submit names of persons who reside
36 within the county in which the charter commission is
37 being requested and within that legislator's district.
38 b. One member shall be appointed by each member of
39 the board.

40 2. A vacancy on the commission shall be filled by
41 appointment in the same manner as the original
42 appointment. The county auditor shall notify the
43 appropriate appointing authority of the vacancy.

44 Sec. 5. NEW SECTION. 331.225 ORGANIZATION AND
45 EXPENSES.

46 1. Within thirty days after appointment of the
47 members of the commission, the county auditor shall
48 give written notice of the date, time, and location of
49 the first meeting of the commission. At its first
50 meeting the commission shall organize by electing a

Page 3

1 chairperson, vice chairperson, and other officers as
2 necessary. The commission shall adopt rules governing
3 the conduct of its meetings, subject to chapter 21.

4 2. The members of the commission shall serve
5 without compensation, but they are entitled to travel
6 and other necessary expenses relating to their duties
7 of office, subject to section 79.9.

8 3. The board shall provide office space, rooms,
9 supplies, and equipment for the commission and shall
10 pay the necessary expenses of the commission including
11 compensation for secretarial, clerical, professional,
12 and consultant services not to exceed one hundred
13 thousand dollars. The commission may employ staff as

14 necessary.

15 4. The expenses of the commission may be paid from
16 the general fund of the county or from any combination
17 of public or private funds available for that purpose.

18 Sec. 6. NEW SECTION. 331.226 COMMISSION
19 PROCEDURES AND REPORTS.

20 1. Within sixty days after its organization, the
21 commission shall hold at least one public hearing for
22 the purpose of receiving information and materials
23 which will assist in the drafting of a county charter.
24 Notice of the date, time, and place of the hearing
25 shall be given as provided in chapter 21.

26 2. Within nine months after the organization of
27 the commission, the commission shall submit a
28 preliminary report to the board, which report shall
29 include the text of the proposed county charter.
30 Sufficient copies of the proposed charter shall be
31 made available for distribution to residents of the
32 county who request a copy. The commission shall hold
33 at least one public hearing after submission of the
34 preliminary report to obtain public comment on the
35 report.

36 3. Within fifteen months after its organization,
37 the commission shall submit its final report to the
38 board. The final report shall include the full text
39 and an explanation of the proposed charter, any
40 comments deemed desirable by the commission, a written
41 opinion by the attorney general of this state, stating
42 that the proposed charter is not in conflict with
43 constitutional or statutory law of this state, and any
44 minority reports. The final report shall be made
45 available to the residents of the county upon request.

46 4. The commission is dissolved on the date of the
47 general election at which the proposed county charter
48 is submitted to the electorate.

49 Sec. 7. NEW SECTION. 331.227 AMENDMENT TO
50 CHARTER.

Page 4

1 1. The board, by resolution, may submit a proposed
2 charter amendment to the county electorate at a
3 general election and the proposed amendment becomes
4 effective if approved by a majority of those voting on
5 the proposal.

6 2. If a petition signed by eligible electors of
7 the county equal in number to at least ten percent of
8 the votes cast in the county for the office of
9 president of the United States or governor at the
10 preceding general election is filed with the board
11 proposing an amendment to the charter, the board shall

12 submit the proposed amendment to the voters at the
13 next general election and the amendment becomes
14 effective if approved by a majority of those voting on
15 the proposal.

16 3. The submission of an amendment to the county
17 electorate is subject to the restrictions of section
18 331.228, subsection 3.

19 Sec. 8. NEW SECTION. 331.228 REFERENDUM –
20 EFFECTIVE DATE.

21 1. Upon receipt of a proposed charter or charter
22 amendment, the board shall direct the county
23 commissioner of elections to submit to the qualified
24 electors of the county at the next general election
25 the question of whether the proposed charter or
26 amendment shall be adopted. If a majority of the
27 votes cast on the question is in favor of the
28 proposal, the proposal is adopted.

29 2. If a county charter or charter amendment is
30 adopted:

31 a. The proposed charter or amendment shall take
32 effect January 1 following the general election at
33 which it is approved unless the charter or amendment
34 provides a later effective date. If the adopted
35 charter or charter amendment provides for a special
36 election, the board shall direct the county
37 commissioner of elections to conduct the election.

38 b. The adoption of the charter does not alter any
39 right or liability of the county in effect at the time
40 of the election at which the charter was adopted.

41 c. All departments and agencies shall continue to
42 operate until replaced.

43 d. All ordinances or resolutions in effect remain
44 effective until amended or repealed, unless they are
45 irreconcilable with the charter.

46 e. Upon the effective date of the charter, the
47 county shall adopt the charter by ordinance, and shall
48 file a copy of its charter with the secretary of
49 state, and maintain copies available for public
50 inspection.

Page 5

1 3. If a county charter is adopted by the
2 electorate, a county charter or charter amendment
3 proposing a change in the number of supervisors shall
4 not be submitted to the electorate for three years.

5 Sec. 9. Section 39.17, Code 1985, is amended by
6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If a county charter
8 provides for the appointment of any of the elective
9 county officers as authorized in section 331.222, this

10 section does not apply to that county officer. An
11 elected county officer whose office is made appointive
12 or combined under a county charter may serve the
13 remainder of the officer's unexpired term. If two
14 elective offices are combined or made appointive and
15 the terms of office of the incumbents do not expire
16 simultaneously, the officer whose term expires first
17 may seek reelection to a shorter term which will
18 expire simultaneously with the term of the other
19 officer."

20 2. Page 1, by inserting after line 20 the
21 following:

22 "Sec. _____. Section 69.13, subsection 2, Code 1985,
23 is amended to read as follows:

24 2. COUNTY OFFICERS. If a vacancy occurs in the
25 office of county supervisor or in any of the offices
26 listed in section 39.17 sixty or more days prior to a
27 general election, and the unexpired term in which the
28 vacancy exists has more than seventy days to run after
29 the date of that general election, the vacancy shall
30 be filled for the balance of the unexpired term at
31 that general election and the person elected to fill
32 the vacancy shall assume office as soon as a
33 certificate of election has been issued and the person
34 has qualified. However, this subsection does not
35 apply to any county offices listed in section 39.17
36 which are appointive under a county charter."

37 3. Page 1, by inserting after line 23 the
38 following:

39 "Sec. _____. Section 331.501, subsection 1, Code
40 1985, is amended to read as follows:

41 1. The office of auditor is an elective office
42 except that if when a county charter provides for
43 appointment of the auditor as authorized under section
44 331.222. If a vacancy occurs in the office, a
45 successor shall be appointed to the unexpired term as
46 provided in chapter 69."

47 4. Page 1, by inserting after line 27 the
48 following:

49 "Sec. _____. Section 331.551, subsection 1, Code
50 1985, is amended to read as follows:

Page 6

1 1. The office of treasurer is an elective office
2 except that if when a county charter provides for
3 appointment of the treasurer as authorized under
4 section 331.222. If a vacancy occurs in the office, a
5 successor shall be appointed to the unexpired term as
6 provided in chapter 69."

7 5. Page 1, by inserting after line 31 the

8 following:

9 "Sec. _____. Section 331.601, subsection 1, Code
10 1985, is amended to read as follows:

11 1. The office of recorder is an elective office
12 except that if when a county charter provides for
13 appointment of the recorder as authorized under
14 section 331.222. If a vacancy occurs in the office, a
15 successor shall be appointed to the unexpired term as
16 provided in chapter 69."

17 6. Page 2, by inserting before line 1 the
18 following:

19 "Sec. _____. Section 331.651, subsection 1, Code
20 1985, is amended to read as follows:

21 1. The office of sheriff is an elective office
22 except that if when a county charter provides for
23 appointment of the sheriff as authorized under section
24 331.222. If a vacancy occurs in the office, the first
25 deputy shall assume the office after qualifying as
26 provided in this section and shall hold the office
27 until a successor is appointed to the unexpired term
28 as provided in chapter 69. If a sheriff is suspended
29 from office, the district court may appoint a sheriff
30 until a temporary appointment is made by the board as
31 provided in section 66.19."

32 7. Page 2, by inserting after line 4 the
33 following:

34 "Sec. _____. Section 331.751, subsection 1, Code
35 1985, is amended to read as follows:

36 1. The office of county attorney is an elective
37 office except that if when a county charter provides
38 for appointment of the county attorney as authorized
39 under section 331.222. If a vacancy occurs in the
40 office, a successor shall be appointed to the
41 unexpired term as provided in chapter 69."

42 8. Amend the title, line 1, by inserting after
43 the word "officers" the following: "by authorizing
44 the adoption of a county charter,".

45 9. Renumber as necessary.

Black of Jasper offered the following amendment H—5307, to
amendment H—5301, filed by him from the floor and moved its
adoption:

H—5307

1 Amend the amendment, H—5301, to House File 2370 as
2 follows:

3 1. By striking page 1; line 49 through page 2,
4 line 1 and inserting the following: "250 and a board
5 of county hospital trustees established under chapter
6 347 or 347A."

Amendment H—5307 was adopted.

O'Kane of Woodbury rose on a point of order that amendment H—5301, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5301, as amended, not germane.

Sherzan of Polk moved that the rules be suspended to consider amendment H—5301, as amended.

A non-record roll call was requested.

The ayes were 27, nays 59.

The motion to suspend the rules lost.

O'Kane 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. 2370)

The ayes were, 78:

Arnould	Beatty	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Diemer	Doderer
Fey	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	McIntee	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 21:

Baxter	Bennett	Black	Branstad
Corey	De Groot	Fogarty	Grandia
Handorf	Hanson	Knapp	Kremer
Maulsby	McKean	Renken	Rensink
Schnekloth	Skow	Stromer	Van Camp
Van Maanen			

Absent or not voting, 1:

Daggett

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

On motion by Norland of Worth, the House was recessed at 12:05 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peterson of Carroll, for the afternoon, on request of Norland of Worth; Osterberg of Linn, until his arrival, on request of Knapp of Dubuque; Lageschulte of Bremer, for the afternoon, on request of Pellett of Cass.

CONSIDERATION OF BILLS

Regular Calendar

House File 2293, a bill for an act relating to the definition of a transporter, with report of committee recommending amendment and passage was taken up for consideration.

Harbor of Mills offered the following amendment H—5172 filed by the committee on transportation and moved its adoption:

H—5172

1 Amend House File 2293 as follows:

2 1. By striking lines 7 and 8 and inserting the
3 following: "manufacturer in this state who has
4 received authority to make delivery as specified by
5 rules adopted by the department."

Amendment H—5172 was adopted.

Harbor of Mills 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. 2293)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Cochran	Connolly	McIntee	Osterberg
Peterson, M. K.	Running	Sullivan	

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

Swartz of Marshall in the chair at 1:54 p.m.

House File 2387, a bill for an act relating to energy management by school districts and merged area schools, requiring periodic

energy audits, providing financial and technical assistance for energy conservation for school districts and merged area schools, and providing an appropriation, was taken up for consideration.

Hughes of Union offered the following amendment H — 5299 filed by him and moved its adoption:

H — 5299

- 1 Amend House File 2387 as follows:
- 2 1. Page 1, by striking line 2 and inserting the
- 3 following:
- 4 "Between July 1, 1986 and June 30, 1991, and on a
- 5 staggered annual".
- 6 2. Page 1, line 10, by striking the words "energy
- 7 audit" and inserting the following: "and subsequent
- 8 energy audits".

Amendment H — 5299 was adopted.

Rosenberg of Story offered the following amendment H — 5223 filed by him and moved its adoption:

H — 5223

- 1 Amend House File 2387 as follows:
- 2 1. Page 2, by striking lines 14 through 19.
- 3 2. Title page, lines 4 and 5, by striking the
- 4 following: " , and providing an appropriation".

Amendment H — 5223 was adopted.

Hughes of Union 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. 2387)

The ayes were, 70:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Clark	Connors
Cooper	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Harbor	Hatch	Haverland	Hermann
Holveck	Hughes	Hummel	Jay

Jochum	Johnson	Knapp	Koenigs
Kremer	Lloyd-Jones	Lonergan	McKean
Metcalf	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Platt	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Siegrist
Skow	Spear	Sturgeon	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker (Swartz)		

The nays were, 21:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Handorf	Hester
Maulsby	Miller	Pellet	Renken
Rensink	Royer	Schneklath	Shoning
Stromer	Stueland	Swearingen	Van Maanen
Welden			

Absent or not voting, 9:

Carter	Chapman	Cochran	Connolly
Lageschulte	McIntee	Osterberg	Peterson, M. K.
Sullivan			

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

HOUSE FILE 2388 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2388 be temporarily deferred and that the bill retain its place on the calendar.

House File 2389, a bill for an act relating to the population of cities in which substandard housing and related buildings are subject to abatement under chapter 657A, was taken up for consideration.

Beatty of Warren 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. 2389)

The ayes were, 89:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Clark	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lloyd-Jones
Loneragan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Platt	Poney	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Swartz)			

The nays were, none.

Absent or not voting, 11:

Carter	Chapman	Cochran	Connolly
Doderer	Fey	Lageschulte	McIntee
Osterberg	Peterson, M. K.	Sullivan	

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

House File 2390, a bill for an act relating to the regulation of insurance holding companies and providing for penalties, was taken up for consideration.

Brammer of Linn offered the following amendment H-5292 filed by him and moved its adoption:

H-5292

- 1 Amend House File 2390 as follows:
- 2 1. Page 2, line 10, by inserting after the word

- 3 "that" the following: "than permitted pursuant to
 4 paragraphs "a", "b", and "c" ".

Amendment H—5292 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 89:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Chapman	Clark	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Loneragan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Swearingen	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Swartz)			

The nays were, none.

Absent or not voting, 11:

Carter	Cochran	Connolly	Doderer
Haverland	Lageschulte	McIntee	Osterberg
Peterson, M. K.	Sullivan	Tabor	

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

Speaker Avenson in the chair at 2:10 p.m.

House File 2393, a bill for an act authorizing cities and counties to establish civil penalties for violations of ordinances, was taken up for consideration.

Platt 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.

On the question "Shall the bill pass?" (H.F. 2393)

The ayes were, 83:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Fey
Fogarty	Grandia	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lloyd-Jones	Loneragan
McKean	Metcalf	Miller	Muhlbauer
Mullins	O'Kane	Ollie	Oxley
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Platt	Poncy	Renaud
Renken	Rensink	Royer	Running
Schnekloth	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Mr. Speaker	

The nays were, 3:

Doderer	Rosenberg	Zimmerman
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Absent or not voting, 14:

Carter	Cochran	Connolly	Groninga
Groth	Lageschulte	Maulsby	McIntee
Norland	Osterberg	Parker	Peterson, M. K.
Sullivan	Swartz		

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

House File 2388, a bill for an act relating to statutory requirements for corporations and limited partnerships by revising provisions governing filings, fees, reports, service of process, and publication of notice, temporarily deferred, was taken up for consideration.

Schnekloth of Scott offered the following amendment H—5215 filed by him and moved its adoption:

H—5215

- 1 Amend House File 2388 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 172C.8, subsection 1, Code
- 5 1985, is amended by striking the subsection."
- 6 2. Page 1, by inserting after line 25 the
- 7 following:
- 8 "Sec. _____. Section 496A.121, Code 1985, is amended
- 9 by adding the following new subsections, following
- 10 subsection 7, and renumbering the remaining
- 11 subsections:
- 12 **NEW SUBSECTION. 8.** A statement of the amount of
- 13 land in this state owned by the corporation.
- 14 **NEW SUBSECTION. 9.** Whether the corporation is a
- 15 family farm corporation as defined in section 172C.1."
- 16 3. Page 5, line 22, by inserting after the word
- 17 "Sections" the figure "172C.5,"
- 18 4. By renumbering as necessary.

Amendment H—5215 was adopted.

Skow 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?" (H.F. 2388)

The ayes were, 87:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch

Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Loneragan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Paulin	Peick	Pellett	Petersen, D. F.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Baxter	Carter	Cochran	Connolly
Lageschulte	McIntee	Osterberg	Parker
Pavich	Peterson, M. K.	Royer	Sullivan
Tabor			

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

HOUSE FILES 2319, 2222, 2401 AND 2403 DEFERRED

Norland of Worth asked received unanimous consent that House Files 2319, 2222, 2401 and 2403 be deferred and that the bills retain their place on the calendar.

House File 2035, a bill for an act relating to the appointment of chiefs of the police department and chiefs of the fire department in cities under civil service, with report of committee recommending passage, was taken up for consideration.

Platt 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.

On the question "Shall the bill pass?" (H.F. 2035)

The ayes were, 90:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad

Buhr	Carl	Carpenter	Carter
Chapman	Clark	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Kitapp
Koenigs	Kremer	Lloyd-Jones	Loneragan
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Oxley	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Platt
Renaud	Renken	Rensink	Rosenberg
Royer	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 2:

Poney	Running
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Absent or not voting, 8:

Cochran	Haverland	Lageschulte	McIntee
Osterberg	Parker	Peterson, M. K.	Sullivan

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

House File 2082, a bill for an act relating to the exchange of territory between a benefited fire district and a township to provide fire protection services, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 2082)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Brammer	Branstad	Buhr

Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Blanshan	Kremer	Lageschulte	Osterberg
Peterson, M. K.	Sullivan		

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

House File 2317, a bill for an act relating to the cost of reclassification of a drainage district, with report of committee recommending passage, was taken up for consideration.

Gruhn of Dickinson 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. 2317)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connolly	Connors	Cooper

Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Blanshan	Carter	Fey	Groth
Lageschulte	Osterberg	Peterson, M. K.	Sullivan

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 114

Norland of Worth called for consideration House Concurrent Resolution 114, relating to the creation of an interim study committee relating to health care for the indigent population of Iowa.

On motion by Zimmerman of Dallas, the resolution was adopted.

UNANIMOUS CONSENT TO CORRECT BILLS

Norland of Worth asked and received unanimous consent to correct House File 2167 as follows:

House File 2167, amendment H—5139, on line 3, the comma should have been underlined and all of line 4 should have been underlined.

Norland of Worth asked and received unanimous consent to correct House File 2379 as follows:

House File 2379, amendment H—5254, on line 23, the words “both foreign and domestic,” should have read “both domestic and foreign.”

Both of these bills were passed March 10, 1986 and are in the possession of the House.

SENATE AMENDMENT CONSIDERED

Parker of Jasper called up for consideration **House File 2287**, a bill for an act relating to mechanic's liens, amended by the Senate, and moved that the House concur in the following Senate amendment H—5283:

H—5283

1 Amend House File 2287 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 12 through 21 and
4 inserting the following: “section applies to any
5 mechanic's lien perfected under this chapter that has
6 not been discharged as of the effective date of this
7 Act as well as any mechanic's lien filed on or after
8 the effective date of this Act.”

9 2. Title page, by striking line 1 and inserting
10 the following: “An Act permitting the posting of a
11 bond to discharge a mechanic's lien and providing for
12 an effective date.”

13 3. Renumber as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5283.

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

On the question “Shall the bill pass?” (H.F. 2287)

The ayes were, 94:

Arnould

Baxter

Beatty

Bennett

Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Hanson	Harbor	Lageschulte	Osterberg
Peterson, M. K.	Sullivan		

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

MOTION TO RECONSIDER (House File 2393)

I move to reconsider the vote by which House File 2393 passed the House on March 11, 1986.

VAN CAMP of Scott

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 10, 1986. Had I been present, I would have voted "aye" on House Files 2167, 2189, 2216, 2286, 2337, 2347, 2354, 2378, 2379, 2384, 2386, 2395, 2400; and "nay" on House Files 2019, 2208 and 2376.

SCHNEKLOTH of Scott

PRESENTATION OF VISITORS

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

Twenty-five sixth grade students from Pomeroy Elementary School, Pomeroy, accompanied by Bob Charleston. By Maulsby of Calhoun.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA DEVELOPMENT COMMISSION

A report of planned expenditures from the allotment for the coming fiscal year covering Community Economic Betterment; Jobs Now; and Education, and Agriculture Research and Development accounts, pursuant to Chapter 256.12, Acts of the 1985 Session of the Seventy-first General Assembly.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 786 Ways and Means

Relating to the gallonage tax fund and the barrel tax fund.

SUBCOMMITTEE ASSIGNMENTS

House File 2200

Appropriations: Blanshan, Chair; Halvorson of Clayton and Sherzan.

House File 2276

Appropriations: Muhlbauer, Chair; Jochum and Welden.

House File 2356

Appropriations: Jochum, Chair; Varn and Welden.

House File 2357

Appropriations: Jochum, Chair; Blanshan and Welden.

House File 2377

Appropriations: Halvorson of Webster, Chair; Swartz and Van Maanen.

House File 2391

Appropriations: Blanshan, Chair; Stueland and Swartz.

House File 2392

Appropriations: Jochum, Chair; Mullins and Varn.

House File 2408

Appropriations: Jochum, Chair; Varn and Welden.

House File 2419

Appropriations: Sullivan, Chair; Varn and Welden.

House File 2421

Appropriations: Sherzan, Chair; Maulsby and Poney.

RESOLUTION FILED

SCR 112, by Doyle, Miller of Des Moines, and Jensen, a concurrent resolution extending congratulations and giving special recognition to veterans of the China-Burma-India theater of operations during World War II.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5308	H.F. 2350	Spear of Lee
H-5309	H.F. 2164	Spear of Lee
H-5310	H.F. 2327	Swearingen of Keokuk
H-5311	H.F. 2401	Carter of Henry
H-5312	H.F. 2403	Connors of Polk
		O'Kane of Woodbury
		Renken of Grundy
H-5313	H.F. 2414	Haverland of Polk
H-5314	H.F. 2412	Connolly of Dubuque
H-5315	H.F. 2417	Corey of Louisa

On motion by Norland of Worth, the House adjourned at 2:52 p.m., until 9:00 a.m., Wednesday, March 12, 1986.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day — Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 12, 1986

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

Prayer was offered by Reverend Earl Deugan, pastor of the First Baptist Church, Eldora.

The Journal of Tuesday, March 11, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk, until his arrival, on request of Swartz of Marshall; Carl of Poweshiek on request of Norland of Worth; O'Kane of Woodbury on request of Sturgeon of Woodbury; Parker of Jasper, until his arrival, on request of Groninga of Cerro Gordo.

PETITIONS FILED

The following petitions were received and placed on file:

By Maulsby of Calhoun, from three hundred eighty citizens favoring relief of property tax burden on rural Iowa.

By Teaford and Shoultz of Black Hawk, from two hundred nineteen citizens of northeast Iowa opposing the proposed budget freeze for local schools.

INTRODUCTION OF BILLS

House File 2447, by committee on education, a bill for an act relating to tax sheltered annuity contracts by making applicable a current definition of the Internal Revenue Code of 1954.

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

House File 2448, by committee on agriculture, a bill for an act relating to cooperative associations.

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

House File 2449, by committee on energy and environmental protection, a bill for an act relating to agricultural chemicals by imposing fees on fertilizer and an excise tax on pesticides and providing for the disposition and use of those revenues.

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

House File 2450, by committee on energy and environmental protection, a bill for an act relating to municipally owned utilities.

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

House File 2451, by committee on economic development, a bill for an act allowing a nonprofit corporation formed by the Iowa development commission to provide grants for economic development projects.

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

House File 2452, by committee on human resources, a bill for an act relating to the health data commission by adding the executive director of the commission on the aging to the membership of the health data commission, providing for the collection of certain billing information, and permitting the health data commission to collect long-term care data.

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

House File 2453, by committee on natural resources and outdoor recreation, a bill for an act relating to the acquisition and development of recreation, tourism, and leisure projects; by creating a recreation-tourism-leisure lands fund; by providing revenue for the fund by transferring money from the Iowa plan fund; and by imposing a tax on real estate transfers.

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

House File 2454, by committee on human resources, a bill for an act relating to a child in need of services, volunteer guardians ad litem, detention of juveniles for simple misdemeanors, detention of juveniles in adult detention facilities, and state reimbursement for certain juvenile justice costs, and providing an effective date.

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

House File 2455, by committee on judiciary and law enforcement, a bill for an act relating to tax sales and redemptions, by revising provisions governing notice and other procedures.

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

House File 2456, by committee on labor and industrial relations, a bill for an act relating to workers' compensation benefits for persons receiving employment training or employment evaluations.

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

House File 2457, by committee on state government, a bill for an act relating to elections.

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

House File 2458, by committee on judiciary and law enforcement, a bill for an act relating to victims and witnesses of criminal offenses, and providing penalties.

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

House File 2459, by committee on energy and environmental protection, a bill for an act to establish an Iowa environmental improvement and energy resources authority.

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

House File 2460, by committee on judiciary and law enforcement, a bill for an act relating to the disposition of seizable and forfeitable property, and providing penalties.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2015, a bill for an act relating to court costs and attorney fees in actions brought under provisions on new motor vehicle warranties.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2022, a bill for an act providing a criminal penalty for reporting false information to the department of human services regarding an act of child abuse.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2069, a bill for an act relating to the issuance of temporary certificates for chiropractors.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2088, a bill for an act relating to access to the results of energy audits.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2093, a bill for an act extending the sunset provision for the Iowa advisory commission on intergovernmental relations.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2101, a bill for an act providing Veterans Day as a paid state holiday and providing an effective date.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2104, a bill for an act relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2133, a bill for an act relating to gambling devices by permitting the manufacture of certain devices in the state and providing that the Iowa lottery agency shall give preference in contracts for lottery machines to persons who manufacture the machines in the state and in contracts for servicing machines to persons who have their principal place of business in the state.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2150, a bill for an act relating to the assessment on porcine animals.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2151, a bill for an act providing that the small claims court has concurrent jurisdiction of an action of replevin if the value of the property claimed is two thousand dollars or less.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2213, a bill for an act relating to the criminal penalty for the fraudulent use of registration.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2214, a bill for an act relating to fiduciary security transfers by increasing the duration of a certificate evidencing the appointment of incumbency of a fiduciary.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2215, a bill for an act relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2217, a bill for an act establishing a criminal penalty under Iowa's criminal code for the violation of federal law regarding the acquisition, sale, or purchase of federal agricultural surplus commodities.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2221, a bill for an act allowing persons providing consent for the issuance of a motor vehicle license to a minor to withdraw the consent and require cancellation of the minor's license.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2222, a bill for an act relating to agencies authorized to receive information pertaining to arson investigations.

Also: That the Senate has on March 10, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2227, a bill for an act to authorize direct payment of county auditors' transfer fees to county treasurers by county recorders.

K. MARIE THAYER, Secretary

HOUSE FILE 2252 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2252 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2280, a bill for an act relating to violations of child custody orders and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2280)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Branstad	Buhr
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poney
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 2:

Brammer

Carter

Absent or not voting, 7:

Carl
O'Kane

Jay
Parker

Jochum
Sherzan

Loneragan ✓

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

House File 2319, a bill for an act relating to the sale of unused right of way by the county board of supervisors, with report of committee recommending amendment and passage, was taken up for consideration.

Cooper of Lucas offered the following amendment H—5229 filed by the committee on local government and moved its adoption:

H—5229

- 1 Amend House File 2319 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following new section:
- 4 "Sec. _____. Section 331.361, subsection 2, Code
- 5 Supplement 1985, is amended by adding the following
- 6 new lettered paragraph:
- 7 NEW LETTERED PARAGRAPH. c. When unused highway
- 8 right-of-way is not being sold or transferred to
- 9 another governmental authority, the county shall
- 10 comply with the requirements provided in section
- 11 306.23."
- 12 2. Renumber sections and correct internal
- 13 references as necessary in accordance with this
- 14 amendment.

The committee amendment H—5229 was adopted.

Cooper of Lucas 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. 2319)

The ayes were, 91:

Arnould
Black
Buhr
Clark
Cooper

Baxter
Blanshan
Carpenter
Cochran
Corey

Beatty
Brammer
Carter
Connolly
Daggett

Bennett
Branstad
Chapman
Connors
De Groot

Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Carl	Jay	Jochum	Loneragan
Norland	O'Kane	Parker	Sherzan
Welden			

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

House File 2222, a bill for an act relating to the number of state officers or employees required to request payroll deduction for purposes of purchasing insurance, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2222)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty

Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carl	Jochum	Lonergan	O'Kane
Parker	Sherzan		

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

HOUSE FILE 2401 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2401 be deferred and that the bill retain its place on the calendar.

House File 2403, a bill for an act relating to the operation of city civil service commissions, was taken up for consideration.

Connors of Polk offered the following amendment H — 5305 filed by him and moved its adoption:

H — 5305

- 1 Amend House File 2403 as follows:
- 2 1. Page 2, line 2, by inserting after the word
- 3 "treasurer," the following: "city assessor,"
- 4 2. Page 2, by striking lines 7 through 10 and
- 5 inserting the following: "the head of each division.

- 6 This exclusion does not apply to assistant fire chiefs
 7 and to assistant police chiefs in cities with police
 8 departments of two hundred fifty or fewer".

Amendment H—5305 was adopted.

Connors of Polk offered the following amendment H—5312 filed by Connors, et al., and moved its adoption:

H—5312

- 1 Amend House File 2403 as follows:
 2 1. Page 3, by striking lines 90 through 32 and
 3 inserting the following: "the position. If an
 4 employee of the city does not pass one of two
 5 successive promotional examinations and otherwise
 6 qualify for a vacated position, or if an employee of
 7 the city does not apply for a vacated position, an
 8 entrance examination may be used to fill the vacancy."

Amendment H—5312 was adopted.

Connors 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. 2403)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poney	Renaud
Renken	Rensink	Rosenberg	Royer

Running	Schnekloth	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Carl	Jochum	Loneragan	O'Kane
Parker	Sherzan	Welden	

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

House File 2098, a bill for an act to prohibit the abandonment of dogs and cats and providing a penalty, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2098)

The ayes were, 83:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Hatch	Haverland	Hermann	Holveck
Hughes	Hummel	Jay	Johnson
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Pellet	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schnekloth	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen

Tabor
Varn

Teaford
Woods

Van Camp
Mr. Speaker

Van Maanen

The nays were, 9:

Gruhn
Metcalf
Zimmerman

Harbor
Platt

Hester
Renken

Knapp
Rensink

Absent or not voting, 8:

Carl
Parker

Jochum
Royer

Lonergan
Sherzan

O'Kane
Welden

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

House File 2204, a bill for an act to require the state department of transportation to place appropriate highway signs along interstate highways to guide traffic to tourist attractions which are located within thirty miles of the interstate highway and which receive fifteen thousand or more visitors annually, with report of committee recommending amendment and passage, was taken up for consideration.

Peterson of Carroll offered the following amendment H—5243 filed by the committee on transportation:

H—5243

- 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 321.252, unnumbered paragraph
- 5 2, Code 1985 is amended to read as follows:
- 6 The department shall include in its manual of
- 7 traffic-control devices, specifications for a uniform
- 8 system of highway signs for the purpose of ~~naming,~~
- 9 ~~warning, regulating, and~~ guiding traffic to organized
- 10 off-highway permanent camps, and camp areas, operated
- 11 by recognized and established civic, religious, and
- 12 nonprofit charitable organizations and to for profit
- 13 campgrounds and ski areas. The ~~commission~~ department
- 14 shall purchase, install, and maintain such the signs
- 15 upon the prepayment of the costs by the organization
- 16 of the cost of such purchase, installation, and
- 17 maintenance or owner.
- 18 Sec. 2. Section 321.252, Code 1985, is amended by
- 19 inserting after unnumbered paragraph 2 the following

20 new unnumbered paragraphs:

21 NEW UNNUMBERED PARAGRAPH. The department shall
22 also establish criteria for guiding traffic on all
23 fully controlled-access, divided, multilaned highways
24 including interstate highways to each tourist
25 attraction which is located within thirty miles of the
26 highway and receives fifteen thousand or more visitors
27 annually. Nothing in this unnumbered paragraph shall
28 be construed to prohibit the department from erecting
29 signs to guide traffic on these highways to tourist
30 attractions which are located more than thirty miles
31 from the highway or which receive fewer than fifteen
32 thousand visitors annually.

33 NEW UNNUMBERED PARAGRAPH. The department shall in
34 cooperation with the Iowa development commission
35 establish criteria for guiding traffic to eligible
36 tourist attractions along interstate and primary
37 highways. The department shall annually review the
38 list of attractions for which signing is in place.
39 All tourist attraction signing shall conform to the
40 manual of uniform traffic control devices. Except as
41 otherwise provided, tourist attraction signing shall
42 be purchased, installed and maintained by the
43 department."

44 2. Amend the title by striking lines 1 through 5
45 and inserting the following:

46 "An Act relating to the placement of appropriate
47 highway signs along primary roads and interstate
48 highways to guide traffic to tourist attractions by
49 the state department of transportation."

De Groot of Lyon offered the following amendment H—5274, to the committee amendment H—5243, filed by him and Peterson of Carroll and moved its adoption:

H—5274

1 Amend the Committee on Transportation amendment, H—
2 5243, to House File 2204 as follows:

3 1. Page 1, by inserting after line 43 the
4 following new section:

5 "Sec._____. The recreation, tourism and leisure
6 study committee in conjunction with the state
7 department of transportation, the Iowa development
8 commission, the state conservation commission, the
9 Iowa arts council and the state historical department
10 or their successor agencies shall prepare
11 recommendations regarding the feasibility and probable
12 costs for providing other means of delivering motorist
13 and tourism information including but not limited to
14 printed travel guides and maps, audio recordings to be

- 15 used in vehicles, user-activated video terminals,
 16 "talking bill board" and other means. These
 17 recommendations shall be presented to the general
 18 assembly not later than January 15, 1987."
 19 2. Renumber sections and correct internal
 20 references as necessary in accordance with this
 21 amendment.

Amendment H—5274 was adopted.

The following amendment H—5317, to the committee amendment H—5243, filed by Peterson of Carroll from the floor, was adopted by unanimous consent:

H—5317

- 1 Amend amendment H—5243 to House File 2204 as follows:
 2 1. Page 1, line 47, by inserting after the word
 3 "signs" the words "and other highway information devices".

On motion by Peterson of Carroll, the committee amendment H—5243, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2204)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groning	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg

Royer	Running	Schnekloth	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Carl	Loneragan	McIntee	O'Kane
Sherzan			

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

House File 2404, a bill for an act relating to sales by the state historical department, was taken up for consideration.

Carter 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?" (H.F. 2404)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann /	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz

Swearingen
Van Maanen
Zimmerman

Tabor
Varn
Mr. Speaker

Teaford
Welden

Van Camp
Woods

The nays were, none.

Absent or not voting, 6:

Carl
Renaud

Loneragan
Sherzan

McIntee

O'Kane

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

House File 2405, a bill for an act relating to the administration of the local police and fire retirement systems, was taken up for consideration.

Connors 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. 2405)

The ayes were, 94:

Arnould
Black
Buhr
Cochran
Corey
Doderer
Groninga
Halvorson, R. N.
Harbor
Hester
Jay
Koenigs
Maulsby
Muhlbauer
Osterberg
Pavich
Peterson, M. K.
Renken
Running
Siegrist
Stueland
Swearingen
Van Maanen
Zimmerman

Baxter
Blanshan
Carpenter
Connolly
Daggett
Fey
Groth
Hammond
Hatch
Holveck
Jochum
Kremer
McKean
Mullins
Oxley
Peick
Platt
Rensink
Schneklath
Skow
Sturgeon
Tabor
Varn
Mr. Speaker

Beatty
Brammer
Chapman
Connors
De Groot
Fogarty
Gruhn
Handorf
Haverland
Hughes
Johnson
Lageschulte
Metcalf
Norland
Parker
Pellett
Poncy
Rosenberg
Shoning
Spear
Sullivan
Teaford
Welden

Bennett
Branstad
Clark
Cooper
Diemer
Grandia
Halvorson, R. A.
Hanson
Hermann
Hummel
Knapp
Lloyd-Jones
Miller
Ollie
Paulin
Petersen, D. F.
Renaud
Royer
Shoultz
Stromer
Swartz
Van Camp
Woods

The nays were, none.

Absent or not voting, 6:

Carl
O'Kane

Carter
Sherzan

Lonergan

McIntee

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

House File 2128, a bill for an act relating to the residency of a township clerk, with report of committee recommending passage was taken up for consideration.

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?" (H.F. 2128)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Carl
McIntee

Carpenter
O'Kane

Doderer
Sherzan

Lonergan

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

HOUSE FILES 2327 AND 2409 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2327 and 2409 be deferred and that the bills retain their place on the calendar.

House File 2416, a bill for an act relating to the filing of a surety bond or depositing of moneys or securities with the department of job service by a nonprofit organization electing to become a reimbursable employer under the unemployment compensation law, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McKean	Metcalfe	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Shoning	Shoultz	Siegrist

Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Buhr	Carl	Doderer	Lonergan
McIntee	O'Kane	Sherzan	

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

House File 2415, a bill for an act relating to the effect of expiration of a writ of execution in garnishment proceedings, was taken up for consideration.

Holveck 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	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	De Groot	Diemer
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon

Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Carl	Daggett	Doderer	Fey
Kremer	Lonergan	McIntee	O'Kane

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

MOTION TO RECONSIDER (House File 2404)

I move to reconsider the vote by which House File 2404 passed the House on March 12, 1986.

DODERER of Johnson

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 11, 1986. Had I been present, I would have voted "aye" on House Files 2226, 2293, 2387, 2388, 2389, 2390, 2393, House Concurrent Resolution 122; and "nay" on amendment H—5302 to House Concurrent Resolution 122.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on Tuesday afternoon, March 11, 1986. Had I been present, I would have voted "aye" on House Files 2035, 2082, 2287, 2317, 2387, 2388, 2389, 2390 and 2393.

LAGESCHULTE of Bremer

PRESENTATION OF VISITORS

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

Sixty fifth grade students from Clegg Park Elementary School, West Des Moines, accompanied by Nancy Tychsen. By Carpenter of Polk.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of March, 1986: House Files 2225 and 2287.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS**House File 2338**

Ways and Means: Brammer, Chair; Groth and Hanson.

House File 2394

Ways and Means: Connolly, Chair; Fey and Renken.

House File 2431

Ways and Means: Connolly, Chair; Fey and Renken.

House File 2449

Ways and Means: Osterberg, Chair; Fey and Siegrist.

Senate File 166

Natural Resources and Outdoor Recreation: Black, Chair; Fogarty and Stueland.

Senate File 563

Ways and Means: Rosenberg, Chair; Arnould and Petersen of Muscatine.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 764**

Ways and Means: Parker, Chair; Daggett and Doderer.

Study Bill 774

Ways and Means: Doderer, Chair; Schnekloth and Tabor.

Study Bill 779

Ways and Means: Chapman, Chair; Groninga and Siegrist.

Study Bill 783

Ways and Means: Osterberg, Chair; Bennett and Tabor.

Study Bill 784

Ways and Means: Holveck, Chair; Carpenter, Fey, O'Kane and Renken.

Study Bill 785

Ways and Means: Brammer, Chair; De Groot and Groth.

Study Bill 786

Ways and Means: Doderer, Chair; Schnekloth and Tabor.

RESOLUTION FILED

HCR 123, by Running, a concurrent resolution to designate July, 1986 as "Buy America" month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5316	H.F. 2327	Poncy of Wapello
H—5318	H.F. 2412	Paulin of Plymouth
H—5319	H.F. 2439	Halvorson of Clayton
H—5320	S.F. 97	Carter of Henry
		Halvorson of Webster
H—5321	H.F. 2434	Petersen of Muscatine
H—5322	H.F. 2345	Spear of Lee
H—5323	S.F. 2116	Koenigs of Mitchell
H—5324	H.F. 2350	Jay of Appanoose
H—5325	H.F. 2350	Jay of Appanoose
H—5326	H.F. 2414	Jay of Appanoose

On motion by Norland of Worth, the House adjourned at 10:27 a.m., until 9:00 a.m., Thursday, March 13, 1986.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day—Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 13, 1986

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

Prayer was offered by Reverend Wilbert Trusheim, pastor of the Willard Street United Methodist Church, Ottumwa.

The Journal of Wednesday, March 12, 1986 was approved.

INTRODUCTION OF BILLS

House File 2461, by committee on small business and commerce, a bill for an act relating to the attorney general's consumer protection efforts against transient merchants, out-of-state contractors, and health club membership sales, and providing penalties.

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

House File 2462, by committee on education, a bill for an act relating to educational cost efficiencies including combining administrative divisions of area education agencies, reducing administrative costs of area education agencies, providing for multimember director districts of school districts, providing for attendance of pupils in classes in other school districts, reducing the uniform levy in reorganized school districts, providing for supplementary weighting for shared administrators, providing a time limitation on supplementary weighting, and continuing supplementary weighting for reorganized school districts.

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

House File 2463, by committee on natural resources and outdoor recreation, a bill for an act relating to commercial fishing and providing penalties.

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

SENATE MESSAGES CONSIDERED

Senate File 2015, by Taylor, a bill for an act relating to court costs and attorney fees in actions brought under provisions on new motor vehicle warranties.

Read first time and referred to committee on **small business and commerce**.

Senate File 2022, by Hultman, a bill for an act providing a criminal penalty for reporting false information to the department of human services regarding an act of child abuse.

Read first time and referred to committee on **human resources**.

Senate File 2069, by Miller of Des Moines, a bill for an act relating to the issuance of temporary certificates for chiropractors.

Read first time and referred to committee on **state government**.

Senate File 2088, by Bruner, a bill for an act relating to access to the results of energy audits.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2093, by Vande Hoef and Wells, a bill for an act extending the sunset provision for the Iowa advisory commission on intergovernmental relations.

Read first time and referred to committee on **state government**.

Senate File 2101, by Husak, Rife, Drake, Doyle, Soorholtz and Boswell, a bill for an act providing Veterans Day as a paid state holiday and providing an effective date.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2104, by Gettings and Holden, a bill for an act relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2133, by Murphy, a bill for an act relating to gambling devices by permitting the manufacture of certain devices in the state and providing that the Iowa lottery agency shall give preference in contracts for lottery machines to persons who manufacture the machines in the state and in contracts for servicing machines to persons who have their principal place of business in the state.

Read first time and referred to committee on **economic development**.

Senate File 2150, by Doyle, a bill for an act relating to the assessment on porcine animals.

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

Senate File 2151, by Holt, a bill for an act providing that the small claims court has concurrent jurisdiction of an action of replevin if the value of the property claimed is two thousand dollars or less.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2213, by committee on judiciary, a bill for an act relating to the criminal penalty for the fraudulent use of registration.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2214, by committee on judiciary, a bill for an act relating to fiduciary security transfers by increasing the duration of a certificate evidencing the appointment or incumbency of a fiduciary.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2215, by committee on judiciary, a bill for an act relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations.

Read first time and **passed on file**.

Senate File 2217, by committee on judiciary, a bill for an act establishing a criminal penalty under Iowa's criminal code for the violation of federal law regarding the acquisition, sale, or purchase of federal agricultural surplus commodities.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2221, by committee on judiciary, a bill for an act allowing persons providing consent for the issuance of a motor vehicle license to a minor to withdraw the consent and require cancellation of the minor's license.

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

Senate File 2222, by committee on judiciary, a bill for an act relating to agencies authorized to receive information pertaining to arson investigations.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2227, by committee on local government, a bill for an act to authorize direct payment of county auditors' transfer fees to county treasurers by county recorders.

Read first time and referred to committee on **local government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2351, a bill for an act relating to the Iowa family farm development authority, by changing the name of the authority to the agricultural development

authority, by empowering the authority to undertake agricultural producer financial assistance programs, and providing for an effective date.

Also: That the Senate has on March 12, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2353, a bill for an act relating to the Iowa family farm development authority, by providing for an agricultural loan assistance program, providing for the adoption of penalties, making an appropriation, and providing for an effective date.

Also: That the Senate has on March 12, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2097, a bill for an act relating to agricultural economic diversification by making an appropriation.

Also: That the Senate has on March 11, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2109, a bill for an act relating to the exemption of the fees paid to cities and counties for the privilege of participating in any athletic sports from the state sales, services, and use tax.

Also: That the Senate has on March 12, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2176, a bill for an act relating to agricultural grain marketing, by adopting the interstate compact on agricultural grain marketing, and providing an effective date.

Also: That the Senate has on March 11, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2208, a bill for an act providing that the geographic limitation on locations where a financial institution may establish an electronic funds-transfer satellite terminal does not apply to certain satellite terminals.

Also: That the Senate has on March 12, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to the use of trust assets received under the federal Bankhead-Jones Farm Tenant Act for guaranteeing operating loans for farmers.

Also: That the Senate has on March 11, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2226, a bill for an act relating to the guaranty capital of a mutual insurance company.

Also: That the Senate has on March 11, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2232, a bill for an act to legalize and validate the proceedings of the City council of the City of Ankeny, Iowa, authorizing and providing for the issuance, sale and delivery of general obligation bonds.

Also: That the Senate has on March 11, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2233, a bill for an act relating to the mailing of absentee ballots to electors.

Also: That the Senate has on March 12, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2242, a bill for an act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

Also: That the Senate has on March 11, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2277, a bill for an act to clarify the intended effective date of portions of chapter 239, 1985 Acts, relating to the imposition of a tax on payments received by a nonprofit health service corporation for subscriber contracts and providing an effective date.

Also: That the Senate has on March 11, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 107, relating to American Indian Recognition.

Also: That the Senate has on March 12, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 110, regarding the federal government's policy of requiring a minimum interest rate of 9% on farm contract sales.

K. MARIE THAYER, Secretary

Fogarty of Palo Alto in the chair at 10:25 a.m.

SPECIAL PRESENTATION

The Speaker presented the Honorable Ben Briscoe, member of the Irish Parliament for twenty-one years, who was present in the House chamber for the annual St. Patrick's Day celebration in Emmetsburg.

Mr. Briscoe, who is also a member of the Dublin City Council, addressed the House bringing greetings from Ireland to the people of Iowa.

He mentioned the great bonds that bind our countries together and the love our countries have for each other noting he brings a message of God to all the people of the world and a message of freedom.

He noted that he was aware of the severity in the farming community in this state and that his people understand and know the hardships that Iowans are realizing.

He wished everyone God speed and a happy, holy and really good St. Patrick's Day.

CONSIDERATION OF BILLS Regular Calendar

House File 2327, a bill for an act relating to employment discrimination, with report of committee recommending passage, was taken up for consideration.

Poncy of Wapello offered the following amendment H-5316 filed by him:

H-5316

- 1 Amend House File 2327 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 19A.9, subsection 14, Code
- 5 Supplement 1985, is amended to read as follows:
- 6 14. For layoffs by reason of lack of funds or
- 7 work, or organization, and for re-employment of
- 8 employees so laid off, giving primary consideration in
- 9 both layoffs and re-employment to employees who are
- 10 veterans with a service-connected disability,
- 11 secondary consideration to performance record, and
- 12 secondary tertiary consideration to seniority in
- 13 service. Any employee who has been laid off may keep
- 14 the employee's name on a preferred employment list for
- 15 one year, which list shall be exhausted by the agency
- 16 enforcing the layoff before selection of an employee
- 17 may be made from the register in the employee's
- 18 classification. Employees who are subject to
- 19 contracts negotiated under chapter 20 which include
- 20 layoff provisions shall be governed by the contract
- 21 provisions.
- 22 Sec. 2. NEW SECTION. 70.9 REDUCTION IN FORCE AND
- 23 REEMPLOYMENT.

24 1. In all jobs of the state or its political
25 subdivisions, preference shall be given in layoffs and
26 reemployment of employees laid off to employees who
27 are veterans with a service-connected disability.
28 Thereafter, consideration shall be given to work
29 performance followed by seniority in service except as
30 provided in section 400.28. Employees who are subject
31 to a collective bargaining agreement negotiated under
32 chapter 20 which includes lay-off provisions shall be
33 governed by the agreement.

34 2. As used in this section, "a veteran with a
35 service-connected disability" means an honorably
36 discharged veteran who has a service-connected
37 disability or who is receiving compensation,
38 disability benefits or pension under laws administered
39 by the veterans administration. An honorably
40 discharged veteran who has been awarded the Purple
41 Heart for disabilities incurred in action shall be
42 considered to have a service-connected disability.

43 Sec. 3. Section 400.28, unnumbered paragraphs 2
44 and 3, Code 1985, are amended to read as follows:

45 In case When it thus becomes necessary to so remove
46 or suspend any such employees, the persons so removed
47 or suspended shall be those having seniority of the
48 shortest duration in the classifications or grades
49 affected, and such the seniority shall be computed as
50 provided in section 400.12 for all persons holding

Page 2

1 seniority in the classification or grade affected,
2 regardless of their seniority in any other
3 classification or grade, but any such employee so
4 removed from any classification or grade shall revert
5 to the employee's seniority in the next lower grade or
6 classification; if such. If the seniority is equal,
7 then the one less efficient and competent as
8 determined by the person or body having the appointing
9 power shall be the one affected. However, employees
10 who are veterans with a service-connected disability
11 as defined in section 70.9 shall be the last employees
12 to be removed or suspended from a classification or
13 job under this section.

14 In case of such removal or suspension, the civil
15 service commission shall issue to each person so
16 affected a certificate showing the person's
17 comparative seniority or length of service in each
18 classification or grade from which the person is so
19 removed and the fact that the person has been
20 honorably so removed, and the person's name shall be
21 carried for a period of not less than three years
22 after such suspension or removal, on a preferred list

23 and all appointments or promotions made during said
24 the period to the person's former duties in such the
25 classification or grade shall be made in the order of
26 greater seniority from such the preferred lists.
27 However, employees who are veterans with a service-
28 connected disability as defined in section 70.9 shall
29 be the first to be offered reemployment from a
30 suspension or reduction in force under this section."

Carpenter of Polk rose on a point of order that amendment H—5316 was not germane.

The Speaker ruled the point well taken and amendment H—5316 not germane.

Poncy of Wapello asked for unanimous consent to suspend the rules to consider amendment H—5316.

Objection was raised.

Poncy of Wapello moved that the rules be suspended to consider amendment H—5316.

A non-record roll call was requested.

The ayes were 58, nays 23.

The motion prevailed and the rules were suspended.

Connors of Polk asked and received unanimous consent that House File 2327 be deferred and that the bill retain its place on the calendar.

(Amendment H—5316 pending.)

HOUSE FILE 2409 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2409 be deferred and that the bill retain its place on the calendar.

House File 2414, a bill for an act relating to hunting and fishing, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—5304 filed by him and moved its adoption:

H—5304

- 1 Amend House File 2414 as follows:
- 2 1. Page 1, by inserting after line 12 the
- 3 following:
- 4 "Sec. 3. Section 110.6, Code 1985, is amended to
- 5 read as follows:
- 6 110.6 TROUT LICENSE STAMP.
- 7 Any person required to have a fishing license shall
- 8 not possess trout unless that person has at that time
- 9 on the person an unexpired special trout license stamp
- 10 validated by that person's signature written across
- 11 the face of the stamp in ink, a receipt, or other
- 12 evidence showing that such trout was lawfully
- 13 acquired. The proceeds from the sale of this stamp
- 14 shall be used exclusively to restock trout waters
- 15 designated by the state conservation commission. The
- 16 commission may grant a permit to a community event in
- 17 which trout will be stocked in water which is not
- 18 designated trout water and a person may catch and
- 19 possess trout during the period and from the water
- 20 covered by the permit without having a special trout
- 21 license stamp."
- 22 2. Page 3, line 20, by striking the words
- 23 "However, the" and inserting the word "The".

Amendment H—5304 was adopted.

Haverland of Polk asked and received unanimous consent to defer action on amendment H—5313.

Jay of Appanoose offered the following amendment H—5326 filed by him:

H—5326

- 1 Amend House File 2414 as follows:
- 2 1. Page 4, by striking lines 4 and 5 and
- 3 inserting the following: "~~fishing rod, fishing~~
- 4 ~~tackle, or An~~ automobile shall not be construed to be
- 5 a public nuisance under this section."

Jay of Appanoose offered the following amendment H—5327, to amendment H—5326, filed by him from the floor and moved its adoption:

H—5327

- 1 Amend amendment H—5326 to House File 2414 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 and 5 and
- 4 inserting the following: "~~fishing rod, fishing~~
- 5 ~~tackle, or~~ An automobile shall may be construed to be
- 6 a public nuisance under this section only if multiple
- 7 violations have occurred." "

A non-record roll call was requested.

The ayes were 65, nays 10.

Amendment H—5327 was adopted.

Speaker Avenson in the chair at 11:30 a.m.

Stromer of Hancock rose on a point of order that amendment H—5326, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H—5326, as amended, germane.

On motion by Jay of Appanoose, amendment H—5326, as amended, was adopted.

Haverland of Polk offered the following amendment H—5313, temporarily deferred, filed by him and moved its adoption:

H—5313

- 1 Amend House File 2414 as follows:
- 2 1. Page 2, line 19, by inserting after the figure
- 3 "2," the figure "3,"
- 4 2. Page 2, lines 31 and 32, by striking the words
- 5 "who resides upon the farm unit".
- 6 3. Page 3, by inserting after line 3 the
- 7 following:
- 8 "The deer or wild turkey hunting permit shall be
- 9 valid only for hunting on the farm unit upon which the
- 10 licensee to whom it is issued resides or is actively
- 11 engaged in farming as defined by section 172C.1,
- 12 subsection 15."

A non-record roll call was requested.

The ayes were 46, nays 42.

Amendment H—5313 was adopted.

Norland of Worth asked and received unanimous consent that House File 2414 be deferred and that the bill retain its place on the calendar.

ADOPTION OF SENATE CONCURRENT RESOLUTION 112

Norland of Worth called up for consideration Senate Concurrent Resolution 112, extending congratulations and giving special recognition to veterans of the China-Burma-India theater of operations during World War II.

On motion by Harbor of Mills, the resolution was adopted.

On motion by Norland of Worth, the House was recessed at 11:54 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2464, by committee on natural resources and outdoor recreation, a bill for an act relating to the taking of animals.

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

House File 2465, by committee on small business and commerce, a bill for an act relating to the continuation of and conversion of accident or health insurance benefits and providing an effective date.

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

House File 2466, by committee on small business and commerce, a bill for an act relating to financial transactions.

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

RULE 31.8 SUSPENDED
(Senate File 2175)

Norland of Worth asked and received unanimous consent to suspend Rule 31.8, relating to the filing of amendments on Senate File 2175.

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House Files 2417, 2350, 2345, 2348, 2412 and 2252.

SPECIAL PRESENTATION

Harbor of Mills presented to the House Elizabeth Emmons Gussak from Clinton, Iowa who is the National Commander of the China-Burma-India veterans association and served with the 69th General Hospital Army Medical Corp during World War II.

March 15, 1986 has been designated as the day to remember the service and sacrifice of those men and women who served there and to celebrate the fortieth anniversary of the China-Burma-India theater of operations.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS
Regular Calendar

House File 2413, a bill for an act relating to voluntary contributions to the unemployment compensation fund by special zero-rated employers, to special contribution rates for employers not required to contribute to the unemployment compensation fund, and to employers eligible for the expanding employment incentive, was taken up for consideration.

Bennett of Ida offered the following amendment H—5285 filed by him and moved its adoption:

H—5285

- 1 Amend House File 2413 as follows:
- 2 1. Page 1, line 26, by inserting after the word

3 "with" the following: "more than a total of one
4 hundred dollars in".

5 2. Page 1, line 33, by inserting after the word
6 "year," the following: "or because of the benefit
7 payment charge of no more than one hundred dollars,".

8 3. Page 2, line 4, by inserting after the word
9 "year," the following: "or to repay the amount of the
10 benefit payment charge,".

11 4. Page 2, line 16, by inserting after the word
12 "with" the following: "more than a total of one
13 hundred dollars in".

14 5. Page 2, line 21, by inserting after the word
15 "with" the following: "more than a total of one
16 hundred dollars in".

17 6. Page 2, line 26, by inserting after the word
18 "year," the following: "However, to retain a zero
19 contribution rate, an employer charged with benefit
20 payments of no more than one hundred dollars within
21 the preceding twenty-four calendar quarters shall make
22 a voluntary payment in the amount of the charge to the
23 employer's account pursuant to section 96.7,
24 subsection 3, paragraph "a", subparagraph (8)."

Amendment H—5285 was adopted.

Hughes of Union in the chair at 2:00 p.m.

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

On the question "Shall the bill pass?" (H.F. 2413)

The ayes were, 99:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie

Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker (Hughes)	

The nays were, none.

Absent or not voting, 1:

Groth

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

House File 2330, a bill for an act to allow the registration of trailers and semitrailers for a period of six registration years, with report of committee recommending amendment and passage, was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—5242 filed by the committee on transportation and moved its adoption:

H—5242

- 1 Amend House File 2330 as follows:
- 2 1. Page 1, line 22, by striking the word "forty"
- 3 and inserting the word "fifty".

The committee amendment H—5242 was adopted.

Muhlbauer 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. 2330)

The ayes were, 78:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer

Branstad	Buhr	Carl	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Diemer	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. A.	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Parker	Paulin	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Schneklath	Siegrist
Skow	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Van Camp	Varn
Woods	Mr. Speaker (Hughes)		

The nays were, 20:

Carpenter	De Groot	Doderer	Grandia
Halvorson, R. N.	Hammond	Maulsby	Osterberg
Oxley	Peick	Running	Sherzan
Shoning	Shoultz	Stromer	Swartz
Teaford	Van Maanen	Welden	Zimmerman

Absent or not voting, 2:

Groth Tabor

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

INTRODUCTION OF BILL

House File 2467, by committee on small business and commerce, a bill for an act relating to insurance.

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

Speaker Avenson in the chair at 2:57 p.m.

MOTION TO RECONSIDER

(Amendment H—5313 to House File 2414)

I move to reconsider the vote by which amendment H—5313 to House File 2414 was adopted by the House on March 13, 1986.

TABOR of Jackson

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 12, 1986. Had I been present, I would have voted "aye" on House Files 2098, 2128, 2204, 2222, 2280, 2319, 2403, 2404, 2405, 2415 and 2416.

LONERGAN of Boone

I was necessarily absent from the House chamber on Tuesday afternoon, March 11, 1986. Had I been present, I would have voted "aye" on House Files 2035, 2082, 2287, 2293, 2317, 2387, 2388, 2389, 2390 and 2393.

PETERSON of Carroll

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 787 Ways and Means

Imposing a two percent tax on the payments received by fraternal beneficiary associations on insurance certificates.

SUBCOMMITTEE ASSIGNMENTS

Senate File 195

Local Government: O'Kane, Chair; Diemer and Groninga.

Senate File 441

Local Government: O'Kane, Chair; Buhr and Renken.

Senate File 2007

Local Government: Groninga, Chair; Black and Hester.

Senate File 2177

Energy and Environmental Protection: Shoultz, Chair; Jay, Lageschulte, Osterberg and Royer.

Senate File 2197

Local Government: Cooper, Chair; Baxter and Royer.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 532, a bill for an act relating to bovine brucellosis, by providing vaccination requirements, providing definitions, providing for the adoption of rules, providing for the movement of cattle, and providing for indemnification for slaughtered cattle.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 245, a bill for an act relating to jurors, jury commissions and juror selection and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1986.

Senate File 2041, a bill for an act relating to schedule I and schedule II controlled substances regulated by the board of pharmacy examiners.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1986.

Senate File 2043, a bill for an act relating to qualification of nonprofit corporations as conservators.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1986.

COMMITTEE ON STATE GOVERNMENT

Senate File 2175, a bill for an act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch

agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5349 March 13, 1986.

RESOLUTIONS FILED

SCR 107, by Colton, a concurrent resolution relating to American Indian Recognition.

Laid over under **Rule 25**.

SCR 110, by committee on agriculture, a concurrent resolution regarding the federal government's policy of requiring a minimum interest rate of nine percent on farm contract sales.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5329	H.F. 2350	Rensink of Sioux
H—5331	H.F. 2433	Brammer of Linn
H—5332	H.F. 2433	Brammer of Linn
H—5333	H.F. 2433	Brammer of Linn
H—5334	H.F. 2434	Osterberg of Linn
H—5335	H.F. 2393	Van Camp of Scott
H—5336	H.F. 2427	Van Camp of Scott
H—5337	H.F. 2327	Running of Linn
H—5338	H.F. 2351	Senate Amendment
H—5339	H.F. 2353	Senate Amendment
H—5340	H.F. 2412	Halvorson of Webster
H—5341	H.F. 2409	Jay of Appanoose
		Sturgeon of Woodbury
H—5342	H.F. 2433	Brammer of Linn
H—5343	H.F. 2412	Groninga of Cerro Gordo

H-5344	H.F. 2327	Running of Linn
H-5345	H.F. 2411	Halvorson of Clayton
H-5346	H.F. 2411	Halvorson of Clayton
H-5347	H.F. 2411	Halvorson of Clayton
H-5348	H.F. 2412	Parker of Jasper
H-5349	S.F. 2175	Committee on State Government

On motion by Norland of Worth, the House adjourned at 3:03 p.m., until 9:00 a.m., Friday, March 14, 1986.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day -- Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 14, 1986

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

Prayer was offered by the Honorable Kenneth De Groot, state representative from Lyon County.

The Journal of Thursday, March 13, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rensink of Sioux on request of Schnekloth of Scott; Halvorson of Clayton on request of Harbor of Mills; Doderer of Johnson on request of Norland of Worth.

SENATE MESSAGES CONSIDERED

Senate File 2097, by Riordan, Priebe, Boswell, Hannon, Horn, Fraise, Miller of Cerro Gordo, Colton, Mann, Gronstal, Hutchins, Gettings, Wells, Palmer, Taylor, Soorholtz, Murphy, Husak, Dieleman, Tieden, Carr, Bruner, Schwengels, Coleman, Hester, Hall, Corning, Nystrom, Jensen, Gratias, Drake, Rife, and Welsh, a bill for an act relating to agricultural economic diversification by making an appropriation.

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

Senate File 2109, by Murphy, a bill for an act relating to the exemption of the fees paid to cities and counties for the privilege of participating in any athletic sports from the state sales, services, and use tax.

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

Senate File 2176, by Boswell, a bill for an act relating to agricultural grain marketing, by adopting the interstate compact on agricultural grain marketing, and providing an effective date.

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

Senate File 2208, by Holden, a bill for an act providing that the geographic limitation on locations where a financial institution may establish an electronic funds-transfer satellite terminal does not apply to certain satellite terminals.

Read first time and referred to committee on **small business and commerce**.

Senate File 2212, by committee on agriculture, a bill for an act relating to the use of trust assets received under the federal Bankhead-Jones Farm Tenant Act for guaranteeing operating loans for farmers.

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

Senate File 2226, by committee on commerce, a bill for an act relating to the guaranty capital of a mutual insurance company.

Read first time and **passed on file**.

Senate File 2232, by committee on judiciary, a bill for an act to legalize and validate the proceedings of the City council of the City of Ankeny, Iowa, authorizing and providing for the issuance, sale and delivery of General Obligation Bonds, providing for the levy of taxes for the payment of the bonds and declaring the bonds to be enforceable obligations of the City of Ankeny, Iowa.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2233, by committee on state government, a bill for an act relating to the mailing of absentee ballots to electors.

Read first time and referred to committee on **state government**.

Senate File 2242, by committee on state government, a bill for an act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

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

Senate File 2277, by committee on ways and means, a bill for an act to clarify the intended effective date of portions of chapter 239, 1985 Acts, relating to the imposition of a tax on payments received by a nonprofit health service corporation for subscriber contracts and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1986, passed the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding the political affiliation of members of judicial nominating commissions.

Also: That the Senate has on March 12, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2108, a bill for an act relating to the reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship of a person convicted of a criminal offense.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2131, a bill for an act relating to the enforcement of an interest in agricultural property, by providing for mediation, an appropriation, and an effective date. /

Also: That the Senate has on March 12, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2228, a bill for an act relating to the responsibilities of county recorders to make reports concerning ownership, assessed values, and transfers of real estate, and certificates of limited partnerships.

Also: That the Senate has on March 12, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2240, a bill for an act relating to the collection of civil penalties for the reparation of persons injured by uninsured motorists.

K. MARIE THAYER, Secretary

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Handorf of Marshall offered the following House Memorial Resolution 103 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Albert Henry Detje of Tama County, Iowa, who was a member of the Sixty-first General Assembly, passed away February 22, 1986; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Handorf of Marshall, Hummel of Benton and Oxley of Linn.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Fogarty of Palo Alto offered the following House Memorial Resolution 104 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

Whereas, The Honorable William M. Fandel of Palo Alto County, Iowa, who was a member of the Fifty-third General Assembly passed away December 23, 1984; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Fogarty of Palo Alto, Mullins of Kossuth and Branstad of Winnebago.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Harbor of Mills offered the following House Memorial Resolution 105 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 105

Whereas, The Honorable Roscoe Emery Greenwood of Mills County, Iowa, who was a member of the Fifty-seventh and Fifty-eighth General Assemblies, passed away May 13, 1985; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Harbor of Mills, Royer of Page and Pavich of Pottawattamie.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Paulin of Plymouth offered the following House Memorial Resolution 106 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 106

Whereas, The Honorable Lyle R. Stephens of Plymouth County, Iowa, who was a member of the Sixty-fifth, Sixty-sixth and Sixty-seventh General Assemblies, passed away November 21, 1985; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Paulin of Plymouth, De Groot of Lyon and Rensink of Sioux.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

Carter of Henry offered the following House Memorial Resolution 107 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 107

Whereas, The Honorable Charles F. Strothman of Henry County, Iowa, who was a member of the Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth General Assemblies, passed away May 27, 1985; Now Therefore,

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

The motion prevailed and the Speaker appointed as such committee Carter of Henry, Corey of Louisa and Baxter of Des Moines.

MOTION TO RECONSIDER LOST (House File 2393)

Van Camp of Scott called up for consideration the motion to reconsider House File 2393, filed on March 11, 1986, and moved to reconsider the vote by which House File 2393, a bill for an act authorizing cities and counties to establish civil penalties for violations of ordinances, passed the House and was placed on its last reading on March 11, 1986.

Roll call was requested by Van Camp of Scott and Bennett of Ida.

On the question "Shall House File 2393 be reconsidered?"

The ayes were, 35:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. N.	Handorf	Hanson
Hermann	Holveck	Hummel	Kremer
Lageschulte	Maulsby	Metcalf	Muhlbauer
Mullins	Osterberg	Paulin	Pavich
Pellett	Running	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

The nays were, 57

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Connolly	Connors
Cooper	Fey	Fogarty	Groninga
Groth	Gruhn	Hammond	Hatch
Haverland	Hester	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Loneragan	McIntee	McKean
Miller	Norland	O'Kane	Ollie
Oxley	Parker	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Shoultz
Skow	Spear	Sturgeon	Sullivan
Tabor	Teaford	Varn	Woods
Mr. Speaker			

Absent or not voting, 8:

Cochran	Doderer	Halvorson, R. A.	Harbor
Rensink	Sherzan	Swartz	Zimmerman

The motion to reconsider lost placing out of order amendment H—5335 filed by Van Camp of Scott on March 13, 1986.

SENATE AMENDMENTS CONSIDERED

Skow of Guthrie called up for consideration **House File 2351**, a bill for an act relating to the Iowa family farm development authority, by changing the name of the authority to the agricultural development authority, by empowering the authority to undertake agricultural producer financial assistance programs, and providing for an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5338:

H—5338

- 1 Amend House File 2351 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 3, by inserting after the word
- 4 "government," the words "soil conservation district
- 5 officials,".

The motion prevailed and the House concurred in the Senate amendment H—5338.

Skow 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. 2351)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf

Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Doderer	Halvorson, R. A.	Hatch	Peick
Rensink	Stromer		

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

Skow of Guthrie called up for consideration **House File 2353**, a bill for an act relating to the Iowa family farm development authority, by providing for an agricultural loan assistance program, providing for the adoption of penalties, making an appropriation, and providing for an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5339:

H—5339

- 1 Amend House File 2353 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "government," the words "soil conservation district
- 5 officials,".
- 6 2. Page 3, lines 5 and 6, by striking the words
- 7 "new, reasonable," and inserting the word
- 8 "reasonable".
- 9 3. Page 3, by striking lines 11 and 12.
- 10 4. Page 4, line 6, by striking the words "the
- 11 board of".
- 12 5. Page 4, line 16, by striking the word "new".
- 13 6. Page 5, by striking lines 2 through 4 and
- 14 inserting the following: " "b" in an amount greater
- 15 than three percent per annum of up to one hundred
- 16 thousand dollars of the principal balance of the
- 17 farmer's operating loan outstanding from time to time,
- 18 for the term of".

- 19 7. Page 5, line 8, by striking the words "the
20 board of".
- 21 8. Page 5, line 15, by striking the word "new".
- 22 9. Page 5, line 22, by striking the word "fifty"
23 and inserting the words "one hundred".
- 24 10. Page 6, line 16, by striking the word "May"
25 and inserting the word "July".
- 26 11. Page 6, line 25, by striking the word "May"
27 and inserting the word "July".
- 28 12. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 55, nays 25.

The motion prevailed and the House concurred in the Senate amendment H—5339.

Skow 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. 2353)

The ayes were, 83:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Fogarty	Grandia	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Pellet	Petersen, D. F.	Peterson, M. K.
Platt	Renaud	Renken	Rosenberg
Royer	Schnekloth	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz

Swearingen
Woods

Tabor
Zimmerman

Van Maanen
Mr. Speaker

Varn

The nays were, 12:

Carpenter
Jochum
Shoultz

Fey
Paulin
Teaford

Groninga
Poncey
Van Camp

Hatch
Running
Welden

Absent or not voting, 5:

Doderer
Rensink

Groth

Halvorson, R. A.

Lageschulte

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

CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **House File 2414**, a bill for an act relating to hunting and fishing, deferred March 13, 1986.

Tabor of Jackson called up for consideration the motion to reconsider amendment H—5313 filed by him on March 13, 1986 and moved to reconsider the vote by which amendment H—5313 (found on page 719 of the House Journal) was adopted by the House on March 13, 1986.

The motion prevailed and the House reconsidered amendment H—5313.

Haverland of Polk moved the adoption of amendment H—5313.

Amendment H—5313 lost.

Schnekloth of Scott rose on a point of order and invoked Rule 32 to refer House File 2414 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Norland of Worth asked for unanimous consent to suspend Rule 32.

Objection was raised.

Norland of Worth moved that Rule 32 be suspended on House File 2414.

A non-record roll call was requested.

The ayes were 54, nays 32.

The motion prevailed and Rule 32 was suspended.

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

On the question "Shall the bill pass?" (H.F. 2414)

The ayes were, 81:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	Diemer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Holveck
Hughes	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Metcalf	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swearingen	Tabor	Teaford
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 15:

Bennett	Branstad	De Groot	Groth
Hermann	Hester	Hummel	Jay
Kremer	Maulsby	Mullins	Oxley
Pellett	Van Camp	Van Maanen	

Absent or not voting, 4:

Doderer	Halvorson, R. A.	Rensink	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2417, a bill for an act relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable, was taken up for consideration.

Corey of Louisa offered the following amendment H—5315 filed by him and moved its adoption:

H—5315

- 1 Amend House File 2417 as follows:
- 2 1. Page 1, line 4, by striking the words
- 3 "inclined stairway chair lift,".
- 4 2. Page 1, line 10, by striking the word
- 5 "subsections" and inserting the following:
- 6 "subsection".
- 7 3. Page 1, by striking lines 11 through 14.
- 8 4. Page 1, line 15, by striking the figure "19"
- 9 and inserting the following: "18".

Amendment H—5315 was adopted.

Kremer of Buchanan offered the following amendment H—5289 filed by him:

H—5289

- 1 Amend House File 2417 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "Sec. 3. Section 104.3, Code 1985, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION. 5.** The commissioner may adopt
- 7 rules permitting inclined or vertical wheelchair lifts
- 8 in churches and houses of worship to service more than
- 9 one floor of a structure if the travel distance of the
- 10 lifts does not exceed twelve feet."

Koenigs of Mitchell asked and received unanimous consent that House File 2417 be deferred and that the bill retain its place on the calendar.

(Amendment H—5289 pending.)

The House stood at ease at 10:50 a.m., until the fall of the gavel.

The House resumed session at 10:56 a.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story, for the remainder of the day, on request of Holveck of Polk.

House File 2350, a bill for an act relating to the publication of official public notices by defining a newspaper, by establishing fees for the publication of official notices, and by providing for enforcement of official publication requirements, and subjecting violators to penalties, was taken up for consideration.

Hummel of Benton in the chair at 11:00 a.m.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5325 filed by him on March 12, 1986.

Peick of Linn offered the following amendment H—5154 filed by her:

H—5154

- 1 Amend House File 2350 as follows:
- 2 1. Page 1, by striking line 31 and inserting the
- 3 following:
- 4 "Sec. 4. Section 445.8, subsections 2 and 3, Code
- 5 1985, are amended".
- 6 2. Page 2, by striking lines 7 and 8 and
- 7 inserting the following: "official newspaper in the
- 8 county once each week for two consecutive weeks, the
- 9 last of which publication shall be not more than".
- 10 3. Page 2, by inserting after line 18 the
- 11 following:
- 12 "3. The treasurer shall, within ten days following
- 13 the final publication of ~~such~~ the notice, issue a
- 14 distress warrant in the form as prescribed in section
- 15 445.7. The publication of delinquent personal
- 16 property tax lists shall include a notice that, unless
- 17 ~~such~~ the delinquent personal property taxes are paid
- 18 within ten days of the date of final publication of
- 19 the notice, a distress warrant will be issued for the

20 collection thereof of the delinquent taxes."

21 4. Page 2, by striking lines 24 and 25 and
22 inserting the following: "county ~~once~~ each week for
23 ~~two consecutive weeks~~, the last of which publication
24 is not more than two weeks before the day of sale.
25 The".

26 5. Page 3, by inserting after line 14 the
27 following:

28 "Sec. _____. Section 446.12, Code 1985, is amended
29 to read as follows:

30 446.12 CERTIFICATE OF PUBLICATION.

31 The treasurer shall obtain a copy of the notice of
32 sale, with a certificate of the its publication
33 thereof, from the printer or publisher, and file it in
34 the office of the auditor, which certificate shall be
35 substantially in the following form:

36 I, A B, publisher (or
37 printer) of the, a newspaper printed
38 and published in the county of and state of
39 Iowa, ~~do hereby~~ certify that the foregoing notice and
40 list were published in said ~~that~~ newspaper ~~once~~ in
41 each week for ~~two consecutive weeks~~, the last of which
42 ~~publications was made on the~~ day of
43, A.D., and that copies of each
44 number of said the paper in which said the notice and
45 list were published were delivered by carrier or
46 transmitted by mail to each of the subscribers to said
47 the paper, according to the accustomed mode of
48 business in this office.

49 A B
50 Signature of publisher (or printer)

Page 2

1 State of Iowa, ss.
2 County.

3 The above certificate of publication was subscribed
4 and sworn to before me by the above named A
5 B, who is personally known to me to be the
6 identical person described therein in the certificate,
7 on the day of, A.D.
8
9 Auditor County, Iowa."

Spear of Lee offered the following amendment H—5168, to
amendment H—5154, filed by him and moved its adoption:

H—5168

1 Amend the amendment, H—5154, to House File 2350 as
2 follows:

- 3 1. Page 1, line 43, by striking the letters
 4 "A.D." and inserting the following: "A.D."
 5 2. Page 1, line 44, by striking the word "number"
 6 and inserting the following: "number issue".
 7 3. Page 1, by striking lines 47 and 48 and
 8 inserting the following: "the paper, according to the
 9 accustomed mode of business in this office."
 10 4. Page 2, line 7, by striking the letters "A.D."
 11 and inserting the following: "A.D.".

Amendment H—5168 was adopted.

Peick of Linn moved the adoption of amendment H—5154, as amended.

Roll call was requested by Miller of Cherokee and De Groot of Lyon.

Rule 75 was invoked.

On the question "Shall amendment H—5154, as amended, be adopted?"

The ayes were, 36:

Arnould	Avenson	Beatty	Brammer
Buhr	Carl	Carter	Connolly
Connors	Diemer	Fey	Groninga
Groth	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Lloyd-Jones	Lonergan	Norland	O'Kane
Ollie	Oxley	Pavich	Peick
Renaud	Rosenberg	Shoultz	Spear
Sturgeon	Sullivan	Teaford	Woods

The nays were, 59:

Baxter	Bennett	Black	Blanshan
Branstad	Carpenter	Clark	Cochran
Cooper	Corey	Daggett	De Groot
Fogarty	Grandia	Gruhn	Halvorson, R. N.
Handorf	Hanson	Harbor	Hermann
Hester	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Osterberg	Parker	Paulin	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renken	Royer	Running	Schnekloth

Sherzan	Shoning	Siegrist	Skow
Stromer	Stueland	Swartz	Swearingen
Tabor	Van Camp	Van Maanen	Varn
Welden	Zimmerman	Mr. Speaker (Hummel)	

Absent or not voting, 5:

Chapman	Doderer	Halvorson, R. A.	Hammond
Rensink			

Amendment H—5154, as amended, lost.

Spear of Lee offered the following amendment H—5294 filed by him and moved its adoption:

H—5294

- 1 Amend House File 2350 as follows:
- 2 1. Page 2, by striking lines 1 and 2 and
- 3 inserting the following: "Such The list shall show
- 4 the amount of the taxes".
- 5 2. Page 2, by striking lines 26 and 27 and
- 6 inserting the following: "notice shall contain a
- 7 description of each separate tract".

Amendment H—5294 was adopted.

Jay of Appanoose offered the following amendment H—5324 filed by him and moved its adoption:

H—5324

- 1 Amend House File 2350 as follows:
- 2 1. By striking page 2, line 19, through page 3,
- 3 line 2.
- 4 2. Page 3, by striking lines 3 through 14.

Amendment H—5324 was adopted placing the following amendments out of order:

H—5288 filed by Spear of Lee on March 10, 1986.

H—5294, lines 5 through 7, previously adopted and found on page 744 of the House Journal.

H—5308 filed by Spear of Lee on March 11, 1986.

H—5329, to amendment H—5308, filed by Rensink of Sioux on March 13, 1986.

Muhlbauer of Crawford offered the following amendment H—5270 filed by him and moved its adoption:

H—5270

- 1 Amend House File 2350 as follows:
- 2 1. By striking page 3, line 22 through page 4,
- 3 line 22.
- 4 2. By renumbering sections as necessary.

Roll call was requested by Miller of Cherokee and Daggett of Taylor.

On the question "Shall amendment H—5270 be adopted?"

The ayes were, 38:

Baxter	Beatty	Bennett	Brammer
Connolly	Connors	Cooper	Corey
Diemer	Fey	Grandia	Groninga
Groth	Gruhn	Harbor	Hatch
Johnson	Knapp	Maulsby	McKean
Muhlbauer	Norland	O'Kane	Ollie
Oxley	Pavich	Petersen, D. F.	Peterson, M. K.
Platt	Royer	Schnekloth	Shoning
Sullivan	Van Camp	Van Maanen	Welden
Woods	Zimmerman		

The nays were, 54:

Arnould	Black	Blanshan	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Daggett
De Groot	Fogarty	Halvorson, R. N.	Handorf
Hanson	Haverland	Hermann	Hester
Holveck	Hughes	Jay	Jochum
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	McIntee	Metcalf	Miller
Mullins	Osterberg	Paulin	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Running	Sherzan	Shoultz
Siegrist	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Teaford
Varn	Mr. Speaker (Hummel)		

Absent or not voting, 8:

Avenson	Doderer	Halvorson, R. A.	Hammond
Parker	Rensink	Skow	Tabor

Amendment H—5270 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Pavich of Pottawattamie.

Oxley of Linn offered the following amendment H—5256 filed by him:

H—5256

- 1 Amend House File 2350 as follows:
- 2 1. Page 5, by striking lines 1 through 3 and
- 3 inserting the following:
- 4 "2. Has a list of subscribers or persons who have
- 5 requested copies to be received during a stated
- 6 period."
- 7 2. Page 5, by striking lines 8 and 9.

Schnekloth of Scott rose on a point of order and invoked Rule 32 to refer House File 2350 to the committee on ways and means.

The Speaker ruled the point not well taken and Rule 32 not in order.

Norland of Worth asked and received unanimous consent that House File 2350 be deferred and that the bill retain its place on the calendar.

(Amendment H—5256 pending.)

House File 2345, a bill for an act relating to drainage districts, was taken up for consideration.

Spear of Lee offered the following amendment H—5322 filed by him and moved its adoption:

H—5322

- 1 Amend House File 2345 as follows:
- 2 1. Page 2, line 11, by striking the word "forty"
- 3 and inserting the words "twenty-five".

Amendment H—5322 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2345)

The ayes were, 90:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. N.	Handorf	Hanson
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	McIntee
McKean	Metcalf	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Teaford
Van Camp	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Hummel)		

The nays were, 2:

Maulsby Van Maanen

Absent or not voting, 8:

Doderer	Halvorson, R. A.	Hammond	Harbor
Miller	Parker	Rensink	Tabor

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

House File 2348, a bill for an act relating to water sold in sealed containers for human consumption and making penalties applicable, was taken up for consideration.

Speaker Avenson in the chair at 11:57 a.m.

Hatch of Polk offered the following amendment H—5252 filed by him:

H—5252

1 Amend House File 2348 as follows:

2 1. Page 1, by striking lines 6 through 8 and
3 inserting the following: "sold in sealed containers
4 for human consumption" includes ice sold in sealed
5 containers and bottled water; "bottled water" means
6 drinking water which is placed in sealed containers
7 for the purpose of sale to the public for human
8 consumption; and "drinking water" means water sold for
9 drinking, culinary, or other purposes involving the
10 likelihood of the water being ingested for human
11 consumption but does not include distilled water,
12 carbonated beverages, mineral water, or other
13 beverages which contain water but which are not sold
14 for human consumption."

15 2. Page 1, line 28, by striking the word
16 "bottled" and inserting the following: "placed in the
17 sealed container".

18 3. Page 1, line 29, by striking the word
19 "bottled" and inserting the following: "placed in the
20 sealed container".

21 4. Page 1, by striking line 32 and inserting the
22 following: "the water placed in the sealed
23 container."

24 5. Page 1, by striking line 33 and inserting the
25 following:

26 "(5) That if the water was placed in a sealed
27 container in Iowa and meets the".

28 6. Page 2, by striking line 2 and inserting the
29 following:

30 "(6) That if the water was placed in a sealed
31 container outside of Iowa that the".

32 7. Page 2, line 4, by striking the word "bottled"
33 and inserting the following: "placed in a sealed
34 container".

35 8. Page 2, by striking line 7 and inserting the
36 following: "frequency for which facilities where
37 water is placed in sealed containers including, but
38 not limited to, ice making and bottling facilities are
39 inspected and tested. The".

40 9. Page 2, by inserting after line 10, the
41 following:

42 "_____. A requirement that all records pertaining to
43 sampling and analysis of water sold in sealed
44 containers for human consumption under this subsection

45 shall be maintained at the bottling facility or if the
46 water is bottled outside of the state at the
47 distributor's facility. The records shall be
48 maintained for at least two years and shall be
49 available upon request for review by officials of the
50 department."

Page 2

1 10. Renumber as necessary.

Hatch of Polk offered the following amendment H—5281, to amendment H—5252, filed by him and moved its adoption:

H—5281

1 Amend amendment H—5252 to House File 2348 as
2 follows:
3 1. Page 1, by striking lines 13 and 14 and
4 inserting the following: "beverages which contain
5 water."

Amendment H—5281 was adopted.

On motion by Hatch of Polk, amendment H—5252, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2348)

The ayes were, 74:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Diemer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Handorf	Hanson	Hatch	Haverland
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Lonergan	McIntee
McKean	Metcalf	Muhlbauer	Mullins
Norland	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud

Rosenberg	Royer	Running	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Varn
Zimmerman	Mr. Speaker		

The nays were, 20:

Bennett	Branstad	Carpenter	De Groot
Grandia	Hermann	Lageschulte	Maulsby
Miller	O'Kane	Pellett	Platt
Renken	Schnekloth	Sherzan	Swearingen
Van Camp	Van Maanen	Welden	Woods

Absent or not voting, 6:

Doderer	Halvorson, R. A.	Hammond	Harbor
Kremer	Rensink		

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

House File 2412, a bill for an act relating to the allocation of lottery funds and programs for which the funds may be used and providing an effective date, was taken up for consideration.

Parker of Jasper offered the following amendment H—5348 filed by him and moved its adoption:

H—5348

- 1 Amend House File 2412 as follows:
- 2 1. Page 2, line 13, by inserting after the word
- 3 "commission." the following: "The Iowa development
- 4 commission shall consult with the Iowa high technology
- 5 council in making grants under this paragraph."

Amendment H—5348 was adopted.

Paulin of Plymouth offered the following amendment H—5296 filed by him and Miller of Cherokee and moved its adoption:

H—5296

- 1 Amend House File 2412 as follows:
- 2 1. Page 2, by striking lines 28 through 31 and
- 3 inserting the following: "the jobs now capitals
- 4 account to the department of public instruction for

- 5 assistance for kindergarten through grade twelve
 6 programs of school districts. Funds received by a
 7 school district are in addition to state aid under
 8 section 442.1."

Roll call was requested by Paulin of Plymouth and Royer of Page.

On the question "Shall amendment H—5296 be adopted?"

The ayes were, 41:

Bennett	Black	Branstad	Carpenter
Clark	Corey	Daggett	Diemer
Grandia	Handorf	Hanson	Hermann
Hester	Hummel	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Stromer
Stueland	Swearingen	Teaford	Van Camp
Van Maanen			

The nays were, 45:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Mullins	Norland	Ollie
Osterberg	Oxley	Pavich	Peick
Peterson, M. K.	Poney	Renaud	Rosenberg
Sullivan	Swartz	Tabor	Varn
Mr. Speaker			

Absent or not voting, 14:

De Groot	Doderer	Halvorson, R. A.	Hammond
Harbor	Loneragan	O'Kane	Parker
Rensink	Spear	Sturgeon	Welden
Woods	Zimmerman		

Amendment H—5296 lost.

Paulin of Plymouth offered the following amendment H—5318 filed by him and moved its adoption:

H—5318

- 1 Amend House File 2412 as follows:
- 2 1. Page 4, by striking lines 14 and 15 and
- 3 inserting the following: "July 1, 1986 only, for
- 4 the purpose of funding House File 2449 of the Seventy-
- 5 first General Assembly the sum of one million
- 6 (1,000,000) dollars. If House File 2449 is not
- 7 enacted, the funds appropriated in this paragraph
- 8 shall be used for assistance for kindergarten through
- 9 grade twelve programs of school districts. Funds
- 10 received by a school district are in addition to state
- 11 aid under section 442.1."

Roll call was requested by Schnekloth of Scott and Paulin of Plymouth.

Rule 75 was invoked.

On the question "Shall amendment H—5318 be adopted?"

The ayes were, 43:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Fogarty	Grandia	Handorf	Hanson
Hermann	Hester	Hummel	Johnson
Kremer	Lageschulte	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Osterberg	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Welden	Woods	

The nays were, 51:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Fey	Groninga
Gruhn	Halvorson, R. N.	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Lloyd-Jones	Loneragan
Norland	O'Kane	Ollie	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Spear	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Varn	Zimmerman	Mr. Speaker	

Absent or not voting, 6:

Doderer
Harbor

Groth
Rensink

Halvorson, R. A.

Hammond

Amendment H—5318 lost.

Connolly of Dubuque offered the following amendment H—5314 filed by him:

H—5314

- 1 Amend House File 2412 as follows:
- 2 1. Page 5, by inserting after line 7 the
- 3 following:
- 4 "Sec._____. 1985 Iowa Acts, chapter 33, section
- 5 303, as amended by 1985 Iowa Acts, chapter 256,
- 6 section 12, is amended by adding the following new
- 7 unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
- 9 other provision of this section, the amount
- 10 appropriated for each of the fiscal years beginning
- 11 July 1, 1986, July 1, 1987, July 1, 1988, and July 1,
- 12 1989, from the allotments to be made to the community
- 13 economic betterment account, jobs now account, and the
- 14 education and agriculture research and development
- 15 account to each of the funds, agencies, boards, or
- 16 commissions for the purposes specified in subsections
- 17 2, 3, and 4 of section 302 of this Act shall be the
- 18 amounts appropriated to each of those funds, agencies,
- 19 boards, or commissions for the fiscal year beginning
- 20 July 1, 1985 for those purposes in subsections 2, 3,
- 21 and 4 of section 301 of this Act, except where a
- 22 different amount is specified by the general assembly
- 23 for that fiscal year."

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—5340, to amendment H—5314, filed by him on March 13, 1986.

Groninga of Cerro Gordo offered the following amendment H—5343, to amendment H—5314, filed by him and moved its adoption:

H—5343

- 1 Amend amendment H—5314 to House File 2412 as
- 2 follows:

3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "_____. Page 3, by striking lines 14 through 19 and
 6 inserting the following: "The funds that would have
 7 been available and spent, but for this subsection,
 8 under section 4, paragraphs "a", "b", and "c" shall be
 9 transferred from the education and agriculture
 10 research and development account to the accounts
 11 specified in subsection 1, paragraph "b". The funds
 12 so transferred are considered as allotments made to
 13 those accounts for the fiscal year beginning July 1,
 14 1985. However, the funds resulting from this
 15 reallotment to the education and agriculture research
 16 and development account shall not be appropriated
 17 under subsection 4, paragraphs "a", "b", and "c"."

Amendment H—5343 was adopted.

On motion by Connolly of Dubuque, amendment H—5314, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2412)

The ayes were, 74:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
De Groot	Diemer	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. N.	Hanson
Hatch	Haverland	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lloyd-Jones	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Schneklath	Sherzan	Shoultz
Siegrist	Skow	Spear	Stueland
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 16:

Bennett	Branstad	Corey	Daggett
Grandia	Handorf	Hermann	Hester
Hummel	Lageschulte	Maulsby	Paulin
Renken	Royer	Shoning	Van Maanen

Absent or not voting, 10:

Doderer	Groth	Halvorson, R. A.	Hammond
Harbor	Loneragan	Rensink	Stromer
Sturgeon	Welden		

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

House File 2252, a bill for an act relating to the proving of pater-nity for purposes of inheritance, with report of committee recom-mending passage, was taken up for consideration.

Carl of Poweshiek offered the following amendment H—5278 filed by her and moved its adoption:

H—5278

- 1 Amend House File 2252 as follows:
- 2 1. Page 1, line 3, by striking the word
- 3 "INHERITS" and inserting the word "INHERIT".

Amendment H—5278 was adopted.

Carl of Poweshiek 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. 2252)

The ayes were, 76:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Cooper	Corey	Diemer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs

Kremer	Lageschulte	Lloyd-Jones	McIntee
McKean	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 13:

Daggett	De Groot	Grandia	Handorf
Hummel	Maulsby	Metcalf	Paulin
Pellett	Petersen, D. F.	Renken	Royer
Van Maanen			

Absent or not voting, 11:

Connors	Doderer	Groth	Halvorson, R. A.
Hammond	Harbor	Lonergan	Miller
Rensink	Sturgeon	Welden	

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

House File 2235, a bill for an act relating to the regulation of vicious dogs and providing a penalty and an effective date, with report of committee recommending passage, was taken up for consideration.

Connors 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. 2235)

The ayes were, 88:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. N.	Handorf
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel

Jay	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Connors	Doderer	Groth	Halvorson, R. A.
Hammond	Harbor	Kremer	Lageschulte
Loneragan	Rensink	Sturgeon	Welden

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

House File 2239, a bill for an act relating to criminal offenses committed against or with children and to court testimony by children, with report of committee recommending amendment and passage, was taken up for consideration.

Tabor of Jackson offered the following amendment H—5250 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5250

- 1 Amend House File 2239 as follows:
- 2 1. Page 1, by striking lines 1 through 7.
- 3 2. By renumbering as necessary.

The committee amendment H—5250 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2239)

The ayes were, 88:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. N.	Handorf
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Carpenter	Doderer	Groth	Halvorson, R. A.
Hammond	Harbor	Loneragan	McIntee
Rensink	Sturgeon	Welden	Woods

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

House File 2407, a bill for an act relating to the sale, lease, or disposal of property of a school corporation, was taken up for consideration.

Carter of Henry offered the following amendment H—5279 filed by him and moved its adoption:

H—5279

- 1 Amend House File 2407 as follows:
- 2 1. Page 1, by striking lines 7 and 8 and
- 3 inserting the following: "~~dollars.~~ If However, if
- 4 the appraised value exceeds twenty-five thousand

5 dollars, the board shall submit the question at an
6 election".

7 2. Page 1, line 10, by inserting after the word
8 "disposal" the following: "hold a public hearing
9 before the board takes final action on the property".

Amendment H—5279 was adopted.

Carter 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?" (H.F. 2407)

The ayes were, 82:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	Fey	Fogarty	Grandia
Gruhn	Halvorson, R. N.	Handorf	Hanson
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Metcalf
Miller	Muhlbauer	Mullins	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 5:

Maulsby	McKean	Petersen, D. F.	Schnekloth
Van Camp			

Absent or not voting, 13:

Connors	Doderer	Groninga	Groth
Halvorson, R. A.	Hammond	Harbor	Lonergan
McIntee	Norland	Rensink	Sturgeon
Welden			

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

HOUSE FILES 2418 AND 2373 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2418 and 2373 be deferred and that the bills retain their place on the calendar.

House File 2401, a bill for an act establishing a state management training program and a management training revolving fund, was taken up for consideration.

Carter of Henry offered the following amendment H—5311 filed by him and moved its adoption:

H—5311

- 1 Amend House File 2401 as follows:
- 2 1. Page 1, lines 7 and 8, by striking the words
- 3 "the salaries, travel, and other" and inserting
- 4 the following: "actual and necessary".

Amendment H—5311 was adopted.

Carter 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?" (H.F. 2401)

The ayes were, 81:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Cochran	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Handorf	Hanson	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Sherzan	Shoning	Siegrist

Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 6:

Clark	Grandia	Hummel	Schnekloth
Van Camp	Van Maanen		

Absent or not voting, 13:

Connors	Doderer	Groth	Halvorson, R. A.
Hammond	Harbor	Kremer	Lonergan
McIntee	Rensink	Shoultz	Sturgeon
Welden			

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 **House File 2417**, a bill for an act relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable, and amendment H—5289 (found on page 740 of the House Journal) temporarily deferred March 14, 1986.

On motion by Kremer of Buchanan amendment H—5289 was adopted.

Kremer of Buchanan 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. 2417)

The ayes were, 90:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. N.
Handorf	Hanson	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson

Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Doderer	Groth	Halvorson, R. A.	Hammond
Harbor	Lonergan	McIntee	Rensink
Sturgeon	Welden		

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

MOTION TO RECONSIDER PREVAILED (House File 665)

Varn of Johnson called up for consideration the motion to reconsider House File 665, filed on February 6, 1986, and moved to reconsider the vote by which House File 665, a bill for an act relating to the operation of motorboats, failed to pass the House and was placed on its last reading on February 6, 1986.

A non-record roll call was requested.

The ayes were 60, nays 10.

The motion prevailed and the House reconsidered House File 665, placing out of order the motions to reconsider filed by Connolly of Dubuque and Haverland of Polk on February 6, 1986.

Sullivan of Van Buren moved to reconsider the vote by which the committee amendment H—5057 (found on pages 256 and 257 of the House Journal) was adopted by the House on February 6, 1986, which motion prevailed.

Sullivan of Van Buren moved to reconsider the vote by which amendment H—5065, to the committee amendment H—5057, (found on page 257 of the House Journal) failed to be adopted by the House on February 6, 1986, which motion prevailed.

On motion by Haverland of Polk, amendment H—5065 was adopted.

On motion by Paulin of Plymouth, the committee amendment H—5057, as amended, was adopted.

Paulin of Plymouth 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. 665)

The ayes were, 65:

Arnould	Baxter	Bennett	Blanshan
Brammer	Branstad	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Groninga	Gruhn	Halvorson, R. N.	Hanson
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Kremer	Lageschulte	Lloyd-Jones
Maulsby	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Oxley	Parker	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Renaud
Royer	Shoning	Siegrist	Spear
Stromer	Sullivan	Swartz	Swearingen.
Tabor	Van Maanen	Varn	Woods
Mr. Speaker			

The nays were, 24:

Beatty	Black	Fey	Grandia
Handorf	Hatch	Knapp	Koenigs
McKean	Osterberg	Paulin	Peick
Poncy	Renken	Rosenberg	Running
Schnekloth	Sherzan	Shoultz	Skow
Stueland	Teaford	Van Camp	Zimmerman

Absent or not voting, 11:

Doderer
Hammond
Rensink

Fogarty
Harbor
Sturgeon

Groth
Lonergan
Welden

Halvorson, R. A.
McIntee

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

House File 2409, a bill for an act relating to the visitation rights of grandparents, was taken up for consideration.

Jay of Appanoose offered the following amendment H—5341 filed by him and Sturgeon of Woodbury and moved its adoption:

H—5341

1 Amend House File 2409 as follows:

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

4 "Section 1. **NEW SECTION. 600A.10 GRANDPARENT**
5 **VISITATION RIGHTS.**

6 A grandparent of a child may petition the district
7 court for grandchild visitation rights when any of the
8 following circumstances occur:

9 1. The parent of the child, who is the child of
10 the grandparent, has died.

11 2. The child has been placed in a foster home.

12 3. The parental rights of the parent of the child,
13 who is the child of the grandparent, are terminated
14 pursuant to section 232.117 or 600A.9 or a petition to
15 terminate parental rights has been filed pursuant to
16 section 232.111 or 600A.5.

17 A petition for grandchild visitation rights shall
18 be granted only upon a finding that the visitation
19 rights are in the best interest of the child and would
20 not unduly disrupt the child's relationship with the
21 person who has custody of the child, including an
22 adoptive parent."

Amendment H—5341 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2409)

The ayes were, 86:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Fey	Grandia
Groninga	Gruhn	Halvorson, R. N.	Handorf
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McKean	Metcalf	Miller	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tabor
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Doderer	Fogarty	Groth	Halvorson, R. A.
Hammond	Harbor	Koenigs	Loneragan
McIntee	Muhlbauer	Rensink	Sturgeon
Teaford	Welden		

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

UNANIMOUS CONSENT

Norland of Worth asked and received unanimous consent that amendment H—5349 to Senate File 2175 not be printed in the proof Journal. (See pages 2373 through 2518 of the Journal for text of amendment.)

MOTION TO RECONSIDER (House File 2413)

I move to reconsider the vote by which House File 2413 passed the House on March 13, 1986.

JAY of Appanoose

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 14th day of March, 1986: House Files 660, 2068 and 2069.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 13, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 2225, an act relating to the apportionment of the interest from the permanent school fund, including an elimination of school census requirements, and providing that the Act takes effect upon its publication.

House File 2287, an act permitting the posting of a bond to discharge a mechanic's lien and providing for an effective date.

Senate File 276, an act relating to the jurisdiction of district associate judges.

Senate File 326, an act relating to the selection of official newspapers.

Senate File 2051, an act relating to the attachment of child and spousal support liens to real property and providing a retroactive effective date.

Senate File 2124, an act relating to the appointment of a district associate judge in lieu of magistrates.

PROOF OF PUBLICATION

(Senate File 2232)

Published copy of Senate File 2232 and verified proof of publication of said bill in The Des Moines Register, a daily newspaper, printed and published in Des Moines, Polk County, Iowa on

February 21, 1986 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PRESENTATION OF VISITORS

Cochran of Webster presented to the House, the Honorable Delbert Floy, former member of the Senate representing Cerro Gordo County.

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

Members of the girls basketball team from Riceville Community School, Riceville, accompanied by Mark McCright. By Koenigs of Mitchell.

Forty twelfth grade students from Greenfield High School, Greenfield, accompanied by Mr. Leto and Mrs. Benton. By Hughes of Union.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2143

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton and Knapp.

Senate File 2155

Small Business and Commerce: Sherzan, Chair; Beatty and Kremer.

Senate File 2193

Judiciary and Law Enforcement: Lageschulte, Chair; McIntee and Peterson of Carroll.

Senate File 2210

Small Business and Commerce: Swartz, Chair; Holveck and Schnekloth.

Senate File 2221

Transportation: Fogarty, Chair; Cooper and Royer.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Senate File 191, a bill for an act establishing a central registry of brain-injured persons within the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1986.

COMMITTEE ON TRANSPORTATION

Senate File 2084, a bill for an act prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5352** March 13, 1986.

AMENDMENTS FILED

H-5350	H.F.	2422	Mullins of Kossuth Hammond of Story
H-5352	S.F.	2084	Committee on Transportation
H-5353	H.F.	2433	Brammer of Linn
H-5354	H.F.	2457	Spear of Lee
H-5355	H.F.	2455	O'Kane of Woodbury
H-5356	H.F.	2455	Spear of Lee
H-5357	S.F.	2175	Peterson of Carroll
H-5358	S.F.	2175	Hammond of Story
H-5359	S.F.	2175	Varn of Johnson Daggett of Taylor

On motion by Norland of Worth, the House adjourned at 1:25 p.m., until 9:00 a.m., Monday, March 17, 1986.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day—Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 17, 1986

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by Dr. Thurman Rynbrandt, pastor of the First Reformed Church, Sioux Center.

The Journal of Friday, March 14, 1986 was approved.

INTRODUCTION OF BILL

House File 2468, by Schnekloth, a bill for an act relating to the state individual income tax and providing an effective date.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2002, by Carr, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding the political affiliation of members of judicial nominating commissions.

Read first time and referred to committee on **state government**.

Senate File 2108, by Mann, a bill for an act relating to the reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship of a person convicted of a criminal offense.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2131, by committee on agriculture, a bill for an act relating to the enforcement of an interest in agricultural property, by providing for mediation, an appropriation, and an effective date.

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

Senate File 2228, by committee on local government, a bill for an act relating to the responsibilities of county recorders to make reports concerning ownership, assessed values, and transfers of real estate, and certificates of limited partnerships.

Read first time and referred to committee on **local government**.

Senate File 2240, by committee on judiciary, a bill for an act relating to the collection of civil penalties for the reparation of persons injured by uninsured motorists.

Read first time and referred to committee on **judiciary and law enforcement**.

Harbor of Mills in the chair at 9:07 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Loneragan of Boone on request of Arnould of Scott; McIntee of Black Hawk on request of Stromer of Hancock.

CONSIDERATION OF BILLS Regular Calendar

Senate File 2175, a bill for an act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure, was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H—5349 filed by the committee on state government. (See House Journal pages 2373 through 2518 for text of amendment.)

Connors of Polk in the chair at 9:23 a.m.

The House stood at ease at 9:29 a.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—5349 to Senate File 2175 at 11:03 a.m., Speaker Avenson in the chair.

Welden of Hardin offered the following amendment H—5361, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5361

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. By striking page 5, line 25 through page 6,
- 5 line 44.
- 6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H—5361 lost.

Welden of Hardin offered the following amendment H—5363, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5363

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. By striking page 7, line 12, through page 9,
- 5 line 47.
- 6 2. Page 12, by striking lines 4 through 6.
- 7 3. Page 81, by striking lines 5 through 9.
- 8 4. Page 84, by striking line 20.
- 9 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 41, nays 45.

Amendment H—5363 lost.

Hammond of Story offered the following amendment H—5360, to the committee amendment H—5349, filed by her and Hanson of Delaware from the floor and moved its adoption:

H—5360

- 1 Amend amendment H—5349 to Senate File 2175 as
- 2 follows:
- 3 1. Page 13, line 24, by inserting after the
- 4 word "defender," the words "the auditor of state,".

Amendment H—5360 was adopted.

Rosenberg of Story offered the following amendment H—5374, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5374

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 15, by inserting after line 45 the
- 5 following:
- 6 "_____. Page 30, by inserting after line 1 the
- 7 following:
- 8 "_____. Address equal opportunity and affirmative
- 9 action policies with respect to employee benefits and
- 10 leaves of absence." "
- 11 2. By renumbering as necessary.

Amendment H—5374 was adopted.

Ollie of Clinton offered the following amendment H—5362, to the committee amendment H—5349, filed by Ollie, Connolly and Rensink from the floor and moved its adoption:

H—5362

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. By striking page 18, line 50 through page 33,
- 5 line 31.
- 6 2. Page 34, by striking lines 26 through 29.

A non-record roll call was requested.

The ayes were 41, nays 43.

Amendment H—5362 lost.

(The committee amendment H—5349, as amended, to Senate File 2175, pending.)

On motion by Norland of Worth, the House was recessed at 12:11 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 2175**, a bill for an act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure and the committee amendment H—5349, (found on pages 2373 through 2518) as amended.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-two members present, forty-eight absent.

Action on amendments H—5376 and H—5380, to the committee amendment H—5349, was temporarily deferred.

Jochum of Dubuque offered the following amendment H—5379, to the committee amendment H—5349, filed from the floor by Jochum, Running and Doderer:

H—5379

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 16, by inserting after line 46 the
- 5 following:
- 6 “_____ Page 33, by inserting after line 1 the
- 7 following:
- 8 “Sec._____. Section 20.4, subsection 10, Code 1985,
- 9 is amended by striking the subsection.” ”

Bennett of Ida rose on a point of order that amendment H—5379 was not germane.

The Speaker ruled the point well taken and amendment H—5379 not germane.

Jochum of Dubuque moved that the rules be suspended for the consideration of amendment H—5379, to the committee amendment H—5349.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 41, nays 46.

The motion to suspend the rules lost.

Rosenberg of Story offered the following amendment H—5380, (temporarily deferred) to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5380

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 16, by inserting after line 3 the
- 5 following:
- 6 “_____ Page 32, by inserting before line 6 the
- 7 following:

8 "Sec. . The department of economic development
9 shall prepare and submit to the general assembly on or
10 before January 1, 1987 a report on its policies,
11 programs, and activities with respect to equal
12 opportunity and affirmative action in recruitment,
13 outreach, and program usage for women and minorities
14 eligible for economic development programs and funds
15 administered by the department." "

Amendment H—5380 was adopted.

Carpenter of Polk offered the following amendment H—5378, to the committee amendment H—5349, filed from the floor by Carpenter, Halvorson of Clayton, Hanson and Cooper and moved its adoption:

H—5378

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 16, by inserting after line 48 the
5 following:
6 "_____. Page 36, by striking lines 5 through 19."
7 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 42.

Amendment H—5378 lost.

Brammer of Linn offered the following amendment H—5376 (temporarily deferred), to the committee amendment H—5349, filed by him from the floor:

H—5376

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. By striking page 5, line 27 through page 9,
5 line 47 and inserting the following:
6 "1. As used in this section, unless the context
7 otherwise requires:
8 a. "Director" means the director of the department
9 of economic development.
10 b. "Minority person" means an individual who is a

11 Black, Hispanic, Asian or Pacific Islander, or
12 American Indian or Alaskan native.

13 c. "Small business" means an enterprise which is
14 located in this state, is operated for profit, and has
15 either fewer than twenty employees or an annual gross
16 income of less than three million dollars. However,
17 "small business" does not include an enterprise
18 operated primarily for the practice of a licensed
19 profession.

20 d. "Targeted small business" means a small
21 business owned and operated by one or more women or
22 minority persons.

23 2. The director, in conjunction with the director
24 of the department of management, shall establish a
25 targeted small business loan guarantee program. The
26 program shall provide for guarantees with respect to
27 loans made to beginning targeted small businesses.

28 3. The director, with the approval of the director
29 of the department of management, shall establish a
30 loan reserve account from which any default on a
31 guaranteed loan under this section shall be paid. A
32 default is not eligible for payment until it has been
33 reduced to judgment by the lender. All moneys
34 designated for the targeted small business loan
35 guarantee program shall be credited to the loan
36 reserve account. The director, with the approval of
37 the director of the department of management, shall
38 also establish an administrative account from which
39 the operating costs of the program shall be paid. The
40 director, with the approval of the director of the
41 department of management, may transfer moneys between
42 the reserve and administrative accounts. The director
43 of the department of management shall determine what
44 is the actuarially sound reserve requirement for the
45 amount of guaranteed loans outstanding.

46 4. Only moneys set aside in the loan reserve
47 account may be used for the payment of a default. The
48 program shall pay under a guarantee only seventy-five
49 percent of the amount of the default.

50 5. The program shall provide that after the

Page 2

1 default has been reduced to judgment and the guarantee
2 paid from the loan reserve account, the director, on
3 behalf of the state, is entitled to an assignment of
4 the judgment. The attorney general shall take all
5 appropriate action to enforce the judgment or may
6 enter into an agreement with the lender to provide for
7 enforcement. Upon collection of the amount
8 guaranteed, any excess collected shall be paid to the

9 lender.

10 6. The director may organize one or more advisory
11 groups composed of representatives of women, minority
12 persons, the business and financial community, and
13 others interested in the loan guarantee program to
14 serve on a volunteer basis in advising the director
15 concerning the implementation of this section.

16 7. The director, in conjunction with the director
17 of the office of management shall adopt rules as
18 necessary for the administration of the loan guarantee
19 program under this section.

20 8. The general assembly is not obligated to
21 appropriate any moneys to pay for any defaults or to
22 appropriate any moneys to be credited to the loan
23 reserve account. The loan guarantee program does not
24 obligate the state except to the extent provided in
25 this section, and the director in administering the
26 program shall not give or lend the credit of the state
27 of Iowa.

28 Sec. 108. NEW SECTION. 8.59 ADVICE AND
29 ASSISTANCE TO FEMALE AND MINORITY NEW BUSINESSES.

30 The director of the department of economic
31 development, in conjunction with the director of the
32 department of management and jointly with the
33 universities under the jurisdiction of the state board
34 of regents, the area community colleges, and the area
35 vocational schools, shall develop and make available
36 in all areas of the state programs whereby
37 concentrated, in-depth advice and services are
38 available to assist female and minority persons in
39 starting and operating new businesses. The advice and
40 services shall extend to all areas of business
41 management in its practical application, including but
42 not limited to accounting, engineering, drafting,
43 obtaining financing, locating bond markets, market
44 analysis, and projections of profit and loss.

45 Sec. 109. NEW SECTION. 8.61 TITLE.

46 Sections 8.61 through 8.66 may be cited as the
47 "Iowa Targeted Small Business Procurement Act."

48 Sec. 110. NEW SECTION. 8.62 DEFINITIONS.

49 When used in sections 8.61 through 8.66, unless the
50 context otherwise requires:

Page 3

1 1. "Director" means the director of the department
2 of management.

3 2. "Minority person" means an individual who is a
4 Black, Hispanic, Asian, or Pacific Islander, or
5 American Indian or Alaskan native.

6 3. "Small business" means an enterprise which is

7 located in this state, is operated for profit, and has
8 either fewer than twenty employees or an annual gross
9 income of less than three million dollars. However,
10 "small business" does not include an enterprise
11 operated primarily for the practice of a licensed
12 profession.

13 4. "Targeted small business" means a small
14 business owned and operated by one or more women or
15 minority persons. The director may by rule expand the
16 definition of "targeted small business" to include a
17 small business managed by one or more women or
18 minority persons and a small business whose work force
19 is composed of a high percentage of women or minority
20 persons.

21 Sec. 111. NEW SECTION. 8.63 PROCUREMENT FROM
22 TARGETED SMALL BUSINESSES.

23 1. TARGETED SMALL BUSINESS SET-ASIDES.

24 Notwithstanding section 18.6 and other provisions of
25 law relating to competitive bidding procedures, the
26 director shall designate and set aside for awarding to
27 targeted small businesses at least five percent of the
28 value of anticipated total state procurement of goods
29 and services, including construction, but not
30 including utility services pursuant to section 18.8,
31 each fiscal year. The department of general services,
32 the department of transportation, and the state board
33 of regents shall cooperate with the director and do
34 all acts necessary to carry out sections 8.61 through
35 8.66. The director may divide the procurements so
36 designated into contract award units of economically
37 feasible production runs to facilitate offers or bids
38 from these small businesses. In designating set-aside
39 procurements, the director may vary the included
40 procurements so that a variety of goods and services
41 produced by different small businesses may be set
42 aside each year.

43 2. NEGOTIATED PRICE OR BID CONTRACT. The
44 department of general services, the department of
45 transportation, and the state board of regents may use
46 either a negotiated price or bid contract procedure in
47 the awarding of a contract under this set-aside
48 program. The amount of an award shall not exceed by
49 more than five percent the estimated price for the
50 goods or services, if they were to be purchased on the

Page 4

1 open market or under the competitive bidding
2 procedures of section 18.6 or other provisions of law
3 relating to competitive bidding procedures, and not
4 under this set-aside program. Surety bonds guaranteed

5 by the federal small business administration are
6 acceptable security for a construction award under
7 this section.

8 3. DETERMINATION OF ABILITY TO PERFORM. Before
9 announcing a set-aside award, the department of
10 general services, the department of transportation,
11 and the state board of regents shall evaluate whether
12 the small business scheduled to receive the award is
13 able to perform the set-aside contract. This
14 determination shall include consideration of
15 production and financial capacity and technical
16 competence.

17 4. PROCUREMENT PROCEDURES. All laws and rules
18 pertaining to solicitations, bid evaluations, contract
19 awards, and other procurement matters apply to
20 procurements set aside for small businesses to the
21 extent there is no conflict. If sections 8.61 through
22 8.66 conflict with other laws or rules, then those
23 sections govern.

24 Sec. 112. NEW SECTION. 8.64 LOCATING AND
25 ASSISTING TARGETED SMALL BUSINESSES.

26 The director, in conjunction with the department of
27 economic development, shall publicize the set-aside
28 program, attempt to locate targeted small businesses
29 able to perform set-aside awards, and encourage
30 program participation. When the director, in
31 conjunction with the director of the department of
32 economic development, determines that a targeted small
33 business is unable to perform under a set-aside
34 contract, the director of the department of economic
35 development shall assist the small business in
36 attempting to remedy the causes of the inability to
37 perform. In assisting the small business, the
38 director of the department of economic development may
39 use any management or financial assistance programs
40 available through state or governmental agencies or
41 private sources.

42 Sec. 113. NEW SECTION. 8.65 CERTIFICATION.

43 The director, in cooperation with the director of
44 the department of economic development, shall adopt by
45 rule standards and procedures for certifying that
46 targeted small businesses are eligible to participate
47 in the set-aside program. The procedure for
48 determination of eligibility shall not include self-
49 certification by a business. The department of
50 management and the department of economic development

Page 5

1 shall maintain a current directory of targeted small
2 businesses which have been certified under this

3 section.

4 Sec. 114. NEW SECTION. 8.66 ANNUAL REPORT.

5 1. The director shall submit an annual report to
6 the governor and the general assembly relating
7 progress towards realizing the objectives and goals of
8 sections 8.61 through 8.65 during the preceding fiscal
9 year. The report shall include the following
10 information:

11 a. The total dollar value and number of potential
12 set-aside awards identified and the percentage of
13 total state procurements this figure reflects.

14 b. The total dollar value and number of set-aside
15 contracts awarded to targeted small businesses with
16 appropriate designation as to the total number and
17 value of set-aside contracts awarded to each small
18 business, and the percentages of the total state
19 procurements the figures of total dollar value and the
20 number of set-asides reflect.

21 c. The number of contracts which were designated
22 and set aside pursuant to section 8.63, but which were
23 not awarded to a targeted small business, the
24 estimated total dollar value of these awards, the
25 lowest offer or bid on each of these awards made by
26 the small business and the price at which these
27 contracts were awarded pursuant to the normal
28 procurement procedures.

29 d. The efforts undertaken to publicize the set-
30 aside program during the preceding year.

31 e. The efforts undertaken to identify targeted
32 small businesses, and the efforts undertaken to
33 encourage participation in the set-aside program.

34 f. The efforts undertaken by the director and the
35 department of economic development to remedy the
36 inability of these small businesses to perform on
37 potential set-aside awards.

38 g. The director's recommendations for
39 strengthening the set-aside program and delivery of
40 services to these small businesses.

41 2. The department of general services, the
42 department of transportation, the state board of
43 regents, and the department of economic development
44 shall provide all information requested by the
45 director for the preparation of the annual report."

The House stood at ease at 1:45 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment
H—5376, to the committee amendment H—5349, to Senate File 2175
at 2:05 p.m., Speaker Avenson in the chair.

Stromer of Hancock asked and received unanimous consent that amendment H—5376 be deferred.

Platt of Muscatine asked and received unanimous consent to temporarily defer action on amendment H—5377.

Van Maanen of Mahaska offered the following amendment H—5367, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5367

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 47, by striking lines 9 through 11.

Amendment H—5367 was adopted.

Swartz of Marshall offered the following amendment H—5381, to the committee amendment H—5349, filed from the floor by Swartz, Cochran and Johnson. Division was requested as follows:

H—5381

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:

H—5381A

- 4 1. Page 58, by striking lines 7 through 49.

H—5381B

- 5 2. Page 80, by inserting after line 9 the
- 6 following:
- 7 "_____. Page 135, by inserting after line 3 the
- 8 following:
- 9 "d. Aid in the promotion and development of the
- 10 agricultural processing industry in the state." "
- 11 3. Page 82, by inserting after line 6 the
- 12 following:
- 13 "_____. Page 144, by inserting after line 2 the
- 14 following:
- 15 "7. Aid in the promotion and development of the
- 16 agricultural processing industry in the state."
- 17 _____. Page 144, by inserting after line 13 the

H—5381B

18 following:

19 "Sec. _____. NEW SECTION. 15.203 STRATEGIC

20 PLANNING COUNCIL.

21 The department shall establish, in consultation
22 with the department of agriculture and land
23 stewardship, a strategic planning council for the
24 purpose of advising the two departments in relation to
25 the sales, promotion, marketing, export of
26 agricultural commodities, and value added agricultural
27 products processed in Iowa and for the purpose of
28 assisting in the coordination of the respective
29 agricultural marketing programs of the two
30 departments. The council shall consist of one member
31 from each of the following associations, appointed by
32 the secretary of agriculture: Iowa pork producers
33 association, Iowa beef cattle producers association,
34 Iowa sheep and wool promotion board, Iowa egg council,
35 Iowa dairy industry commission, Iowa turkey marketing
36 council, Iowa soybean promotion board, Iowa corn
37 promotion board, Iowa wood industry association, and
38 state horticulture society and up to an additional ten
39 members, appointed by the director, who are
40 experienced in exporting agricultural products,
41 financing the export of agricultural products, and
42 adding value to and processing of agricultural
43 products.

44 The strategic planning council shall submit
45 recommendations to the departments of economic
46 development and agriculture and land stewardship, the
47 governor, and the general assembly." "

48 4. Page 84, by striking lines 26 and 27 and

49 inserting the following:

50 "_____. Page 155, line 26, by striking the figures

Page 2

1 "159.20, 159.22" and inserting the following:

2 "159.21".

On motion by Swartz of Marshall, amendment H—5381A was adopted.

Hanson of Delaware offered the following amendment H—5384, to the committee amendment H—5349, filed from the floor by him and Mullins of Kossuth and moved its adoption:

H—5384

1 Amend the Committee on State Government amendment,

2 H—5349, to Senate File 2175, as amended, passed and

3 reprinted by the Senate, as follows:

- 4 1. By striking page 57, line 1 through page 58,
5 line 49.
- 6 2. Page 58, line 50, by striking the word "Sec."
7 and inserting the word "Sec."
- 8 3. Page 84, by striking line 9.
- 9 4. Page 84, by striking lines 26 and 27.

A non-record roll call was requested.

The ayes were 30, nays 44.

Amendment H—5384 lost.

Daggett of Taylor offered the following amendment H—5368, to the committee amendment H—5349, filed from the floor by Daggett, Pellett, Cooper, Carpenter and Black and moved its adoption:

H—5368

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 69, by inserting after line 1 the
5 following:

6 "_____. Page 91, by inserting before line 9 the
7 following:

8 "Sec._____. Section 467A.3, subsection 13, Code
9 1985, is amended by striking the section." "

10 2. Page 69, line 7, by striking the figure "467D"
11 and inserting the figure "467C".

12 3. Page 69, line 14, by striking the figure
13 "467D" and inserting the figure "467C".

14 4. Page 69, by inserting after line 24 the
15 following:

16 "_____. Page 91, line 33, by inserting after the
17 figure "467D.3," the following: "Code 1985,".

18 5. Page 69, by inserting after line 44 the
19 following:

20 "_____. Page 94, by inserting after line 9 the
21 following:

22 "Sec._____. Section 467A.4, subsection 4,
23 paragraphs "g" through "m", Code Supplement 1985, are
24 amended by striking the paragraphs." "

25 6. Page 70, by inserting after line 26 the
26 following:

27 "_____. Page 98, by inserting after line 2 the
28 following:

29 "Sec._____. Section 467A.42, subsection 1, Code
30 1985, is amended to read as follows:

31 1. "Soil loss limit" means the maximum amount of
32 soil loss due to erosion by water or wind, expressed
33 in terms of tons per acre per year, which the
34 commissioners of the respective soil conservation
35 districts shall determine is acceptable in order to
36 meet the objectives expressed in section 467D.1, Code
37 1985." "

38 7. Page 71, by striking lines 5 through 29 and
39 inserting the following:

40 "_____. By striking page 102, line 8 through page
41 104, line 2, and inserting the following:

42 "Sec._____. Section 455B.280 and Chapter 467D, Code
43 1985, are repealed." "

A non-record roll call was requested.

The ayes were 54, nays 33.

Amendment H—5368 was adopted.

The House resumed consideration of amendment H—5381B, to the committee amendment H—5349.

On motion by Swartz of Marshall, amendment H—5381B, to the committee amendment H—5349, was adopted.

Black of Jasper offered the following amendment H—5388, to the committee amendment H—5349, filed from the floor by Black, Sullivan and Diemer and requested division as follows:

H—5388

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended; passed and
- 3 reprinted by the Senate, as follows:

H—5388A

- 4 1. By striking page 54, line 42 through page 55,
- 5 line 23.
- 6 2. Page 55, by striking lines 35 through 42.
- 7 3. Page 56, line 1, by striking the words "and
- 8 forestry".
- 9 4. Page 56, by striking lines 26 through 40.
- 10 5. By striking page 58, line 50 through page 62,
- 11 line 34.

H—5388B

- 12 6. Page 69, line 17, by striking the words "ten
13 other" and inserting the following: "nine other".
14 7. Page 69, line 24, by striking the word "Nine"
15 and inserting the following: "Eight".
16 8. Page 69, by striking lines 26 and 27 and
17 inserting the following: "the following: county.
18 The seventh and eighth appointive members".
19 9. Page 69, by striking lines 35 and 36 and
20 inserting the following: "the mining industry. The".

Black of Jasper asked and received unanimous consent to withdraw amendment H—5388B.

Black of Jasper moved the adoption of amendment H—5388A, to the committee amendment H—5349.

A non-record roll call was requested.

The ayes were 47, nays 42.

Amendment H—5388A was adopted.

Tabor of Jackson in the chair at 3:50 p.m.

Blanshan of Greene offered the following amendment H—5394, to the committee amendment H—5349, filed by him from the floor:

H—5394

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. By striking page 63, line 33 through page 66,
5 line 35, and inserting the following:
6 "_____. Page 91, by inserting after line 3 the
7 following:
8 "Sec._____. Section 173.1, subsections 1 and 4,
9 Code 1985, are amended by striking the subsections and
10 inserting in lieu thereof the following:
11 1. The governor of the state, the secretary of
12 agriculture, and the president of the Iowa state
13 university of science and technology or their
14 qualified representatives, who shall serve as
15 nonvoting members of the board.
16 4. A secretary appointed by the secretary of
17 agriculture from a list of three candidates nominated
18 by the voting members of the board. The secretary of
19 the board is a nonvoting member of the board.
20 5. A treasurer elected by the voting members of
21 the board, who is a nonvoting member of the board.
22 Sec._____. Section 173.9, unnumbered paragraph 1,

23 Code 1985, is amended by striking the paragraph and
24 inserting in lieu thereof the following:

25 The secretary of the board shall serve at the
26 pleasure of the secretary of agriculture. However,
27 the voting members of the board shall make an annual
28 recommendation to the secretary of agriculture as to
29 whether the secretary of the board should be retained.
30 The secretary of the board shall:

31 Sec. _____. STATE FAIR STUDY. A nine-member panel
32 shall study and make a report with recommendations to
33 the general assembly by January 15, 1987 in regard to
34 all aspects of the continued existence of the Iowa
35 state fair and the Iowa state fair board. The panel
36 consists of the governor or the governor's designee;
37 the secretary of agriculture or the secretary's
38 designee; two members of the house of representatives,
39 one appointed by the speaker of the house and one "
40 appointed by the minority leader; two members of the
41 senate, one appointed by the majority leader and one
42 appointed by the minority leader; the secretary of the
43 Iowa state fair board; and two members of the Iowa
44 state fair board designated by the board."

Speaker Avenson in the chair at 3:58 p.m.

On motion by Blanshan of Greene, amendment H—5394, to the committee amendment H—5349, was adopted.

Welden of Hardin offered the following amendment H—5383, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5383

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 72, by inserting after line 13 the
5 following:

6 "_____. Consumer advocate."

7 2. Page 73, by inserting after line 18 the
8 following:

9 "_____. Page 107, by inserting after line 2 the
10 following:

11 "Sec. _____. NEW SECTION. 546.8A CONSUMER ADVOCATE
12 DIVISION.

13 The consumer advocate division shall implement
14 chapter 475A. The chief executive officer of the
15 division is the administrator who shall be appointed
16 pursuant to section 475A.1. The administrator shall
17 also serve as the consumer advocate provided for in
18 section 475A.1."

19 3. By striking page 76, line 37 through page 78,

20 line 34 and inserting the following:

21 "_____. Page 123, by striking lines 8 through 32

22 and inserting the following:

23 "Sec._____. Section 475A.1, subsection 1, Code

24 1985, is amended to read as follows:

25 1. APPOINTMENT. After the general assembly
26 convenes in 1983, and every four years thereafter, the
27 The governor shall appoint a competent attorney to the
28 office of consumer advocate, subject to confirmation
29 by the senate, in accordance with section 2.32 and to
30 be the administrator of the consumer advocate division
31 of the department of regulated industries. The
32 advocate's term of office is for four years. The term
33 begins and ends as provided in section 69.19.

34 Sec._____. Section 475A.3, subsections 1 and 2,
35 Code 1985, are amended to read as follows:

36 1. OFFICE. The office of consumer advocate is at
37 the seat of the government located within the
38 department of regulated industries as a separate
39 division and at the same location as the Iowa state
40 commerce utility commission division.

41 2. EMPLOYEES. The consumer advocate Subject to
42 the approval of the director of the department of
43 regulated industries, the administrator may employ
44 attorneys, legal assistants, secretaries, clerks, and
45 other employees the consumer advocate administrator
46 finds necessary for the full and efficient discharge
47 of the duties and responsibilities of the office. The
48 consumer advocate administrator may employ consultants
49 as expert witnesses or technical advisors pursuant to
50 contract in any proceeding in which the office of

Page 2

1 consumer advocate is a party." "

2 4. Renumber as necessary.

Amendment H—5383 lost.

Swartz of Marshall offered the following amendment H—5372, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5372

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 79, by striking lines 37 through 39 and
5 inserting the following:

- 6 "3. Develop a method of evaluation of the
7 attainment of goals and objectives from pursuing the
8 policies of the five-year and twenty-year plans."

Amendment H—5372 was adopted.

Hatch of Polk offered the following amendment H—5392, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5392

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 84, line 31, by striking the word
5 "DIRECTOR —".
6 2. By striking page 84, line 38 through page 85,
7 line 10 and inserting the following:
8 "2. The department shall include the division of
9 job service, the division of labor services, and the
10 division of industrial services.
11 3. The chief administrative entity for the
12 department of employment services shall be a
13 coordinating council composed of the three executive
14 heads of the three divisions. The council shall
15 coordinate administrative services among the three
16 autonomous divisions."
17 3. Page 85, line 11, by striking the words
18 "DEPARTMENT AND".
19 4. Page 85, line 24, by inserting after the word
20 "commissioner" the following: ", appointed pursuant
21 to section 96.10".
22 5. Page 85, by striking lines 43 through 48.
23 6. Page 86, by striking lines 21 through 23.
24 7. Page 87, by striking lines 1 through 4 and
25 inserting the following: "In carrying out the duties
26 and responsibilities under this chapter, the
27 industrial commissioner may enter into".
28 8. Page 87, by striking lines 21 and 22, and
29 inserting the following: "The commissioner, shall,".
30 9. Page 87, line 26, by striking the word
31 "service" and inserting the following: "services".
32 10. Page 87, by striking lines 36 and 37 and
33 inserting the following: "The commissioner may".
34 11. Page 88, by striking lines 11 through 14 and
35 inserting the following:
36 "4. In carrying out responsibilities of the
37 commissioner under this chapter, the commissioner is".
38 12. Page 89, by striking lines 17 through 19 and

39 inserting the following: "matters pertaining to the
40 bureau of labor. The labor commissioner, shall, at".

41 13. Page 90, line 27, by inserting after the word
42 "paragraph" the following: "and inserting in lieu
43 thereof the following:

44 The job service commissioner shall provide for the
45 employment of such personnel as are necessary to carry
46 out the functions of the division of job service.

47 Personnel shall be employed under chapter 19A. The
48 commissioner, one deputy commissioner, and one
49 confidential secretary are exempt from the merit
50 system under section 19A.3."

Amendment H—5392 lost.

Van Camp of Scott offered amendment H—5364, to the committee amendment H—5349, filed from the floor by Van Camp, Shoning and Hammond and requested division as follows:

H—5364

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:

H—5364A

- 4 1. Page 92, by striking lines 35 and 36.

H—5364B

- 5 2. Page 92, by inserting before line 37, the
- 6 following:
- 7 "_____. By striking page 164, line 20 through page
- 8 166, line 4."

H—5364A

- 9 3. Page 93, by striking lines 31 through 33.
- 10 4. Page 93, by striking lines 44 and 45.
- 11 5. By striking page 97, line 49 through page 105,
- 12 line 32.
- 13 6. Page 105, by striking lines 37 and 38.

Van Camp of Scott moved the adoption of amendment H—5364A, to the committee amendment H—5349.

A non-record roll call was requested.

The ayes were 33, nays 41.

Amendment H—5364A lost.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—5364B.

Holveck of Polk offered the following amendment H—5399, to the committee amendment H—5349, filed by him and Van Camp of Scott from the floor and moved its adoption:

H—5399

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 93, by striking lines 28 through 30.
- 5 2. Page 93, by striking lines 44 and 45.
- 6 3. Page 95, by striking line 43 and inserting the
- 7 following:
- 8 " "5. The director of the commission for the
- 9 blind." "
- 10 4. Page 97, by striking lines 16 through 48 and
- 11 inserting the following:
- 12 " _____. By striking page 221, line 31 through page
- 13 224, line 33."
- 14 5. Page 97, line 49, by striking the words and
- 15 figure "after line 33" and inserting the following:
- 16 "before line 34".

A non-record roll call was requested.

The ayes were 26, nays 43.

Amendment H—5399 lost.

Lloyd-Jones of Johnson offered the following amendment H—5375, to the committee amendment H—5349, filed by her from the floor and moved its adoption:

H—5375

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 93, by inserting after line 33 the
- 5 following:
- 6 " _____. Page 202, by striking line 15 and inserting
- 7 the following: "DEPARTMENT COORDINATOR AND

8 ADMINISTRATORS."

9 _____. Page 202, line 16, by striking the word

10 "administrative" and inserting the following:

11 "department".

12 _____. Page 202, line 18, by striking the word

13 "administrative" and inserting the following:

14 "department".

15 2. Page 93, line 36, by striking the word

16 "administrative" and inserting the following:

17 "department".

18 3. Page 93, line 41, by striking the word

19 "administrative" and inserting the following:

20 "department".

21 4. Page 93, by inserting after line 43, the

22 following:

23 "_____. Page 202, line 24, by striking the words

24 "division directors" and inserting the following:

25 "administrators".

26 _____. Page 202, line 26, by striking the words

27 "division director" and inserting the following:

28 "administrator".

29 5. Page 93, by inserting after line 45 the

30 following:

31 "_____. Page 202, line 33, by striking the words

32 "division directors" and inserting the following:

33 "administrators".

34 _____. Page 203, line 16, by striking the word

35 "administrative" and inserting the following:

36 "department".

37 _____. Page 203, by striking line 22 and inserting

38 the following:

39 "2. "Department coordinator" means the

40 department".

41 _____. Page 203, by striking line 33 and inserting

42 the following:

43 3. "Administrator" means the administrator of the

44 division".

45 6. Page 93, by inserting after line 49 the

46 following:

47 "_____. Page 204, line 23, by striking the words

48 "division director" and inserting the following:

49 "administrator".

50 7. Page 94, line 1, by striking the words

Page 2

1 "division director" and inserting the following:

2 "administrator".

3 8. Page 94, by inserting after line 12, the

4 following:

5 "_____. Page 206, by striking line 9 and inserting

6 the following:

7 "3. "Administrator" means the administrator of the
8 division".

9 9. Page 94, line 31, by striking the words
10 "division director" and inserting the following:
11 "administrator".

12 10. Page 95, by inserting after line 8, the
13 following:

14 "_____. Page 208, line 19, by striking the word
15 "DIRECTOR" and inserting the following:
16 "ADMINISTRATOR".

17 _____. Page 208, line 20, by striking the words
18 "division director" and inserting the following:
19 "administrator".

20 _____. Page 208, lines 21 and 22, by striking the
21 words "division director" and inserting the following:
22 "administrator".

23 11. Page 95, lines 13 and 14, by striking the
24 words "division director" and inserting the following:
25 "administrator".

26 12. Page 95, by inserting after line 18, the
27 following:

28 "_____. Page 209, by striking line 16 and inserting
29 the following:

30 "3. "Administrator" means the administrator of
31 the division".

32 13. Page 95, lines 33 and 34, by striking the
33 words "division director" and inserting the following:
34 "administrator".

35 14. Page 95, by inserting after line 36, the
36 following:

37 "_____. Page 212, by striking line 20 and inserting
38 the following:

39 "3. "Administrator" means the administrator of the
40 division".

41 15. Page 95, by inserting after line 38, the
42 following:

43 "_____. Page 212, line 30, by striking the word
44 "commissioner" and inserting the following:
45 "director".

46 "_____. Page 212, line 33, by striking the word
47 "commissioner" and inserting the following:
48 "director".

49 16. Page 95, line 43, by striking the word
50 "director" and inserting the following:

Page 3

1 "administrator".

2 17. Page 96, by inserting after line 31, the
3 following:

4 "_____. Page 214, line 20, by striking the words
5 "DIVISION DIRECTOR" and inserting the following:
6 "ADMINISTRATOR".

7 "_____. Page 214, line 22, by striking the words
8 "division director" and inserting the following:
9 "administrator".

10 18. Page 96, line 33, by striking the words
11 "division director" and inserting the following:
12 "administrator".

13 19. Page 96, by inserting after line 38, the
14 following:

15 "_____. Page 215, by striking line 12, and
16 inserting the following:

17 "3. "Administrator" means the administrator of the
18 division of".

19 20. Page 96, by inserting after line 45, the
20 following:

21 "_____. Page 215, line 19, by striking the words
22 "division director" and inserting the following:
23 "administrator".

24 21. Page 96, by striking lines 46 and 47 and
25 inserting the following:

26 "_____. Page 219, line 3, by striking the word
27 "director" and inserting the following:
28 "administrator".

29 22. Page 97, by inserting after line 3, the
30 following:

31 "_____. Page 219, line 13, by striking the words
32 "division director" and inserting the following:
33 "administrator".

34 "_____. Page 219, by striking line 24 and inserting
35 the following:

36 "3. "Administrator" means the administrator of the
37 division".

38 23. Page 97, by inserting after line 8, the
39 following:

40 "_____. Page 220, line 12, by striking the words
41 "division director" and inserting the following:
42 "administrator".

43 24. Page 97, lines 10 and 11, by striking the
44 words "division director" and inserting the following:
45 "administrator".

46 25. Page 97, by inserting after line 21, the
47 following:

48 "_____. Page 222, by striking line 4 and inserting
49 the following:

50 "4. "Administrator" means the administrator of the

Page 4

1 division".

2 26. Page 97, by inserting after line 42, the
3 following:

4 "_____. Page 224, line 3, by striking the words
5 "division director" and inserting the following:
6 "administrator".

7 27. Page 97, by inserting after line 44, the
8 following:

9 "_____. Page 224, line 14, by striking the words
10 "division director" and inserting the following:
11 "administrator".

12 28. Page 97, lines 46 and 47, by striking the
13 words "division director" and inserting the following:
14 "administrator".

15 29. Page 98, by striking line 10, and inserting
16 the following:

17 "3. "Administrator" means the administrator of
18 the".

19 30. Page 99, line 19, by striking the word
20 "DIRECTOR" and inserting the following:
21 "ADMINISTRATOR".

22 31. Page 99, line 20, by striking the words
23 "division director" and inserting the following:
24 "administrator".

25 32. Page 99, by striking line 22.

26 33. Page 99, line 25, by striking the word
27 "director" and inserting the following: "department
28 coordinator".

29 34. Page 99, line 28, by striking the words
30 "division director" and inserting the following:
31 "administrator".

32 35. Page 100, line 42, by striking the words
33 "division director" and inserting the following:
34 "administrator".

35 36. Page 101, line 22, by striking the word
36 "commissioner" and inserting the following:
37 "director".

38 37. Page 103, line 40, by striking the word
39 "division director" and inserting the following:
40 "administrator".

Amendment H—5375 was adopted.

Holveck of Polk offered the following amendment H—5400, to the committee amendment H—5349, filed by him and Van Camp of Scott from the floor and moved its adoption:

H—5400

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 93, by striking lines 34 through 43.
- 5 2. Page 94, by striking lines 4 through 6.
- 6 3. Page 95, by striking lines 9 through 11.
- 7 4. Page 95, by striking lines 16 through 18.
- 8 5. Page 95, by striking lines 29 through 31.
- 9 6. Page 96, by striking lines 30 and 31.
- 10 7. Page 97, by striking lines 13 through 15.
- 11 8. Page 97, by striking lines 40 through 42.
- 12 9. Page 99, by striking line 26 and inserting the
- 13 following:
- 14 "5. Be responsible for".

Amendment H—5400 lost.

Rosenberg of Story offered the following amendment H—5395, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5395

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 93, by inserting after line 43, the
- 5 following:
- 6 "_____. Page 202, line 25, by inserting after the
- 7 word "senate." the following: "The commission on the
- 8 status of women shall submit three names for
- 9 administrator of the division of the status of women
- 10 and the governor shall select one of the three for
- 11 administrator of the division of the status of
- 12 women." "

Amendment H—5395 was adopted.

Beatty of Warren offered the following amendment H—5385, to the committee amendment H—5349, filed from the floor by her and Daggett of Taylor and moved its adoption:

H—5385

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:

- 4 1. Page 105, by striking line 39 through page
5 122, line 41.

Amendment H—5385 lost.

Lloyd-Jones of Johnson offered the following amendment H—5366, to the committee amendment H—5349, filed from the floor by Lloyd-Jones, Hanson and Swearingen and moved its adoption:

H—5366

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 123, by striking lines 4 through 7.
5 2. Page 123, line 12, by striking the words
6 "state board" and inserting the following:
7 "governor".
8 3. Page 123, line 16, by striking the words
9 "state board" and inserting the following:
10 "governor".

A non-record roll call was requested.

The ayes were 24, nays 55.

Amendment H—5366 lost.

Spear of Lee offered the following amendment H—5396, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5396

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 127, line 31, by striking the word "the"
5 and inserting the word "the".
6 2. Page 127, line 32, by inserting after the word
7 "committee" the words "a member of the".
8 3. Page 129, by striking lines 13 through 18, and
9 inserting the following: "conduct parole revocation
10 hearings. A majority vote of the members of the
11 hearing panel is required to grant or revoke a parole,
12 or work release or revoke a parole; however, a parole
13 shall not be granted or revoked without the affirmative
14 votes of at least three members of the full board, but
15 a work release may be revoked by any member of the
16 board."

Amendment H—5396 was adopted.

Spear of Lee offered the following amendment H—5371, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5371

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 128, by striking lines 2 and 3 and
- 5 inserting the following: "any twelve month period if
- 6 unanimous unless approval is given by the committee a
- 7 majority of the full board of parole. Inmates".

Amendment H—5371 was adopted.

Spear of Lee offered the following amendment H—5370, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5370

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 130, line 38, by striking the words "or
- 5 work release".
- 6 2. Page 130, line 42, by striking the words "or
- 7 work release".

Amendment H—5370 was adopted.

Spear of Lee offered the following amendment H—5365, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5365

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 132, by striking lines 5 through 15 and
- 5 inserting the following:
- 6 "Sec. _____. NEW SECTION. 904.7 RISK ASSESSMENT
- 7 PROGRAM.
- 8 There is created under the board of parole a risk
- 9 assessment program, which shall provide risk
- 10 assessment analysis for the board of parole."

Amendment H—5365 was adopted.

Hanson of Delaware offered the following amendment H—5401, to the committee amendment H—5349, filed by him from the floor:

H—5401

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 132, by striking line 20 and inserting
5 the following:

6 "Sec. _____. The peace officer members and their
7 supporting staff of the office of motor vehicle
8 enforcement, motor vehicle division, department of
9 transportation, are transferred to the department of
10 public safety. An employee transferred under this
11 section shall not lose benefits, including but not
12 limited to salary, longevity as provided under section
13 307A.8, retirement, vacation, or sick leave because of
14 reassignment or transfer to the department of public
15 safety as provided by this section.

16 Sec. _____. TRANSITION. Persons employed by the
17 department of transportation motor vehicle enforcement
18 office as nonpeace-officer employees shall continue to
19 be covered by chapter 19A on transfer to the
20 department of public safety.

21 Persons employed by the department of
22 transportation as peace officers shall be transferred
23 to the department of public safety as peace officer
24 members of the department, retain their positions as
25 motor vehicle enforcement officers, are not subject to
26 the requirements and conditions of section 80.15, and
27 remain under the Iowa public employees' retirement
28 system. Persons employed after the effective date of
29 this Act by the department of public safety as motor
30 vehicle enforcement officers are subject to the
31 requirements and conditions of section 80.15, and are
32 subject to the Iowa public employees' retirement
33 system. Nothing in this section shall preclude
34 officers who meet the requirements and conditions of
35 section 80.15 from transferring to other divisions of
36 the department of public safety in the same manner as
37 other peace officer members of the department.

38 An employee transferred under this Act who is
39 covered by a collective bargaining agreement continues
40 to be covered by that agreement for the duration of
41 the agreement.

42 Sec. _____. All records and necessary equipment, and
43 other property used in the administration and
44 operation of the office of motor vehicle enforcement
45 to support the transferred employees are transferred
46 to the department of public safety. The accumulative
47 depreciation on all motor vehicles transferred to the
48 department of public safety is transferred to the
49 state vehicle dispatcher for credit to the department
50 of public safety on the effective date of this Act.

Page 2

1 Sec._____. Section 80.9, subsection 1, Code 1985,
2 is amended by adding the following new lettered
3 paragraph:

4 NEW LETTERED PARAGRAPH. h. When performing
5 commercial vehicle enforcement.

6 Sec._____. Section 80.9, subsection 2, Code 1985,".

7 2. Page 132, by inserting after line 27, the
8 following:

9 "NEW LETTERED PARAGRAPH. i. To stop any motor
10 vehicle or trailer, as defined in section 321.1, on
11 the highways for the purposes of weighing and
12 inspection to enforce the motor vehicle laws relating
13 to the operating authority, registration, size,
14 weight, and load of motor vehicles and trailers and
15 registration of a motor carrier's interstate
16 transportation service with the department of
17 transportation, and any such vehicle or trailer, which
18 has moved from a highway onto private property under
19 circumstances which indicate that the load of the
20 vehicle or trailer, if any, is substantially the same
21 as the load which the vehicle or trailer carried
22 before moving onto private property.

23 NEW LETTERED PARAGRAPH. j. Conduct inspections
24 and investigations relating to the regulatory powers
25 of the department under chapters 321, 321E, 321F,
26 321H, 322, 322A, 322B, 322C, 325, 326, 327, 327A, and
27 327B."

28 3. Page 132, by striking lines 29 and 30 and
29 inserting the following: "adding the following new
30 subsections:

31 NEW SUBSECTION. 8. Iowa law enforcement academy.

32 NEW SUBSECTION. 9. Division of motor carrier en-
33 forcement." "

34 4. Page 132, by striking line 34 and inserting
35 the following:

36 "Sec._____. NEW SECTION. 80.38 ODOMETER LAW
37 ENFORCEMENT.

38 The department shall investigate and prosecute
39 violators of the state and federal odometer law. The
40 department shall refer available evidence concerning a
41 possible violation of section 321.71 or the federal
42 odometer law or a rule or order issued under section
43 321.71 or the federal odometer law to the attorney
44 general. The attorney general, with or without the
45 referral, may institute appropriate criminal
46 proceedings or may direct the case to the appropriate
47 county attorney to institute appropriate criminal
48 proceedings. The attorney general may use those funds
49 available to the department for this purpose and law
50 enforcement agencies may be reimbursed for expenses

Page 3

1 incurred in the enforcement of the state and federal
2 odometer laws with the approval of the attorney
3 general and concurrence by the department.

4 Sec. _____. NEW SECTION. 80.40 APPROPRIATION —
5 ROAD USE TAX FUND.

6 For the purpose of section 80.9, subsection 2,
7 paragraph g, there shall be transferred from the road
8 use tax fund, established pursuant to chapter 312, to
9 the general fund for each fiscal year an amount equal
10 to the general fund appropriation to the division of
11 motor carrier enforcement.

12 Sec. _____. Section 80B.5, Code 1985, is amended
13 to".

14 5. Page 133, by striking line 27 and inserting
15 the following: "intent of this chapter.

16 Sec. _____. Section 307.27, subsection 3, Code 1985,
17 is amended by striking the subsection.

18 Sec. _____. Section 312.2, subsection 15, Code
19 Supplement 1985, is amended to read as follows:

20 15. The treasurer of state, before making the
21 allotments provided for in this section, shall credit
22 annually to the state department of ~~transportation~~
23 public safety from the road use tax fund an amount
24 equal to twenty-five cents on each title issuance for
25 state and federal odometer law enforcement purposes.
26 This subsection is effective for the fiscal period
27 beginning July 1, 1984 and ending June 30, 1989.

28 Sec. _____. Section 321.2, unnumbered paragraph 2,
29 Code 1985, is amended to read as follows:

30 ~~The division of the highway safety patrol of the~~
31 ~~department of public safety shall enforce the~~
32 ~~provisions of this chapter relating to traffic on the~~
33 ~~public highways of the state, including those relating~~
34 ~~to the safe and legal operation of passenger cars,~~
35 ~~motorcycles, motor trucks, and buses, and to shall see~~
36 ~~that proper safety rules are observed. However, this~~
37 ~~chapter does not limit or impair the authority or~~
38 ~~duties of other peace officers in the enforcement of~~
39 ~~motor vehicle laws.~~

40 Sec. _____. Section 321.6, Code 1985, is amended to
41 read as follows:

42 321.6 RECIPROCAL ENFORCEMENT — PATROL BEATS.

43 There shall be reciprocal co-operation between the
44 ~~members of the department,~~ the state department of
45 public safety and local authorities in the enforcing
46 of local and state traffic laws and in making
47 inspections, although this section ~~shall~~ does not be
48 ~~construed to give the state department of public~~
49 ~~safety any right to establish regular patrol beats~~
50 ~~inside municipal limits, except to perform commercial~~

Page 4

1 vehicle enforcement, unless requested for a special
2 occasion or emergency by the mayor of such a city or
3 the sheriff of the a county.

4 Sec. _____. Section 321.9, Code 1985, is amended to
5 read as follows:

6 321.9 AUTHORITY TO ADMINISTER OATHS.

7 ~~Officers and employees~~ Employees of the department
8 designated by the director are may, for the purpose of
9 administering the motor vehicle laws, authorized to
10 administer oaths and acknowledge signatures, and shall
11 do so without fee.

12 Sec. _____. Section 321.10, Code 1985, is amended to
13 read as follows:

14 321.10 CERTIFIED COPIES OF RECORDS.

15 The director and ~~officers~~ employees of the
16 department designated by the director are authorized
17 to may prepare under the seal of the department and
18 provide upon request a certified copy of any record of
19 the department, charging a fee of fifty cents for each
20 document ~~so authenticated~~ certified, and every such a
21 certified copy ~~shall be~~ is admissible in any
22 proceeding in any court in like manner as the original
23 and shall be considered to be true and accurate unless
24 shown otherwise by an objecting party.

25 Sec. _____. Section 321.14, Code 1985, is amended to
26 read as follows:

27 321.14 SEIZURE OF DOCUMENTS AND PLATES.

28 The department is hereby authorized to or any peace
29 officer may take possession of any registration card,
30 certificate of title, permit, ~~or~~ registration plate,
31 certificate of inspection, or any inspection document
32 or form, upon expiration, revocation, cancellation, or
33 suspension thereof, or which is fictitious, or which
34 has been unlawfully or erroneously issued.

35 Sec. _____. Section 321.23, subsection 1, Code 1985,
36 is amended to read as follows:

37 1. If the vehicle to be registered is a specially
38 constructed, reconstructed, remanufactured or foreign
39 vehicle, ~~such that fact shall be stated in the~~
40 application. A fee of ten dollars shall be paid by
41 the person making the application upon issuance of a
42 certificate of title by the county treasurer. ~~With~~
43 ~~reference to every~~ For a specially constructed or
44 reconstructed motor vehicle subject to registration
45 the application shall be accompanied by a statement
46 from the department authorizing the motor vehicle to
47 be titled and registered in this state. The
48 department shall cause a physical inspection to be
49 made, by a peace officer or a person designated by the
50 commissioner of public safety, of all specially

Page 5

1 constructed or reconstructed motor vehicles, upon
2 application for a certificate of title by ~~the~~ an
3 owner, to determine whether the motor vehicle is in a
4 safe operating condition and that the integral
5 component parts are properly identified and that the
6 rightful ownership is established before issuing the
7 owner the authority to have the motor vehicle
8 registered and titled. ~~With reference to every~~ For a
9 foreign vehicle which has been registered outside of
10 this state the owner shall surrender to the treasurer
11 all registration plates, registration cards, and
12 certificates of title, or, if the vehicle to be
13 registered is from a nontitle state, the evidence of
14 foreign registration and ownership as may be
15 prescribed by the department except as provided in
16 subsection 2.

17 Sec. _____. Section 321.44, Code 1985, is amended to
18 read as follows:

19 321.44 REGULATIONS GOVERNING CHANGE OF MOTORS.

20 The director is authorized to ~~enforce such~~ adopt
21 rules governing registration as may be deemed
22 necessary by the ~~commission~~ and compatible with the
23 public interest with respect to the change or
24 substitution of one engine in place of another in any
25 motor vehicle.

26 Sec. _____. Section 321.52, subsection 4, unnumbered
27 paragraph 2, Code Supplement 1985, is amended to read
28 as follows:

29 When a wrecked or salvage vehicle has been repaired
30 or rebuilt, that person shall make application for a
31 certificate of title to the county treasurer of the
32 county of residence of the owner, and shall surrender
33 the salvage certificate of title issued for the
34 vehicle. A verification of the vehicle identification
35 number of the vehicle shall be made by a ~~peace officer~~
36 ~~of the state department of transportation, the~~
37 department of public safety, county sheriff, or police
38 department of ~~cities~~ a city with a population
39 exceeding five thousand persons, or a person
40 designated by the commissioner of public safety ~~or the~~
41 ~~director~~. The verification shall be made on forms
42 provided by the department and signed by the peace
43 officer or the appropriately designated person and the
44 verification form shall be surrendered by the owner to
45 the county treasurer at the time application is made
46 for a certificate of title. Upon payment of the
47 appropriate fees and surrender of the appropriate
48 documents the county treasurer shall issue a
49 certificate of title to the person making application.

50 Sec. _____. Section 321.62, Code 1985, is amended to

Page 6

1 read as follows:

2 321.62 RECORDS REQUIRED.

3 Every transporter or dealer shall keep a written
4 record of the vehicles upon which ~~such~~ special plates
5 are used, which record shall be open to inspection by
6 any ~~police~~ peace officer or any ~~officer~~ or employee of
7 the department.

8 Sec. _____. Section 321.66, Code 1985, is amended to
9 read as follows:

10 321.66 DUTY TO HOLD VEHICLES.

11 The proprietor of a garage and the proprietor's
12 employees upon discovering that the engine or other
13 component part identification number of a motor
14 vehicle has been altered or obliterated shall
15 immediately notify some a member of the department of
16 public safety or peace officer of the county in which
17 the garage is located, and hold ~~said~~ the vehicle for a
18 period of twenty-four hours or until investigation
19 ~~shall have~~ has been made by such the member of the
20 department of public safety or peace officer.

21 Sec. _____. Section 321.279, Code 1985, is amended
22 to read as follows:

23 321.279 ELUDING OR ATTEMPTING TO ELUDE PURSUING
24 LAW ENFORCEMENT VEHICLE.

25 The driver of a motor vehicle commits a serious
26 misdemeanor if the driver willfully fails to bring the
27 motor vehicle to a stop or otherwise eludes or
28 attempts to elude a marked official law enforcement
29 vehicle driven by a uniformed peace officer after
30 being given a visual or audible signal to stop and in
31 doing so exceeds the speed limit by twenty-five miles
32 per hour or more. The signal given by the peace
33 officer shall be by flashing red light or siren. For
34 purposes of this section, "peace officer" means those
35 officers designated under section 801.4, subsection 7,
36 paragraphs "a," "b," "c," and "g," and "h."

37 Sec. _____. Section 321.476, Code 1985, is amended
38 to read as follows:

39 321.476 WEIGHING VEHICLES BY DEPARTMENT OF PUBLIC
40 SAFETY.

41 Authority is hereby given to the The department to
42 of public safety may stop any motor vehicle or trailer
43 on the highways for the purposes of weighing and
44 inspection; to weigh and inspect the same and to
45 enforce the provisions of the motor vehicle laws
46 relating to the registration, size, weight, and load
47 of motor vehicles and trailers.

48 Authority is also hereby granted to subject to
49 weighing and inspection The department of public
50 safety may weigh and inspect, vehicles which have

Page 7

1 moved from a highway onto private property under
2 circumstances which indicate that the load of the
3 vehicle, if any, is substantially the same as the load
4 which the vehicle carried before moving onto the
5 private property.

6 Any A person who prevents or in any manner
7 obstructs an officer attempting to carry out the
8 provisions of this section is guilty of a simple
9 misdemeanor.

10 Sec._____. Section 321.492, unnumbered paragraphs 2
11 and 3, Code 1985, are amended to read as follows:

12 All peace officers as defined in section 801.4,
13 subsection 7, paragraphs "a", "b", and "c", and "h"
14 may, having reasonable grounds that equipment
15 violations exist, conduct spot inspections.

16 The state department of transportation may
17 designate employees of the transportation regulation
18 and safety division of the department to conduct spot
19 inspections.

20 Sec._____. Section 324.76, unnumbered paragraph 2,
21 Code 1985, is amended to read as follows:

22 Authority to enforce division III is given to the
23 The state department of transportation. Employees of
24 the department of transportation designated
25 enforcement employees have the power of peace officers
26 in the performance of their duties; however, they
27 shall not be considered members of the Iowa highway
28 safety patrol. The department of transportation shall
29 furnish enforcement employees with necessary equipment
30 and supplies in the same manner as provided in section
31 80-18, including uniforms which are distinguishable in
32 color and design from those of the Iowa highway safety
33 patrol. Enforcement employees shall be furnished and
34 shall conspicuously display badges of authority public
35 safety shall enforce division III.

36 Sec._____. Section 325.28, Code 1985, is amended to
37 read as follows:

38 325.28 SAFE AND SANITARY CONDITION OF VEHICLE.

39 Every motor vehicle and all parts thereof shall be
40 maintained in a safe and sanitary condition at all
41 times, and shall be at all times, subject to
42 inspection by the members of the department of public
43 safety.

44 Sec._____. Section 327.17, Code 1985, is amended to
45 read as follows:

46 327.17 EQUIPMENT - INSPECTION.

47 Every motor truck and all parts thereof shall be
48 maintained in a safe and sanitary condition at all
49 times, and shall be at all times subject to inspection
50 by the department of public safety.

Page 8

1 Sec. _____. Section 327A.6, Code 1985, is amended to
2 read as follows:

3 327A.6 ALL MOTOR VEHICLE LAW APPLICABLE.

4 Every vehicle operated by a liquid transport
5 carrier and all parts thereof shall comply with all of
6 the provisions of chapter 321 applicable thereto and
7 shall be maintained in a safe and sanitary condition
8 at all times, and shall be at all times subject to
9 inspection by ~~the members of the department of public~~
10 safety.

11 Sec. _____. Section 327A.17, Code 1985, is amended
12 to read as follows:

13 327A.17 RULES.

14 The ~~authority department~~ may ~~by general order or~~
15 ~~otherwise~~ prescribe rules applicable to liquid
16 transport carriers. The ~~state~~ department may
17 prescribe and enforce safety rules in the operation of
18 liquid transport carriers and require a periodic
19 inspection of the equipment of every liquid transport
20 carrier from the standpoint of enforcement of safety
21 rules; ~~and the.~~ The equipment shall be at all times
22 subject to inspection by ~~properly authorized~~
23 ~~representatives of the department of public safety.~~"

24 6. Page 135, by striking lines 24 and 25 and
25 inserting the following:

26 "Sec. _____. Section 801.4, subsection 7, paragraph
27 h, Code 1985, is amended by striking the paragraph.

28 Sec. _____. Sections 80.14, 80B.10, 80B.14, 307.37,
29 321.477 through 321.481, 321F.10, 327B.2, and
30 327D.192, Code 1985, are repealed." "

31 7. Page 141, by inserting after line 22 the
32 following:

33 "_____. Page 367, lines 8 and 9, by striking the
34 words "department and the division of the highway
35 safety patrol of the."

36 8. Page 141, by inserting after line 33 the fol-
37 lowing:

38 "_____. Page 376, line 20, by striking the words
39 "issue and enforce" and inserting the words "issue and
40 enforcee adopt".

41 _____. Page 376, line 23, by inserting after the
42 word "Sueh" the following: "The department of public
43 safety shall enforce the rules adopted by the
44 director."

45 _____. Page 376, by striking lines 28 through 33.

46 _____. Page 379, line 22, by striking the word
47 "enforce".

48 _____. Page 379, line 25, by inserting after the
49 word "and." the following: "The department of public
50 safety shall enforce the rules and regulations adopted

Page 9

- 1 by the state department of transportation."
- 2 _____. Page 379, line 30, by inserting after the
- 3 word "department" the words "of public safety".
- 4 _____. Page 381, line 28, by inserting after the
- 5 word "and" the words "the department of public safety
- 6 shall".
- 7 _____. By striking page 388, line 32 through page
- 8 389, line 2, and inserting the following: "relating
- 9 to aeronautics; and, in the aid of such enforcement
- 10 and within the scope of such duties general powers of
- 11 peace officers are hereby conferred upon the
- 12 commission, the director, and such officers and
- 13 employees of the department as may be designated by
- 14 the commission to exercise such powers. The
- 15 commission is further authorized".

Rosenberg of Story in the chair at 6:10 p.m.

Speaker Avenson in the chair at 6:13 p.m.

Hanson of Delaware moved the adoption of amendment H—5401, to the committee amendment H—5349.

A non-record roll call was requested.

The ayes were 18, nays 57.

Amendment H—5401 lost.

Pavich of Pottawattamie offered the following amendment H—5393, to the committee amendment H—5349, filed from the floor by Pavich, Harbor, Mullins and Fogarty and moved its adoption:

H—5393

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 132, by striking lines 18 through 30.
- 5 2. By striking page 132, line 32 through page
- 6 133, line 27.
- 7 3. Page 135, by striking lines 23 through 25, and
- 8 inserting the following: "exchange of criminal
- 9 history data."
- 10 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 29, nays 43.

Amendment H—5393 lost.

Hammond of Story offered the following amendment H—5403, to the committee amendment H—5349, filed by her and Beatty of Warren from the floor and moved its adoption:

H—5403

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 132, by striking line 31 and inserting
5 the following:

6 "_____. Page 319, by striking lines 14 through 22
7 and inserting the following:

8 "80.26 FEDERAL FUNDS FOR HIGHWAY SAFETY.

9 The commissioner of public safety, when authorized
10 by the governor pursuant to section 7.15, may accept,
11 administer and expend funds provided by any Act of
12 Congress for highway safety, law enforcement or any
13 activities generally related to the duties of the
14 department of public safety as provided in this
15 chapter. For purposes of federal law, the department
16 of public safety is designated as the state highway
17 safety agency and the commissioner of public safety is
18 designated as the governor's representative for
19 highway safety." "

20 2. Page 141, by striking lines 23 through 33.

Amendment H—5403 lost.

Peterson of Carroll offered the following amendment H—5357, to the committee amendment H—5349, filed by him and moved its adoption:

H—5357

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 135, line 28, by striking the words
5 "Natural resource" and inserting the following:

6 "State conservation".

- 7 2. Page 135, line 29, by striking the words
8 "natural resource" and inserting the following:
9 "state conservation".
- 10 3. Page 135, line 33, by striking the words
11 "natural resource" and inserting the following:
12 "state conservation".
- 13 4. Page 135, lines 44 and 45, by striking the
14 words "NATURAL RESOURCE" and inserting the following:
15 "STATE CONSERVATION".
- 16 5. Page 135, line 48, by striking the words
17 "natural resource" and inserting the following:
18 "state conservation".
- 19 6. Page 137, by inserting after line 15 the
20 following:
21 "_____. Page 332, lines 7 and 8, by striking the
22 words "state parks and wildlife" and inserting the
23 following: "new state conservation"."
- 24 7. Page 137, by striking lines 42 through 45 and
25 inserting the following:
26 "_____. By striking page 337, line 34 through page
27 338, line 2."
- 28 8. Page 138, line 3, by striking the words
29 "natural resource" and inserting the following:
30 "state conservation".
- 31 9. Page 139, line 20, by striking the words
32 "natural resource" and inserting the following:
33 "state conservation".
- 34 10. Page 139, by striking lines 22 through 29 and
35 inserting the following:
36 "_____. Page 345, by striking lines 7 through 10.
37 _____. Page 345, by striking lines 20 through 23."
- 38 11. Page 139, by striking lines 33 through 36 and
39 inserting the following:
40 "_____. Page 346, by striking lines 28 through 31."
- 41 12. Page 139, line 39, by striking the words
42 "natural resource" and inserting the following:
43 "state conservation".
- 44 13. Page 139, line 42, by striking the words
45 "natural resource" and inserting the following:
46 "state conservation".
- 47 14. Page 139, by striking lines 43 through 46 and
48 inserting the following:
49 "_____. Page 347, by striking lines 18 through 21."
- 50 15. Page 139, line 49, by striking the words

Page 2

- 1 "natural resource" and inserting the following:
2 "state conservation".
- 3 16. Page 140, by striking lines 2 and 3 and
4 inserting the following: "inserting the following:

5 "state conservation".

6 17. Page 140, by striking lines 6 and 7 and
7 inserting the following: "inserting the following:
8 "state conservation"."

9 18. Page 140, by striking line 10 and inserting
10 the following: "the following: "state
11 conservation"."

12 19. Page 140, by striking lines 13 and 14 and
13 inserting the following: "inserting the following:
14 "state conservation"."

15 20. Page 140, by striking lines 15 through 17 and
16 inserting the following:

17 "_____. By striking page 350, line 25 through page
18 351, line 4."

19 21. Page 140, line 20, by striking the words
20 "natural resource" and inserting the following:
21 "state conservation".

22 22. Page 140, by striking lines 27 through 29.

23 23. Page 140, line 32, by striking the words
24 "natural resource" and inserting the following:
25 "state conservation".

26 24. Page 140, by inserting after line 32 the
27 following:

28 "_____. Page 354, by striking lines 21 through 25."

A non-record roll call was requested.

The ayes were 12, nays 41.

Amendment H—5357 lost.

Osterberg of Linn offered the following amendment H—5404, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5404

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 135, by inserting after line 30 the
5 following:

6 "_____. Page 327, by striking lines 20 through 22
7 and inserting the following: "director who shall be
8 appointed by the governor from a list of three
9 nominees submitted by the members of the natural
10 resource commission and the environmental protection
11 commission and shall serve at the pleasure of the
12 governor. The appointment is subject to senate

- 13 confirmation. Each commissioner shall have one vote
14 in nominating a candidate for director. The
15 nominations and appointment shall be based on".

A non-record roll call was requested.

The ayes were 41, nays 40.

Amendment H—5404 was adopted.

The House stood at ease at 6:53 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—5349, as amended, to Senate File 2175 at 7:00 p.m., Speaker Avenson in the chair.

Black of Jasper offered the following amendment H—5382, to the committee amendment H—5349, filed from the floor by Black, Sullivan and Diemer and moved its adoption:

H—5382

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 135, line 41, by inserting after the
5 figure "305," the following: "321G,".
6 2. By striking page 135, line 50 through page
7 136, line 7.
8 3. Page 136, by striking lines 11 through 19.
9 4. Page 137, by striking line 24.
10 5. Page 137, by striking line 32.
11 6. Page 140, line 26, by inserting after the word
12 "by" the following: "the board, a trained ecologist
13 and such other personnel as may be necessary to carry
14 out the powers and duties of the board department."

A non-record roll call was requested.

The ayes were 55, nays 2.

Amendment H—5382 was adopted.

Black of Jasper offered the following amendment H—5387, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5387

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 135, line 41, by inserting after the
5 figure "305," the following: "321G,".
6 2. Page 135, by inserting after line 49 the
7 following:
8 "_____. Page 329, line 35, by striking the word and
9 figure "or 112" and inserting the following: "112, or
10 321G"."
11 3. By striking page 135, line 50 through page
12 136, line 1 and inserting the following:
13 "_____. Page 330, by striking line 4 and inserting
14 the following: "111B, 111D, 112, or 321G. In lieu of
15 a grievance"."
16 4. Page 137, by inserting after line 15 the
17 following:
18 "_____. Page 332, lines 7 and 8, by striking the
19 words "state parks and wildlife" and inserting the
20 following: "natural resources"."
21 5. Page 140, by inserting after line 32 the
22 following:
23 "_____. Page 354, lines 8 and 9, by striking the
24 word and figure "and 112.1" and inserting the
25 following: "112.1, 321G.1, and 321G.15".
26 _____. Page 354, lines 24 and 25, by striking the
27 words "state parks and wildlife" and inserting the
28 following: "natural resource".
29 _____. Page 355, by inserting after line 12 the
30 following:
31 "Sec._____. Section 321G.1, subsection 1, Code
32 1985, is amended to read as follows:
33 1. "Commission" means the state conservation
34 natural resource commission." "

Amendment H—5387 was adopted.

The Speaker announced that with the previous adoption of amendment H—5382, lines 4 and 5 and lines 11 through 15 of amendment H—5387 were out of order.

Hatch of Polk offered the following amendment H—5412, to the committee amendment H—5349, filed by him and Rosenberg of Story from the floor and moved its adoption:

H—5412

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 135, by inserting after line 30 the
- 5 following:
- 6 "_____. Page 327, by striking lines 9 through 11.
- 7 _____. Page 327, lines 15 and 16, by striking the
- 8 words "protecting the environment,"."
- 9 2. Page 135, by striking lines 31 and 32 and
- 10 inserting the following:
- 11 "_____. Page 327, lines 30 and 31, by striking the
- 12 words "state parks and wildlife commission and the en-
- 13 vironmental protection".
- 14 3. Page 135, by striking line 41 and inserting
- 15 the following: "111, 111B, 111D, 112, and 305."
- 16 4. Page 136, by striking lines 8 through 19 and
- 17 inserting the following:
- 18 "_____. By striking page 330, line 9, through page
- 19 331, line 21."
- 20 5. Page 136, by striking lines 37 through 40.
- 21 6. Page 137, by inserting after line 15 the
- 22 following:
- 23 "_____. Page 332, line 5, by striking the number
- 24 "1."
- 25 _____. Page 332, by striking lines 13 through 21."
- 26 7. Page 137, by striking lines 16 and 17 and
- 27 inserting the following:
- 28 "_____. Page 332, by striking lines 23 through 28
- 29 and inserting the following: "members of the energy
- 30 policy council, which council is abolished by this Act
- 31 and whose members are serving unexpired terms of
- 32 office on the".
- 33 8. Page 139, by inserting after line 21 the
- 34 following:
- 35 "_____. Page 345, by striking lines 5 and 6 and
- 36 inserting the following: "subject to the approval of
- 37 the department of water, air and waste management.""
- 38 9. Page 139, by inserting after line 29 the
- 39 following:
- 40 "_____. By striking page 345, line 28 through page
- 41 346, line 1."
- 42 10. Page 139, by inserting after line 49 the
- 43 following:
- 44 "_____. By striking page 347, line 33 through page
- 45 348, line 15.
- 46 _____. Page 349, by striking lines 4 and 5 and
- 47 inserting the following: "the department of water,
- 48 air and waste management and any approval or permit".
- 49 11. Page 140, by inserting after line 29 the
- 50 following:

Page 2

- 1 "_____. Page 352, by striking lines 24 and 25 and
2 inserting the following:
3 "The state conservation ~~commission~~ department, the
4 department of water, air and waste management, any
5 county conservation board, and".
6 12. Page 140, by inserting after line 32 the
7 following:
8 "_____. By striking page 353, line 22 through page
9 354, line 4."
10 13. By striking page 140, line 33 through page
11 141, line 4 and inserting the following:
12 "_____. By striking page 355, line 13 through page
13 364, line 4."
14 14. Page 141, by striking lines 9 through 11 and
15 inserting the following:
16 "_____. Page 364, by striking line 7 and inserting
17 the following: "and 305.11, Code 1985,"."
18 15. Page 141, by striking lines 13 and 14 and
19 inserting the following: "inserting the following:
20 "are repealed.""

A non-record roll call was requested.

The ayes were 17, nays 51.

Amendment H—5412 lost.

Koenigs of Mitchell offered the following amendment H—5408, to the committee amendment H—5349, filed from the floor by him and Woods of Polk and moved its adoption:

H—5408

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 141, by inserting after line 14 the
5 following:
6 "_____. Page 364, by striking lines 11 through 32."
7 2. Page 141, by inserting after line 22 the
8 following:
9 "_____. By striking page 364, line 35 through page
10 365, line 2.
11 _____. By striking page 365, line 28 through page
12 367, line 21, and inserting the following:
13 "Sec._____. Section 307.12, subsection 6, Code
14 1985, is amended to read as follows:
15 6. Appoint the deputy director of transportation

16 and the administrators of the various divisions of the
17 department, subject to the approval of the commission.

18 Sec. _____. Section 307.12, subsection 8, Code 1985,
19 is amended by striking the subsection." "

20 3. Page 141, by striking lines 23 through 33 and
21 inserting the following:

22 " _____. Page 367, by inserting before line 22 the
23 following:

24 "Sec. _____. Section 307.12, Code 1985, is amended
25 by adding the following new subsection:

26 NEW SUBSECTION. When authorized by the governor
27 pursuant to section 7.15, accept, administer and
28 expend funds provided by any act of congress for
29 highway safety, law enforcement other related
30 programs. For purposes of federal law, the state
31 department of transportation is designated as the
32 state highway safety agency and the director of
33 transportation is designated as the governor's
34 representative for highway safety." "

35 4. Page 141, by inserting before line 34 the
36 following:

37 " _____. Page 368, by striking lines 21 through 28
38 and inserting the following:

39 The attorney general shall appoint such additional
40 assistant attorneys general as the commission deems
41 necessary to carry out the duties assigned to the
42 office of the general counsel division. The salary of
43 the general counsel shall be fixed by the commission,
44 subject to the approval of the attorney general. The
45 commission shall provide and furnish a suitable office
46 for the general counsel upon request of the attorney
47 general.

48 _____. Page 369, by striking lines 14 through 17.

49 _____. By striking page 370, line 13 through page
50 373, line 7.

Page 2

1 _____. By striking page 373, line 21 through page
2 375, line 20.

3 _____. Page 376, by striking lines 17 through 27.

4 _____. By striking page 376, line 34 through page
5 377, line 17.

6 _____. Page 379, by striking lines 1 through 12.

7 _____. Page 380, by striking lines 20 through 30.

8 _____. Page 381, line 7, by inserting after the
9 word "director" the words "subject to the approval
10 of the commission".

11 _____. By striking page 387, line 33 through page
12 390, line 34, and inserting the following:

13 "Sec. _____. Section 328.12, subsections 8 and 9,
14 Code 1985, are amended to read as follows and renumber

15 succeeding subsections:

16 8. INVESTIGATIONS AND INQUIRIES.

17 Hold investigations and inquiries.

18 a. The commission or any officer or employee of
19 the department designated by it, when acting for, and
20 with the authority of the commission, ~~shall have the~~
21 power to may hold investigations; and inquiries; and
22 ~~hearings~~ concerning matters covered by the provisions
23 of this chapter and orders and rules of the
24 commission. In ~~any such inquiry, an~~ investigation; or
25 ~~hearing inquiry~~, the person acting for the commission
26 ~~shall have power to may~~ administer oaths and
27 affirmations, certify to all official acts, issue
28 subpoenas, and compel the attendance and testimony of
29 witnesses, and the production of papers, books, and
30 documents.

31 9. Reports of investigations — limitations on use.

32 b. The reports of investigations or hearings
33 inquiries, or any part thereof of them, shall not be
34 admitted in evidence or used for any purpose in any a
35 civil suit, growing out of any matter referred to in
36 said an investigation, hearing inquiry, or report
37 thereof, except in case of criminal or other
38 proceedings instituted in behalf of the commission or
39 this state under the provisions of this chapter and
40 other laws of this state relating to aeronautics."

41 _____. By striking page 390, line 35 through page
42 391, line 1, and inserting the following:

43 "Sec. _____. Sections 307.14 through 307.20, Code
44 1985, are repealed." "

45 5. Renumber as necessary.

Amendment H — 5408 lost.

Welden of Hardin offered the following amendment H — 5409, to the committee amendment H — 5349, filed by him from the floor and moved its adoption:

H — 5409

1 Amend the Committee on State Government amendment,
2 H — 5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 141, by inserting after line 22 the
5 following:

6 "_____. Page 365, by striking lines 10 through 12
7 and inserting the following:

8 "The commission After the general assembly convenes
9 in 1987, and every four years thereafter, the governor
10 shall appoint a director of transportation, who shall
11 serve at the pleasure of the commission and who

12 subject to confirmation by the senate, in accordance
13 with section 2.32. The director's term of office is
14 four years. The term begins and ends as provided in
15 section 69.19. The director"."

16 2. Page 141, by inserting before line 34 the
17 following:

18 "_____. Page 391, by inserting after line 7 the
19 following:

20 "Sec._____. The current director of transportation
21 who was appointed by the transportation commission is
22 the director of transportation commencing July 1,
23 1986, and the director of transportation's term shall
24 expire on April 30, 1987. If a vacancy occurs in the
25 office of the director of transportation after July 1,
26 1986, the governor shall appoint the director of
27 transportation to serve the remaining unexpired
28 term." "

29 3. Renumber as necessary.

Amendment H—5409 lost.

Lloyd-Jones of Johnson offered the following amendment
H—5405, to the committee amendment H—5349, filed by her from
the floor and moved its adoption:

H—5405

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 141, by inserting after line 46 the
5 following:

6 "_____. Page 394, by inserting after line 14, the
7 following:

8 "Sec._____. NEW SECTION. 2.82 SUNSET.

9 1. The following agencies shall cease operations
10 on July 1 of the respective years provided in this
11 subsection:

12 a. In 1989, department of public safety,
13 department of public health, board of regents,
14 department of corrections, Iowa civil rights
15 commission, department of public defense, and
16 department of transportation.

17 b. In 1990, department of management, department
18 of personnel, department of inspections and appeals,
19 department of employment services, public employee
20 relations board, department of education, and
21 department of general services.

22 c. In 1991, department of revenue and finance,
23 department of regulated industries, department of
24 cultural affairs, department of human rights,

25 department of economic development, department of
26 agriculture and land stewardship, and department of
27 natural resources.

28 2. a. All unexpended and unencumbered balances of
29 appropriations made to an agency terminated by this
30 section shall lapse into the general fund on the date
31 of its termination.

32 b. All rules of a terminated agency are repealed
33 upon the termination of the agency; however, the
34 repeal shall not affect rights and duties that
35 matured, penalties that were incurred, and proceedings
36 that were begun, prior to repeal.

37 c. This section shall not cause the dismissal of
38 any claim or right of a citizen against any agency
39 terminated under this section which is subject to
40 litigation. The claim or right of the agency shall be
41 assumed by the executive council.

42 d. All contractual rights and duties of an agency
43 terminated under this section shall be assigned or
44 delegated to the agency assuming the responsibilities
45 of the terminated agency, or if there is none, to such
46 department, board, or agency as the governor directs.

47 e. If a terminated agency has remaining
48 outstanding bond indebtedness, the responsibility for
49 the management of the repayment of the bond
50 indebtedness shall be vested in the office of the

Page 2

1 state treasurer." "

A non-record roll call was requested.

The ayes were 45, nays 46.

Amendment H—5405 lost.

Varn of Johnson offered the following amendment H—5410, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5410

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 142, by striking lines 1 through 5 and
5 inserting the following: "political subdivision as
6 directed by statute and which is not a city, county,
7 or school district is subject to this subsection. A".

8 2. Page 142, line 11, by inserting after the word
9 "agency," the words "The copy of the budget submitted
10 to the legislative fiscal bureau shall be on the
11 budget forms provided by the department of management
12 to state agencies under chapter 8."

Amendment H—5410 was adopted.

Varn of Johnson offered the following amendment H—5386, to the committee amendment H—5349, filed from the floor by him and Lloyd-Jones of Johnson and moved its adoption:

H—5386

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 142, by striking lines 19 and 20 and
5 inserting the following: "fiscal year accounted for
6 by program and the remainder of the estimate of
7 expenditure requirements prioritized by program."

Amendment H—5386 was adopted.

Welden of Hardin offered the following amendment H—5407, to the committee amendment H—5349, filed by him and Jochum of Dubuque from the floor and moved its adoption:

H—5407

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 144, by striking lines 19 through 45 and
5 inserting the following:
6 "Sec. _____. NEW SECTION. REVENUE ESTIMATING
7 CONFERENCE.
8 The state revenue estimating conference is created
9 consisting of the governor or the governor's designee,
10 the director of the legislative fiscal bureau, and a
11 third member selected by the governor and the director
12 of the legislative fiscal bureau.
13 The conference shall meet as often as necessary,
14 but at least quarterly, and may use other sources of
15 information as the conference deems appropriate.
16 Not later than January 5, 1987, and the first
17 Monday in January of each succeeding year, the
18 conference shall agree to a revenue estimate for the
19 fiscal year beginning the following July 1.

20 That estimate shall be used by the governor in the
21 preparation of the budget message under section 8.22
22 and by the general assembly in the budget process.

23 The governor's proposed fiscal year budget and the
24 general assembly appropriations for the ensuing fiscal
25 year plus the estimate of the amount of the standing
26 appropriations shall not exceed ninety-eight and one-
27 half percent of the revenue estimate, adjusted for
28 changes in rate or basis, established by the revenue
29 estimating conference, except that the estimate may be
30 revised by a concurrent resolution adopted by a
31 majority of membership of both houses and signed by
32 the governor.

33 The accruals shall not exceed the amount shown by
34 the state comptroller in the fiscal year ending June
35 30, 1986. Any unobligated balance remaining in the
36 general fund at the end of that year and each
37 succeeding fiscal year, before any remaining balance
38 is transferred to the economic emergency fund, shall
39 be used to reduce the accruals until they are
40 eliminated.

Amendment H—5407 was adopted.

Rosenberg of Story offered the following amendment H—5413,
to the committee amendment H—5349, filed by him from the floor
and moved its adoption:

H—5413

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 145, by inserting after line 37 the
5 following:

6 "Sec._____. The department of general services
7 shall submit a report to the legislature by January 1,
8 1987 on the implementation of the life cycle cost and
9 energy efficiency standards by department of general
10 services, state board of regents, department of
11 transportation and other state agencies. The
12 department of general services shall include in its
13 report recommendations from the other state agencies
14 and from within the department as to any legislative
15 changes that are necessary in order to improve the
16 energy efficiency and reduce the life cycle cost of
17 energy consuming products. For the purposes of this
18 section, energy consuming products shall include
19 buildings."

Amendment H—5413 was adopted.

The House resumed consideration of amendment H—5376 (temporarily deferred), to the committee amendment H—5349.

On motion by Brammer of Linn, amendment H—5376 was adopted.

Platt of Muscatine offered the following amendment H—5390, to the committee amendment H—5349, filed from the floor by him and Woods of Polk and moved its adoption:

H—5390

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 18, line 35, by inserting after the word
- 5 "broadcasting" the following: "department of
- 6 transportation communications system."

A non-record roll call was requested.

The ayes were 36, nays 42.

Amendment H—5390 lost.

Van Camp of Scott offered the following amendment H—5398, to the committee amendment H—5349, filed by him from the floor and moved its adoption:

H—5398

- 1 Amend the Committee on State Government amendment,
- 2 H—5349, to Senate File 2175, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 47, by inserting after line 47 the
- 5 following:
- 6 "Sec. _____. Section 170.1, Code 1985, is amended by
- 7 adding the following new subsections:
- 8 NEW SUBSECTION. 3. "Retail food store sanitation
- 9 code" means the retail food store sanitation code
- 10 recommended by the food and drug administration in
- 11 1982.
- 12 NEW SUBSECTION. 4. "Department" means the
- 13 department of inspections and appeals.
- 14 NEW SUBSECTION. 5. "Director" means the director...
- 15 of the department of inspections and appeals."
- 16 2. Page 48, by inserting after line 14 the
- 17 following: "Inspections shall be conducted according

18 to the standards of the retail food store sanitation
19 code."

20 3. Page 48, line 24, by inserting after the word
21 "department" the following: ", or a local board of
22 health which has contracted with the department,".

23 4. Page 48, by inserting after line 25 the
24 following:

25 "Sec._____. Section 170.46, Code 1985, is amended
26 to read as follows:

27 170.46 ANNUAL REGULAR INSPECTION.

28 The department shall inspect provide for the
29 inspection of each food establishment in the state at
30 least once each calendar year in accordance with the
31 standards of the retail food store sanitation code.

32 The inspector may enter the food establishment at any
33 reasonable hour to make the inspection. The
34 management shall afford free access to every part of
35 the premises and render all aid and assistance
36 necessary to enable the inspector to make a thorough
37 and complete inspection."

38 5. Page 48, by inserting before line 26 the
39 following:

40 "Sec._____. NEW SECTION. 170.55 AUTHORITY TO
41 ENFORCE THE RETAIL FOOD STORE SANITATION CODE.

42 The director has sole and exclusive authority to
43 regulate, license, and inspect food establishments and
44 to enforce the retail food store sanitation code in
45 Iowa. Municipal corporations shall not regulate,
46 license, inspect, or collect license fees from food
47 establishments except as provided for in agreements
48 entered into between the director and the municipal
49 corporations.

50 If a municipal corporation wants its local board of

Page 2

1 health to license, inspect, and otherwise enforce the
2 retail food store sanitation code within its
3 jurisdiction, the municipal corporation may enter into
4 an agreement to do so with the director. The director
5 may enter into such an agreement if the director finds
6 that the local board of health has adequate resources
7 to perform the required functions."

8 6. Page 49, by striking line 46 and inserting the
9 following: "establishment, unless a local board of
10 health has contracted with the department for
11 inspections of food establishments and food service
12 establishments."

13 7. Page 54, by inserting after line 13 the
14 following:

15 "Sec._____. The department shall develop and adopt

- 16 procedures and guidelines for contract agreements with
17 local boards of health under section 170.55 no later
18 than January 1, 1987."
19 8. By renumbering as necessary.

Amendment H—5398 was adopted.

Groth of Buena Vista offered the following amendment H—5402, to the committee amendment H—5349, filed by him and Daggett of Taylor from the floor and moved its adoption:

H—5402

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 123, by inserting after line 43 the
5 following:
6 "_____. Page 256, line 23, by striking the word
7 "accrediting" and inserting the following: "approval
8 of".
9 _____. Page 256, line 28, by striking the word "ac-
10 creditation" and inserting the following: "approval".
11 _____. Page 257, line 22, by striking the word "ac-
12 credited" and inserting the following: "approved".
13 2. Page 124, by inserting after line 11 the
14 following:
15 "_____. Page 262, line 25, by striking the word
16 "accreditation" and inserting the following:
17 "approval".
18 3. Page 124, by striking lines 12 through 35 and
19 inserting the following:
20 "_____. By striking page 262, line 31, through page
21 264, line 32, and inserting the following:
22 "10. As a basis for inclusion on the list of
23 approved schools, the director shall evaluate the
24 school educational program in the several school
25 systems of the state for the purposes of school
26 improvement and approval, and each public and
27 nonpublic school system shall make reports as the
28 director deems necessary to show compliance with the
29 minimum educational standards and other requirements
30 established by law or administrative rule. The
31 director, in consultation with the board of directors
32 and administration of the school district, shall
33 conduct an immediate evaluation of the educational
34 program of each school district which the director
35 determines has failed to comply with the curriculum
36 programs and other requirements.
37 The director shall make recommendations and sugges-

38 tions in writing to each school and school district
39 which is subject to this section when the director
40 determines, after due investigation, that a school or
41 school district does not meet the minimum educational
42 standards required by law or administrative rule.

43 The state board shall adopt rules establishing
44 approval standards to implement, interpret, and make
45 effective this section. In adopting the rules, the
46 state board shall take into account recognized
47 educational standards. The rules shall be of general
48 application without specific regard to school
49 population.

50 The rules are subject to chapter 17A. In addition,

Page 2

1 rules shall be reported by the state board to the
2 general assembly within twenty days after the
3 commencement of a regular legislative session. A
4 school or school district shall not be removed from
5 the approved list for failure to comply with the
6 standards, until at least one hundred twenty days have
7 elapsed following the reporting of the rules to the
8 general assembly as provided in this section.

9 11. The state board shall remove for cause, and
10 after due investigation and notice by the
11 commissioner, any school or school district from the
12 approved list if the school or school district fails
13 to comply with the approval standards in the manner
14 prescribed in this section. The state board shall
15 allow a reasonable period of time after notification
16 of noncompliance, not to exceed the following school
17 year, for compliance with the approval standards.

18 During the period of time allowed for compliance,
19 the director shall confer with the affected school
20 board and with the school boards of contiguous school
21 districts to assist the affected school board in
22 determining how best to offer the students of that
23 district an approved educational program.

24 12. The state board shall give any school or
25 school district which is to be removed from the
26 approved list at least one year's notice. Notice
27 shall be given by registered or certified mail
28 addressed to the superintendent of the school district
29 or the corresponding official of a private school, and
30 shall specify the reasons for removal. The notice
31 shall also be sent by ordinary mail to each member of
32 the board of directors or governing body of the school
33 or school district, and to the news media which serve
34 the area where the school or school district is
35 located; but any good faith error or failure to comply

36 with this sentence shall not affect the validity of
37 the action by the state board. If, during that year,
38 the school or school district remedies the reasons for
39 removal and satisfies the state board that it will
40 thereafter comply with the laws and approval
41 standards, the state board shall continue the school
42 or school district on the approved list and shall give
43 the school or school district notice of that action by
44 registered or certified mail. At any time during the
45 year, the board of directors or governing body of the
46 school or school district may request a public hearing
47 before the state board, by mailing a written request
48 to the state board by registered or certified mail.
49 The state board shall promptly set a time and place
50 for the public hearing, which shall be either in Des

Page 3

1 Moines or in the affected area. At least thirty days'
2 notice of the time and place of the hearing shall be
3 given by registered or certified mail addressed to the
4 superintendent of the school district or the
5 corresponding official of a private school. At least
6 ten days before the hearing, notice of the time and
7 place of the hearing and the reasons for removal shall
8 also be published by the department in a newspaper of
9 general circulation in the area where the school or
10 school district is located. At the hearing the school
11 or school district may be represented by counsel and
12 may present evidence. The state board may provide for
13 the hearing to be recorded or reported. If requested
14 by the school or school district at least ten days
15 before the hearing, the state board shall provide for
16 the hearing to be recorded or reported at the expense
17 of the school or school district, using any reasonable
18 method specified by the school or school district.
19 Within ten days after the hearing, the state board
20 shall render a written decision, and shall affirm,
21 modify, or vacate the action or proposed action to
22 remove the school or school district from the approved
23 list.

24 After notification of removal from the approved
25 list, the board of directors shall seek to merge the
26 territory of the school district with one or more
27 contiguous school districts pursuant to chapter 275.
28 If on the date specified for removal from the approved
29 list, the district, or any portion of the district,
30 has not been merged with one or more contiguous school
31 districts, the portion that has not been merged shall
32 be merged with one or more contiguous school districts
33 by the state board, and sections 275.25 to 275.38

34 apply. Until the merger is completed, the school
35 district shall pay tuition for its resident students
36 to an approved school district under section 282.24."
37 _____. Page 265, line 4, by striking the word "ac-
38 credited" and inserting the following: "approved".
39 _____. Page 265, line 6, by striking the word "ac-
40 creditation" and inserting the following: "approval".
41 _____. Page 265, line 24, by striking the word "ac-
42 credited" and inserting the following: "approved".
43 _____. Page 265, line 26, by striking the word "ac-
44 creditation" and inserting the following: "approval".
45 _____. Page 265, line 30, by striking the word "ac-
46 credited" and inserting the following: "approved".
47 4. Page 124, by inserting after line 48 the fol-
48 lowing:
49 "_____. Page 269, line 4, by striking the word "ac-
50 credited" and inserting the following: "approved".

Page 4

1 _____. Page 269, line 33, by striking the word "ac-
2 credited" and inserting the following: "approved".
3 5. Page 125, by inserting after line 1 the
4 following:
5 "_____. Page 270, line 9, by striking the word "ac-
6 creditation" and inserting the following: "approval".
7 _____. Page 270, line 13, by striking the word "ac-
8 creditation" and inserting the following: "approval".
9 _____. Page 270, by striking lines 15 and 16 and
10 inserting the following: "Section 256.11, subsection
11 12, applies to schools and school districts not
12 meeting the approval standards."
13 _____. Page 270, by striking lines 20 and 21 and
14 inserting the following: "approval by the state board
15 of public instruction education pursuant to section
16 257.25 256.11."
17 _____. By striking page 270, line 22, through page
18 271, line 29."
19 6. Page 125, by inserting after line 13 the fol-
20 lowing:
21 "_____. Page 283, line 7, by striking the words
22 "approved accredited" and inserting the following:
23 "approved,"
24 7. Page 125, by inserting after line 36 the fol-
25 lowing:
26 "_____. By striking page 304, line 25, through page
27 305, line 30."
28 8. Page 125, by striking lines 42 and 43 and
29 inserting the following: "school approved or pro-
30 bationally approved under the provisions of section
31 257.25 256.11,".

- 32 9. Page 125, by inserting before line 45 the
33 following:
34 "_____. Page 313, by striking lines 15 through 34."
35 10. Page 126, by inserting after line 17 the fol-
36 lowing:
37 "_____. By striking page 313, line 35, through page
38 314, line 20."
39 11. Page 126, by striking lines 22 through 24 and
40 inserting the following:
41 "10. Private college preparatory schools approved
42 or probationally approved under the provisions of sec-
43 tion ~~257-25~~ 256.11, subsection 13.""

Amendment H—5402 was adopted.

O'Kane of Woodbury offered the following amendment H—5414, to the committee amendment H—5349, filed by him and Platt of Muscatine from the floor and moved its adoption:

H—5414

- 1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 5, by striking lines 8 through 22.
5 2. By striking page 9, line 50 through page 10,
6 line 15.
7 3. Page 10, by striking lines 22 through 39.
8 4. Page 11, by striking lines 15 through 45 and
9 inserting the following:
10 "_____. Page 13, by striking lines 4 through 14."
11 5. By striking page 11, line 50 through page 12,
12 line 3.
13 6. Page 34, by striking line 32 through page 35,
14 line 29.

Amendment H—5414 lost.

The motion to reconsider amendment H—5378, (to the committee amendment H—5349) filed by Welden of Hardin from the floor, was taken up for consideration.

Welden of Hardin asked and received unanimous consent to withdraw his motion to reconsider amendment H—5378.

Halvorson of Webster called up for consideration the motion to reconsider amendment H—5367, filed by him on March 17, 1986, and moved to reconsider the vote by which amendment H—5367, (to the

committee amendment H—5349) was adopted by the House on March 17, 1986.

A non-record roll call was requested.

The ayes were 45, nays 45.

The motion to reconsider lost.

Swartz of Marshall offered the following amendment H—5417, to the committee amendment H—5349, filed by him and Lloyd-Jones of Johnson from the floor and moved its adoption:

H—5417

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 82, by striking lines 29 through 45 and
5 inserting the following:

6 " Page 148, by striking line 11 and
7 inserting the following: "and shall make".

8 Page 148, lines 15 and 16, by striking the
9 words "its bonding activities" and inserting the
10 following: "the amount of bonds outstanding and each
11 new bond issue".

12 By striking page 148, line 31 through page
13 149, line 25 and inserting the following:

14 "2. Notwithstanding any other provision of the
15 Code the treasurer shall coordinate the issuance of
16 obligations by authorities. The treasurer, or the
17 treasurer's designee, shall serve as ex officio
18 nonvoting member of each authority. Prior to the
19 issuance of obligations, an authority shall notify the
20 treasurer of its intention to do so. The treasurer
21 shall:

22 a. Select and fix the compensation for, in
23 consultation with the respective authority, through a
24 competitive selection procedure, attorneys,
25 accountants, financial advisors, banks, underwriters,
26 insurers, and other employees and agents which in the
27 treasurer's judgment are necessary to carry out the
28 authority's intention. Prior to the initial
29 selection, the treasurer shall, after consultation
30 with the authorities, establish a procedure which
31 provides for a fair, and open selection process
32 including, but not limited to, the opportunity to
33 present written proposals and personal interviews.
34 The treasurer shall maintain a list of firms which

35 have requested to be notified of requests for
36 proposal. The selection criteria shall take into
37 consideration, but is not limited to, compensation,
38 expenses, experience with similar issues, scheduling,
39 ability to provide the services of individuals with
40 specific knowledge in the relevant subject matter and
41 length of the engagement. At the request of the
42 treasurer, the state executive council may waive the
43 requirement for a competitive selection procedure.
44 Upon selection by the treasurer, the authority shall
45 promptly employ the individual or firm and be
46 responsible for payment of costs.
47 b. Submit an account to the respective authority
48 for all costs incurred in each transaction. The
49 treasurer will charge an authority for costs of
50 administration. The authority shall disburse to the

Page 2

1 treasurer the amounts set forth in the account.
2 c. Direct the investment or deposit of the
3 proceeds of the sale of the obligations, in accordance
4 with the language of the documents drafted to
5 effectuate issuance of the obligations, except for the
6 proceeds necessary to fund the ongoing operations of
7 the authority. This paragraph does not apply to
8 proceeds of obligations issued before the effective
9 date of this section.

10 d. Collect from an authority and other sources,
11 any statistical and financial information necessary to
12 draft an offering document or prepare a presentation
13 necessary for the issuance or marketing of the
14 obligations.

15 3. Each respective authority shall consult with
16 the treasurer on the following:

17 a. Amount, terms, and conditions of the
18 obligations to be issued by the authority including
19 other provisions deemed necessary by the treasurer or
20 the authority.

21 b. The documents or instruments necessary to
22 effectuate issuance of the obligation.

23 c. Presentations to rating agencies and marketing
24 activities. The treasurer may choose to participate
25 in these presentations.

26 4. Professional services, including but not
27 limited to attorneys, accountants, financial advisors,
28 banks, underwriters, insurers, and other employees
29 employed by a project sponsor may be selected by the
30 project sponsor, if the obligation is issued in behalf
31 of the project sponsor and the purchaser of the
32 obligation does not have recourse to the authority or
33 state.

34 5. The treasurer may delay implementation of this
35 section for up to six months following the effective
36 date of this section for an authority to facilitate an
37 orderly transition." "

Amendment H—5417 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hughes of Union, for the remainder of the evening, on request of Beatty of Warren.

Lloyd-Jones of Johnson offered the following amendment H—5419, to the committee amendment H—5349, filed by her from the floor and moved its adoption:

H—5419

1 Amend the Committee on State Government amendment,
2 H—5349, to Senate File 2175, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 4, lines 25 and 26, by striking the words
5 "inspections and appeals" and inserting the words
6 "inspections and appeals".

7 2. Page 4, line 28, by striking the words "and
8 land stewardship" and inserting the words "and land
9 stewardship".

10 3. Page 4, lines 32 and 33, by striking the words
11 "regulated industries" and inserting the words
12 "regulated industries".

13 4. Page 4, lines 37 and 38, by striking the words
14 "programs which serve the senior citizens of the
15 state," and inserting the words "programs which serve
16 the senior citizens of the state,".

17 5. Page 6, line 20, by striking the word
18 "executive".

19 6. Page 6, line 42, by striking the word
20 "executive".

21 7. Page 7, line 30, by striking the word
22 "executive".

23 8. Page 9, line 38, by striking the word
24 "executive".

25 9. Page 14, line 14, by inserting after the word
26 "once" the word "each".

27 10. Page 16, line 7, by striking the word
28 "office" and inserting the word "department".

29 11. Page 25, line 10, by striking the figure and
30 word "261.15 and" and inserting the figure and word

31 "~~261.15 and 261.2~~".

32 12. Page 44, line 18, by striking the word "The"
33 and inserting the word "The".

34 13. Page 69, line 36, by striking the word
35 "operations" and inserting the words "operations."
36 The".

37 14. Page 71, by inserting after line 4 the
38 following:

39 "_____. Page 102, line 12, by inserting after the
40 word "agriculture" the words "and land stewardship".

41 15. Page 73, line 50, by striking the word
42 "services" and inserting the word "industries".

43 16. Page 82, line 25, by striking the word
44 "seciton" and inserting the word "section".

45 17. Page 93, by inserting after line 6 the
46 following:

47 "_____. Page 187, line 25, by striking the word
48 "audits" and inserting the word "inspections".

49 18. Page 93, line 8, by striking the word
50 "investigations" and inserting the word "inspections".

Page 2

1 19. Page 93, by inserting after line 9 the
2 following:

3 "_____. Page 187, line 33, by striking the word
4 "audits" and inserting the word "inspections".

5 20. Page 137, by striking lines 30 and 31, and
6 inserting the following:

7 "4. "Director" means the director of energy policy
8 the department or a designee."

9 21. Page 140, by striking line 26 and inserting
10 the following: "board, at salaries fixed by the
11 board, a trained ecologist and such other personnel as
12 may be necessary to carry out the powers and duties of
13 the board department."

14 22. Page 141, by striking line 4 and inserting
15 the following: "the following: "department of
16 water,"."

17 23. Page 141, line 8, by striking the number
18 "107.12" and inserting the following: "107.12,".

19 24. Page 142, line 16, by striking the word
20 "director." and inserting the following: "director."

Amendment H—5419 was adopted.

The House stood at ease at 8:47 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—5349, as amended, at 9:00 p.m., Speaker Avenson in the chair.

Lloyd-Jones of Johnson moved to reconsider the vote by which amendment H—5404, to the committee amendment H—5349, was adopted by the House on March 17, 1986.

A non-record roll call was requested.

The ayes were 45, nays 26.

The motion prevailed and the House reconsidered amendment H—5404 (found on pages 809 and 810 of the House Journal.)

Osterberg of Linn moved the adoption of amendment H—5404, to the committee amendment H—5349.

A non-record roll call was requested.

The ayes were 38, nays 43.

Amendment H—5404 lost.

On motion by Lloyd-Jones of Johnson, the committee amendment H—5349, as amended, was adopted.

(Senate File 2175 pending at adjournment.)

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, Tuesday and Wednesday, March 10, 11 and 12, 1986. Had I been present, I would have voted "aye" of House Files 2019, 2035, 2128, 2167, 2189, 2204, 2286, 2293, 2337, 2347, 2378, 2379, 2387, 2388, 2389, 2390, 2393, 2400, 2404, 2405, 2415 and 2416.

McINTEE of Black Hawk

PRESENTATION OF VISITORS

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

Sixty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Mary Huggins and Paul Linn. By Carpenter of Polk.

Four Camp Fire Youth from Heart of the Hawkeye Council of Camp Fire. By Running of Linn.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 788 Ways and Means

Relating to the size of a board of review for property tax assessments.

AMENDMENTS FILED

H-5369	S.F.	2175	Swartz of Marshall
H-5420	S.F.	2175	Shoultz of Black Hawk
H-5421	S.F.	2175	Rosenberg of Story
H-5422	S.F.	2175	Swartz of Marshall
			Groninga of Cerro Gordo
			Parker of Jasper
H-5423	S.F.	2175	Parker of Jasper
H-5424	S.F.	2175	Zimmerman of Dallas
H-5425	S.F.	2175	Hermann of Scott
H-5426	S.F.	2175	Rosenberg of Story
H-5427	S.F.	2175	Black of Jasper
			Sullivan of Van Buren
			Diemer of Black Hawk
H-5428	S.F.	2175	Black of Jasper
H-5429	S.F.	2175	Hatch of Polk
			Rosenberg of Story
H-5430	S.F.	2175	Spear of Lee
H-5431	S.F.	2175	Rosenberg of Story
			Hatch of Polk
H-5432	S.F.	2175	Hanson of Delaware
H-5433	S.F.	2175	Rosenberg of Story
H-5434	S.F.	2175	Carter of Henry
			Lloyd-Jones of Johnson
			Hammond of Story
H-5435	S.F.	2175	Ollie of Clinton
H-5436	S.F.	2175	Hatch of Polk
H-5437	H.F.	2154	Halvorson of Clayton
			Black of Jasper
			Sullivan of Van Buren
			Diemer of Black Hawk
H-5438	H.F.	2232	Sturgeon of Woodbury

H—5439	H.F. 2086	Hermann of Scott
H—5440	H.F. 2457	Spear of Lee
H—5441	H.F. 2086	Hermann of Scott
H—5442	H.F. 2434	Osterberg of Linn

On motion by Norland of Worth, the House adjourned at 9:09 p.m., until 9:00 a.m., Tuesday, March 18, 1986.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day—Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 18, 1986

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

Prayer was offered by Reverend Ralph Andersen, pastor of the First Lutheran Church, Ottumwa.

The Journal of Monday, March 17, 1986 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Daggett of Taylor, from thirty-one constituents favoring the Iowa General Assembly maintaining a separate Department of Elder Affairs and from four hundred thirty constituents favoring the State of Iowa and the Iowa Beer and Liquor Department continuing to operate the Mount Ayr liquor store as it has for the past eleven years.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 159, a bill for an act eliminating penalties for registrations of snowmobiles which have not been registered for two subsequent registration periods.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2119, a bill for an act restricting the ability of a mortgagee of agricultural land to remove soil and water conservation practices and providing penalties.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2234, a bill for an act relating to the percent of the proceeds from the sales of obligations of the Iowa finance authority that are required to be used for newly constructed housing units.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2246, a bill for an act relating to suspensions or restrictions on water use under the state priority allocation plan.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2255, a bill for an act permitting the inclusion of charges for credit unemployment insurance in consumer credit transactions under the Iowa consumer credit code.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2260, a bill for an act relating to liens against mobile homes in mobile home parks for unpaid sums due under rental agreements.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2262, a bill for an act relating to the approval of legal descriptions of parcels of land.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act relating to the notice requirements pertaining to the cancellation and nonrenewal of insurance other than life insurance.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act relating to the powers of savings and loan associations.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2268, a bill for an act relating to the industrial loan thrift guaranty corporation of Iowa.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2272, a bill for an act removing the statutory limit on the length of time in which a person may be reinstated in the state merit system.

Also: That the Senate has on March 13, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2275, a bill for an act to require lenders or secured parties to provide debtors with copies of documents relating to the debt.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **Senate File 2175**, a bill for an act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure, pending at adjournment March 17, 1986.

Hammond of Story offered the following amendment H—5358 filed by her and moved its adoption:

H—5358

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 51, by striking line 32 through page
- 4 52, line 9.

Amendment H—5358 was adopted.

Shoultz of Black Hawk offered the following amendment H—5420 filed by him:

H—5420

- 1 Amend Senate File 2175 as amended, passed, and re-
- 2 printed as follows:

3 1. Page 74, by inserting after line 35 the
4 following:
5 "Sec._____. Section 441.31, Code 1985, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
8 previous paragraph, the conference board may increase
9 the membership of the board of review up to an
10 additional two members if it determines that as a
11 result of the large number of protests filed or
12 estimated to be filed the board of review will be
13 unable to timely resolve the protests with the
14 existing number of members. These additional
15 emergency members shall be appointed for a term set by
16 the conference board but not for longer than two
17 years. The conference board may extend the terms of
18 the emergency members if it makes a similar deter-
19 mination as required for the initial appointment.
20 Sec._____. Section 441.32, Code 1985, is amended to
21 read as follows:
22 441.32 TERMS - VACANCIES.
23 The terms of the members of the board of review
24 shall be are for six years each except for the
25 emergency members whose terms shall be set by the
26 conference board for a period not to exceed two years.
27 Members of this board may be removed by the conference
28 board but only after a public hearing upon specified
29 charges, if a hearing is requested by such the member.
30 Subsequent appointments A subsequent appointment, and
31 an appointment to fill a vacancy, shall be made in the
32 same way as the original selection. The board shall
33 have the power to may subpoena witnesses and
34 administer oaths."

Lloyd-Jones of Johnson rose on a point of order that amendment H-5420 was not germane.

The Speaker ruled the point well taken and amendment H-5420 not germane.

Rosenberg of Story offered the following amendment H-5421 filed by him:

H-5421

1 Amend Senate File 2175, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 85, by inserting after line 27 the
4 following:
5 "Sec._____. Section 17A.16, subsection 2, Code
6 1985, is amended to read as follows:

- 7 2. Any party may file an application for
8 rehearing, stating the specific grounds therefor and
9 the relief sought, within twenty days after the
10 issuance of any final decision by the agency in a
11 contested case. A copy of such application shall be
12 timely mailed by the applicant presiding agency to all
13 parties of record not joining therein. Such an
14 application for rehearing shall be deemed to have been
15 denied unless the agency grants the application within
16 twenty days after its filing."
17 2. By renumbering as necessary.

Stromer of Hancock rose on a point of order that amendment H—5421 was not germane.

The Speaker ruled the point not well taken and amendment H—5421 germane.

Rosenberg of Story moved the adoption of amendment H—5421.

A non-record roll call was requested.

The ayes were 32, nays 13.

Amendment H—5421 was adopted.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5369 filed by him on March 17, 1986.

Swartz of Marshall offered the following amendment H—5422 filed by Swartz, et al., and moved its adoption:

H—5422

- 1 Amend Senate File 2175 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 129, by inserting after line 23 the
4 following:
5 "4. "Small business" means a nonprofessional
6 enterprise which is located in this state, which is
7 operated for profit and under a single management, and
8 which has either fewer than twenty employees or an
9 annual gross income of less than three million dollars
10 computed as the average of the three preceding fiscal
11 years. This definition does not apply to any program
12 or activity for which a definition for small business
13 is provided for the program or activity by federal law
14 or regulation or other state law."

Amendment H—5422 was adopted.

Parker of Jasper offered the following amendment H—5423 filed by him and moved its adoption:

H—5423

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 149, by inserting after line 25 the
- 4 following:
- 5 "3. An underwriter employed to assist in the
- 6 issuance of obligations by an authority shall meet the
- 7 requirements for doing business in Iowa sufficient to
- 8 be subject to tax under rules of the department of
- 9 revenue."

Amendment H—5423 was adopted.

Zimmerman of Dallas offered the following amendment H—5424 filed by her and moved its adoption:

H—5424

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 189, by inserting after line 19 the
- 4 following:
- 5 "Sec. _____. Section 136.1, Code 1985, is amended to
- 6 read as follows:
- 7 136.1 COMPOSITION OF BOARD.
- 8 The state board of health shall consist of the
- 9 following members: Nine Five members learned in
- 10 health-related disciplines and four members
- 11 representing the general public.
- 12 The commissioner of public health shall serve as
- 13 secretary of the board."
- 14 2. Page 201, by inserting after line 33 the
- 15 following:
- 16 "Sec. _____. Notwithstanding section 136.1, the
- 17 governor shall appoint one member to the state board
- 18 of health representing the general public in 1987, two
- 19 members representing the general public in 1988, and
- 20 one member representing the general public in 1989."

A non-record roll call was requested.

The ayes were 49, nays 29.

Amendment H—5424 was adopted.

Hermann of Scott offered the following amendment H—5425 filed by him and moved its adoption:

H—5425

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 255, line 24, by inserting after the word
- 4 "administrators" the following: ", members of the
- 5 general assembly,".

Amendment H—5425 was adopted.

Johnson of Winneshiek in the chair at 9:41 a.m.

Varn of Johnson offered the following amendment H—5359 filed by him and Daggett of Taylor and moved its adoption:

H—5359

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 259, by striking lines 11 through 20 and
- 4 inserting the following: "the next."
- 5 2. Page 308, by inserting after line 6 the
- 6 following:
- 7 "Sec._____. Section 290.1, Code 1985, is amended to
- 8 read as follows:
- 9 290.1 APPEAL TO STATE BOARD.
- 10 Any person aggrieved by ~~any~~ a decision or order of
- 11 the board of directors of ~~any~~ a school corporation in
- 12 a matter of law or fact may, within thirty days after
- 13 the rendition of ~~such~~ the decision or the making of
- 14 ~~such~~ the order, appeal ~~therefrom~~ the decision or order
- 15 to the state board of public instruction; the
- 16 education. Any person aggrieved by the failure of the
- 17 board of directors of a school corporation to render a
- 18 decision or make an order may file a petition with the
- 19 state board during the school year in which the
- 20 omission occurred. The basis of the proceedings shall
- 21 be an affidavit filed with the state board by the
- 22 party aggrieved within the time for taking the appeal,
- 23 which or filing the petition. The affidavit shall set
- 24 forth any the error complained of in a plain and
- 25 concise manner. Appeals of orders or decisions, or
- 26 petitions because of omissions, of a board of
- 27 directors considered by the state board or

28 commissioner shall relate only to alleged violations
29 of laws, or rules adopted by the state board under
30 chapter 17A, governing the operation of school
31 corporations or minimum educational standards."
32 3. Page 315, by striking line 1 and inserting the
33 following: "repealed."

A non-record roll call was requested.

The ayes were 40, nays 44.

Amendment H—5359 lost.

Ollie of Clinton offered the following amendment H—5435 filed by him:

H—5435

1 Amend Senate File 2175 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 269, line 13, by striking the word
4 "personnel" and inserting the following: "its
5 certificated staff using staff members who possess
6 evaluator approval under section 260.33".

7 2. Page 284, by inserting after line 1 the
8 following:

9 "Sec. _____. NEW SECTION. 260.33 EVALUATOR
10 APPROVAL.

11 Effective July 1, 1988, in addition to endorsements
12 required under rules adopted pursuant to this chapter,
13 an individual employed as an administrator,
14 supervisor, school service person, or teacher by a
15 school district, area education agency, or area
16 school, who conducts evaluations of the performance of
17 individuals holding certificates under this chapter,
18 shall possess an evaluator approval.

19 The board of educational examiners, in consultation
20 with representatives from institutions of higher
21 learning who offer approved programs for
22 administrative endorsements, shall adopt rules
23 establishing requirements for an evaluator approval
24 and for the pretest and posttest required under this
25 section. The requirements shall include completion of
26 a program approved by the board of educational
27 examiners as follows:

28 1. For evaluation of teachers, the development of
29 skills including but not limited to analysis of lesson
30 plans, classroom observation, analysis of data,
31 performance improvement strategies, and communication

32 skills.

33 2. For evaluation of certificated employees other
34 than teachers, the development of skills including but
35 not limited to communication skills, analysis of
36 employee performance, analysis of data, and
37 performance improvement strategies.

38 An approved program shall include a pretesting
39 component, and individuals enrolled in the program who
40 perform satisfactorily on the pretest shall be issued
41 an evaluator approval and are not required to complete
42 the program.

43 An approved program shall also include a posttest
44 component. An individual who does not perform
45 satisfactorily on the posttest shall not be issued an
46 evaluator approval.

47 An evaluator approval is valid for a period of five
48 years from its issuance.

49 Notwithstanding chapter 20, a teacher who holds an
50 evaluator approval is not disqualified from membership

Page 2

1 in a bargaining unit that has other teachers as
2 members."

3 3. By numbering and renumbering sections as
4 necessary.

Speaker Avenson in the chair at 10:10 a.m.

Bennett of Ida rose on a point of order that amendment H—5435 was not germane.

The Speaker ruled the point not well taken and amendment H—5435 germane.

Ollie of Clinton moved the adoption of amendment H—5435.

A non-record roll call was requested.

The ayes were 40, nays 23.

Amendment H—5435 was adopted.

Rosenberg of Story asked and received unanimous consent to temporarily defer action on amendment H—5426.

Hatch of Polk asked and received unanimous consent to withdraw amendment H—5436 filed by him on March 17, 1986.

Hatch of Polk offered the following amendment H—5443 filed by him from the floor and requested division as follows:

H—5443

- 1 Amend Senate File 2175, as amended, passed and
- 2 reprinted by the Senate, as follows:

H—5443A

- 3 1. Page 327, by striking line 9 and inserting the
- 4 following:
- 5 "4. "Energy and environmental protection
- 6 commission" means the energy and en-".
- 7 2. Page 330, line 9, by inserting before the word
- 8 "ENVIRONMENTAL" the following: "ENERGY AND".
- 9 3. Page 330, line 11, by inserting after the word
- 10 "An" the following: "energy and".
- 11 4. Page 334, line 35, by inserting after the word
- 12 "chapter" the following: ", subject to program
- 13 policies and rules adopted by the energy and
- 14 environmental protection commission".

H—5443B

- 15 5. Page 336, by inserting before line 6 the
- 16 following:
- 17 "Sec. _____. Section 93.2, Code 1985, is amended by
- 18 striking the section and inserting in lieu thereof the
- 19 following:
- 20 93.2 ADVISORY COUNCIL CREATED — DUTIES.
- 21 1. An energy resources advisory council is created
- 22 within the department. The advisory council consists
- 23 of five members appointed by the governor for
- 24 staggered terms of four years beginning and ending as
- 25 provided in section 69.19. Council appointees are
- 26 subject to senate confirmation. The members shall be
- 27 electors of the state and have knowledge of and
- 28 experiences in energy production, energy technology,
- 29 or energy management. The appointments shall be based
- 30 upon the training, experience, and capacity of the
- 31 appointees, and not based upon political considera-
- 32 tions, other than as provided in section 69.19.
- 33 2. A vacancy on the advisory council shall be
- 34 filled for the unexpired term in the same manner as
- 35 the original appointment was made.
- 36 3. The members of the council shall be reimbursed
- 37 for actual and necessary travel and related expenses
- 38 incurred in the discharge of official duties. Each
- 39 member of the council may also be eligible to receive
- 40 compensation as provided in section 7E.3.

H-5443B

- 41 4. The council shall hold an organizational
42 meeting within thirty days of the beginning of a new
43 regular term for one or more of its members. The
44 council shall organize by electing a chairperson and
45 any other officers deemed necessary or desirable. The
46 council shall meet at least quarterly throughout the
47 year.
- 48 5. A majority of the members of the council is a
49 quorum, and a majority of a quorum may act in any
50 matter within the jurisdiction of the council, unless

Page 2

- 1 a more restrictive rule is adopted by the council.
2 6. Except as otherwise provided by law, the
3 council shall advise the energy and environmental
4 protection commission and the director on the policies
5 and programs to be carried out under this chapter."

H-5443A

- 6 6. Page 345, line 6, by inserting after the word
7 "management" the following: "energy and".
8 7. Page 345, line 35, by inserting after the word
9 "management" the following: "energy and".
10 8. Page 348, line 9, by inserting after the word
11 "management" the following: "energy and".
12 9. Page 349, line 4, by inserting after the word
13 "management" the following: "energy and".
14 10. Page 353, line 27, by inserting after the
15 word "management" the following: "energy and".
16 11. Page 354, line 30, by inserting after the
17 word "department." the following: "The energy and
18 environmental protection commission shall establish
19 policies and adopt rules to provide for the effective
20 administration of this chapter."
21 12. Page 355, line 25, by inserting after the
22 word "management" the following: "energy and".
23 13. Page 361, line 22, by inserting after the
24 word "management" the following: "energy and".
25 14. Page 363, line 20, by inserting after the
26 word "the" the following: "energy and".

H-5443B

- 27 15. Page 364, line 5, by striking the number
28 "93.2" and inserting the following: "93.3".

Hatch of Polk asked and received unanimous consent to withdraw amendment H—5443A.

Black of Jasper offered the following amendment H—5427 filed by Black, et al. Division was requested as follows:

H—5427

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:

H—5427A

- 3 1. Page 327, line 23, by inserting after the word
- 4 "capabilities." the following: "The director shall be
- 5 educated and possess special knowledge in the general
- 6 field of natural resource management."

H—5427C

- 7 2. Page 339, line 6, by striking the word
- 8 "commission" and inserting the following: "commission
- 9 department".
- 10 3. Page 339, line 28, by striking the word
- 11 "commission" and inserting the following: "commission
- 12 department".
- 13 4. Page 344, by inserting after line 12 the
- 14 following:
- 15 "Sec.____. Sections 107.20, 107.24, 107.27 through
- 16 107.29, and 107.31 through 107.34, Code 1985, are
- 17 amended by striking the words "state conservation
- 18 commission", "conservation commission", and
- 19 "commission" where they appear in those sections and
- 20 inserting in lieu thereof the word "department".

H—5427B

- 21 5. Page 348, line 8, by striking the word
- 22 "approval" and inserting the following: "approval
- 23 review".
- 24 6. By striking page 348, line 34 through page
- 25 349, line 8, and inserting the following:
- 26 "Sec.____. Section 111.62, Code 1985, is
- 27 repealed."

H—5427C

- 28 7. Page 355, by striking lines 33 and 34.

Black of Jasper asked and received unanimous consent to withdraw amendment H—5427B.

Johnson of Winneshiek offered the following amendment H—5444, to amendment H—5427A, filed by him from the floor and moved its adoption:

H—5444

- 1 Amend amendment H—5427 to page 327 of Senate File
- 2 2175 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 6, by inserting after the word
- 5 "management" the following: "and environmental
- 6 protection".

Amendment H—5444 was adopted.

Hughes of Union in the chair at 10:55 a.m.

Black of Jasper moved the adoption of amendment H—5427A, as amended.

A non-record roll call was requested.

The ayes were 45, nays 44.

Amendment H—5427A, as amended, was adopted.

The House resumed consideration of amendment H—5443B.

Hatch of Polk asked for unanimous consent to amend amendment H—5443B by striking the words "energy and" on page 2, line 3.

Objection was raised.

Hatch of Polk asked and received unanimous consent to defer action on amendment H—5443B.

Black of Jasper offered the following amendment H—5428 filed by him and moved its adoption:

H—5428

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 330, line 4, by striking the word and
- 4 figure "or 112" and inserting the following: "112, or
- 5 321G".

Amendment H—5428 was adopted.

Hatch of Polk offered the following amendment H—5429 filed by him and Rosenberg of Story:

H—5429

- 1 Amend Senate File 2175 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 330, by striking lines 21 through 27 and
- 4 inserting the following:
- 5 "a. One member actively engaged in livestock and
- 6 grain farming.
- 7 b. A member actively engaged in the business of
- 8 finance or commerce or actively engaged in the
- 9 management of a manufacturing company.
- 10 c. A member actively engaged in teaching or
- 11 research in a postsecondary educational institution.
- 12 d. A member actively engaged in labor union or
- 13 organization activities.
- 14 e. Two members who are members of organizations
- 15 which advocate the protection of, and improvement to,
- 16 the natural environment.
- 17 f. Three members who are electors of the state."

Speaker Avenson in the chair at 11:22 a.m.

Hatch of Polk moved the adoption of amendment H—5429.

A non-record roll call was requested.

The ayes were 24, nays 51.

Amendment H—5429 lost.

The House resumed consideration of amendment H—5427C.

On motion by Black of Jasper, amendment H—5427C was adopted.

Spear of Lee offered the following amendment H—5430 filed by him and moved its adoption:

H—5430

- 1 Amend Senate File 2175, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 349, line 30, by striking the words "or
- 4 village" and inserting the following: "or village".

- 5 2. Page 350, by striking lines 3 and 4 and
6 inserting the following: "~~commission department of~~
7 natural resources or such the county or municipality
8 city and not devoted or dedicated to".

Amendment H—5430 was adopted.

Rosenberg of Story offered the following amendment H—5431 filed by him and Hatch of Polk and moved its adoption:

H—5431

- 1 Amend Senate File 2175 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 356, by inserting after line 4 the
4 following:
5 "Sec. _____. NEW SECTION. 455B.111 CITIZEN
6 ACTIONS.
7 1. Except as provided in subsection 2, a person
8 may commence a civil action in district court on the
9 person's own behalf against any of the following:
10 a. A person, including the state of Iowa, for
11 violating any provision of this chapter or a rule
12 adopted pursuant to this chapter.
13 b. The executive director, the commission, or any
14 official or employee of the department where there is
15 an alleged failure to perform any act or duty under
16 this chapter or a rule adopted pursuant to this
17 chapter which is not a discretionary act or duty.
18 2. An action shall not be commenced pursuant to
19 subsection 1, paragraph "a", unless the person
20 commencing the action has provided the director and
21 the alleged violator with a written notice at least
22 sixty days prior to commencing the action. The
23 written notice shall specify the nature of the
24 violation and that legal action is contemplated under
25 this section if the violation is not abated and, if
26 necessary, remedial action is not taken. The state
27 may intervene in such an action as a matter of right.
28 In addition, an action shall not be commenced pursuant
29 to subsection 1, paragraph "a", if the department or
30 the state has commenced and is diligently prosecuting
31 a civil action to require abatement of the violation
32 and, if necessary, remediation of damages. However,
33 any person may intervene as a matter of right in such
34 an action.
35 3. In an action commenced pursuant to subsection
36 1, the court may award costs of litigation, including
37 reasonable attorney and expert witness fees, to any
38 party.

- 39 4. This section does not restrict any right under
40 statutory or common law of a person or class of person
41 to seek enforcement of provisions of this chapter or a
42 rule adopted pursuant to this chapter or seek other
43 relief permitted under the law."
44 2. Renumber as necessary.

Amendment H—5431 was adopted.

Hanson of Delaware asked and received unanimous consent to temporarily defer action on amendment H—5432.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—5433 filed by him on March 17, 1986.

Carter of Henry offered the following amendment H—5434 filed by Carter, et al., and moved its adoption:

H—5434

- 1 Amend Senate File 2175 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 407, by inserting after line 32 the
4 following:
5 "Sec. 2026. NEW SECTION. 55.3 SERVICE ON BOARDS,
6 COMMISSIONS, TASK FORCES, AND COMMITTEES.
7 For the purpose of this section, "state board"
8 includes any board, commission, committee, council, or
9 task force of the state government created by the
10 constitution, or by statute, resolution of the general
11 assembly, motion of the legislative council, executive
12 order of the governor, or supreme court order, but
13 does not include any such state board, commission,
14 committee, council, or task force for which an annual
15 salary is provided for its members. A person who is
16 appointed to serve on a state board, upon written
17 application to the person's employer, shall be granted
18 leaves of absence from regular employment to attend
19 the meetings of the state board, except if leaves of
20 absence are prohibited by federal law. The leaves of
21 absence may be granted without pay and shall be
22 granted without loss of net credited service and
23 benefits earned."

A non-record roll call was requested.

The ayes were 42, nays 42.

Amendment H—5434 lost.

Halvorson of Webster offered the following amendment H—5445 filed by him from the floor and moved its adoption:

H—5445

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 56, line 12, by inserting after the word
- 4 "services." the following: "In the execution of the
- 5 duties provided by this chapter, the state registrar
- 6 of voters and the state commissioner of elections
- 7 shall provide the maximum public access to the
- 8 electoral process permitted by law."

Amendment H—5445 was adopted.

The House again resumed consideration of amendment H—5443B.

Hatch of Polk asked and received unanimous consent to withdraw amendment H—5443B.

(Senate File 2175 pending at recess.)

On motion by Norland of Worth, the House was recessed at 11:47 a.m., until 12:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

QUORUM CALL

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, for the afternoon session, on request of Maulsby of Calhoun.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act relating to the sale of alcoholic liquor and wine by allowing special retailers to sell alcoholic liquor in areas which are not adequately served by state liquor stores and by limiting the sale of wine by the beer and liquor control department to sale at retail.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 2175**, a bill for an act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure, pending at recess.

Hanson of Delaware offered the following amendment H — 5432 filed by him and moved its adoption:

H — 5432

- 1 Amend Senate File 2175 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 391, by inserting after line 7 the
- 4 following:
- 5 "EXECUTIVE COUNCIL
- 6 Sec. _____. Section 1.6, Code 1985, is amended to
- 7 read as follows:
- 8 1.6 CONDITIONS.
- 9 Any acquisition by the government of the United

10 States of land and water, or of land or water, under
11 section 1.5 shall be first approved by the state
12 conservation commission; ~~by and the state conservation~~
13 ~~director of this state, and the executive council.~~

14 Sec. _____. Section 8.31, unnumbered paragraph 7,
15 Code 1985, is amended to read as follows:

16 ~~The finding by~~ If the governor determines that the
17 estimated budget resources during the fiscal year are
18 insufficient to pay all appropriations in full, as
19 ~~provided herein, shall be subject to the concurrence~~
20 ~~in such finding by the executive council before~~
21 ~~reductions in allotment shall be made, and in the~~
22 ~~event any reductions in allotment be made, such the~~
23 ~~reductions shall be uniform and prorated between all~~
24 ~~departments, agencies and establishments upon the~~
25 ~~basis of their respective appropriations.~~

26 Sec. _____. Section 8.32, unnumbered paragraph 6,
27 Code 1985, is amended to read as follows:

28 The provisions of this chapter shall not be
29 construed to prohibit the state fair board from
30 creating an emergency or sinking fund out of the
31 receipts of the state fair and state appropriation for
32 the purpose of taking care of any emergency that might
33 arise beyond the control of the board of not to exceed
34 three hundred thousand dollars; ~~provided, however,~~
35 ~~that any expenditure from said fund shall be subject~~
36 ~~to the approval of the executive council.~~ Neither
37 shall the provisions of this chapter be construed to
38 prohibit the state fair board from retaining an
39 additional sum of not to exceed three hundred fifty
40 thousand dollars to be used in carrying out the
41 provisions of chapter 173.

42 Sec. _____. Section 11.28, Code 1985, is amended to
43 read as follows:

44 11.28 INDIVIDUAL AUDIT REPORTS.

45 The individual audit reports shall include exhibits
46 and schedules to report data similar to that now
47 required by section 11.4, and shall as nearly as
48 possible correspond and be prepared similar in form to
49 the audit reports rendered by certified public
50 accountants, and such reports shall include

Page 2

1 information as to the assets and liabilities of the
2 various departments and institutions audited as of the
3 beginning and close of the fiscal year audited, the
4 receipts and expenditures of cash, the disposition of
5 materials and other properties, and the net income and
6 net operating cost. These reports shall also set
7 forth the cost as to each inmate, member, or student
8 per year in the various classifications of expenses,

9 and shall make comparisons thereof, and shall give
10 such other information, suggestions, and
11 recommendations as may be deemed of advantage and to
12 the best interests of the taxpayers of the state;
13 provided, that the daily audit report of the state
14 treasury shall be submitted to the state comptroller;
15 provided, further, that copies of all individual audit
16 reports of all state departments and establishments
17 shall be transmitted to the ~~executive council and to~~
18 ~~the state comptroller's office after the completion of~~
19 ~~each audit, and that copies of all local government~~
20 ~~audits shall, until otherwise provided, be also~~
21 ~~supplied to the comptroller's office; provided,~~
22 ~~further, that copies of such audit reports shall also~~
23 ~~be supplied to the officers of the counties, schools,~~
24 ~~and cities, as now provided by law; and, provided~~
25 ~~further, that summaries of the findings,~~
26 ~~recommendations, and comparisons, together with any~~
27 ~~other information deemed essential, shall be printed~~
28 ~~and distributed to members of the legislature, and~~
29 ~~such officials, including state officers, as may be~~
30 ~~designated by the executive council general assembly.~~
31 Sec._____. Section 18.6, unnumbered paragraph 2,
32 Code 1985, is amended by striking the unnumbered
33 paragraph.

34 Sec._____. Section 18.115, subsection 4, Code
35 Supplement 1985, is amended to read as follows:

36 4. The state vehicle dispatcher shall purchase all
37 new motor vehicles for all branches of the state
38 government, except the state department of
39 transportation, institutions under the control of the
40 state board of regents, the commission for the blind,
41 and any other agencies exempted by law. Before
42 purchasing any motor vehicle the dispatcher shall make
43 requests for public bids by advertisement and shall
44 purchase the vehicles from the lowest responsible
45 bidder for the type and make of motor vehicle
46 designated at a purchase price approved by the
47 executive council.

48 Sec._____. Section 18.116, Code 1985, is amended to
49 read as follows:

50 18.116 VIOLATIONS — WITHDRAWING USE OF VEHICLE.

Page 3

1 If any state officer or employee violates any of
2 the provisions of this chapter, the state vehicle
3 dispatcher shall have the authority to withdraw the
4 assignment of any state-owned motor vehicle to any

5 such state officer or employee. An appeal from such
6 order by the state vehicle dispatcher may be taken to
7 the executive council whose decision shall be final.

8 Sec._____. Section 18.117, unnumbered paragraph 1,
9 Code 1985, is amended to read as follows:

10 A state officer or employee shall not use a state-
11 owned motor vehicle for personal private use, nor
12 shall the officer or employee be compensated for
13 driving a privately owned motor vehicle unless it is
14 done on state business with the approval of the state
15 vehicle dispatcher, and in that case the officer or
16 employee shall receive twenty-two cents per mile
17 effective July 1, 1981, and twenty-four cents per mile
18 effective July 1, 1982. A statutory provision
19 stipulating necessary mileage, travel, or actual
20 expenses reimbursement to a state officer falls under
21 the mileage reimbursement limitation provided in this
22 section unless specifically provided otherwise. Any
23 peace officer employed by the state as defined in
24 section 801.4 who is required to use a private vehicle
25 in the performance of official duties shall receive
26 reimbursement for mileage expense at the rate
27 specified in this section. However, the state vehicle
28 dispatcher may delegate authority to officials of the
29 state, and department heads, for the use of private
30 vehicles on state business up to a yearly mileage
31 figure established by the director of general services
32 and approved by the executive council. If a state
33 motor vehicle has been assigned to a state officer or
34 employee, the officer or employee shall not collect
35 mileage for the use of a privately owned vehicle
36 unless the state vehicle assigned is not usable.

37 Sec._____. Section 26.1, Code 1985, is amended to
38 read as follows:

39 **26.1 FEDERAL AND STATE CO-OPERATION.**

40 The executive council secretary of state is
41 authorized, so far as practicable, to co-operate with
42 the census bureau of the United States in the
43 gathering, compilation, and publication of census
44 statistics.

45 Sec._____. Section 29A.14, subsection 1, Code 1985,
46 is amended to read as follows:

47 1. The adjutant general with the approval of the
48 executive council may operate or lease any of the
49 national guard facilities at Camp Dodge. Any income
50 or revenue derived from the operation or leasing shall

Page 4

1 be deposited with the treasurer of state and credited
2 to the national guard facilities improvement fund.
3 The balance in the national guard facilities
4 improvement fund is limited to a maximum of two
5 million dollars. Any amount exceeding the limit shall
6 be credited to the general fund of the state.

7 Sec._____. Section 29C.20, Code Supplement 1985, is
8 amended to read as follows:

9 29C.20 CONTINGENT FUND — DISASTER AID.

10 1. A contingent fund is created in the state
11 treasury for the use of the executive council governor
12 which may be expended for the purpose of paying the
13 expenses of suppressing an insurrection or riot,
14 actual or threatened, when state aid has been rendered
15 by order of the governor, and for repairing,
16 rebuilding, or restoring state property injured,
17 destroyed, or lost by fire, storm, theft, or
18 unavoidable cause, and for aid to any governmental
19 subdivision in an area declared by the governor to be
20 a disaster area due to natural disasters or to
21 expenditures necessitated by the governmental
22 subdivision toward averting or lessening the impact of
23 the potential disaster, where the effect of the
24 disaster or action on the governmental subdivision is
25 the immediate financial inability to meet the
26 continuing requirements of local government. Upon
27 application by a governmental subdivision in such an
28 area, accompanied by a showing of obligations and
29 expenditures necessitated by an actual or potential
30 disaster in a form and with further information the
31 executive council requires, the aid may be made in the
32 discretion of the executive council and, if made,
33 shall be in the nature of a loan up to a limit of
34 seventy-five percent of the showing of obligations and
35 expenditures. The loan, without interest, shall be
36 repaid by the maximum annual emergency levy authorized
37 by section 24.6, or by the appropriate levy authorized
38 for a governmental subdivision not covered by section
39 24.6. The aggregate total of loans shall not exceed
40 one million dollars during a fiscal year. A loan
41 shall not be for an obligation or expenditure
42 occurring more than two years previous to the
43 application.

44 2. The proceeds of such loan shall be applied
45 toward the payment of costs and obligations
46 necessitated by such actual or potential disaster and
47 the reimbursement of local funds from which such
48 expenditures have been made. Any such project for
49 repair, rebuilding or restoration of state property
50 for which no specific appropriation has been made,

Page 5

1 shall, before work is begun, be subject to approval or
2 rejection by the executive council governor.

3 3. If the president of the United States, at the
4 request of the governor, has declared a major disaster
5 to exist in this state, the executive council governor
6 may make financial grants to meet disaster-related
7 necessary expenses or serious needs of local
8 governments adversely affected by the major disaster
9 if those expenses or needs cannot otherwise be met
10 from other means of assistance. The amount of the
11 grant shall not exceed ten percent of the total
12 eligible expenses and is conditional upon the federal
13 government providing at least seventy-five percent of
14 the eligible expenses.

15 4. If the president, at the request of the
16 governor, has declared a major disaster to exist in
17 this state, the executive council governor may make
18 financial grants to meet disaster-related necessary
19 expenses or serious needs of individuals or families
20 adversely affected by a major disaster which cannot
21 otherwise adequately be met from other means of
22 assistance. The amount of a financial grant shall not
23 exceed five thousand dollars in the aggregate to an
24 individual or family in any single major disaster
25 declared by the president. All grants authorized to
26 individuals and families will be subject to the
27 federal government providing no less than seventy-five
28 percent of each grant and the declaration of a major
29 disaster in the state by the president of the United
30 States.

31 5. If the president, at the request of the
32 governor, has declared a major disaster to exist in
33 this state, the executive council governor may lease
34 or purchase sites and develop such sites to
35 accommodate temporary housing units for disaster
36 victims.

37 6. For the purposes of this section, "governmental
38 subdivision" means any political subdivision of this
39 state.

40 Sec._____. Section 79.20, unnumbered paragraph 1,
41 Code 1985, is amended to read as follows:

42 There is created a state employees disability
43 insurance program which shall be administered by the
44 executive council director of personnel and which
45 shall provide disability benefits in an amount and for
46 the employees as provided in this section. The
47 monthly disability benefits shall provide twenty
48 percent of monthly earnings if employed less than one
49 year, forty percent of monthly earnings if employed
50 one year or more but less than two years, and sixty

Page 6

1 percent of monthly earnings thereafter, reduced by
2 primary and family social security determined at the
3 time social security disability payments commence,
4 workers' compensation if applicable, and any other
5 state sponsored sickness or disability benefits
6 payable. No subsequent social security increases shall
7 be used to further reduce the insurance benefits
8 payable. State employees shall receive credit for the
9 time they were continuously employed prior to and on
10 July 1, 1974. The following provisions shall apply to
11 the employees disability insurance program:

12 Sec. _____. Section 80.15, Code 1985, is amended to
13 read as follows:

14 80.15 EXAMINATION - OATH - PROBATION -
15 DISMISSAL.

16 No applicant for membership in the department of
17 public safety, except clerical workers and special
18 agents appointed under section 80.7, shall be
19 appointed as a member until the applicant has passed a
20 satisfactory physical and mental examination. In
21 addition, such applicant must be a citizen of the
22 United States, of good moral character, and be not
23 less than twenty-two years of age. The mental
24 examination shall be conducted under the direction or
25 supervision of the commissioner of public safety and
26 may be oral or written or both. Each applicant shall
27 take an oath on becoming a member of the force, to
28 uphold the laws and Constitution of the United States
29 and of the state of Iowa. During the period of twelve
30 months after appointment, any member of the department
31 of public safety, except members of the present Iowa
32 highway safety patrol who have served more than six
33 months, shall be subject to dismissal at the will of
34 the commissioner. After the twelve months' service,
35 no member of the department, who shall have been
36 appointed after having passed the before-mentioned
37 examinations, shall be subject to dismissal unless
38 charges have been filed with the secretary of the
39 executive council director of personnel and a hearing
40 held before the executive council director of
41 personnel, if requested by said member of the
42 department, at which the member shall have an
43 opportunity to present a defense to such charges. The
44 decision of the executive council by majority vote
45 director of personnel shall be final, subject to the
46 right of judicial review in accordance with the terms
47 of the Iowa administrative procedure Act. All rules,
48 except employment provisions negotiated pursuant to
49 chapter 20, regarding the enlistment, appointment, and
50 employment affecting the personnel of the department

Page 7

1 shall be established by the commissioner with the
2 approval of the governor.

3 Sec._____. Section 93.15, Code 1985, is amended to
4 read as follows:

5 93.15 PETROLEUM OVERCHARGE FUND.

6 There is created as a separate account in the state
7 treasury a petroleum overcharge fund. Notwithstanding
8 section 453.7, interest and earnings on investments
9 from the funds in the petroleum overcharge fund shall
10 be credited to the petroleum overcharge fund. The
11 state of Iowa acting on behalf of itself, its citizens
12 and its political subdivisions accepts any funds
13 awarded or allocated to it, its citizens and political
14 subdivisions as a result of petroleum overcharge
15 cases. The funds shall be deposited in the petroleum
16 overcharge fund and shall be expended only upon
17 appropriation of the general assembly for programs
18 which will benefit citizens who may have suffered
19 economic penalties resulting from the alleged
20 petroleum overcharges. However, petroleum overcharge
21 case funds received pursuant to claims filed on behalf
22 of the state, its institutions, departments, agencies,
23 or any political subdivision shall be deposited in the
24 general fund of the state to be disbursed directly to
25 the appropriate claimants in accordance with federal
26 guidelines and subject to the approval of the attorney
27 general and the executive council. Attorneys' fees
28 and expenses incurred by the state to obtain these
29 funds to be deposited in the petroleum overcharge fund
30 shall be paid by the state comptroller from the
31 petroleum overcharge fund subject to the approval of
32 the attorney general and the executive council.

33 Sec._____. Section 96.25, Code 1985, is amended to
34 read as follows:

35 96.25 OFFICE BUILDING.

36 The department of job service may, subject to the
37 approval of the executive council of the state,
38 acquire for and in the name of the state of Iowa by
39 purchase, or by rental purchase agreement, such lands
40 and buildings upon such terms and conditions as may
41 entitle this state to grants or credits of funds under
42 the Social Security Act or the Wagner-Peyser Act to be
43 applied against the cost of such property, for the
44 purpose of providing office space for the department
45 of job service at such places as the commission finds
46 necessary and suitable.

47 Sec._____. Section 111.7, Code 1985, is amended to
48 read as follows:

49 111.7 EMINENT DOMAIN.

50 The executive council may, upon the recommendation

Page 8

1 of the commission, may purchase or condemn lands for
2 public parks. No contract for the purchase of such
3 public parks shall be made to an amount in excess of
4 funds appropriated therefor by the general assembly.

5 Sec._____. Section 111.8, Code 1985, is amended to
6 read as follows:

7 111.8 HIGHWAYS.

8 The executive council may, upon the recommendation
9 of the commission, may purchase or condemn highways
10 connecting such parks with the public highways. When
11 such the highways have been purchased or condemned the
12 same shall be public highways of this state and shall
13 be maintained as other public highways of the county.

14 Sec._____. Section 111.11, unnumbered paragraph 1,
15 Code 1985, is amended to read as follows:

16 The commission with the written consent of the
17 executive council, may accept gifts of land or other
18 property, or the use of lands or other property for a
19 term of years, and improve and use the same land as
20 public state parks.

21 Sec._____. Section 111.24, Code 1985, is amended to
22 read as follows:

23 111.24 BOUNDARIES — ADJUSTMENT.

24 Whenever a controversy shall arise as to the true
25 boundary line between state-owned property and private
26 property, the commission may, with the approval of the
27 executive council, adjust said the boundary line or
28 take such other action in the premises, all with the
29 approval of the executive council, as in its judgment
30 may seem right. When such the disputed boundary line
31 is fixed it shall be surveyed and marked as herein
32 provided.

33 Sec._____. Section 111.32, Code 1985, is amended to
34 read as follows:

35 111.32 SALE OF PARK LANDS — CONVEYANCES TO CITIES
36 OR COUNTIES.

37 The executive council may, upon a majority
38 recommendation of the commission, may sell or exchange
39 such parts of public lands under the jurisdiction of
40 the commission as in its judgment may be undesirable
41 for conservation purposes, excepting state-owned
42 meandered lands already surveyed and platted at state
43 expense as a conservation plan and project tentatively
44 adopted and now in the process of rehabilitation and
45 development authorized by a special legislative Act.
46 Such The sale or exchange shall be made upon such the
47 terms, conditions or considerations as the commission
48 may recommend and that may be approved by the
49 executive council approve, whereupon the secretary of
50 state shall issue a patent therefor in the manner

Page 9

1 provided by law in other cases. The proceeds of any
2 such sale or exchange shall become a part of the funds
3 to be expended under the provisions of this chapter.
4 Upon request by resolution of any city or county or
5 any legal agency thereof, the executive council may,
6 upon majority recommendation of the state conservation
7 commission, convey without consideration to such city
8 or county or legal agency thereof, such public lands
9 under the jurisdiction of the commission as in its
10 judgment may be desirable for city or county parks.
11 Conveyance shall be in the name of the state, with the
12 great seal of the state attached and shall contain a
13 provision that when such lands cease to be used as
14 public park by said city or county such lands revert
15 to the state, and such park shall, within one year
16 after such land has reverted to the state, be
17 restored, as nearly as possible, to the condition it
18 was in when acquired by such city, county or legal
19 agency thereof at the expense of such city, county or
20 legal agency.
21 The state may require that the city, county or
22 legal agency thereof file a notice of intention every
23 three years.
24 Sec. _____. Section 173.14, subsection 9, Code 1985,
25 is amended to read as follows:
26 9. ~~With the approval of the executive council,~~
27 ~~purchase~~ Purchase real estate adjacent to the state
28 fairgrounds for use in conjunction with the state
29 fairgrounds. A purchase of real estate may be made by
30 written contract providing for payment over a period
31 of years. The obligations of the contract shall
32 constitute a debt or charge against the state fair
33 board but not against the general fund of the state.
34 The title to real estate acquired under this
35 subsection and any improvements erected on the real
36 estate shall be taken and held in the name of the
37 state of Iowa and shall be under the custody and
38 control of the state fair board. The state
39 comptroller shall transfer moneys to the appropriate
40 agencies in order to carry out the intent of this
41 section.
42 Sec. _____. Section 218.94, unnumbered paragraph 1,
43 Code 1985, is amended to read as follows:
44 The commissioner of the department of human
45 services shall have full power, ~~subject to the~~
46 ~~approval of the executive council~~ to secure options to
47 purchase real estate, to acquire and sell real estate,
48 and to grant utility easements, for the proper uses of
49 said institutions. Real estate shall be acquired and
50 sold and utility easements granted, upon such terms

Page 10

1 and conditions as the commissioner may recommend
2 subject to the approval of the executive council
3 determine. Upon sale of such the real estate, the
4 proceeds thereof shall be deposited with the treasurer
5 of state and credited to the general fund of the
6 state. There is hereby appropriated from the general
7 fund of the state a sum equal to the proceeds so
8 deposited and credited to the general fund of the
9 state to the department of human services, which with
10 the prior approval of the executive council may be
11 used to purchase other real estate or for capital
12 improvements upon property under such the
13 commissioner's control.

14 Sec. _____. Section 246.317, unnumbered paragraph 1,
15 Code Supplement 1985, is amended to read as follows:

16 The director, subject to the approval of the board
17 and executive council, may secure options to purchase
18 real estate and acquire and sell real estate for the
19 proper uses of the institutions. Real estate shall be
20 acquired and sold upon terms and conditions the
21 director recommends subject to the approval of the
22 board and the executive council. Upon sale of the
23 real estate, the proceeds shall be deposited with the
24 treasurer of state and credited to the general fund of
25 the state. There is appropriated from the general
26 fund of the state to the department a sum equal to the
27 proceeds so deposited and credited to the general fund
28 of the state which, with the prior approval of the
29 executive council, may be used to purchase other real
30 estate or for capital improvements upon property under
31 the director's supervision.

32 Sec. _____. Section 297.26, Code 1985, is amended to
33 read as follows:

34 297.26 SALE BY EXECUTIVE COUNCIL.

35 Any school building or any school site, the title
36 of which is vested in the state of Iowa by reason of
37 it having been provided by state mining camp funds for
38 schools in mining camps, shall be sold by the state
39 executive council department when the state board of
40 public instruction certifies the same to the executive
41 council in writing as being department of education
42 determines it is no longer needed for school purposes.

43 Sec. _____. Section 297.27, Code 1985, is amended to
44 read as follows:

45 297.27 PREFERENCE TO OWNER OF TRACT.

46 When such the buildings or sites are sold by the
47 executive council, the then owners of the tract from
48 which the same was originally taken shall have first
49 option on the purchase of the same.

50 Sec. _____. Section 297.28, Code 1985, is amended to

Page 11

1 read as follows:

2 297.28 APPRAISERS.

3 ~~In case the executive council~~ If the department and
4 ~~said the owner of the tract from which such the school~~
5 site was taken, do not agree as to the value of such
6 site or building, the chief judge of the judicial
7 district of the county in which the greater part of
8 such school site is situated shall, on the written
9 application of either party, appoint three
10 disinterested voters of the county from the list of
11 compensation commissioners to appraise such site. The
12 county sheriff shall give notice to both parties of
13 the time and place of making such appraisalment, which
14 notice shall be served in the same manner and for the
15 same time as for the commencement of an action in the
16 district court.

17 Sec._____. Section 306.22, unnumbered paragraph 1,
18 Code 1985, is amended to read as follows:

19 306.22 SALE OF UNUSED RIGHT OF WAY.

20 When title to any tract of land has been or may be
21 acquired for the construction or improvement of any
22 highway, and when in the judgment of the agency in
23 control of the highway, the tract will not be used in
24 connection with or for the improvement, maintenance,
25 or use of the highway, the agency in control of the
26 highway may sell the tract for cash. If the tract of
27 land is held or used in connection with any primary
28 road, or state park or institutional road, the sale
29 shall be subject to approval of the executive council
30 of the state.

31 Sec._____. Section 455B.422, Code Supplement 1985,
32 is amended to read as follows:

33 455B.422 ACQUISITION AND LEASE OF SITES.

34 The commission shall adopt rules establishing
35 criteria for the identification of land areas or sites
36 which are suitable for the operation of a treatment or
37 disposal facility. Upon request, the department shall
38 assist the executive council in locating suitable
39 sites for the location of a treatment or disposal
40 facility. The commission may recommend to the
41 executive council the purchase or condemnation of
42 ~~condemn~~ land to be leased for the operation of a
43 treatment or disposal facility. The executive council
44 may purchase or may condemn the land subject to
45 chapter 471. Consideration for a contract for
46 purchase of land shall not be in excess of funds
47 appropriated by the general assembly for that purpose.
48 The executive council upon recommendation of the
49 commission may lease land purchased under this section
50 to any person including the state or a state agency.

Page 12

1 This section authorizes the state to own or operate a
2 hazardous waste treatment or disposal facility for the
3 treatment and disposal of hazardous wastes. The terms
4 of the lease shall establish responsibility for long-
5 term monitoring and maintenance of the site. The
6 lessee is subject to all applicable requirements of
7 this part including permit requirements. The
8 commission may require the lessee to post bond
9 conditioned upon performance of conditions of the
10 lease relating to long-term monitoring and
11 maintenance. The leasehold interest including
12 improvements made to the property shall be listed,
13 assessed and valued as any other real property as
14 provided by law.

15 Sec._____. Section 505.2, Code 1985, is amended to
16 read as follows:

17 505.2 APPOINTMENT AND TERM.

18 The governor shall appoint subject to confirmation
19 by the senate, a commissioner of insurance, who shall
20 be selected solely with regard to qualifications and
21 fitness to discharge the duties of this position,
22 devote the entire time to such duties, and serve for
23 four years beginning and ending as provided by section
24 69.19. The governor with the approval of the
25 executive council may remove the commissioner for
26 malfeasance in office, or for any cause that renders
27 the commissioner ineligible, incapable, or unfit to
28 discharge the duties of the office.

29 Sec._____. Section 565.3, Code 1985, is amended to
30 read as follows:

31 565.3 GIFTS TO STATE.

32 A gift, devise, or bequest of property, real or
33 personal, may be made to the state, to be held in
34 trust for and applied to any specified purpose within
35 the scope of its authority, but the same shall not
36 become effectual to pass the title in such property
37 unless accepted by the executive council in governor
38 on behalf of the state.

39 Sec._____. Section 601A.5, subsection 11, Code
40 1985, is amended to read as follows:

41 11. To receive, administer, dispense and account
42 for any funds that may be voluntarily contributed to
43 the commission and any grants that may be awarded the
44 commission for furthering the purposes of this chapter
45 with the approval of the executive council.

46 Sec._____. Sections 19.16, 18.167, 29A.59, and
47 111.1, Code 1985, are repealed."

48 2. Renumber sections and correct internal
49 references as necessary in accordance with this
50 amendment.

Amendment H—5432 was adopted.

The Speaker announced that with the adoption of the committee amendment H—5349, as amended, amendment H—5426 filed by Rosenberg of Story on March 17, 1986 was out of order.

Hanson of Delaware called up for consideration the motion to reconsider amendment H—5358 filed by him from the floor and moved to reconsider the vote by which amendment H—5358 was adopted by the House on March 18, 1986.

A non-record roll call was requested.

The ayes were 38, nays 21.

The motion prevailed and the House reconsidered amendment H—5358, found on page 836 of the House Journal.

Hammond of Story moved the adoption of amendment H—5358.

Amendment H—5358 lost.

Welden of Hardin offered the following amendment H—5447 filed by him from the floor and moved its adoption:

H—5447

- 1 Amend Senate File 2175 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 364, by inserting after line 34 the
- 4 following new section:
- 5 "Sec. _____. Section 307.3, Code 1985, is amended to
- 6 read as follows:
- 7 307.3 TRANSPORTATION COMMISSION.
- 8 There is created a state transportation commission
- 9 which shall consist of seven members, not more than
- 10 four of whom shall be from the same political party.
- 11 Effective January 1, 1989, each congressional district
- 12 shall be represented by one appointee. The governor
- 13 shall appoint the members of the state transportation
- 14 commission for a term of four years beginning and
- 15 ending as provided by section 69.19, subject to
- 16 confirmation by the senate.
- 17 The commission shall meet in May of each year for
- 18 the purpose of electing one of its members as
- 19 chairperson.

- 20 2. Renumber sections and correct internal
21 references as necessary in accordance with this
22 amendment.

Amendment H—5447 was adopted.

Spear of Lee called up for consideration the motion to reconsider amendment H—5434 (to page 407 of the bill) filed by him from the floor and moved to reconsider the vote by which amendment H—5434 failed to be adopted by the House on March 18, 1986.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 50, nays 34.

The motion prevailed and the House reconsidered amendment H—5434 found on page 849 of the House Journal.

The House stood at ease at 1:25 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5434 to Senate File 2175 at 2:00 p.m., Speaker Avenson in the chair.

Stromer of Hancock rose on a point of order that amendment H—5434 was not germane.

The Speaker ruled the point not well taken and amendment H—5434 germane.

Black of Jasper in the chair at 2:23 p.m.

Speaker Avenson in the chair at 2:40 p.m.

Carter of Henry moved the adoption of amendment H—5434.

A non-record roll call was requested.

The ayes were 50, nays 42.

Amendment H—5434 was adopted.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2175)

The ayes were, 79:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Hummel
Johnson	Knapp	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Renken	Rensink	Rosenberg	Royer
Schneklath	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Taber	Teaford	Van Maanen	Varn
Welden	Woods	Mr. Speaker	

The nays were, 19:

Beatty	Buhr	Connolly	Doderer
Gruhn	Hammond	Holveck	Hughes
Jay	Jochum	Koenigs	O'Kane
Peick	Poncy	Renaud	Running
Shoultz	Van Camp	Zimmerman	

Absent or not voting, 2:

Branstad Groth

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

House File 2373, a bill for an act relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations, was taken up for consideration.

SENATE FILE 2215 SUBSTITUTED FOR HOUSE FILE 2373

Haverland of Polk asked and received unanimous consent to substitute Senate File 2215 for House File 2373.

Senate File 2215, a bill for an act relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations, was taken up for consideration.

Haverland 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. 2215)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Branstad	Carter	Fey	Groth
Petersen, D. F.			

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

House File 2424, a bill for an act relating to the computation of the average daily patient costs at the state mental health institutes and hospital-schools, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2424)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer	Branstad	Groth	Tabor
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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 2113, a bill for an act relating to the liability for actions to allow or facilitate the use of land contiguous to highways or roadways, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2113)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Buhr	Carl
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Brammer	Branstad	Carter	Groth
Holveck			

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

House File 2422, a bill for an act relating to the department of human services' authority to investigate certain child sexual abuse cases and control access to certain information in child abuse cases, was taken up for consideration.

Mullins of Kossuth offered the following amendment H—5350 filed by her and Hammond of Story and moved its adoption:

H—5350

- 1 Amend House File 2422 as follows:
- 2 1. Page 1, by striking lines 17 through 22 and
- 3 inserting the following:
- 4 "Sec. 2. Section 235A.15, subsection 2, paragraph
- 5 "f", Code Supplement 1985, is amended to read as
- 6 follows:
- 7 f. To a person conducting bona fide research on
- 8 child abuse, if the details identifying any subject of
- 9 a child abuse report are deleted but without
- 10 information identifying individuals named in a child
- 11 abuse report, unless having the information open to
- 12 review is essential to the research or evaluation and
- 13 the authorized registry official gives prior written
- 14 approval and the child's guardian or guardian ad litem
- 15 gives permission to release the information."

Amendment H—5350 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2422)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink

Rosenberg	Royer	Running	Schnekloth
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer	Branstad	Groth	Sherzan
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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 2426, a bill for an act relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty, was taken up for consideration.

Holveck 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. 2426)

The ayes were, 88:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Buhr	Carpenter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Daggett	De Groot
Diemer	Doderer	Fey	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn

Welden

Woods

Zimmerman

Mr. Speaker

The nays were, 2:

Corey

Van Maanen

Absent or not voting, 10:

Brammer

Branstad

Carl

Carter

Fogarty

Groth

Handorf

Koenigs

Miller

Sturgeon

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

House File 2363, a bill for an act amending the juvenile justice code by applying statutes of limitations to delinquency cases, retaining juvenile court jurisdiction for one year beyond the attachment of jurisdiction, providing for the appointment of separate guardians ad litem, providing that adults under the juvenile court's jurisdiction are not bailable but must be detained separately from other adults, providing for chemical dependency evaluations as either physical or mental examinations, providing for the application of civil commitment procedures in delinquency cases, establishing standards of proof for certain proceedings removing persons from the home, providing for the submission of social investigation reports prior to the entering of child-in-need-of-assistance dispositions, providing for involuntary termination of parental rights under certain conditions involving ineffectiveness of corrective services, and providing for appeals of delinquency cases after disposition, with report of committee recommending passage, was taken up for consideration.

Chapman of Linn offered the following amendment H-5287 filed by her and moved its adoption:

H-5287

- 1 Amend House File 2363 as follows:
- 2 1. Page 1, lines 23 and 24, by striking the words
- 3 "may retain its" and inserting the following: "has".

Amendment H-5287 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2363)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Buhr	Carl
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Brammer	Branstad	Carter	Groth
Petersen, D. F.	Sherzan		

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:

Carl of Poweshiek, for the remainder of the day, on request of Sullivan of Van Buren.

House File 2423, a bill for an act relating to the monetary penalties for violation of the health care facilities' licensing law, was taken up for consideration.

Skow of Guthrie in the chair at 3:34 p.m.

Peick 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. 2423)

The ayes were, 68:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Diemer	Doderer
Fey	Groth	Gruhn	Halvorson, R. N.
Hammond	Hanson	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Siegrist
Spear	Stromer	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker (Skow)

The nays were, 24:

Bennett	Buhr	Daggett	De Groot
Grandia	Halvorson, R. A.	Handorf	Harbor
Hummel	Loneragan	Maulsby	Metcalf
O'Kane	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Royer	Schneklloth
Stueland	Swearingen	Van Maanen	Welden

Absent or not voting, 8:

Brammer	Branstad	Carl	Carter
Fogarty	Groninga	Kremer	Shoultz

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

Speaker Avenson in the chair at 3:52 p.m.

HOUSE FILE 2420 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2420 be deferred and that the bill retain its place on the calendar.

House File 2435, a bill for an act providing the right to a chemical test upon arrest on a charge of public intoxication, was taken up for consideration.

Woods 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. 2435)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Buhr	Carpenter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brammer	Branstad	Carl	Carter
Groth	Petersen, D. F.	Sherzan	Sturgeon

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

House File 2436, a bill for an act relating to judgment liens on real estate and providing a penalty, was taken up for consideration.

Holveck 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. 2436)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Buhr	Carpenter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonerger	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Brammer	Branstad	Carl	Carter
Kremer	Petersen, D. F.		

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

House File 2428, a bill for an act for an act modifying section 709.4 relating to sexual abuse in the third degree, and providing penalties, was taken up for consideration.

Renken of Grundy in the chair at 4:16 p.m.

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

On the question "Shall the bill pass?" (H.F. 2428)

The ayes were, 76:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Koenigs	Lageschulte
Lloyd-Jones	Loneragan	McIntee	McKean
Metcalf	Miller	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Paulin	Peick	Peterson, M. K.	Renaud
Rensink	Rosenberg	Schnekloth	Sherzan
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Van Camp
Varn	Welden	Woods	Zimmerman

The nays were, 19:

Daggett	De Groot	Grandia	Handorf
Harbor	Knapp	Kremer	Maulsby
Muhlbauer	Parker	Pavich	Pellett
Petersen, D. F.	Poncy	Royer	Shoning
Swearingen	Van Maanen	Mr. Speaker	
		(Renken)	

Absent or not voting, 5:

Branstad	Carl	Carter	Platt
Running			

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

House File 2441, a bill for an act relating to notary publics by increasing the notary public fee, creating a surety bond fund in the office of the secretary of state, providing that a portion of the notary public fee be credited to the surety bond fund and using surety bond fund for notary public bonds, was taken up for consideration.

Speaker Avenson in the chair at 4:28 p.m.

Halvorson of Clayton rose on a point of order and invoked Joint Rule 17, requesting a fiscal note.

The Speaker ruled the point well taken and House File 2441 deferred and retained on the calendar.

HOUSE FILES 2443 AND 2444 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2443 and 2444 be deferred and that the bills retain their place on the calendar.

House File 2434, a bill for an act relating to the treatment of certain waters, incorporating a penalty, and providing an effective date, was taken up for consideration.

Osterberg of Linn offered the following amendment H-5442 filed by him:

H-5442

- 1 Amend House File 2434 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 714.16, subsection 1, Code
- 5 Supplement 1985, is amended by adding the following
- 6 new lettered paragraph:
- 7 **NEW LETTERED PARAGRAPH.** f. "Water treatment
- 8 device" means a system intended to remove the
- 9 contaminants from drinking water in a residence
- 10 including, but not limited to, devices designed to or
- 11 claimed to remove any of the contaminants required to
- 12 be listed on a label pursuant to subsection 2,
- 13 paragraph "i" and devices where the contaminants are
- 14 removed only for aesthetic or economic reasons. As
- 15 used in this section, "aesthetic or economic reasons"
- 16 include, but are not limited to, contaminants
- 17 affecting the taste, color, turbidity, hardness, or

18 amount of iron in the drinking water.

19 Sec. 2. Section 714.16, subsection 2, Code

20 Supplement 1985, is amended by adding the following

21 new lettered paragraphs:

22 **NEW LETTERED PARAGRAPH. h.** It is an unlawful

23 practice and a public offense for a person to sell,

24 lease, rent or advertise the sale, lease, or rent of a

25 water treatment device in this state subject to

26 federal regulation pursuant to the federal

27 Insecticide, Fungicide and Rodenticide Act, 7 U.S.C.

28 sec. 135 et seq. and regulations adopted pursuant to

29 that Act, unless the device complies with the

30 requirements established under the Act and the

31 regulations including, but not limited to, the

32 labeling requirements.

33 **NEW LETTERED PARAGRAPH. i.** It is an unlawful

34 practice and a public offense for a person to sell,

35 lease, rent or advertise the sale, lease, or rent of a

36 water treatment device in this state, other than for

37 removal of contaminants for aesthetic or economic

38 reasons only, unless the device has affixed to it in a

39 clear and conspicuous location a label in the

40 following form:

41 When this product is used according to the

42 manufacturer's specifications, the National Sanitation

43 Foundation (or an equivalent certifying agency)

44 certifies that it will remove contaminants designated

45 by an "X" on the checklist below to a level below the

46 maximum contaminant level specified by the United

47 States Environmental Protection Agency (EPA) in the

48 National Primary Drinking Water Regulations (NPDWR).

49 Where maximum contaminant levels (MCL) have not been

50 specified, EPA risk levels for that contaminant shall

Page 2

1 apply. A person shall not make claims that a water

2 treatment device removes any other health-threatening

3 contaminants.

4

5 "X" denotes tested to

6 remove contaminant to a

7 level below maximum

8 contaminant level or

9 other applicable standard.

10 Contaminants

11 Coliform bacteria

12 Nitrate

13 Trihalomethanes (THM)

14 Trace metals (as specified in NPDWR)

15 Radionuclides (as specified in NPDWR)

16 Tetrachloroethene

17 Trichloroethene (TCE)

- 16 Trichloroethanes
 17 Dichloroethanes
 18 Chlorinated hydrocarbon pesticides
 19 Organo-phosphate pesticides
 20 Acid herbicides
 21 Triazine herbicides
 22 Alpha-chloroacetanilide herbicides
 23 For purposes of this paragraph "i", the state
 24 hygienic laboratory shall designate equivalent
 25 certifying agencies if the hygienic laboratory
 26 determines that such agencies do exist and are
 27 available for testing.
 28 NEW LETTERED PARAGRAPH. j. It is an unlawful
 29 practice and a public offense for a person to sell,
 30 lease, rent, or advertise the sale, lease, or rent of
 31 a water treatment device in this state for which false
 32 or deceptive claims or representations of removing
 33 contaminants are made.
 34 Sec. 3. This bill is effective July 1, 1986 except
 35 that the labeling requirements contained in section
 36 714.16, subsection 2, paragraph "i" in section 2 of
 37 this Act are not effective until July 1, 1987."

Osterberg of Linn offered the following amendment H—5454, to amendment H—5442, filed by him from the floor and moved its adoption:

H—5454

- 1 Amend amendment H—5442 to House File 2434 as
 2 follows:
 3 1. Page 1, line 15, by striking the word
 4 "section" and inserting the following: "paragraph and
 5 in subsection 2, paragraph "i"."

Amendment H—5454 was adopted.

On motion by Osterberg of Linn, amendment H—5442, as amended, was adopted, placing the following amendments out of order:

H—5321 filed by Petersen of Muscatine on March 12, 1986.

H—5334 filed by Osterberg of Linn on March 13, 1986.

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

On the question "Shall the bill pass?" (H.F. 2434)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Hatch
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Branstad	Carl	Carter	Handorf
Haverland	Sherzan	Welden	

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:

Carter of Henry, for the remainder of the day, on request of Gruhn of Dickinson.

House File 2446, a bill for an act relating to the insurance and tariff provisions for bonded warehouses for agricultural products, was taken up for consideration.

Skow 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?" (H.F. 2446)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Branstad	Carl	Carter	Haverland
Welden			

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

MOTION TO RECONSIDER PREVAILED (House File 2154)

Halvorson of Clayton called up for consideration the motion to reconsider House File 2154, filed on February 28, 1986, and moved to reconsider the vote by which House File 2154, a bill for an act

relating to licenses for the taking of animals, passed the House and was placed on its last reading on February 27, 1986.

A non-record roll call was requested.

The ayes were 53, nays 16.

The motion prevailed and the House reconsidered House File 2154.

Halvorson of Clayton offered the following amendment H—5437 filed by Halvorson, et al., and moved its adoption:

H—5437

- 1 Amend House File 2154 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "Sec. 3. Section 109.19, Code 1985, is amended by
- 5 adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Whenever and so long as
- 7 the states of Minnesota, Wisconsin, Illinois, or
- 8 Missouri confer upon the commercial clamming licensees
- 9 of this state reciprocal rights, privileges and
- 10 immunities, any commercial clamming license issued by
- 11 such other state shall entitle the licensee to all the
- 12 rights, privileges and immunities, in and upon the
- 13 boundary waters between Missouri and this state,
- 14 between Illinois and this state and between Wisconsin
- 15 and this state, enjoyed by the holders of equivalent
- 16 licenses issued by this state; subject, however, to
- 17 the duties, responsibilities and liabilities imposed
- 18 on its own licensees by the laws of this state."

Amendment H—5437 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2154)

The ayes were, 90:

Arnould
Black
Carpenter
Connolly

Baxter
Blanshan
Chapman
Connors

Beatty
Brammer
Clark
Cooper

Bennett
Buhr
Cochran
Corey

Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Hermann
Hester	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 2:

Hummel Teaford

Absent or not voting, 8:

Branstad	Carl	Carter	Harbor
Hatch	Haverland	Parker	Tabor

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

MOTION TO RECONSIDER WITHDRAWN (House File 2404)

Doderer of Johnson asked and received unanimous consent to withdraw the motion to reconsider House File 2404, a bill for an act relating to sales by the state historical department, filed by her on March 12, 1986.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on

March 3, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2083, a bill for an act repealing the energy conservation improvement pilot programs and providing an effective date.

K. MARIE THAYER, 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 18th day of March, 1986: House Files 714 and 2091.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 18, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 660, an act relating to the reporting of fires and emergency responses to the state fire marshal and the payment of fees for the fire reports.

House File 2068, an act relating to the suspension of motor vehicle licenses for the failure to pay a fine, penalty, surcharge, or court cost.

House File 2069, an act prohibiting the transportation of an open container of wine in a motor vehicle and incorporating a penalty.

COMMUNICATION FROM SECRETARY OF STATE

March 17, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
L O C A L

Dear Mr. O'Hern:

I hereby certify that House File 764 was published in The Nevada Evening

Journal, Nevada, Iowa, on March 11, 1986, and in The Toledo Chronicle, Toledo, Iowa, on March 12, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, March 14, 1986. Had I been present, I would have voted "aye" on House Files 2235, 2239, 2252, 2401, 2407, 2409, 2412, 2417 and "nay" on House File 665.

LONERGAN of Boone

PRESENTATION OF VISITORS

Carpenter of Polk presented to the House the Honorable Joan Lipsky, former member of the House representing Linn County.

Stromer of Hancock presented to the House the Honorable Ray Taylor, former member of the House representing Dubuque County.

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

Ten high school students and one Swiss Foreign Exchange student from Prescott High School, Prescott, accompanied by Dr. M. Russell Mahaffey. By Daggett of Taylor.

Twenty-five senior students from Clay Central High School, Royal, accompanied by Lou Heller. By Fogarty of Palo Alto.

AMENDMENTS FILED

H-5448	H.F.	2298	Metcalf of Polk
H-5449	S.F.	2116	Koenigs of Mitchell
H-5450	H.F.	2336	Shoultz of Black Hawk
H-5451	H.F.	2458	Carl of Poweshiek
			Hammond of Story
			Rosenberg of Story
H-5452	H.F.	2465	Brammer of Linn
H-5453	H.F.	2443	Paulin of Plymouth

H-5455	H.F.	2466	Parker of Jasper
H-5456	H.F.	2466	Parker of Jasper
			Swartz of Marshall
H-5457	H.F.	2457	Hammond of Story
H-5458	H.F.	2458	Hammond of Story
H-5459	S.F.	2116	Koenigs of Mitchell
H-5460	H.F.	2444	Chapman of Linn
H-5461	H.F.	2466	Swartz of Marshall
H-5462	H.F.	2465	Brammer of Linn
H-5463	H.F.	2466	Holveck of Polk
			Van Camp of Scott
H-5464	H.F.	2441	Hummel of Benton
H-5465	H.F.	2454	Rosenberg of Story
H-5466	H.F.	2454	Rosenberg of Story
H-5467	H.F.	2425	Ollie of Clinton
H-5468	H.F.	2425	Ollie of Clinton
H-5469	H.F.	2458	Stromer of Hancock

On motion by Norland of Worth, the House adjourned at 4:54 p.m., until 9:00 a.m., Wednesday, March 19, 1986.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day—Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 19, 1986

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

Father David Hitch, pastor of the St. Joseph's Catholic Church, Hills, introduced Cynthia Goody, senior from Lone Tree High School and member of the Hills parish, who offered the prayer.

The Journal of Tuesday, March 18, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, until her return, on request of Stromer of Hancock; Paulin of Plymouth on request of Stromer of Hancock.

SENATE MESSAGES CONSIDERED

Senate File 2119, by Riordan, a bill for an act restricting the ability of a mortgagee of agricultural land to remove soil and water conservation practices and providing penalties.

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

Senate File 2246, by committee on natural resources, a bill for an act relating to suspensions or restrictions on water use under the state priority allocation plan.

Read first time and **passed on file**.

Senate File 2255, by committee on commerce, a bill for an act permitting the inclusion of charges for credit unemployment insurance in consumer credit transactions under the Iowa consumer credit code.

Read first time and referred to committee on **small business and commerce**.

Senate File 2262, by committee on local government, a bill for an act relating to the approval of legal descriptions of parcels of land.

Read first time and referred to committee on **local government**.

Senate File 2264, by committee on commerce, a bill for an act relating to the notice requirements pertaining to the cancellation and nonrenewal of insurance other than life insurance.

Read first time and referred to committee on **small business and commerce**.

Senate File 2267, by committee on commerce, a bill for an act relating to the powers of savings and loan associations.

Read first time and referred to committee on **small business and commerce**.

Senate File 2268, by committee on commerce, a bill for an act relating to the industrial loan thrift guaranty corporation of Iowa.

Read first time and referred to committee on **small business and commerce**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2172, a bill for an act relating to the certificate of need process regarding organ transplant services and providing an effective date.

Also: That the Senate has on March 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2205, a bill for an act to provide for maintaining the supplementary weighting funding for school districts that reorganize.

Also: That the Senate has on March 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2231, a bill for an act relating to the right to first refusal allowed to

immediately prior owners of agricultural land held by state banks.

Also: That the Senate has on March 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2239, a bill for an act to legalize the purchase of certain property by the Hardin county conservation board.

Also: That the Senate has on March 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2256, a bill for an act related to the senate's review and confirmation of gubernatorial appointments.

Also: That the Senate has on March 17, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2263, a bill for an act relating to certain loan and grant programs administered by the college aid commission and providing an effective date.

Also: That the Senate has on March 18, 1986, with amendment S-5382 adopted, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act relating to the education of certain children by private instruction or in nonpublic schools through a home instruction assistance program.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2466, a bill for an act relating to financial transactions, was taken up for consideration.

Swartz of Marshall offered the following amendment H—5461 filed by him and moved its adoption:

H—5461

- 1 Amend House File 2466 as follows:
- 2 1. Page 4, by striking line 29 and inserting the
- 3 following: "section 524.1808, this division shall
- 4 be".
- 5 2. Page 5, lines 6 and 7, by striking the words
- 6 "each of the two" and inserting the following: "an".
- 7 3. By striking page 10, line 12 through page 15,
- 8 line 30.
- 9 4. Page 27, by striking lines 16 and 17 and
- 10 inserting the following: "ment is entered into more

- 11 than three months prior to the recording of the
- 12 conveyance from the mortgagor to the mortgagee
- 13 described in subsection 1, subparagraph (a). A prior
- 14 agreement or".

Amendment H—5461 was adopted, placing out of order amendment H—5455 filed by Parker of Jasper on March 18, 1986.

Parker of Jasper offered the following amendment H—5456 filed by him and Swartz of Marshall and moved its adoption:

H—5456

- 1 Amend House File 2466 as follows:
- 2 1. Page 22, line 26, by striking the word
- 3 "twenty" and inserting the following: "forty".
- 4 2. Page 22, line 27, by inserting after the word
- 5 "loans" the following: "and consumer loans".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 53, nays 38.

Amendment H—5456 was adopted.

Holveck of Polk offered the following amendment H—5463 filed by him and Van Camp of Scott and moved its adoption:

H—5463

- 1 Amend House File 2466 as follows:
- 2 1. Page 25, by striking lines 1 through 8 and
- 3 inserting the following:
- 4 "Sec. 36. Section 535.10, subsection 2, Code 1985,
- 5 is amended by striking the subsection and inserting
- 6 the following:
- 7 2. A home equity line of credit is subject to
- 8 chapter 537 regardless of whether the amount financed,
- 9 as defined in section 537.1301, subsection 4,
- 10 paragraph "b", exceeds twenty-five thousand dollars
- 11 and regardless of whether the debt is incurred
- 12 primarily for a personal, family or household purpose
- 13 as long as the account is secured by real estate which
- 14 is the consumer's principal dwelling. However,
- 15 sections 537.2307, 537.2402, and 537.2510 do not apply
- 16 to a home equity line of credit."

Amendment H—5463 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2466)

The ayes were, 76:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jochum
Johnson	Knapp	Koenigs	Lloyd-Jones
McIntee	Metcalf	Miller	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 19:

Branstad	Carpenter	Corey	Daggett
De Groot	Grandia	Handorf	Lageschulte
Lonergan	Maulsby	McKean	Pellett
Renken	Rensink	Royer	Schnekloth
Skow	Stueland	Van Maanen	

Absent or not voting, 5:

Jay	Kremer	Mullins	O'Kane
Paulin			

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

House File 2420, a bill for an act relating to suspensions or restrictions under the state priority allocation plan on water use by persons having a contract with the state for water supply before March 5, 1985, was taken up for consideration.

SENATE FILE 2246 SUBSTITUTED FOR HOUSE FILE 2420

Varn of Johnson asked and received unanimous consent to substitute Senate File 2246 for House File 2420.

Senate File 2246, a bill for an act relating to suspensions or restrictions on water use under the state priority allocation plan, was taken up for consideration.

Varn of Johnson asked and received unanimous consent that Senate File 2246 be deferred and that the bill retain its place on the calendar.

House File 2454, a bill for an act relating to a child in need of services, volunteer guardians ad litem, detention of juveniles for simple misdemeanors, detention of juveniles in adult detention facilities, and state reimbursement for certain juvenile justice costs, and providing an effective date, was taken up for consideration.

Rosenberg of Story offered the following amendment H—5465 filed by him:

H—5465

- 1 Amend House File 2454 as follows:
- 2 1. By striking page 1, line 27 through page 2,
- 3 line 7 and inserting the following:
- 4 "Sec. 4. Section 232.8, subsection 1, unnumbered
- 5 paragraph 2, Code 1985, is amended to read as follows:
- 6 Violations by a child of provisions of chapter 106,
- 7 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G
- 8 which would be simple misdemeanors if committed by an
- 9 adult, and violations of county or municipal curfew or
- 10 traffic ordinances, and violations by a child of the
- 11 provisions of section 123.47, are excluded from the
- 12 jurisdiction of the juvenile court and shall be
- 13 prosecuted as simple misdemeanors as provided by law.
- 14 The court may advise appropriate juvenile authorities
- 15 and may refer violations of section 123.47 to the
- 16 juvenile court when there is reason to believe that
- 17 the child regularly abuses alcohol and may be in need

18 of treatment. The court shall notify the parents or
19 legal guardians of a child that appears before it for
20 a violation of section 123.47. Convicted child
21 offenders shall be sentenced pursuant to section
22 903.1."

23 2. Page 9, line 18, by inserting after the figure
24 "321G," the word "or".

25 3. Page 9, lines 19 and 20, by striking the words
26 "or a violation of section 123.47,".

Connors of Polk asked and received unanimous consent to temporarily defer action on amendment H—5465.

Rosenberg of Story offered the following amendment H—5466 filed by him:

H—5466

1 Amend House File 2454 as follows:

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

4 "Sec. _____. Section 232.116, subsection 3, Code
5 1985, is amended by adding the following new lettered
6 paragraph:

7 NEW LETTERED PARAGRAPH. d. There is clear and
8 convincing evidence that the child cannot be returned
9 to the custody of the child's parents as provided in
10 section 232.102."

11 2. By renumbering as necessary.

Sturgeon of Woodbury rose on a point of order that amendment H—5466 was not germane.

The Speaker ruled the point well taken and amendment H—5466 not germane.

The House resumed consideration of amendment H—5465, temporarily deferred.

Connors of Polk offered the following amendment H—5471, to amendment H—5465, filed by him from the floor:

H—5471

1 Amend H—5465 to House File 2454 as follows:

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

- 4 "_____. Page 1, by inserting before line 1 the
5 following:
6 "Sec._____. Section 232.2, subsection 6, Code 1985,
7 is amended by adding the following new lettered
8 paragraphs:
9 NEW LETTERED PARAGRAPH. n. Who is a truant as
10 defined in section 299.8 due to the failure of the
11 person having control of the child to cause the child
12 to attend school as provided in section 299.1."
13 NEW LETTERED PARAGRAPH. o. Who is voluntarily
14 absent from the child's residence, without just cause
15 for the absence, without the consent of the child's
16 parent, guardian, or custodian.
17 NEW LETTERED PARAGRAPH. p. Who is a chronic
18 runaway. For purposes of this paragraph, a chronic
19 runaway is a child who is absent without permission
20 from the child's home or placement for a period
21 exceeding one week, or who is absent without
22 permission from the child's home or placement on three
23 or more separate occasions for periods exceeding
24 twelve hours on each occasion."
25 _____. Page 1, by striking lines 9 and 10 and
26 inserting the following: "twelve-month period."
27 _____. Page 5, by striking lines 11 and 12 and
28 inserting the following: "occasions in a twelve-month
29 period."
30 _____. Page 5, by striking lines 31 and 32 and
31 inserting the following: "period. The court may
32 order a physical or mental examination"."

Carl of Poweshiek rose on a point of order that amendment H—5471 was not germane to amendment H—5465.

The Speaker ruled the point well taken and amendment H—5471 not germane.

Connors of Polk asked for unanimous consent to consider amendment H—5471.

Objection was raised.

Connors of Polk moved that the rules be suspended to consider amendment H—5471, to amendment H—5465.

A non-record roll call was requested.

The ayes were 40, nays 50.

The motion lost.

On motion by Rosenberg of Story, amendment H—5465 was adopted.

Sherzan of Polk asked for unanimous consent to defer action on House File 2454.

Objection was raised.

Sturgeon 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. 2454).

The ayes were, 65:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Cooper
Corey	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Jochum	Johnson
Lageschulte	Lloyd-Jones	Loneragan	McKean
Metcalf	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Parker	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Rosenberg	Shoning	Shultz	Siegrist
Spear	Sturgeon	Swartz	Tabor
Teaford	Van Camp	Varn	Zimmerman
Mr. Speaker			

The nays were, 32:

Branstad	Connors	Daggett	De Groot
Grandia	Handorf	Harbor	Hummel
Jay	Knapp	Koenigs	Kremer
Maulsby	McIntee	Miller	Oxley
Pellett	Poncy	Renaud	Renken
Rensink	Running	Schneklloth	Sherzan
Skow	Stromer	Stueland	Sullivan
Swearingen	Van Maanen	Weiden	Woods

Absent or not voting, 3:

Mullins

Paulin

Royer

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

House File 2465, a bill for an act relating to the continuation of and conversion of accident or health insurance benefits and providing an effective date, was taken up for consideration.

Beatty of Warren in the chair at 10:55 a.m.

Brammer of Linn offered the following amendment H—5462 filed by him and moved its adoption:

H—5462

- 1 Amend House File 2465 as follows:
- 2 1. Page 1, line 17, by striking the words and
- 3 figure "under chapter 509".
- 4 2. Page 1, line 19, by striking the words and
- 5 figure "under chapter 514".
- 6 3. Page 1, lines 20 and 21, by striking the words
- 7 and figure "under chapter 514B".
- 8 4. Page 2, line 8, by striking the word
- 9 "dependent" and inserting the following: "surviving
- 10 or former".
- 11 5. Page 2, line 14, by striking the word
- 12 "dependent" and inserting the following: "surviving
- 13 or former".
- 14 6. Page 5, line 3, by striking the word
- 15 "marraige" and inserting the word "marriage".

Amendment H—5462 was adopted.

Brammer of Linn offered the following amendment H—5452 filed by him and moved its adoption:

H—5452

- 1 Amend House File 2465 as follows:
- 2 1. Page 14, by inserting after line 19 the
- 3 following:
- 4 "Sec. _____. Section 91A.2, subsection 4, paragraph
- 5 d, Code Supplement 1985, is amended to read as
- 6 follows:
- 7 d. Expenses incurred and recoverable under a

- 8 health benefit plan as defined in and as provided in
 9 chapter 91B.
 10 Sec. _____. Section 91A.2, Code Supplement 1985, is
 11 amended by adding the following new subsection:
 12 NEW SUBSECTION. 7. "Health benefit plan" means a
 13 plan or agreement provided by an employer for
 14 employees for the provision of or payment for care and
 15 treatment of sickness or injury."
 16 2. Renumber as necessary.

Amendment H—5452 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2465)

The ayes were, 96:

Arnould	Avenson	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Metcalf	Muhlbauer
Norland	O'Kane	Ollie	Oxley
Parker	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Madam Speaker (Beatty)

The nays were, none.

Absent or not voting, 4:

Miller

Mullins

Osterberg

Paulin

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

HOUSE FILE 2441 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2441 be temporarily deferred and that the bill retain its place on the calendar.

House File 2442, a bill for an act providing a statute of limitations for certain actions arising out of improvements to real property was taken up for consideration.

Speaker Avenson in the chair at 11:13 a.m.

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

On the question "Shall the bill pass?" (H.F. 2442)

The ayes were, 86:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Hughes	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lonergan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Royer	Running	Schnekloth
Shoning	Shultz	Siegrist	Skow
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Mr. Speaker		

The nays were, 11:

Beatty
Jay
Sherzan

Buhr
Jochum
Spear

Doderer
Lloyd-Jones
Zimmerman

Holveck
Rosenberg

Absent or not voting, 3:

Hummel

Mullins

Paulin

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

House File 2443, a bill for an act to establish the Iowa conservation corps and making an appropriation, was taken up for consideration.

Groth of Buena Vista in the chair at 11:23 a.m.

Stromer of Hancock offered the following amendment H—5453 filed by Paulin of Plymouth:

H—5453

- 1 Amend House File 2443 as follows:
- 2 1. Page 1, by striking lines 25 through 28.
- 3 2. By striking page 2, line 35 through page 3,
- 4 line 6.
- 5 3. By striking page 3, line 33 through page 4,
- 6 line 5 and inserting the following: "cash
- 7 contributions shall be not less than fifteen percent
- 8 of the total project budget."
- 9 4. By striking page 4, line 14 through page 5,
- 10 line 4.
- 11 5. By renumbering and redesignating as necessary.
- 12 6. Title page, lines 1 and 2, by striking the
- 13 words "and making an appropriation".

Speaker Avenson in the chair at 11:47 a.m.

Stromer of Hancock moved the adoption of amendment H—5453.

Roll call was requested by Stromer of Hancock and Harbor of Mills.

On the question "Shall amendment H—5453 be adopted?"

The ayes were, 36:

Bennett	Blanshan	Branstad	Clark
Corey	Daggett	De Groot	Grandia
Halvorson, R. A.	Handorf	Harbor	Hermann
Hester	Hummel	Kremer	Maulsby
McIntee	Metcalf	Miller	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Renken
Rensink	Royer	Schneklloth	Shoning
Siegrist	Skow	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	Welden

The nays were, 58:

Arnould	Baxter	Beatty	Black
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Cochran	Connolly
Cooper	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hanson	Hatch
Haverland	Holveck	Hughes	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Longergan	McKean	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Spear	Sullivan
Swartz	Tabor	Teaford	Varn
Zimmerman	Mr. Speaker		

Absent or not voting, 6:

Connors	Jay	Mullins	Paulin
Sturgeon	Woods		

Amendment H—5453 lost.

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

On the question "Shall the bill pass?" (H.F. 2443)

The ayes were, 73:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl

Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Hatch
Haverland	Hester	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lloyd-Jones	Loneragan
McIntee	McKean	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rensink
Rosenberg	Running	Shoultz	Siegrist
Skow	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Varn	Welden	Zimmerman
Mr. Speaker			

The nays were, 23:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Handorf	Harbor
Hummel	Lageschulte	Maulsby	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schnekloth	Shoning	Stueland
Van Camp	Van Maanen	Woods	

Absent or not voting, 4:

Hermann	Mullins	Paulin	Sherzan
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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 **House File 2441**, a bill for an act relating to notary publics by increasing the notary public fee, creating a surety bond fund in the office of the secretary of state, providing that a portion of the notary public fee be credited to the surety bond fund and using surety bond fund for notary public bonds, deferred March 18, 1986, and temporarily deferred today.

Hummel of Benton offered the following amendment H-5464 filed by him:

H-5464

- 1 Amend House File 2441 as follows:
- 2 1. Page 1, by striking lines 5 through 11 and

3 inserting the following: "execution of the duties
4 of the office, which bond, when secured by personal
5 surety, shall be approved by the clerk of the district
6 court of the county of the person's residence or in
7 the case of a resident of a state bordering Iowa, of
8 the county of the person's place of work of business
9 within the state of Iowa; all other bonds shall and
10 be approved by the secretary of state."
11 2. Page 1, line 12, by striking the words "fifteen
12 thirty" and inserting the word "fifteen".

Hummel of Benton offered the following amendment H—5472,
to amendment H—5464, filed by him from the floor and moved its
adoption:

H—5472

1 Amend the Hummel amendment, H—5464, to House File
2 2441 as follows:

3 1. Page 1, by striking lines 2 through 12 and
4 inserting the following:

5 "_____. By striking everything after the enacting
6 clause and inserting the following:

7 "Section 1. Section 77.4, subsection 5, unnumbered
8 paragraph 1, Code 1985, is amended to read as follows:

9 Remit the sum of fifteen dollars to the secretary
10 of state if the person provides a personal surety. If
11 the person secures a bond from the office of the
12 secretary of state secured by the surety bond fund
13 created in section 77.5, the person shall remit the
14 sum of thirty dollars to the secretary of state.

15 Sec. 2. Chapter 77, Code 1985, is amended by
16 adding the following new section:

17 **NEW SECTION. 77.5 SURETY FUND — BOND.**

18 There is created in the office of the secretary of
19 state a "surety bond fund". Of the fees paid to the
20 secretary of state under section 77.4, subsection 5,
21 where the person secured a bond from the office of the
22 secretary of state, fifteen dollars of each thirty-
23 dollar fee paid shall be credited to the surety bond
24 fund. The moneys in the fund shall accumulate to a
25 maximum of one hundred thousand dollars. In securing
26 the bond required under section 77.4, subsection 2,
27 the notary public may make application to the
28 secretary of state for the issuance of a bond secured
29 by the surety bond fund. The secretary of state shall
30 issue a bond in the amount required by law.

31 Any moneys collected which are to be credited to
32 the surety bond fund under this section which will
33 increase the balance of the fund in excess of the

34 amount of the fund shall be credited to the general
35 fund of the state. All interest collected by the fund
36 shall be credited to the general fund of the state.
37 If any claims are made against the fund which claim
38 will reduce the amount of the fund, subsequent fees
39 collected shall be credited to the fund to increase
40 the amount of moneys in the fund to the maximum
41 allowed." "

Amendment H—5472 was adopted.

On motion by Hummel of Benton, amendment H—5464, as amended, was adopted.

Halvorson of Clayton rose on a point of order and invoked Rule 32 to refer House File 2441 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Norland of Worth asked for unanimous consent to suspend Rule 32 on House File 2441.

Objection was raised.

Norland of Worth moved that Rule 32 be suspended for the consideration of House File 2441.

A non-record roll call was requested.

The ayes were 55, nays 33.

The motion prevailed and Rule 32 was suspended.

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

On the question "Shall the bill pass?" (H.F. 2441)

The ayes were, 37:

Arnould
Carl
Connors
Halvorson, R. N.

Baxter
Chapman
Cooper
Hatch

Beatty
Clark
Fey
Haverland

Blanshan
Connolly
Groth
Hummel

Jay	Jochum	Johnson	Koenigs
Lloyd-Jones	Muhlbauer	Norland	O'Kane
Ollie	Pavich	Peick	Peterson, M. K.
Rosenberg	Shoning	Spear	Sullivan
Swartz	Swearingen	Varn	Zimmerman
Mr. Speaker			

The nays were, 56:

Bennett	Black	Brammer	Branstad
Buhr	Carpenter	Cochran	Corey
Daggett	De Groot	Diemer	Doderer
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Hammond	Handorf	Hanson
Harbor	Hermann	Holveck	Hughes
Knapp	Lageschulte	Loneragan	Maulsby
McKean	Metcalf	Miller	Osterberg
Oxley	Parker	Pellett	Petersen, D. F.
Platt	Poncy	Renaud	Renken
Rensink	Royer	Running	Sherzan
Shoultz	Siegrist	Skow	Stromer
Stueland	Sturgeon	Tabor	Teaford
Van Camp	Van Maanen	Welden	Woods

Absent or not voting, 7:

Carter	Hester	Kremer	McIntee
Mullins	Paulin	Schneklöth	

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 March 19, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2245, a bill for an act relating to the sale of alcoholic liquor, wine, and beer by allowing the use of personal checks, traveler's checks, and electronic funds transfer cards for purchases at state liquor stores, by providing for temporary liquor control licenses, wine permits, and beer permits, and by allowing a brewery to obtain a class "C" beer permit.

Also: That the Senate has on March 19, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2283, a bill for an act relating to voluntary contributions by special zero-rated employers to meet the applicable percentage of excess requirement of the unemployment compensation contribution law and establishing a special unemployment compensation rate for certain expanding employers, and making the expanding employer rate retroactive and conditional.

K. MARIE THAYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2083, by committee on commerce, a bill for an act repealing the energy conservation improvement pilot programs and providing an effective date.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2205, by Taylor, a bill for an act to provide for maintaining the supplementary weighting funding for school districts that reorganize.

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

Senate File 2231, by committee on agriculture, a bill for an act relating to the right to first refusal allowed to immediately prior owners of agricultural land held by state banks.

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

Senate File 2234, by committee on state government, a bill for an act relating to the percent of the proceeds from the sales of obligations of the Iowa finance authority that are required to be used for newly constructed housing units.

Read first time and referred to committee on **state government**.

Senate File 2235, by committee on state government, a bill for an act relating to the sale of alcoholic liquor and wine by allowing special retailers to sell alcoholic liquor in areas which are not adequately served by state liquor stores and by limiting the sale of wine by the beer and liquor control department to sale at retail.

Read first time and referred to committee on **state government**.

Senate File 2239, by committee on judiciary, a bill for an act to legalize the purchase of certain property by the Hardin county conservation board.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2245, by committee on state government, a bill for an act relating to the sale of alcoholic liquor, wine, and beer by allowing the use of personal checks, traveler's checks, and electronic funds transfer cards for purchases at state liquor stores, by providing for temporary liquor control licenses, wine permits, and beer permits, and by allowing a brewery to obtain a class "C" beer permit.

Read first time and referred to committee on **state government**.

Senate File 2256, by committee on state government, a bill for an act related to the senate's review and confirmation of gubernatorial appointments.

Read first time and referred to committee on **state government**.

Senate File 2260, by committee on judiciary, a bill for an act relating to liens against mobile homes in mobile home parks for unpaid sums due under rental agreements.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2263, by committee on education, a bill for an act relating to certain loan and grant programs administered by the college aid commission and providing an effective date.

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

Senate File 2269, by committee on education, a bill for an act relating to the education of certain children by private instruction or in nonpublic schools through a home instruction assistance program.

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

Senate File 2272, by committee on state government, a bill for an act removing the statutory limit on the length of time in which a person may be reinstated in the state merit system.

Read first time and referred to committee on **state government**.

Senate File 2275, by committee on judiciary, a bill for an act to require lenders or secured parties to provide debtors with copies of documents relating to the debt.

Read first time and referred to committee on **small business and commerce**.

Senate File 2283, by committee on labor and industrial relations, a bill for an act relating to voluntary contributions by special zero-rated employers to meet the applicable percentage of excess requirement of the unemployment compensation contribution law and establishing a special unemployment compensation rate for certain expanding employers, and making the expanding employer rate retroactive and conditional.

Read first time and referred to committee on **labor and industrial relations**.

MOTION TO RECONSIDER (House File 2428)

I move to reconsider the vote by which House File 2428 passed the House on March 18, 1986.

WOODS of Polk

EXPLANATIONS OF VOTE

I inadvertently pressed the "aye" button on House File 2466 when I meant to vote "nay."

HERMANN of Scott

I was temporarily absent from the House chamber when the vote was taken on House File 2442. Had I been present, I would have voted "aye."

HUMMEL of Benton

PRESENTATION OF VISITORS

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

Twenty-seven fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Scott Mashek. By Carpenter of Polk.

Sixty high school students from Rudd-Rockford-Marble Rock High School, Rockford, accompanied by Robert Druckrey. By Clark of Cerro Gordo.

Sixty fifth grade students from Howe Elementary School, Des Moines, accompanied by Beth Bloom. By Connors of Polk.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 789 Administrative Rules

Relating to the Code editor, the deputy Code editor, and the office of the Code editor, also known as the Iowa Code office; relating to the duties, powers, and organization of the position and office of the Code editor; relating to the structuring of the legislative service bureau in relation to the position and office of the Code editor; and relating to the publication of the Iowa Code, the Iowa administrative code, and related documents.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2083

Energy and Environmental Protection: Hatch, Chair; Hughes, Osterberg, Petersen of Muscatine and Van Camp.

Senate File 2088

Energy and Environmental Protection: Hughes, Chair; De Groot and Sturgeon.

Senate File 2108

Judiciary and Law Enforcement: Rosenberg, Chair; Carl, Halvorson of Clayton, McIntee, Peterson of Carroll, Schnekloth and Tabor.

Senate File 2133

Economic Development: Groninga, Chair; Parker and Paulin.

Senate File 2151

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Doderer and Hammond.

Senate File 2213

Judiciary and Law Enforcement: Siegrist, Chair; Renaud and Woods.

Senate File 2214

Judiciary and Law Enforcement: Haverland, Chair; Holveck and Shoning.

Senate File 2217

Judiciary and Law Enforcement: Carl, Chair; Clark and Haverland.

Senate File 2222

Judiciary and Law Enforcement: Renaud, Chair; Maulsby and Running.

Senate File 2232

Judiciary and Law Enforcement: Haverland, Chair; Renaud and Siegrist.

Senate File 2240

Judiciary and Law Enforcement: Jay, Chair; McIntee and Woods.

AMENDMENTS FILED

H-5473	H.F.	2411	Miller of Cherokee
H-5474	H.F.	2340	Miller of Cherokee
H-5475	H.F.	2455	Rosenberg of Story
H-5476	H.F.	2350	Oxley of Linn
H-5477	H.F.	2086	Spear of Lee
H-5478	H.F.	2244	Teaford of Black Hawk
			Pavich of Pottawattamie
H-5479	S.F.	2242	Swartz of Marshall
H-5480	H.F.	2457	Halvorson of Webster
H-5481	H.F.	2457	Arnould of Scott

On motion by Norland of Worth, the House adjourned at 12:29 p.m., until 9:00 a.m., Thursday, March 20, 1986.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day — Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 20, 1986

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

Prayer was offered by Reverend Ronald Schrock, pastor of the First Baptist Church, Creston.

The Journal of Wednesday, March 19, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Van Maanen of Mahaska, from sixty-six constituents favoring the State of Iowa and the Iowa Beer and Liquor Department continuing to operate the What Cheer liquor store as it has in the past.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 712, a bill for an act regarding the filing of documents for evidencing a thresher's or cornsheller's lien and providing for a penalty.

Also: That the Senate has on March 18, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 476, a bill for an act to prohibit the relinquishment of prior seniority rights as a condition of employment.

Also: That the Senate has on March 18, 1986 passed the following bill in which the concurrence of the House is asked:

Senate File 2253, a bill for an act relating to municipally owned utilities.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 2425, a bill for an act relating to the disclosure of information by continuing-care facilities, and providing penalties, was taken up for consideration.

Running of Linn in the chair at 9:25 a.m.

Ollie of Clinton offered the following amendment H—5468 filed by him and moved its adoption:

H—5468

- 1 Amend House File 2425 as follows:
- 2 1. Page 1, line 10, by striking the words "a
- 3 single comprehensive agreement" and inserting the
- 4 following: "one or more agreements".

Amendment H—5468 was adopted.

Ollie of Clinton offered the following amendment H—5467 filed by him and moved its adoption:

H—5467

- 1 Amend House File 2425 as follows:
- 2 1. Page 10, by inserting after line 5 the
- 3 following:
- 4 "Sec. 9. NEW SECTION. 523D.9 INITIAL FILING.
- 5 For facilities offering continuing care retirement
- 6 contracts prior to the effective date of this Act,
- 7 initial filings of disclosure statements shall take
- 8 effect in the facilities' fiscal year ending after
- 9 January 1, 1987."

Amendment H—5467 was adopted.

Speaker Avenson in the chair at 9:42 a.m.

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

On the question "Shall the bill pass?" (H.F. 2425)

The ayes were, 81:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Connolly	Connors	Cooper
Corey	Diemer	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Loneragan	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 16:

Branstad	Daggett	De Groot	Grandia
Handorf	Hummel	Kremer	Maulsby
Pellett	Renken	Rensink	Schnekloth
Stromer	Stueland	Van Maanen	Welden

Absent or not voting, 3:

Cochran	Groth	Sullivan
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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 FILES 2350 AND 2372 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2350 and 2372 be deferred and that the bills retain their place on the calendar.

House File 2232, a bill for an act restricting the provision of certain services by public utilities, was taken up for consideration.

Koenigs of Mitchell in the chair at 9:54 a.m.

Fogarty of Palo Alto offered the following amendment H—5087 filed by Fogarty, et al., and moved its adoption:

H—5087

- 1 Amend House File 2232 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "A" the word "RATE-REGULATED".
- 4 2. Page 1, line 3, by inserting before the word
- 5 "public" the word "rate-regulated".
- 6 3. Page 1, line 4, by inserting after the word
- 7 "a" the word "rate-regulated".
- 8 4. Title page, line 1, by inserting after the
- 9 word "by" the word "rate-regulated".

A non-record roll call was requested.

The ayes were 53, nays 25.

Amendment H—5087 was adopted.

Sturgeon of Woodbury offered the following amendment H—5438 filed by him and moved its adoption:

H—5438

- 1 Amend House File 2232 as follows:
- 2 1. Page 1, line 5, by striking the words "or
- 3 financing" and inserting the words "financing, or
- 4 cross-subsidies of any kind".
- 5 2. Page 1, line 7, by striking the word "either"
- 6 and inserting the word "any".
- 7 3. Page 1, line 12, by striking the words "or
- 8 financing" and inserting the words "financing, or
- 9 cross-subsidies".
- 10 4. Page 1, by inserting after line 13 the
- 11 following:
- 12 "3. The activity is in response to an emergency
- 13 situation, involving a gas leak, electrical outage, or
- 14 similar situation.
- 15 4. The utility is maintaining or repairing
- 16 equipment owned by the utility.
- 17 5. The activity has been authorized by state law
- 18 as part of a low income weatherization assistance
- 19 program.
- 20 6. The activity consists of lighting pilot lights
- 21 or maintaining or repairing furnaces."
- 22 5. Page 1, by inserting after line 17 the
- 23 following:

24 "For purposes of this section, "cross-subsidy"
25 means any diversion of utility revenues or other
26 resources, including shared company name, or the
27 referral of utility customers to other utility or
28 nonutility enterprises.
29 This section does not apply to rural electric
30 cooperatives."

A non-record roll call was requested.

The ayes were 45, nays 16.

Amendment H—5438 was adopted.

Speaker Avenson in the chair at 10:35 a.m.

Norland of Worth asked and received unanimous consent that House File 2232 be deferred and that the bill retain its place on the calendar.

HOUSE FILE 2444 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2444 be deferred and that the bill retain its place on the calendar.

House File 2439, a bill for an act relating to the control of certain tobacco products, was taken up for consideration.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5319 filed by him on March 12, 1986.

Peick 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. 2439)

The ayes were, 93:

Arnould
Black
Buhr
Chapman
Cooper

Baxter
Blanshan
Carl
Clark
Corey

Beatty
Brammer
Carpenter
Cochran
Daggett

Bennett
Branstad
Carter
Connolly
De Groot

Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalf	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Peterson, M. W	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Connors	Haverland	Miller	O'Kane
Petersen, D. F.	Platt	Welden	

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

House File 2433, a bill for an act relating to domestic abuse, and providing penalties, was taken up for consideration.

Varn of Johnson in the chair at 11:18 a.m.

Brammer of Linn offered the following amendment H—5333 filed by him and moved its adoption:

H—5333

- 1 Amend House File 2433 as follows:
- 2 1. Page 1, line 17, by striking the word "an" and
- 3 inserting the following: "an any civil or criminal".
- 4 2. Page 1, line 19, by striking the word "an" and
- 5 inserting the words "any civil or criminal".

Amendment H—5333 was adopted.

Brammer of Linn offered the following amendment H—5332 filed by him and moved its adoption:

H—5332

- 1 Amend House File 2433 as follows:
- 2 1. Page 1, by striking lines 33 and 34, and
- 3 inserting the following: "witnesses. If,".
- 4 2. Page 2, by striking lines 1 and 2, and
- 5 inserting the following: "that domestic abuse has
- 6 been committed, the peace officer shall".

Amendment H—5332 was adopted.

Brammer of Linn offered the following amendment H—5331 filed by him:

H—5331

- 1 Amend House File 2433 as follows:
- 2 1. Page 2, by inserting after line 3 the
- 3 following:
- 4 "Sec. _____, NEW SECTION. 236.13 PROHIBITION
- 5 AGAINST REFERRAL.
- 6 In a criminal action arising from domestic abuse,
- 7 as defined in section 236.2, the prosecuting attorney
- 8 or court shall not refer or order the parties involved
- 9 to mediation or other nonjudicial procedures prior to
- 10 judicial resolution of the action."
- 11 2. By numbering and renumbering as necessary.

Speaker Avenson in the chair at 11:21 a.m.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—5353, to amendment H—5331, filed by him on March 17, 1986.

On motion by Brammer of Linn, amendment H—5331 was adopted.

Brammer of Linn offered the following amendment H—5342 filed by him and moved its adoption:

H—5342

- 1 Amend House File 2433 as follows:
- 2 1. Page 2, by inserting after line 3 the
- 3 following:
- 4 "Sec. _____, Section 598.41, subsection 1, Code
- 5 Supplement 1985, is amended to read as follows:
- 6 1. The court, insofar as is reasonable and in the

7 best interest of the child, shall order the custody
8 award, including liberal visitation rights where
9 appropriate, which will assure the child the
10 opportunity for the maximum continuing physical and
11 emotional contact with both parents after the parents
12 have separated or dissolved the marriage, unless
13 direct physical harm or significant emotional harm to
14 the child is likely to result from such contact with
15 one parent, and which will encourage parents to share
16 the rights and responsibilities of raising the child.
17 The court shall also make a reasonable inquiry as to
18 whether the safety of the child, other children, or a
19 parent will be jeopardized by the awarding of joint
20 custody or by unsupervised or unrestricted visitation.
21 If the court determines that the child, other
22 children, or a parent will be so jeopardized, the
23 court shall deny joint custody and condition and
24 restrict visitation as to time, place, duration, or
25 supervision, or deny visitation entirely, as needed to
26 guard the safety of the child, other children, or
27 parent. The court shall consider the denial by one
28 parent of the child's opportunity for maximum
29 continuing contact with the other parent, without just
30 cause, a significant factor in determining the proper
31 custody arrangement. Unless otherwise ordered by the
32 court in the custody decree, both parents shall have
33 legal access to information concerning the child,
34 including but not limited to medical, educational and
35 law enforcement records.
36 Sec. _____. Section 598.41, subsection 3, Code
37 Supplement 1985, is amended by adding the following
38 new lettered paragraph:
39 **NEW LETTERED PARAGRAPH.** i. Whether the safety of
40 the child, other children, or the other parent will be
41 jeopardized by the awarding of joint custody or by
42 unsupervised or unrestricted visitation."
43 2. By numbering and renumbering as necessary.

Amendment H—5342 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2433)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	McIntee
McKean	Metcalf	Miller	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklouth
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 1:

Maulsby

Absent or not voting, 4:

Muhlbauer	Pellett	Sherzan	Welden
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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 2458, a bill for an act relating to victims and witnesses of criminal offenses, and providing penalties, was taken up for consideration.

Hammond of Story offered the following amendment H—5458 filed by her and moved its adoption:

H—5458

- 1 Amend House File 2458 as follows:
- 2 1. Page 1, by inserting before line 1, the

3 following:

- 4 "Section 1. It is the purpose of this Act to
5 assure the fair and compassionate treatment of victims
6 and witnesses of crimes and to increase the
7 effectiveness of the criminal justice system by
8 affording to them certain basic rights and
9 consideration, and by reaffirming the criminal justice
10 system's fundamental responsibility to victims and
11 witnesses to ensure their equitable and fair
12 treatment, protect them from intimidation and further
13 injury, assist them in overcoming emotional and
14 economic hardships resulting from criminal acts, and
15 to keep them informed of the status of their case."
16 2. By renumbering as necessary.

Amendment H—5458 was adopted.

Carl of Poweshiek offered the following amendment H—5451
filed by Carl, et al., and moved its adoption:

H—5451

- 1 Amend House File 2458 as follows:
2 1. Page 1, by striking lines 4 through 7, and
3 inserting the following: "and the community.
4 Additionally, the presentence investigator shall
5 provide a victim impact statement form to each victim,
6 if one has not already been provided, and shall file
7 the completed statement or statements with the
8 presentence investigation report."
9 2. Page 2, line 5, by inserting after the word
10 "papers," the following: "However, this notification
11 procedure does not prohibit an agency from also
12 providing appropriate information to a registered
13 victim by telephone."
14 3. Page 3, by striking lines 26 and 27.
15 4. Page 3, line 28, by striking the words "the
16 county" and inserting the words "The county".
17 5. Page 8, line 32, by inserting after the word
18 "file," the following: "and shall be available only
19 to the judicial district departments of correctional
20 services and the agencies required to provide
21 information under sections 910A.5 through 910A.9."
22 6. Page 9, by inserting after line 4, the
23 following:
24 "Sec._____. Section 912.4, subsections 4 and 5,
25 Code Supplement 1985, are amended to read as follows:
26 4. When immediate or short-term medical services
27 or mental health services are provided to a victim
28 under section 910A.5 910A.16, the department of human

29 services shall file the claim for reparation as
 30 provided in subsection 3 for the victim and the
 31 provisions of section 912.7, subsection 2, paragraphs
 32 "b" and "c" do not apply.

33 5. When immediate or short-term medical services
 34 to a victim are provided pursuant to section 910A.5
 35 910A.16 by a professional licensed or certified by the
 36 state to provide such services, the professional shall
 37 file the claim for reparation, unless the department
 38 of human services is required to file the claim under
 39 this section, and the provisions of section 912.7,
 40 subsection 2, paragraphs "b" and "c" do not apply.

41 The requirement to report the crime to the local
 42 police department or county sheriff department under
 43 subsection 2 does not apply to this subsection.

44 Sec. _____. Section 912.13, Code Supplement 1985, is
 45 amended to read as follows:

46 912.13 RULEMAKING.

47 The department shall adopt rules pursuant to
 48 chapter 17A to implement the procedures for reparation
 49 payments with respect to section 910A.5 910A.16 and
 50 section 912.4, subsections 3, 4, and 5."

Page 2

1 7. By numbering and renumbering as necessary.

Amendment H—5451 was adopted.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—5469 filed by Stromer of Hancock on March 18, 1986.

Carl of Poweshiek 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. 2458)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf

Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Groth

Knapp

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

HOUSE FILE 2467 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2467 be deferred and that the bill retain its place on the calendar.

House File 2427, a bill for an act relating to the penalties for violations of law involving the promotion of obscene material and the sexual exploitation of children, was taken up for consideration.

Van Camp of Scott offered the following amendment H—5336 filed by him:

H—5336

- 1 Amend House File 2427 as follows:
- 2 1. Page 1, by inserting after line 30, the
- 3 following:
- 4 "Sec. 4. Section 728.11, Code 1985, is repealed."

Tabor of Jackson rose on a point of order that amendment H—5336 was not germane.

The Speaker ruled the point well taken and amendment H—5336 not germane.

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

On the question "Shall the bill pass?" (H.F. 2427)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Connolly O'Kane

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

SENATE MESSAGES CONSIDERED

Senate File 476, by Mann, a bill for an act to prohibit the relinquishment of prior seniority rights as a condition of employment.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2253, by committee on commerce, a bill for an act relating to municipally owned utilities.

Read first time and referred to committee on **energy and environmental protection**.

On motion by Norland of Worth, the House was recessed at 12:00 noon, until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2172, by Readinger, a bill for an act relating to the certificate of need process regarding organ transplant services and providing an effective date.

Read first time and referred to committee on **human resources**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, until his arrival, on request of Handorf of Marshall; Rensink of Sioux, for the remainder of the day, on request of Schnekloth of Scott.

MOTION TO RECONSIDER LOST (House File 2173)

Hammond of Story called up for consideration the motion to reconsider House File 2173, filed on February 27, 1986 by Parker of Jasper, and moved to reconsider the vote by which House File 2173, a bill for an act relating to the disclosure of conciliation agreements in civil rights matters when a governmental body is a party, passed the House and was placed on its last reading February 27, 1986.

A non-record roll call was requested.

The ayes were 16, nays 52.

The motion lost, placing out of order the motion to reconsider filed by Van Camp of Scott on February 27, 1986.

HOUSE FILE 2451 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2451 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS Regular Calendar

House File 2457, a bill for an act relating to elections, was taken up for consideration.

Arnould of Scott offered the following amendment H—5481 filed by him and moved its adoption:

H—5481

1 Amend House File 2457 as follows:

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

4 "Section 1. Section 43.16, Code 1985, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 43.16 RETURN OF PAPERS, ADDITIONS NOT ALLOWED.

8 After a nomination paper has been filed, it shall
9 not be returned to the person who has filed the paper,
10 nor shall any signature or other information be added
11 to the nomination paper.

12 A person who has filed nomination petitions with
13 the state commissioner may withdraw as a candidate not
14 later than the sixty-second day before the primary
15 election by notifying the commissioner in writing.

16 A person who has filed nomination papers with the
17 commissioner may withdraw as a candidate not later
18 than the fifty-third day before the primary election
19 by notifying the commissioner in writing.

20 The name of a candidate who has withdrawn or died
21 at a time in accordance with this section shall be
22 omitted from the certificate furnished by the state
23 commissioner under section 43.22 and omitted from the
24 primary election ballot.

25 Sec. 2. Section 43.23, Code 1985, is amended to
26 read as follows:

27 43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

28 1. When any person who has filed nomination papers
29 with the state commissioner ~~nomination papers~~ as a
30 candidate in a primary election dies or withdraws ~~on~~
31 ~~or after the seventy-fifth up to the sixty-second day~~
32 ~~prior to before~~ the primary election, the appropriate
33 convention or central committee of that person's
34 political party may designate one additional primary
35 election candidate for the nomination that person was
36 seeking, if the designation is submitted to the state
37 commissioner in writing by five o'clock p.m. on the
38 ~~sixtieth~~ fifty-seventh day prior to before the date of
39 the primary election. The name of any candidate so
40 submitted shall be included in the appropriate
41 certificate or certificates furnished by the state
42 commissioner under section 43.22.

43 2. When any person who has filed nomination papers
44 with the commissioner ~~nomination papers~~ as a candidate
45 in a primary election dies or withdraws ~~on or after~~
46 ~~the sixtieth up to the fifty-third day prior to before~~
47 the primary election, the appropriate convention or
48 central committee of that person's political party may
49 designate one additional primary election candidate
50 for the nomination that person was seeking, if the

Page 2

1 designation is submitted to the commissioner in
2 writing by five o'clock p.m. on the forty-ninth day
3 ~~prior to before~~ the primary election. The name of any
4 candidate so submitted shall be placed on the
5 appropriate ballot or ballots by the commissioner."

6 2. Page 5, line 3, by inserting after the words
7 "paragraph d," the following: "and subsection 4,
8 paragraph e."

9 3. Page 5, by striking line 4 and inserting the
10 following: "1985, are amended by striking the
11 paragraphs."

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

14 "Sec. _____. Section 50.48, Code 1985, is amended by
15 adding the following new subsection:

16 **NEW SUBSECTION.** If the election is an election
17 held by a city which is not the final election for the
18 office in question, the recount shall progress
19 according to the times provided by this subsection.
20 If this subsection applies the canvass shall be held
21 by the second day after the election, the request for
22 a recount must be made by the third day after the
23 election, the board shall convene to conduct the
24 recount by the sixth day after the election, and the
25 report shall be filed by the eleventh day after the

26 election."

27 5. Page 15, by inserting after line 27 the
28 following:

29 "Sec. _____. Section 376.4, unnumbered paragraph
30 one, Code 1985, is amended to read as follows:

31 An eligible elector of a city may become a
32 candidate for an elective city office by filing with
33 the city clerk a valid petition requesting that the
34 elector's name be placed on the ballot for that
35 office. The petition must be filed not more than
36 ~~sixty-five~~ seventy-two days nor less than ~~forty~~ forty-
37 seven days before the date of the election, and must
38 be signed by eligible electors equal in number to at
39 least two percent of those who voted to fill the same
40 office at the last regular city election, but not less
41 than ten persons. Nomination petitions shall be filed
42 not later than five o'clock p.m. on the last day for
43 filing.

44 Sec. _____. Section 376.7, unnumbered paragraph one,
45 Code 1985, is amended to read as follows:

46 If a primary election is necessary, it shall be
47 held on the Tuesday ~~three~~ four weeks before the date
48 of the regular city election. The county board of
49 supervisors shall publicly canvass the tally lists of
50 the vote cast in the primary election, following the

Page 3

1 procedures prescribed in section 50.24, at a meeting
2 to be held beginning at one o'clock in the afternoon
3 on the second day following the primary election.

4 Sec. _____. Section 376.9, unnumbered paragraph two,
5 Code 1985, is amended to read as follows:

6 Runoff elections shall be held ~~three~~ four weeks
7 after the date of the regular city election and shall
8 be conducted in the same manner as regular city
9 elections."

Amendment H—5481 was adopted.

Spear of Lee offered the following amendment H—5354 filed by
him and moved its adoption:

H—5354

1 Amend House File 2457 as follows:

2 1. Page 2, line 4, by inserting after the word
3 "officer" the words "dies, resigns or".

Amendment H—5354 was adopted.

Spear of Lee offered the following amendment H—5440 filed by him and moved its adoption:

H—5440

- 1 Amend House File 2457 as follows:
- 2 1. Page 2, line 24, by inserting after the word
- 3 "for" the words "an office filled by the voters of a".

Amendment H—5440 was adopted.

Hammond of Story offered the following amendment H—5457 filed by her and moved its adoption:

H—5457

- 1 Amend House File 2457 as follows:
- 2 1. Page 5, by inserting after line 15 the
- 3 following:
- 4 "Sec. _____. Section 49.31, subsection 2, Code 1985,
- 5 is amended to read as follows:
- 6 2. The commissioner shall prepare a list of the
- 7 election precincts of the county, by arranging the
- 8 various townships and cities in the county in
- 9 alphabetical order, and the wards or precincts in each
- 10 city or township in numerical order under the name of
- 11 such city or township. The commissioner shall then
- 12 arrange the surnames of each political party's
- 13 candidates for each office to which two or more
- 14 persons are to be elected at large alphabetically for
- 15 the respective offices for the first precinct on the
- 16 list; thereafter, for each political party and for
- 17 each succeeding precinct, the names appearing first
- 18 for the respective offices in the last preceding
- 19 precinct shall be placed last, so that the names that
- 20 were second before the change shall be first after the
- 21 change. The commissioner may also rotate the names of
- 22 candidates of a political party in the reverse order
- 23 of that provided in this subsection or alternate the
- 24 rotation so that the candidates of different parties
- 25 shall not be paired as they proceed through the
- 26 rotation. The procedure for arrangement of names on
- 27 ballots provided in this section shall likewise be
- 28 substantially followed in elections in political
- 29 subdivisions of less than a county."

Amendment H—5457 was adopted.

Halvorson of Webster offered the following amendment H—5480 filed by him and moved its adoption:

H—5480

- 1 Amend House File 2457 as follows:
- 2 1. Page 15, by inserting after line 27 the
- 3 following:
- 4 "Sec. _____. 1986 Iowa Acts, Senate File 540,
- 5 section 9, is amended to read as follows:
- 6 SEC. 9. Section 58.6, subsection 3, Code 1985, is
- 7 amended by adding the following new lettered
- 8 paragraphs:
- 9 NEW LETTERED PARAGRAPH. If a person listed under
- 10 paragraph "b", "d", "e", or "f" as making a
- 11 contribution or loan to or purchase from a candidate's
- 12 committee is related to the candidate within the third
- 13 degree of consanguinity or affinity, the existence of
- 14 that person's family relationship shall be indicated
- 15 on the report.
- 16 NEW LETTERED PARAGRAPH. The name and mailing
- 17 address of each person with whom a candidate's
- 18 committee has entered into a contract during the
- 19 reporting period for future or continuing performance
- 20 and the nature of the performance, period of
- 21 performance and total, anticipated compensation for
- 22 performance. For a report filed under subsection 1,
- 23 paragraph "b", this paragraph also requires the
- 24 reporting of estimates of performance which the
- 25 candidate's committee reasonably expects to contract
- 26 for during the balance of the reporting period running
- 27 until thirty days after the election."

Amendment H—5480 was adopted.

Arnould 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?" (H.F. 2457)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty

Grandia	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lloyd-Jones	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poney	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Branstad	Groth	Hester	Lageschulte
Lonergan	Rensink	Sullivan	

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

HOUSE FILE 2445 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2445 be deferred and that the bill retain its place on the calendar.

House File 2452, a bill for an act relating to the health data commission by adding the executive director of the commission on the aging to the membership of the health data commission, providing for the collection of certain billing information, and permitting the health data commission to collect long-term data, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2452)

The ayes were, 92;

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Hatch	Haverland	Hermann	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Loneragan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Branstad	Groth	Harbor	Hester
Lageschulte	McIntee	Rensink	Sullivan

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

House File 2127, a bill for an act relating to the proof of financial responsibility required of liquor control licensees and wine and beer permittees, with report of committee recommending passage, was taken up for consideration.

Woods 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. 2127)

The ayes were, 75:

Arnould	Baxter	Beatty	Blanshan
Brammer	Branstad	Buhr	Carl
Chapman	Cochran	Connolly	Connors
Corey	Daggett	De Groot	Doderer
Fey	Grandia	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hester
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Lonergan	McIntee	Metcalf
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Royer	Running	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 21:

Bennett	Black	Carpenter	Carter
Clark	Cooper	Diemer	Fogarty
Gruhn	Hermann	Hummel	Maulsby
McKean	Miller	Petersen, D. F.	Renken
Schneklath	Skow	Sturgeon	Teaford
Welden			

Absent or not voting, 4:

Groth	Lageschulte	Rensink	Sullivan
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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 2450 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2450 be deferred and that the bill retain its place on the calendar.

House File 2086, a bill for an act relating to stun guns and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Rosenberg of Story offered the following amendment H—5186 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5186

- 1 Amend House File 2086 as follows:
- 2 1. By striking page 8, line 5, through page 9,
- 3 line 3.

The committee amendment H—5186 was adopted.

McIntee of Black Hawk offered the following amendment H—5222 filed by him:

H—5222

- 1 Amend House File 2086 as follows:
- 2 1. Page 1, by striking lines 1 through 10.
- 3 2. By striking page 1, line 34, through page 9,
- 4 line 3, and inserting the following:
- 5 "Sec. _____. Section 708.2, subsection 3, Code 1985,
- 6 is amended to read as follows:
- 7 3. Any other assault, except as otherwise
- 8 provided, is a simple misdemeanor. However, if while
- 9 committing an assault that would otherwise be
- 10 punishable under this subsection a person uses or
- 11 threatens to use a stun gun or a weapon or device
- 12 which by chemical means temporarily immobilizes
- 13 another, the person is guilty of an aggravated
- 14 misdemeanor if the victim is a peace officer in the
- 15 performance of the peace officer's duty and a serious
- 16 misdemeanor if the victim is any other person.
- 17 Sec. _____. Section 719.1, Code 1985, is amended to
- 18 read as follows:
- 19 719.1 INTERFERENCE WITH OFFICIAL ACTS.
- 20 A person who knowingly resists or obstructs anyone
- 21 known by the person to be a peace officer or fire
- 22 fighter, whether paid or volunteer, in the performance
- 23 of any act which is within the scope of the lawful
- 24 duty or authority of that officer or fire fighter,
- 25 whether paid or volunteer, or who knowingly resists or
- 26 obstructs the service or execution by any authorized
- 27 person of any civil or criminal process or order of
- 28 any court, commits a simple misdemeanor. However, if
- 29 a person commits an interference with official acts,
- 30 as defined in this section, and in so doing inflicts
- 31 bodily injury other than serious injury, that person
- 32 commits a serious misdemeanor. If a person commits an
- 33 interference with official acts, as defined in this

34 section, and in so doing inflicts or attempts to
35 inflict serious injury, or displays a dangerous
36 weapon, as defined in section 702.7, or a stun gun or
37 is armed with a firearm, that person commits an
38 aggravated misdemeanor. The terms "resist" and
39 "obstruct", as used in this section, do not include
40 verbal harassment unless the verbal harassment is
41 accompanied by a present ability and apparent
42 intention to execute a verbal threat physically.
43 Sec. _____. Section 724.22, Code 1985, is amended by
44 adding the following new subsections:
45 **NEW SUBSECTION. 7.** A person who sells, loans,
46 gives, or makes available a stun gun to a minor
47 commits a serious misdemeanor.
48 **NEW SUBSECTION. 8.** A minor who possesses a stun
49 gun commits a serious misdemeanor.
50 Sec. _____. Section 724.26, Code 1985, is amended by

Page 2

1 adding the following new unnumbered paragraph:
2 **NEW UNNUMBERED PARAGRAPH.** A person who is
3 convicted of a felony in any state or federal court
4 and who subsequently possesses, receives, or
5 transports or causes to be transported a stun gun
6 commits a serious misdemeanor."
7 3. By renumbering as necessary.

Johnson of Winneshiek in the chair at 4:27 p.m.

Hermann of Scott offered the following amendment H—5441, to
amendment H—5222, filed by him:

H—5441

1 Amend amendment H—5222 to House File 2086 as
2 follows:
3 1. Page 1, by striking lines 17 through 42, and
4 inserting the following:
5 "Sec. _____. Section 719.1, Code 1985, is amended by
6 striking the section and inserting in lieu thereof the
7 following:
8 **719.1 INTERFERENCE WITH OFFICIAL ACTS.**
9 A person who knowingly resists or obstructs anyone
10 known by the person to be a peace officer or fire
11 fighter, whether paid or volunteer, in the performance
12 of any act which is within the scope of the lawful
13 duty or authority of that officer or fire fighter,
14 whether paid or volunteer, or who knowingly resists or
15 obstructs the service or execution by an authorized
16 person of any civil or criminal process or order of a

17 court, which obstruction or resistance:

18 1. Does not result in injury, commits a simple
19 misdemeanor.

20 2. Inflicts bodily injury other than serious
21 injury, as defined in section 702.18, commits a
22 serious misdemeanor.

23 3. Inflicts or attempts to inflict serious injury,
24 as defined in section 702.18, commits an aggravated
25 misdemeanor.

26 4. Involves the display of a dangerous weapon, as
27 defined in section 702.7, or results in the disarming
28 of a peace officer, commits an aggravated misdemeanor.

29 5. Is committed while armed with a firearm,
30 commits an aggravated misdemeanor.

31 For purposes of this section, the terms "resist"
32 and "obstruct" do not include verbal harassment unless
33 the verbal harassment is accompanied by a present
34 ability and apparent intention to execute a verbal
35 threat physically."

36 2. By numbering and renumbering as necessary.

Rosenberg of Story rose on a point of order that amendment H—5441, to amendment H—5222, was not germane.

The Speaker ruled the point well taken and amendment H—5441 not germane.

McIntee of Black Hawk moved the adoption of amendment H—5222.

A non-record roll call was requested.

The ayes were 41, nays 51.

Amendment H—5222 lost.

Speaker Avenson in the chair at 4:35 p.m.

Hermann of Scott asked and received unanimous consent to withdraw amendment H—5439 filed by him on March 17, 1986.

Spear of Lee offered the following amendment H—5477 filed by him and moved its adoption:

H—5477

1 Amend House File 2086 as follows:

2 1. By striking page 7, line 28, through page 8,

3 line 4.

Amendment H—5477 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2086)

The ayes were, 46:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Connolly
Doderer	Fey	Halvorson, R. N.	Hammond
Hanson	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Lloyd-Jones	McKean	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Parker	Pavich	Peterson, M. K.	Renaud
Rosenberg	Sherzan	Shoultz	Siegrist
Spear	Sturgeon	Teaford	Varn
Welden	Mr. Speaker		

The nays were, 49:

Bennett	Black	Branstad	Cochran
Connors	Corey	Daggett	De Groot
Diemer	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Handorf	Harbor
Hermann	Hester	Hummel	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	Metcalf	Miller
Oxley	Paulin	Peick	Pellett
Petersen, D. F.	Platt	Poncy	Renken
Royer	Running	Schnekloth	Shoning
Skow	Stromer	Stueland	Swartz
Swearingen	Tabor	Van Camp	Van Maanen
Woods			

Absent or not voting, 5:

Cooper	Groth	Rensink	Sullivan
Zimmerman			

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

HOUSE FILE 2336 DEFERRED

Norland of Worth asked and received unanimous consent that

House File 2336 be deferred and that the bill retain its place on the calendar.

House File 2448, a bill for an act relating to cooperative associations, was taken up for consideration.

Fogarty of Palo Alto asked and received unanimous consent that Rule 31.8, relating to the timely filing of amendments, be suspended for the consideration of amendment H—5482 filed by him from the floor as follows:

H—5482

- 1 Amend House File 2448 as follows:
- 2 1. Page 6, line 10, by striking the word "and"
- 3 and inserting the word "or".

On motion by Fogarty of Palo Alto, amendment H—5482 was adopted.

Blanshan of Greene asked for unanimous consent to consider an amendment not timely filed under Rule 31.8.

Objection was raised.

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

On the question "Shall the bill pass?" (H.F. 2448)

The ayes were, 65:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Carl
Carter	Chapman	Clark	Cochran
Connolly	Connors	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hatch	Haverland
Hermann	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
McIntee	Miller	Muhlbauer	Norland
O'Kane	Ollie	Parker	Pavich
Peick	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Sherzan	Shoultz

Skow
Teaford
Mr. Speaker

Spear
Van Camp

Stueland
Varn

Sturgeon
Woods

The nays were, 28:

Branstad
Halvorson, R. A.
Hummel
Mullins
Petersen, D. F.
Schnekloth
Swearingen

Buhr
Hanson
Maulsby
Osterberg
Renken
Shoning
Tabor

Carpenter
Harbor
McKean
Paulin
Royer
Siegrist
Van Maanen

Grandia
Hester
Metcalf
Pellett
Running
Stromer
Welden

Absent or not voting, 7:

Cooper
Sullivan

Groth
Swartz

Oxley
Zimmerman

Rensink

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

HOUSE FILE 2429 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2429 be deferred and that the bill retain its place on the calendar.

House File 2456, a bill for an act relating to workers' compensation benefits for persons receiving employment training or employment evaluations, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2456)

The ayes were, 93:

Arnould
Black
Buhr
Chapman
Connors
Diemer
Grandia
Halvorson, R. N.

Baxter
Blanshan
Carl
Clark
Corey
Doderer
Groninga
Hammond

Beatty
Brammer
Carpenter
Cochran
Daggett
Fey
Gruhn
Handorf

Bennett
Branstad
Carter
Connolly
De Groot
Fogarty
Halvorson, R. A.
Hanson

Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	• Schneklath	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Cooper	Groth	Oxley	Rensink
Sullivan	Swartz	Zimmerman	

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

ADOPTION OF SENATE CONCURRENT RESOLUTION 107

Norland of Worth called up for consideration Senate Concurrent Resolution 107, relating to American Indian recognition.

On motion by Peick of Linn, the resolution was adopted.

MOTIONS TO RECONSIDER (House File 2441)

I move to reconsider the vote by which House File 2441 failed to pass the House on March 19, 1986.

CARPENTER of Polk

(House File 2448)

I move to reconsider the vote by which House File 2448 passed the House on March 20, 1986.

KOENIGS of Mitchell

(House File 2086)

I move to reconsider the vote by which House File 2086 failed to pass the House on March 20, 1986.

KNAPP of Dubuque

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 March, 1986: House Files 2351 and 2353.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 20, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 714, an act relating to the filing of a protest because of a clerical or mathematical error having been made in the assessment of a person's property.

House File 2091, an act relating to the inspection of explosive storage facilities.

House File 2351, an act relating to the Iowa Family Farm Development Authority, by changing the name of the authority to the Agricultural Development Authority, by empowering the authority to undertake agricultural producer financial assistance programs.

House File 2353, an act relating to the Iowa Family Farm Development Authority, by providing for an agricultural loan assistance program, providing for the adoption of penalties, making an appropriation, and providing for an effective date.

Senate File 120, an act relating to grave or burial sites by allowing their protection and preservation by law enforcement agencies and providing a penalty.

Senate File 199, an act relating to leaves of absence for a public employee who is a candidate for elective public office.

Senate File 432, an act relating to the makeup of the Board of Nursing Examiners.

Senate File 540, an act relating to the financing of political campaigns and the reporting of that financing.

Senate File 2152, an act relating to the authority of the county board of supervisors regarding roads established or improved by petition of landowners.

Senate File 2166, an act relating to the authority of the Department of Water, Air and Waste Management to remove and compel removal of hazardous substances or hazardous wastes.

PRESENTATION OF VISITORS

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

Twenty-eight fifth grade students from Rex Mathes Elementary School, West Des Moines, accompanied by Loraine Cornelissens. By Carpenter of Polk.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2002

State Government: Spear, Chair; Beatty and Daggett.

Senate File 293 (Reassigned)

State Government: Beatty, Chair; Pavich and Swearingen.

Senate File 2069

State Government: Blanshan, Chair; Cochran, Hanson, Renken and Teaford.

Senate File 2093

State Government: Lloyd-Jones, Chair; Halvorson of Webster, Hammond, Hanson and Swearingen.

Senate File 2101

Labor and Industrial Relations: Poncy, Chair; Metcalf and Running.

Senate File 2104

Labor and Industrial Relations: Hummel, Chair; Connors and Running.

Senate File 2131

Agriculture: Cochran, Chair; Bennett, Fogarty, Skow and Stueland.

Senate File 2150

Agriculture: Carter, Chair; Cochran, Muhlbauer, Pellett and Stueland.

Senate File 2176

Agriculture: Muhlbauer, Chair; De Groot and Hughes.

Senate File 2212

Agriculture: Skow, Chair; Blanshan, Branstad, Muhlbauer and Stueland.

Senate File 2233

State Government: Arnould, Chair; Buhr and Renken.

Senate File 2234

State Government: Teaford, Chair; Buhr and Shoning.

Senate File 2235

State Government: Pavich, Chair; Beatty and Van Maanen.

Senate File 2245

State Government: Pavich, Chair; Beatty and Van Maanen.

Senate File 2256

State Government: Lloyd-Jones, Chair; Halvorson of Webster, Hammond, Hanson and Swearingen.

Senate File 2272

State Government: Blanshan, Chair; Carpenter, Doderer, Hammond and Swearingen.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2003, a bill for an act relating to the establishment of a drainage sub-district.

Fiscal Note is not required.

Recommended Do Pass March 19, 1986.

Senate File 2037, a bill for an act relating to the labeling of fuel sold as kerosene.

Fiscal Note is not required.

Recommended Do Pass March 19, 1986.

Senate File 2063, a bill for an act relating to loans for ethanol production.

Fiscal Note is not required.

Recommended Do Pass March 19, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 508, a bill for an act relating to the forcible entry or detention of real property.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5488 March 19, 1986.

Senate File 2029, a bill for an act relating to the sending, or causing to be sent, of a minor to a place of prostitution or to become a prostitute, and providing penalties.

Fiscal Note is not required.

Recommended Do Pass March 19, 1986.

Senate File 2193, a bill for an act to remove the notice requirements to the department of revenue relating to the discharge of a personal representative and making the Act retroactive.

Fiscal Note is not required.

Recommended Do Pass March 19, 1986.

Senate File 2213, a bill for an act relating to the criminal penalty for the fraudulent use of registration.

Fiscal Note is not required.

Recommended Do Pass March 19, 1986.

Senate File 2214, a bill for an act relating to fiduciary security transfers by increasing the duration of a certificate evidencing the appointment or incumbency of a fiduciary.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1986.

Senate File 2222, a bill for an act relating to agencies authorized to receive information pertaining to arson investigations.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1986.

Senate File 2232, a bill for an act to legalize and validate the proceedings of the City council of the City of Ankeny, Iowa, authorizing and providing for the issuance, sale and delivery of General Obligation Bonds, providing for the levy of taxes for the payment of the bonds and declaring the bonds to be enforceable obligations of the City of Ankeny, Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1986.

AMENDMENTS FILED

H—5483	H.F. 2462	Haverland of Polk
H—5484	S.F. 2116	Koenigs of Mitchell
H—5485	H.F. 2411	Halvorson of Clayton
H—5486	H.F. 2455	Rosenberg of Story
H—5487	H.F. 2448	Blanshan of Greene
H—5488	S.F. 508	Committee on Judiciary and Law Enforcement
H—5489	H.F. 2350	O'Kane of Woodbury
H—5490	H.F. 2441	Carpenter of Polk
		Doderer of Johnson
		Blanshan of Greene
H—5491	H.F. 2256	Gruhn of Dickinson
		Cooper of Lucas
		De Groot of Lyon
H—5492	H.F. 2120	Spear of Lee
		Tabor of Jackson
H—5493	H.F. 2462	Blanshan of Greene
		Daggett of Taylor
		Hughes of Union
		Swearingen of Keokuk
		Branstad of Winnebago
		Johnson of Winneshiek
H—5494	H.F. 2464	Hammond of Story

H—5495	H.F. 2463	Platt of Muscatine Black of Jasper Diemer of Black Hawk
H—5496	H.F. 2464	Baxter of Des Moines
H—5497	H.F. 2429	Siegrist of Pottawattamie
H—5498	S.F. 2283	Maulsby of Calhoun
H—5499	H.F. 2464	Black of Jasper
H—5500	S.F. 2246	Osterberg of Linn

On motion by Norland of Worth, the House adjourned at 5:33 p.m., until 9:00 a.m., Friday, March 21, 1986.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day — Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 21, 1986

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

Prayer was offered by Reverend James Berka, pastor of the First Lutheran Church, Centerville.

The Journal of Thursday, March 20, 1986 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Cooper of Lucas, from six hundred forty-six constituents favoring reducing current spending and diverting other forms of state revenue to relieve the property tax burden of rural/urban Iowa.

By Muhlbauer of Crawford, from three hundred forty constituents favoring reducing current spending and diverting other forms of state revenue to relieve the property tax burden of rural Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connolly of Dubuque on request of O'Kane of Woodbury; Peick of Linn, until her arrival, on request of Poncy of Wapello.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2134, a bill for an act relating to the granting or denial of parental or visitation time to a parent not awarded custody or physical care of a child.

Also: That the Senate has on March 19, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act to establish local, area education agency, and state school economy task forces and to provide an effective date.

Also: That the Senate has on March 19, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2261, a bill for an act to provide a procedure for the accreditation of school districts and nonpublic schools.

Also: That the Senate has on March 21, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2276, a bill for an act to legalize proceedings taken by the board of directors of the Iowa City community school district relating to the sale of certain property.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2350**, a bill for an act relating to the publication of official public notices by defining a newspaper, by establishing fees for the publication of official notices, and by providing for enforcement of official publication requirements, and subjecting violators to penalties, and amendment H—5256 (found on page 746 of the House Journal) deferred March 14, 1986.

Oxley of Linn offered the following amendment H—5476, to amendment H—5256, filed by him and moved its adoption:

H—5476

1. Amend the amendment, H—5256, to House File 2350 as
- 2 follows:
- 3 1. Page 1, by striking line 7 and inserting the
- 4 following:
- 5 "_____. Page 5, by striking lines 4 through 9 and
- 6 inserting the following:
- 7 "3. Devotes space in more than one-half of its
- 8 issues during any twelve-month period to passing
- 9 events of a political, business, educational,
- 10 religious, or social nature and to current happenings,
- 11 announcements, and miscellaneous matter in addition to
- 12 advertising." "

Amendment H—5476 lost.

On motion by Oxley of Linn, amendment H—5256 lost.

O'Kane of Woodbury offered the following amendment H—5489 filed by him and moved its adoption:

H—5489

- 1 Amend House File 2350 as follows:
- 2 1. By striking page 1, line 31 through page 2,
- 3 line 18.
- 4 2. Page 4, line 2, by striking the word "ten" and
- 5 inserting the following: "thirty".
- 6 3. Page 4, line 3, by striking the word "ten" and
- 7 inserting the following: "thirty".
- 8 4. Page 4, line 13, by striking the word "Shall"
- 9 and inserting the following: "May".
- 10 5. Page 4, line 17, by striking the word "Shall"
- 11 and inserting the following: "May".

Amendment H—5489 was adopted, placing out of order lines 2 through 4 of amendment H—5294 previously adopted of March 14, 1986 and found of page 744 of the House Journal.

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

On the question "Shall the bill pass?" (H.F. 2350)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poney

Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Carter	Connolly	Groth	Jochum
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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 FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House Files 2372, 2233, 2444, 2450 and 2460.

House File 2369, a bill for an act relating to public employee grievance procedures, was taken up for consideration.

Sherzan 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. 2369)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland

O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Black	Connolly	Jochum	Petersen, D. F.
Shoultz			

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

House File 2120, a bill for an act relating to the care of neglected or estray animals, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—5234 filed by the committee on local government:

H—5234

- 1 Amend House File 2120 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 188.49, Code 1985, is amended
- 5 to read as follows:
- 6 188.49 NEGLECTED ANIMALS — DISABLED ANIMALS
- 7 KILLED.
- 8 1. Any A person may take charge of any an animal
- 9 when the owner fails to properly take care and provide
- 10 for it, and may furnish the same animal with proper
- 11 care, either on the person's own premises or on the
- 12 premises of the owner, and shall have. The person has
- 13 a lien on the animal for the same care, and the
- 14 reasonable value of such the care may be collected by
- 15 the person from the said owner.
- 16 2. A peace officer or officer of a society for the
- 17 prevention of cruelty to animals, may humanely destroy
- 18 a disabled animal that is neglected or estray.
- 19 3. As used in this section "animal" means a
- 20 domestic animal or fowl.

21 Sec. 2. Section 331.653, subsection 21, Code

22 Supplement 1985, is amended to read as follows:

23 21. Destroy ~~any unfit and a neglected or estray~~
24 ~~disabled estray~~ animal as provided in section ~~188.50~~
25 717.5.

26 Sec. 3. Section 717.2, Code 1985, is amended to
27 read as follows:

28 717.2 CRUELTY TO ANIMALS.

29 Any ~~A~~ person who ~~shall impound or confine or cause~~
30 ~~to be impounded or confined~~ impounds or confines, in
31 any place, ~~any~~ a domestic animal, or fowl, or ~~any~~ dog
32 or cat, and ~~fail~~ fails to supply ~~such the~~ animal
33 during confinement with a sufficient quantity of food,
34 and water, and adequate shelter, or who ~~shall torture,~~
35 ~~torment, deprive tortures, torments, deprives of~~
36 necessary sustenance, ~~mutilate, overdrive, overload,~~
37 ~~drive mutilates, overdrives, overloads, drives when~~
38 ~~overloaded, beat, or kill any such beats, or kills an~~
39 animal by any means which ~~shall~~ cause unjustified
40 pain, distress, or suffering, whether intentionally or
41 negligently, ~~shall be is~~ guilty of a simple
42 misdemeanor.

43 Sec. 4. NEW SECTION. 717.6 DISPOSITION OF
44 NEGLECTED AND ABUSED ANIMALS.

45 If a person is found guilty of a violation of this
46 chapter, the disposition of the neglected or abused
47 animal shall be determined by the court.

48 Sec. 5. Section 188.50, Code 1985, is repealed."

Corey of Louisa offered the following amendment H—5244, to the committee amendment H—5234, filed by him and moved its adoption:

H—5244

1 Amend amendment H—5234 to House File 2120 as
2 follows:

3 1. Page 1, line 25, by striking the figure
4 "717.5" and inserting the following: "188.49".

5 2. Page 1, line 37, by striking the word
6 "mutilates" and inserting the following:
7 "mutilates".

Amendment H—5244 was adopted.

Swearingin of Keokuk in the chair at 9:40 a.m.

Spear of Lee offered the following amendment H—5492, to the committee amendment H—5234, filed by him and Tabor of Jackson and moved its adoption:

H—5492

1 Amend the House amendment H—5234 to House File 2120
2 as follows:

3 1. Page 1, by striking line 34 and inserting the
4 following: “and water, or who fails to provide a dog
5 or cat with adequate shelter, or who shall torture.”.

Amendment H—5492 was adopted.

On motion by Spear of Lee, the committee amendment H—5234, as amended, was adopted.

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

On the question “Shall the bill pass?” (H.F. 2120)

The ayes were, 77:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connors	Cooper	Corey
Diemer	Doderer	Fey	Fogarty
Grandia	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Hatch	Haverland	Hermann	Holveck
Hughes	Johnson	Knapp	Koenigs
Lloyd-Jones	Loneragan	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O’Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Skow	Spear	Stueland	Sturgeon
Swartz	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			
(Swearingen)			

The nays were, 15:

Bennett	Branstad	Daggett	De Groot
Hester	Hummel	Kremer	Lageschulte
Maulsby	Pellett	Renken	Rensink
Schnekloth	Siegrist	Sullivan	

Absent or not voting, 8:

Avenson	Connolly	Groninga	Harbor
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Jay

Jochum

Stromer

Welden

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

House File 2438, a bill for an act relating to clinical privileges for certified health service providers in psychology, was taken up for consideration.

Peick 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. 2438)

The ayes were, 86:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Johnson	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Lonergan	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Platt	Renaud	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Van Camp	Varn	Welden	Woods
Zimmerman	Mr. Speaker		
	(Swearingen)		

The nays were, 9:

Bennett	Branstad	Grandia	Kremer
Maulsby	Pellett	Poney	Renken
Van Maanen			

Absent or not voting, 5:

Carter	Connolly	Harbor	Jay
Jochum			

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

House File 2459, a bill for an act to establish an Iowa environmental improvement and energy resources authority, was taken up for consideration.

Maulsby of Calhoun rose on a point of order and invoked Rule 32 to refer House File 2459 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

Speaker Avenson in the chair at 10:02 a.m.

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

On the question "Shall the bill pass?" (H.F. 2459)

The ayes were, 65:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connors
Cooper	Daggett	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hatch
Haverland	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Loneragan	McIntee
McKean	Muhlbauer	Norland	O'Kane
Osterberg	Parker	Paulin	Pavich
Peick	Peterson, M. K.	Platt	Renaud
Rosenberg	Running	Sherzan	Shoultz
Siegrist	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 34:

Bennett	Branstad	Carpenter	Clark
Corey	De Groot	Diemer	Grandia
Handorf	Hanson	Harbor	Hermann
Hester	Kremer	Lageschulte	Maulsby
Metcalf	Miller	Mullins	Ollie
Oxley	Pellett	Petersen, D. F.	Poncy
Renken	Rensink	Royer	Schneklloth
Shoning	Stromer	Stueland	Swearingen
Van Maanen	Welden		

Absent or not voting, 1:

Connolly

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

House File 2455, a bill for an act relating to tax sales and redemptions, by revising provisions governing notice and other procedures, was taken up for consideration.

Rosenberg of Story offered the following amendment H—5486 filed by him:

H—5486

1 Amend House File 2455 as follows:

2 1. Page 2, by inserting after line 6 the
3 following:

4 "Sec._____. Section 445.8, subsections 2 and 3,
5 Code 1985, are amended to read as follows:

6 2. The treasurer shall cause to be compiled a list
7 of all delinquent personal property taxes for the
8 current assessment year, as shown by the delinquent
9 personal property tax list. ~~Such~~ The list shall show
10 the amount of the taxes delinquent when the amount of
11 the tax is more than five dollars and the amount of
12 penalty, interest, and costs ~~thereon~~, the name of the
13 owner, if known, or the person, if any, to whom it is
14 taxed, and shall be published in ~~some an~~ an official
15 newspaper in the county ~~once each week for two~~
16 ~~consecutive weeks, the last of which publication shall~~
17 ~~be not more than two weeks before the third Monday in~~
18 ~~June, and by immediately posting a copy of the first~~
19 ~~publication thereof at the door of the courthouse, if~~
20 ~~there be one, if not, at the door of the place where~~
21 ~~the last term of district court was held. The~~
22 ~~provisions of sections Sections 446.10 and 446.11~~
23 ~~shall prevail in connection with apply to the~~
24 publication of ~~such the~~ the notice. The treasurer shall
25 obtain a copy of the notice as published, and a
26 certificate of the publication ~~thereof~~ from the
27 printer or publisher, and file it in the office of the
28 auditor.

29 3. The treasurer shall, within ten days following
30 the final publication of ~~such the~~ the notice, issue a
31 distress warrant in the form as prescribed in section
32 445.7. The publication of delinquent personal
33 property tax lists shall include a notice that, unless

34 such the delinquent personal property taxes are paid
35 within ten days of the date of final publication of
36 the notice, a distress warrant will be issued for the
37 collection thereof of the delinquent taxes."

38 2. Page 4, line 4, by striking the words
39 "Headings and other" and inserting the following:
40 "Headings and other".

41 3. Page 4, by striking lines 5 and 6 and
42 inserting the following: "matter shall be compensated
43 for as provided in section 618.11. The amount paid
44 therefor shall be collected as a part of".

45 4. Page 4, line 7, by striking the word "to".

46 5. By renumbering as necessary.

Ollie of Clinton offered the following amendment H—5503, to amendment H—5486, filed by him from the floor and moved its adoption:

H—5503

1 Amend amendment H—5486 to House File 2455 as
2 follows:

3 1. Page 1, line 18, by striking the word "first"
4 and inserting the following: "first".

Amendment H—5503 was adopted.

On motion by Rosenberg of Story, amendment H—5486, as amended, was adopted.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—5355 filed by him on March 14, 1986.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—5475 filed by him on March 19, 1986.

Spear of Lee offered the following amendment H—5356 filed by him and moved its adoption:

H—5356

1 Amend House File 2455 as follows:

2 1. Page 4, by adding after line 7 the following:
3 "If the taxes are paid before the date of sale, the
4 amount paid for publication shall be included as a
5 part of the costs of collecting the taxes."

Amendment H—5356 was adopted.

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

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

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schneklloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Weiden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Connolly

Fogarty

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

HOUSE FILE 2451 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2451 be deferred and that the bill retain its place on the calendar.

House File 2244, a bill for an act relating to dog racing where pari-mutuel racing is permitted, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—5259 filed by the committee on state government and moved its adoption:

H—5259

- 1 Amend House File 2244 as follows:
- 2 1. Page 1, line 2, by striking the word and
- 3 figure "subsection 19" and inserting the following:
- 4 "subsections 19 and 20".
- 5 2. Page 1, by inserting after line 10 the
- 6 following:
- 7 "NEW SUBSECTION. 20. To regulate and implement
- 8 local dog races at licensed racetracks including, but
- 9 not limited to establishing all of the following:
- 10 a. A minimum number of races per race meeting in
- 11 which local dogs shall be permitted to compete.
- 12 b. Minimum qualifications for a dog to qualify as
- 13 a local dog.
- 14 c. Standards for the time local dogs shall be
- 15 required to be on the premises of the racetrack
- 16 facility before and after competing in a race."

The committee amendment H—5259 was adopted.

Teaford of Black Hawk offered the following amendment H—5478 filed by her and Pavich of Pottawattamie and moved its adoption:

H—5478

- 1 Amend House File 2244 as follows:
- 2 1. By striking page 1, line 11 through page 2,
- 3 line 14.

Amendment H—5478 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2244)

The ayes were, 80:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connors
Cooper	Corey	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hatch	Haverland
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	McIntee
Metcalf	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Varn	Woods	Mr. Speaker

The nays were, 16:

Daggett	De Groot	Grandia	Hammond
Hermann	Hester	Holveck	Maulsby
McKean	Osterberg	Petersen, D. F.	Rensink
Schnekloth	Stueland	Van Maanen	Welden

Absent or not voting, 4:

Connolly	Miller	Van Camp	Zimmerman
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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 2429 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2429 be deferred and that the bill retain its place on the calendar.

House File 2461, a bill for an act relating to the attorney general's consumer protection efforts against transient merchants, out-of-state contractors, and health club membership sales, and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2461)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carter	Chapman	Clark
Cochran	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Metcalf	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Rensink	Rosenberg
Royer	Running	Schneklloth	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 6:

Carpenter	Loneragan	Paulin	Platt
Renken	Skow		

Absent or not voting, 3:

Black	Connolly	Miller
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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 2220, a bill for an act relating to the power of a city council over variances granted by a board of adjustment, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2220)

The ayes were, 97:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Connolly	Harbor	Lloyd-Jones
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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 2464, a bill for an act relating to the taking of animals, was taken up for consideration.

Black of Jasper offered the following amendment H—5499 filed by him:

H—5499

- 1 Amend House File 2464 as follows:
- 2 1. Page 8, by striking lines 6 through 17.
- 3 2. Page 22, by striking the words "fish, game, or
- 4 fur-bearing" and inserting the words "fish, game, or
- 5 fur-bearing".
- 6 3. Page 22, by striking lines 26 and 27 and
- 7 inserting the following:
- 8 "6. For each animal classified by the commission
- 9 as an endangered or".

Black of Jasper offered the following amendment H—5504, to amendment H—5499, filed by him from the floor and moved its adoption:

H—5504

- 1 Amend amendment H—5499 to House File 2464 as
- 2 follows:
- 3 1. Page 1, line 3, by inserting before the word
- 4 "by" the following: "line 13,".

Amendment H—5504 was adopted.

On motion by Black of Jasper, amendment H—5499, as amended, was adopted.

Baxter of Des Moines offered the following amendment H—5496 filed by her and moved its adoption:

H—5496

- 1 Amend House File 2464 as follows:
- 2 1. Page 19, by inserting after line 25 the
- 3 following:
- 4 "Sec. _____. Section 109.95, Code 1985, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. A fur dealer shall
- 7 conduct business only at the location specified on the
- 8 dealer's license or the place of business specified on
- 9 the license of a resident fur dealer."

Amendment H—5496 lost.

Hammond of Story offered the following amendment H—5494 filed by her:

H—5494

1 Amend House File 2464 as follows:

2 1. Page 22, by inserting after line 29 the
3 following:

4 "7. For each plant classified by the commission as
5 an endangered or threatened species and illegally
6 collected, picked, destroyed in any manner or dug up
7 from public land, five hundred dollars if the species
8 is endangered and two hundred fifty dollars if the
9 species is threatened."

Stromer of Hancock rose on a point of order that amendment H—5494 was not germane.

The Speaker ruled the point well taken and amendment H—5494 not germane.

Hammond of Story asked for unanimous consent to consider amendment H—5494.

Objection was raised.

Hammond of Story moved that the rules be suspended to consider amendment H—5494.

A non-record roll call was requested.

The ayes were 13, nays 53.

The motion lost.

Maulsby of Calhoun asked for unanimous consent to defer action on House File 2464.

Objection was raised.

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

On the question "Shall the bill pass?" (H.F. 2464)

The ayes were, 82:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Chapman	Cochran	Connors
Cooper	Corey	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Holveck
Hughes	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 15:

Bennett	Branstad	Clark	Daggett
Grandia	Hester	Hummel	Jay
Maulsby	Pellett	Petersen, D. F.	Schneklott
Stromer	Van Camp	Van Maanen	

Absent or not voting, 3:

Carter	Connolly	Kremer
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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 2463, a bill for an act relating to commercial fishing and providing penalties, was taken up for consideration.

Platt of Muscatine offered the following amendment H-5495 filed by Platt, et al., and moved its adoption:

H-5495

- 1 Amend House File 2463 as follows:
- 2 1. Page 5, line 14, by striking the figure
- 3 "50.00" and inserting the following: "100.00".

- 4 2. Page 5, line 15, by striking the figure
 5 "100.00" and inserting the following: "1500.00".
 6 3. Page 5, by inserting after line 15 the
 7 following:
 8 "_____. Commercial mussel buyer, resident 500.00
 9 "_____. Commercial mussel buyer, nonresident 2,500.00".
 10 4. Page 9, line 16, by striking the words "one
 11 hundred" and inserting the following: "twenty".
 12 5. Page 9, line 17, by striking the words "two
 13 hundred" and inserting the following: "twenty".
 14 6. Page 9, line 21, by striking the words "one
 15 hundred" and inserting the following: "twenty".
 16 7. Page 9, line 22, by striking the words "two
 17 hundred" and inserting the following: "twenty".
 18 8. Page 9, by striking lines 24 through 26 and
 19 inserting the following:
 20 "c. A commercial mussel buyer license is required
 21 to buy mussels or shells."
 22 9. Page 10, by inserting after line 9 the
 23 following:
 24 "3. Whenever and so long as the states of
 25 Wisconsin or Illinois confer upon the commercial
 26 clamming licensees of this state reciprocal rights,
 27 privileges and immunities, any commercial clamming
 28 license issued by such other state shall entitle the
 29 licensee to all the rights, privileges and immunities,
 30 in and upon the boundary waters between Illinois and
 31 this state and between Wisconsin and this state,
 32 enjoyed by the holders of equivalent licenses issued
 33 by this state; subject, however, to the duties,
 34 responsibilities and liabilities imposed on its own
 35 licensees by the laws of this state."

Amendment H—5495 was adopted.

Groth 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. 2463)

The ayes were, 89:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.

Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Schneklath	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Teaford	Van Camp
Van Maanen	Varn	Welden	Zimmerman
Mr. Speaker			

The nays were, 7:

Baxter	Carter	Hester	Knapp
Running	Tabor	Woods	

Absent or not voting, 4:

Connolly	Kremer	Norland	Shoultz
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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 stood at ease at 11:43 a.m., until the fall of the gavel.

The House resumed session at 12:01 p.m., Speaker Avenson in the chair.

SENATE AMENDMENT CONSIDERED

Zimmerman of Dallas called up for consideration **House File 2229**, a bill for an act relating to hospitals by permitting the sale or lease of property owned by the hospital upon approval by the board of trustees, permitting commercial use of portions of hospital property, permitting certain hospitals to sell or lease property with a public notice and a public hearing, requiring a commission which manages a county memorial hospital to request a county appropriation for the hospital from the county board of supervisors, permitting licensed practitioners and physicians to serve as county public hospital trustees, prohibiting trustees from receiving compensation from the county public hospital, and requiring the department of

health to provide technical assistance to hospitals when funding is available, amended by the Senate, and moved that the House concur in the following Senate amendment H—5218:

H—5218

- 1 Amend House File 2229 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 12, by inserting after the word
- 4 "person" the following: "or spouse of a person".

The motion prevailed and the House concurred in the Senate amendment H—5218.

Zimmerman of Dallas 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. 2229)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Cochran	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Siegrist	Skow	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Zimmerman	Mr. Speaker

The nays were, 4:

Clark	Loneragan	Mullins	Spear
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Absent or not voting, 4:

Carter

Connolly

Shultz

Woods

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

SENATE MESSAGES CONSIDERED

Senate File 2134, by Readinger, a bill for an act relating to the granting or denial of parental or visitation time to a parent not awarded custody or physical care of a child.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2252, by committee on education, a bill for an act to establish local, area education agency, and state school economy task forces and to provide an effective date.

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

Senate File 2261, by committee on education, a bill for an act to provide a procedure for the accreditation of school districts and non-public schools.

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

Senate File 2276, by committee on judiciary, a bill for an act to legalize proceedings taken by the board of directors of the Iowa City community school district relating to the sale of certain property.

Read first time and referred to committee on **judiciary and law enforcement**.

The House stood at ease at 12:07 p.m., until the fall of the gavel.

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

MOTION TO RECONSIDER PREVAILED (House File 2441)

Carpenter of Polk called up for consideration the motion to

reconsider House File 2441, filed on March 20, 1986, and moved to reconsider the vote by which House File 2441, a bill for an act relating to notary publics by increasing the notary public fee, creating a surety bond fund in the office of the secretary of state, providing that a portion of the notary public fee be credited to the surety bond fund and using surety bond fund for notary public bonds, failed to pass the House and was placed on its last reading on March 19, 1986.

A non-record roll call was requested.

The ayes were 64, nays 4.

The motion prevailed and the House reconsidered House File 2441.

Carpenter of Polk asked and received unanimous consent to reconsider the vote by which amendment H—5464 (found on pages 902 and 903 of the House Journal) was adopted, as amended, by the House on March 19, 1986.

Carpenter of Polk asked and received unanimous consent to reconsider the vote by which amendment H—5472 (found on pages 903 and 904 of the House Journal), to amendment H—5464, was adopted by the House on March 19, 1986.

Carpenter of Polk offered the following amendment H—5490, to amendment H—5464, filed by Carpenter, et al., and moved its adoption:

H—5490

- 1 Amend the Hummel amendment, H—5464, to House File
- 2 2441 as follows:
- 3 1. Page 1, by striking lines 2 through 12 and
- 4 inserting the following:
- 5 "_____. By striking everything after the enacting
- 6 clause and inserting the following:
- 7 "Section 1. Section 77.4, subsections 2, 3 and 4,
- 8 Code 1985, are amended by striking the subsections." "

Amendment H—5490 was adopted, placing out of order amendment H—5472.

On motion by Hummel of Benton, amendment H—5464, as amended, was adopted.

The following amendment H—5509, filed by Carpenter of Polk from the floor, was adopted by unanimous consent:

H—5509

1 Amend House File 2441 as follows:

2 1. Title page, by striking lines 1 through 5 and

3 inserting the following: "An Act relating to notary

4 publics by eliminating the bond requirement."

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

On the question "Shall the bill pass?" (H.F. 2441)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Mr. Speaker			

The nays were, 3:

Halvorson, R. A.	Maulsby	Zimmerman
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Absent or not voting, 4:

Connolly	McIntee	Shoultz	Woods
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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.

HOUSE FILE 2406 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2406 be deferred and that the bill retain its place on the calendar.

House File 2336, a bill for an act relating to the authority of the department of water, air and waste management over hazardous substances and hazardous conditions, was taken up for consideration.

Mullins of Kossuth in the chair at 12:26 p.m.

The House stood at ease at 12:28 p.m., until the fall of the gavel.

The House resumed session at 12:37 p.m., Mullins of Kossuth in the chair.

Shoultz of Black Hawk asked and received unanimous consent to temporarily defer action on amendment H—5450.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Pavich of Pottawattamie; Lageschulte of Bremer on request of Pellett of Cass, both for the remainder of the day.

Welden of Hardin offered the following amendment H—5240 filed by him and requested division as follows:

H—5240

1 Amend House File 2336 as follows:

H—5240A

2 1. Page 1, line 21, by inserting after the word
3 "lien" the following: ", except a first mortgage real
4 estate loan".

H—5240B

- 5 2. Page 1, line 27, by striking the word
 6 "sufficient" and inserting the following:
 7 "insufficient".
 8 3. Page 1, line 29, by striking the words "The
 9 proceeds".
 10 4. By striking page 1, line 30 through page 2,
 11 line 22.

Hummel of Benton asked and received unanimous consent to temporarily defer action on amendment H—5240A.

Welden of Hardin called up for consideration amendment H—5240B.

Speaker Avenson in the chair at 12:55 p.m.

Welden of Hardin moved the adoption of amendment H—5240B.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H—5240B be adopted?"

The ayes were, 40:

Bennett	Carpenter	Chapman	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Hermann	Hester	Hummel	Kremer
Maulsby	McIntee	Metcalf	Miller
Mullins	Oxley	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Sullivan	Swearingen
Van Camp	Van Maanen	Welden	Woods

The nays were, 51:

Arnould	Baxter	Beatty	Black
Brammer	Buhr	Carl	Carter
Cochran	Connors	Cooper	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Hatch
Holveck	Hughes	Jay	Jochum

Johnson	Knapp	Lloyd-Jones	Loneragan
McKean	Muhlbauer	O'Kane	Ollie
Osterberg	Parker	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Spear
Sturgeon	Swartz	Tabor	Teaford
Varn	Zimmerman	Mr. Speaker	

Absent or not voting, 9:

Blanshan	Branstad	Connolly	Harbor
Haverland	Koenigs	Lageschulte	Norland
Skow			

Amendment H—5240B lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Skow of Guthrie and Koenigs of Mitchell, both for the remainder of the day, on request of Black of Jasper.

Petersen of Muscatine asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, to consider amendment H—5505, filed by him from the floor as follows and moved its adoption:

H—5505

- 1 Amend House File 2336 as follows:
- 2 1. Page 2, line 31, by inserting after the word
- 3 "debt." the following: "These reports shall be kept
- 4 confidential and shall not be available to the public."

Amendment H—5505 was adopted.

Hummel of Benton called up for consideration amendment H—5240A, previously deferred.

Stromer of Hancock asked for unanimous consent to defer action on House File 2336.

Objection was raised.

Shoultz of Black Hawk asked and received unanimous consent to defer action on House File 2336 (amendment H—5240A pending).

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 2350, 2369, 2120, 2438, 2459, 2455, 2244, 2461, 2220, 2464, 2463 and 2441.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2247, a bill for an act relating to the disclosure of mental health information and providing an effective date.

Also: That the Senate has on March 21, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2265, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates.

K. MARIE THAYER, Secretary

MOTION TO RECONSIDER (House File 2229)

I move to reconsider the vote by which House File 2229 passed the House on March 21, 1986.

JOHNSON of Winneshiek

SUBCOMMITTEE ASSIGNMENTS

House File 2468

Ways and Means: Arnould, Chair; De Groot, Osterberg, Rosenberg, and Siegrist.

Senate File 2015

Small Business and Commerce: Sturgeon, Chair; Lonergan and Shoning.

Senate File 2109

Ways and Means: Chapman, Chair; Groninga and Siegrist.

Senate File 2208

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

Senate File 2239

Judiciary and Law Enforcement: Siegrist, Chair; Doderer and Hammond.

Senate File 2255

Small Business and Commerce: Skow, Chair; Halvorson of Clayton and Sherzan.

Senate File 2260

Judiciary and Law Enforcement: Hammond, Chair; Chapman and Halvorson of Clayton.

Senate File 2264

Small Business and Commerce: Swartz, Chair; Brammer and Hummel.

Senate File 2267

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

Senate File 2268

Small Business and Commerce: Skow, Chair; Blanshan and Renken.

Senate File 2269

Education: Hughes, Chair; Groth and Carpenter.

Senate File 2275

Small Business and Commerce: Swartz, Chair; Blanshan, Hummel, Parker and Schnekloth.

Senate File 2277

Ways and Means: Brammer, Chair; Groth and Daggett.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 765

Ways and Means: Rosenberg, Chair; Connolly and Lageschulte.

Study Bill 787

Ways and Means: Brammer, Chair; Carpenter and Osterberg.

Study Bill 788

Ways and Means: Tabor, Chair; Cochran and Renken.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Senate File 108, a bill for an act relating to information regarding medicare supplement insurance coverage.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2155, a bill for an act relating to the powers of the administrator of the department of credit unions in taking over the management of credit unions.

Fiscal Note is required.

Recommended **Do Pass** March 20, 1986.

COMMITTEE ON TRANSPORTATION

Senate File 2221, a bill for an act allowing persons providing consent for the issuance of a motor vehicle license to a minor to withdraw the consent and require cancellation of the minor's license.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1986.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2449), relating to agricultural chemicals by

imposing fees on fertilizer and an excise tax on pesticides and providing for the disposition and use of those revenues.

Fiscal Note is not required.

Recommended **Amend and Do Pass**, March 20, 1986.

Committee Bill (Formerly Study Bill 548), relating to taxation by updating references to the Internal Revenue Code, eliminating one of the net operating loss deductions in computing the state minimum tax, removing the requirement that members of an affiliated group of corporations consent in writing to the filing of a consolidated corporation income tax return, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1986.

Committee Bill (Formerly Study Bill 609), relating to taxation, by amending administrative requirements of taxpayers, taxpayers' representatives, and public and taxing authorities, including nonsubstantive and technical corrections and making certain provisions of the Act retroactive.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1986.

Committee Bill (Formerly Study Bill 786), relating to the gallonage tax fund and the barrel tax fund.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1986.

AMENDMENTS FILED

H-5501	H.F.	2372	Jay of Appanoose
H-5502	H.F.	2372	Jay of Appanoose
H-5506	H.F.	2448	Kremer of Buchanan
H-5507	H.F.	2448	Osterberg of Linn
H-5508	H.F.	2159	Van Camp of Scott
H-5510	H.F.	2336	Shoultz of Black Hawk
H-5511	H.F.	2411	Halvorson of Clayton
Woods of Polk			Van Camp of Scott
Harbor of Mills			Koenigs of Mitchell
Clark of Cerro Gordo			Renaud of Polk
H-5512	S.F.	2116	De Groot of Lyon
H-5513	H.F.	2460	Peterson of Carroll

H—5514	H.F.	2418	Rosenberg of Story Running of Linn
H—5515	S.F.	245	Van Camp of Scott
H—5516	H.F.	2164	Carter of Henry
H—5517	S.F.	2242	Swartz of Marshall
H—5518	S.F.	477	Rosenberg of Story
H—5519	H.F.	2462	Poncy of Wapello Parker of Jasper Siegrist of Pottawattamie
H—5520	H.F.	2462	Daggett of Taylor McKean of Jones
H—5521	H.F.	2451	Groninga of Cerro Gordo
H—5522	S.F.	2116	De Groot of Lyon

On motion by Norland of Worth, the House adjourned at 1:35 p.m., until 10:00 a.m., Monday, March 24, 1986.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day — Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 24, 1986

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

Prayer was offered by Monsignor A. W. Behrens, pastor of the St. Mary's Catholic Church, Mapleton.

The Journal of Friday, March 21, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan on request of Swearingen of Keokuk; Jay of Appanoose, until his arrival, on request of Brammer of Linn; Holveck of Polk, until his arrival, on request of Hammond of Story.

SENATE MESSAGE CONSIDERED

Senate File 2247, by committee on human resources, a bill for an act relating to the disclosure of mental health information and providing an effective date.

Read first time and referred to committee on **human resources**.

HOUSE FILES 2372, 2444 AND 2450 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 2372, 2444 and 2450 be deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS Regular Calendar

House File 2460, a bill for an act relating to the disposition of seizable and forfeitable property, and providing penalties, was taken up for consideration.

Peterson of Carroll offered the following amendment H—5513 filed by him and moved its adoption:

H—5513

- 1 Amend House File 2460 as follows:
- 2 1. Page 2, by inserting after line 19 the
- 3 following:
- 4 "4. The definitions contained in subsections 1
- 5 through 3 shall not apply to violations of chapter 321
- 6 or 321B."

Amendment H—5513 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2460)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Hughes	Hummel	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Carter	Cochran	Holveck	Jay
Kremer	Norland	Welden	

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

HOUSE FILES 2406 AND 2336 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 2406 and 2336 be deferred and that the bills retain their place on the calendar.

House File 2437, a bill for an act prohibiting certain rate-regulated electric public utilities from including in their charges or rates to customers costs of construction of electric generating power plants which have not been placed in commercial operation with exceptions for certain prudently incurred costs, was taken up for consideration.

Connors of Polk in the chair at 10:49 a.m.

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

On the question "Shall the bill pass?" (H.F. 2437)

The ayes were, 59:

Arnould	Avenson	Beatty	Black
Brammer	Buhr	Carl	Carter
Chapman	Clark	Cochran	Connolly
Cooper	Doderer	Fey	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Hatch	Hester	Holveck	Hughes
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Loneragan	McKean
Muhlbauer	Mullins	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shultz
Siegrist	Skow	Spear	Sturgeon
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	
		(Connors)	

The nays were, 37:

Baxter	Bennett	Blanshan	Branstad
Carpenter	Corey	Daggett	De Groot
Diemer	Fogarty	Grandia	Halvorson, R. A.
Handorf	Hanson	Harbor	Haverland
Hermann	Hummel	Maulsby	McIntee

Metcalf
Petersen, D. F.
Royer
Stueland
Welden

Miller
Platt
Schnekloth
Swearingen

Paulin
Renken
Shoning
Van Camp

Pellett
Rensink
Stromer
Van Maanen

Absent or not voting, 4:

Jay

Kremer

Norland

Sullivan

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

SENATE MESSAGE CONSIDERED

Senate File 2265, by committee on commerce, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates.

Read first time and referred to committee on judiciary and law enforcement.

On motion by Arnould of Scott, the House was recessed at 11:50 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

MOTION TO RECONSIDER LOST (House File 2428)

Hammond of Story called up for consideration the motion to reconsider House File 2428, filed by Woods of Polk on March 19, 1986, and moved to reconsider the vote by which House File 2428, a bill for an act modifying section 709.4 relating to sexual abuse in the third degree, passed the House and was placed on its last reading on March 18, 1986.

A non-record roll call was requested.

The ayes were 10, nays 64.

The motion to reconsider lost.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 21, 1986. Had I been present, I would have voted "aye" on House Files 2120, 2220, 2229, 2350, 2369, 2438, 2455, 2459, 2461, 2463, 2464 and "nay" on House File 2244.

CONNOLLY of Dubuque

PRESENTATION OF VISITORS

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

Twenty-one fifth and sixth grade students from Trinity-St. Paul Lutheran School, Boone. By Lonergan of Boone.

Forty sixth grade students from James Elementary School, Ottumwa, accompanied by Bob Snell, JoAnn Craft, Mary Johnson and Mike Pixley. By Poncy of Wapello.

CERTIFICATES OF RECOGNITION

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

- | | |
|--------|--|
| 1986-5 | Coach Jerry Wetzel, Staff and the 1986 Girls Basketball Team, Indianola — Winning second place in the State Girls Basketball Tournament. |
| 1986-6 | Sibley-Ocheyedan "Generals" and Coach Henry Eckhoff, Sibley — Tournament Champions, Class 2-A, 1986 Girl's State Basketball. |
| 1986-7 | Stacey Doeden, Sibley — Named to the 1986 Eight-Player All Tournament Team. |
| 1986-8 | Lynette Gruis, Sibley — Named to the 1986 Eight-Player All Tournament Team. |

JOSEPH O'HERN
Chief Clerk of the House

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 790 Ways and Means

Relating to the elimination of state-owned liquor stores by providing for franchise territories for private retailers, by maintaining the department of beer and liquor control as the sole wholesaler of alcoholic liquor to retailers, and by providing a tax on alcoholic liquor.

SUBCOMMITTEE ASSIGNMENTS

Senate File 476

Labor and Industrial Relations: Haverland, Chair; Kremer and Renaud.

Senate File 2253

Energy and Environmental Protection: Rosenberg, Chair; Black, De Groot, Mullins and Osterberg.

Senate File 2283

Labor and Industrial Relations: Ollie, Chair; Hester and Sherzan.

RESOLUTION FILED

HCR 124, by Diemer, McIntee, Shoultz and Teafor, a concurrent resolution extending support for the erection and dedication for the Black Hawk County Viet Nam Veterans Memorial.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5523	H.F.	2164	Carter of Henry
H—5524	H.F.	2462	Groth of Buena Vista
H—5525	S.F.	2037	Gruhn of Dickinson
H—5526	H.F.	2288	Brammer of Linn
H—5527	H.F.	2066	Connors of Polk
			Jay of Appanoose
H—5528	H.F.	2232	Sherzan of Polk
			Woods of Polk
H—5529	S.F.	2116	Koenigs of Mitchell
H—5530	S.F.	2269	Daggett of Taylor
			Handorf of Marshall
H—5531	H.F.	2462	Stromer of Hancock
			Carpenter of Polk
			Paulin of Plymouth
			Van Camp of Scott
			Schnekloth of Scott

On motion by Arnould of Scott, the House adjourned at 4:29 p.m., until 9:00 a.m., Tuesday, March 25, 1986.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day—Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 25, 1986

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

Prayer was offered by Reverend Marvin Van Donselaar, pastor of the Christian Reformed Church, Ocheyedon.

The Journal of Monday, March 24, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford on request of Cooper of Lucas; Sherzan of Polk, until his arrival, on request of Swartz of Marshall.

INTRODUCTION OF BILLS

House File 2469, by committee on ways and means, a bill for an act relating to agricultural chemicals by imposing fees on fertilizer and an excise tax on pesticides and providing for the disposition and use of those revenues.

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

House File 2470, by committee on ways and means, a bill for an act relating to the gallonage tax fund and the barrel tax fund.

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 March 24, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2057, a bill for an act relating to the licensing of marital and family therapists and mental health counselors.

Also: That the Senate has on March 24, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2270, a bill for an act relating to real estate, by providing for the payment of property tax installments, the eligibility of certain types of real estate for a foreclosure continuance, an extension of time under the current declaration of economic emergency, and an effective date.

K. MARIE THAYER, Secretary

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

Carl of Poweshiek offered the following House Memorial Resolution 108 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 108

Whereas, The Honorable George L. Paul of Poweshiek County, Iowa who was a member of the Fifty-second Extra, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies, passed away on April 6, 1985; *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Carl of Poweshiek, Varn of Johnson and Peick of Linn.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 109

Pavich of Pottawattamie offered the following House Memorial Resolution 109 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 109

Whereas, The Honorable Jack A. Rooney of Pottawattamie County, Iowa, who was a member of the Fifty-eighth General Assembly, passed away August 28, 1985; *Now Therefore*

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

The motion prevailed and the Speaker appointed as such committee Pavich of Pottawattamie, Hester of Pottawattamie and Siegrist of Pottawattamie.

IMMEDIATE MESSAGES
(House Files 2437 and 2460)

Arnould of Scott asked and received unanimous consent that House Files 2437 and 2460 be immediately messaged to the Senate.

HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that the following House Files be deferred and that the bills retain their place on the calendar: House Files 2467, 2450, 2406 and 2336.

CONSIDERATION OF BILLS
Regular Calendar

House File 2256, a bill for an act relating to the removal of trees, brush and underbrush, and other growth within the highway right-of-way, with report of committee recommending amendment and passage, was taken up for consideration.

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—5265 filed by the committee on transportation on March 7, 1986.

Gruhn of Dickinson offered the following amendment H—5491 filed by Gruhn, et al., and moved its adoption:

H—5491

- 1 Amend House File 2256 as follows:
- 2 1. Page 1, by striking lines 17 through 21 and
- 3 inserting the following: "growing within the highway
- 4 right-of-way. This section does".

Amendment H—5491 was adopted.

Koenigs of Mitchell in the chair at 9:36 a.m.

Stueland of Clinton asked and received unanimous consent that House File 2256 be deferred and that the bill retain its place on the calendar.

House File 2451, a bill for an act allowing a nonprofit corporation formed by the Iowa development commission to provide grants for economic development projects, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—5521 filed by him and moved its adoption:

H—5521

1 Amend House File 2451 as follows:

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

4 "Section 1. Section 99E.10, subsection 2, Code
5 Supplement 1985, is amended to read as follows:

6 2. Funds transferred to the Iowa plan fund shall
7 be used for economic development initiatives. As used
8 in this subsection "economic development initiatives"
9 means initiatives which encourage development of
10 capital, research and development of new products, and
11 development of jobs in this state by expanding
12 existing business and industry; upgrade academic
13 institutions in order to maintain and attract business
14 and industry, creating new businesses and industries;
15 encourage the conservation of energy in order to
16 create new jobs and attract new business and industry;
17 develop alternate methods for the disposal of solid or
18 hazardous waste; develop markets for products grown or
19 produced or manufactured in the state including the
20 promotion of Iowa and Iowa products; and make grants
21 and loans available to local communities for local
22 economic development initiatives. "Economic
23 development initiatives" includes "economic
24 development projects" which, as used in this
25 subsection, means a project which creates a new
26 business or expands an existing business within the
27 state of Iowa. "Economic development initiatives"
28 does not include providing loans, grants, bonds, or
29 any other incentive or assistance for the construction
30 of a racetrack or other facility where gambling will
31 be permitted.

32 Sec. 2. 1985 Iowa Acts, chapter 33, section 301,
33 subsection 1, unnumbered paragraph 1, is amended to
34 read as follows:

35 This division shall be construed broadly in order
36 to facilitate achievement of its purposes. The
37 general assembly finds and declares that a continuing
38 need for programs to alleviate and prevent adverse
39 economic conditions exists in this state, and that it
40 is accordingly necessary to create and expand
41 businesses, including agricultural businesses, to

42 strengthen and revitalize the state's economy. In
 43 order to provide the means and incentives for
 44 encouragement, development, and assistance of
 45 industrial, commercial, and agricultural enterprises,
 46 specific accounts are created within the Iowa fund.
 47 The treasurer of state shall, for the fiscal year
 48 beginning July 1, 1985 and ending June 30, 1986, make
 49 allotments of the moneys within the Iowa plan fund for
 50 economic development created in section 99E.10 to

Page 2

1 separate accounts within that fund as follows:
 2 Sec. 3. 1985 Iowa Acts, chapter 33, section 302,
 3 subsection 2, paragraph c, is amended to read as
 4 follows:
 5 c. ~~Grants and loans~~ Loans to aid in economic
 6 development.
 7 Sec. 4. 1985 Iowa Acts, chapter 33, section 302,
 8 subsection 2, is amended by adding the following new
 9 lettered paragraph:
 10 NEW LETTERED PARAGRAPH. f. Grants to economic
 11 development projects, as defined in section 99E.10,
 12 subsection 2, if at least fifty percent of the total
 13 cost of the project is paid from sources other than
 14 the Iowa plan fund. If a project involves purchase or
 15 improvement of real property, a grant may be made only
 16 if the property is located in the state of Iowa."
 17 2. Title page, by striking lines 1 through 3 and
 18 inserting the following: "An Act relating to the
 19 provision of grants intended to facilitate the
 20 establishment of businesses within this state."

Amendment H—5521 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2451)

The ayes were, 92:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty

Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	O'Kane	Ollie
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Mr. Speaker (Koenigs)

The nays were, 3:

Hughes	Osterberg	Zimmerman
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Absent or not voting, 5:

Blanshan	Carter	Muhlbauer	Norland
Sherzan			

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

HOUSE FILE 2233 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2233 be deferred and that the bill retain its place on the calendar.

Speaker Avenson in the chair at 10:06 a.m.

House File 2462, a bill for an act relating to educational cost efficiencies including combining administrative divisions of area education agencies, reducing administrative costs of area education agencies, providing for multimember director districts of school districts, providing for attendance of pupils in classes in other school districts, reducing the uniform levy in reorganized school districts, providing for supplementary weighting for shared administrators, providing a time limitation on supplementary weighting, and continuing supplementary weighting for reorganized school districts, was taken up for consideration.

The House stood at ease at 10:15 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 2462 at 11:53 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 2462 be temporarily deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2197, a bill for an act relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date.

Also: That the Senate has on March 25, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2114, a bill for an act relating to the issuance of park user permits.

Also: That the Senate has on March 25, 1986, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2175, a bill for an act relating to the reorganization and structure of state government.

K. MARIE THAYER, Secretary

HOUSE INSISTS (Senate File 2175)

Lloyd-Jones of Johnson called up for consideration **Senate File 2175**, a bill for an act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified

coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

CONFERENCE COMMITTEE APPOINTED (Senate File 2175)

The Speaker announced the appointment of the conference committee to consider the differences between the House and the Senate concerning Senate File 2175 as follows: Lloyd-Jones of Johnson, Chair; Hammond of Story, Halvorson of Webster, Hanson of Delaware and Swearingen of Keokuk.

On motion by Arnould of Scott, the House was recessed at 11:55 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2471, by committee on ways and means, a bill for an act relating to taxation, by amending administrative requirements of taxpayers, taxpayers' representatives, and public and taxing authorities, including nonsubstantive and technical corrections and making certain provisions of the Act retroactive.

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

House File 2472, by committee on ways and means, a bill for an act relating to taxation by updating references to the Internal Revenue Code, eliminating one of the net operating loss deductions in computing the state minimum tax, removing the requirement that members of an affiliated group of corporations consent in writing to the filing of a consolidated corporation income tax return, and providing an effective date.

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

SENATE MESSAGES CONSIDERED

Senate File 2057, by Corning, Colton, Hannon and Mann, a bill for an act relating to the licensing of marital and family therapists and mental health counselors.

Read first time and referred to committee on **human resources**.

Senate File 2114, by Hultman, a bill for an act relating to the issuance of park user permits.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 2270, by committee on agriculture, a bill for an act relating to real estate, by providing for the payment of property tax installments, the eligibility of certain types of real estate for a foreclosure continuance, time limits for applying for a foreclosure continuance and the term of a foreclosure continuance, the distribution of income under a foreclosure continuance, the separate sale of a homestead under a foreclosure on agricultural land, foreclosure continuance eligibility to real estate used for small business, an extension of time under the current declaration of economic emergency, and an effective date.

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

IMMEDIATE MESSAGE

(House File 2451)

Arnould of Scott asked and received unanimous consent that House File 2451 be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2462**, a bill for an act relating to educational cost efficiencies including combining administrative divisions of area education agencies, reducing administrative costs of area education agencies, providing for

multimember director districts of school districts, providing for attendance of pupils in classes in other school districts, reducing the uniform levy in reorganized school districts, providing for supplementary weighting for shared administrators, providing a time limitation on supplementary weighting, and continuing supplementary weighting for reorganized school districts, temporarily deferred March 25, 1986.

Haverland of Polk offered the following amendment H—5483 filed by him:

H—5483

- 1 Amend House File 2462 as follows:
- 2 1. Page 4, by inserting after line 1 the fol-
- 3 lowing:
- 4 "Sec. _____. Section 279.29, Code 1985, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Pending audit and
- 7 allowance of claims under this section, the board
- 8 shall invest moneys of the corporation to the extent
- 9 practicable, and the board may provide for the joint
- 10 investment of moneys with one or more school
- 11 corporations pursuant to a joint investment
- 12 agreement."
- 13 2. By numbering and renumbering sections as
- 14 necessary.

The following amendment H—5537, to amendment H—5483, filed by Haverland of Polk from the floor was adopted by unanimous consent:

H—5537

- 1 Amend amendment H—5483 to House File 2462 as follows:
- 2 1. Page 1, line 2, by striking the numeral "4" and
- 3 inserting the numeral "5".

On motion by Haverland of Polk, amendment H—5483, as amended, was adopted.

Groth of Buena Vista offered the following amendment H—5524 filed by him and moved its adoption:

H—5524

- 1 Amend House File 2462 as follows:
- 2 1. By striking page 1, line 1, through page 4,
- 3 line 4.

Amendment H—5524 was adopted.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—5493 filed by Blanshan, et al., on March 20, 1986.

Stromer of Hancock offered the following amendment H—5531 filed by Stromer, et al.:

H—5531

- 1 Amend House File 2462 as follows:
- 2 1. Page 5, by inserting after line 1 the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 279.50 ADMINISTRATIVE
- 5 EXPENDITURES. For the budget year beginning July 1,
- 6 1989 and each of the following three budget years, the
- 7 board of directors of a school district in which the
- 8 administrative expenditures as a percent of the school
- 9 district's operating fund for a base year exceed eight
- 10 percent, shall reduce its administrative expenditures
- 11 so that they are one-half percent less as a percent of
- 12 the school district's operating fund than they were
- 13 for the base year. Annually, the board of directors
- 14 shall certify to the department of public instruction
- 15 the amounts of the school district's administrative
- 16 expenditures and its operating fund. Base year and
- 17 budget year mean base year and budget year as defined
- 18 in section 442.6."

Stromer of Hancock offered the following amendment H—5536, to amendment H—5531, filed by him from the floor and moved its adoption:

H—5536

- 1 Amend the amendment H—5531 to House File 2462 as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "year." the following: "However, a school district is
- 5 not required to reduce its administrative expenditures
- 6 below eight percent of its operating fund."

Amendment H—5536 was adopted.

Stromer of Hancock moved the adoption of amendment H—5531, as amended.

Roll call was requested by Haverland of Polk and Arnould of Scott.

On the question "Shall amendment H—5531, as amended, be adopted?"

The ayes were, 69:

Beatty	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Fogarty	Grandia
Gruhn	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Osterberg	Oxley
Parker	Paulin	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Schnekloth	Shoning	Skow
Stromer	Stueland	Swearingen	Teaford
Van Camp	Van Maanen	Varn	Zimmerman
Mr. Speaker			

The nays were, 17:

Arnould	Connors	Doderer	Fey
Groninga	Groth	Halvorson, R. N.	Hatch
Haverland	Lloyd-Jones	Ollie	Pavich
Running	Shoultz	Siegrist	Spear
Woods			

Absent or not voting, 14:

Baxter	Bennett	Hammond	Holveck
Lonergan	Muhlbauer	Norland	O'Kane
Sherzan	Sturgeon	Sullivan	Swartz
Tabor	Welden		

Amendment H—5531, as amended, was adopted.

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—5520 filed by him and McKean of Jones on March 21, 1986.

Poncy of Wapello offered the following amendment H—5519 filed by Poncy, et al.:

H—5519

- 1 Amend House File 2462 as follows:
- 2 1. By striking page 8, line 28, through page 9,
- 3 line 10.

Harbor of Mills offered the following amendment H—5546, to amendment H—5519, filed by him from the floor:

H—5546

- 1 Amend the amendment H—5519 to House File 2462 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_____. Page 8, line 28, by striking the word
- 6 "Notwithstanding" and inserting the following:
- 7 "Except as otherwise provided in this section,
- 8 notwithstanding".
- 9 _____. Page 9, by inserting after line 10, the
- 10 following:
- 11 "However, the department of public instruction may
- 12 exempt an area education agency from the requirements
- 13 of this section if the area education agency submits
- 14 evidence to the department that it has significantly
- 15 reduced its administrative costs by at least two
- 16 percent each year since July 1, 1981." "

Cochran of Webster in the chair at 4:55 p.m.

On motion by Harbor of Mills, amendment H—5546, to amendment H—5519, was adopted.

Varn of Johnson moved to reconsider the vote by which amendment H—5546 was adopted by the House on March 25, 1986.

Speaker Avenson in the chair at 5:21 p.m.

Varn of Johnson asked and received unanimous consent to withdraw his motion to reconsider amendment H—5546 (to amendment H—5519.)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baxter of Des Moines, for the remainder of the day, on request of Connors of Polk; Holveck of Polk on request of Hammond of Story.

On motion by Poncy of Wapello, amendment H—5519, as amended, lost.

Schnekloth of Scott rose on a point of order and invoked Rule 32 to refer House File 2462 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Arnould of Scott moved that Rule 32 be suspended.

A non-record roll call was requested.

The ayes were 52, nays 33.

The motion prevailed and Rule 32 was suspended.

The following amendment H—5550, filed by Haverland of Polk from the floor, was adopted by unanimous consent:

H—5550

- 1 Amend House File 2462 as follows:
- 2 1. Title page, by striking lines 1 through 3 and
- 3 inserting the following: "An Act relating to educational
- 4 cost efficiencies including the reduction of administrative
- 5 costs of area education agencies and school districts,".

Haverland 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. 2462)

The ayes were, 68:

Arnould	Bennett	Black	Blanshan
Brammer	Branstad	Carpenter	Carter
Chapman	Clark	Cochran	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groth	Gruhn	Halvorson, R. A.	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Metcalf	Miller
Mullins	Ollie	Osterberg	Paulin

Pavich	Petersen, D. F.	Platt	Renken
Rensink	Rosenberg	Royer	Schnekloth
Shoning	Skow	Spear	Stromer
Stueland	Sturgeon	Swearingen	Tabor
Van Maanen	Varn	Zimmerman	Mr. Speaker

The nays were, 23:

Beatty	Buhr	Connolly	Connors
Groninga	Halvorson, R. N.	Hammond	Handorf
O'Kane	Oxley	Parker	Peick
Pellett	Peterson, M. K.	Poncy	Renaud
Running	Shoultz	Siegrist	Swartz
Teaford	Van Camp	Woods	-

Absent or not voting, 9:

Baxter	Carl	Holveck	Loneragan
Muhlbauer	Norland	Sherzan	Sullivan
Welden			

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

IMMEDIATE MESSAGE (House File 2462)

Arnould of Scott asked and received unanimous consent that House File 2462 be immediately messaged to the Senate.

PROOF OF PUBLICATION (Senate File 2239)

Published copy of Senate File 2239 and verified proof of publication of said bill in The Eldora Herald-Ledger, a weekly newspaper, printed and published in Eldora, Hardin County, Iowa, on March 11, 1986 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 24, 1986. Had I been present, I would have voted "nay" on House File 2437.

KREMER of Buchanan

I was necessarily absent from the House chamber on March 19, 20 and 21, 1986. Had I been present, I would have voted "aye" on House File 2441, as amended and House File 2452; and "nay" on House File 2441.

McINTEE of Black Hawk

On March 25, 1986, I inadvertently voted "nay" on House File 2451. I intended to vote "aye."

ZIMMERMAN of Dallas

PRESENTATION OF VISITORS

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

Eight Juniors from Plymouth County High Schools, accompanied by Weston Karr. By Paulin of Plymouth.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 791 Ways and Means

To eliminate state-owned liquor stores by providing for franchise territories for exclusive retailers and by maintaining the department of beer and liquor control as the sole wholesaler of alcoholic liquor and wine to exclusive retailers.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2119

Agriculture: Blanshan, Chair; Halvorson of Webster and Rensink.

Senate File 2227

Local Government: Baxter, Chair; Black and Hester.

Senate File 2228

Local Government: Baxter, Chair; Black and Hester.

Senate File 2231

Agriculture: Hughes, Chair; Osterberg and Van Maanen.

Senate File 2262

Local Government: O'Kane, Chair; Cooper and Renken.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2150, a bill for an act relating to the assessment on porcine animals.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

Senate File 2212, a bill for an act relating to the use of trust assets received under the federal Bankhead-Jones Farm Tenant Act for guaranteeing operating loans for farmers.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 2083, a bill for an act repealing the energy conservation improvement pilot programs and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5535** March 24, 1986.

Senate File 2088, a bill for an act relating to access to the results of energy audits.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2100, a bill for an act relating to public defenders.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5532** March 24, 1986.

Senate File 2143, a bill for an act relating to corrections; changing certain administrative provisions; limiting remedies in restitution matters; changing the applicability dates on certain provisions relating to inmate discipline and the availability of remedies; and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

Senate File 2151, a bill for an act providing that the small claims court has concurrent jurisdiction of an action of replevin if the value of the property claimed is two thousand dollars or less.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

Senate File 2217, a bill for an act establishing a criminal penalty under Iowa's criminal code for the violation of federal law regarding the acquisition, sale, or purchase of federal agricultural surplus commodities.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

Senate File 2239, a bill for an act to legalize the purchase of certain property by the Hardin county conservation board.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2159, a bill for an act relating to the reduction of recommended salary increases by the board of supervisors.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

Senate File 2262, a bill for an act relating to the approval of legal descriptions of parcels of land.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

COMMITTEE ON STATE GOVERNMENT

Senate File 293, a bill for an act creating a fire service institute.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5540** March 24, 1986.

Senate File 2069, a bill for an act relating to the issuance of temporary certificates for chiropractors.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5538** March 24, 1986.

Senate File 2093, a bill for an act extending the sunset provision for the Iowa advisory commission on intergovernmental relations.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

Senate File 2235, a bill for an act relating to the sale of alcoholic liquor and wine by allowing special retailers to sell alcoholic liquor in areas which are not adequately served by state liquor stores and by limiting the sale of wine by the beer and liquor control department to sale at retail.

Committee Action **Failed to Pass** March 24, 1986.

Senate File 2245, a bill for an act relating to the sale of alcoholic liquor, wine, and beer by allowing the use of personal checks, traveler's checks, and electronic funds transfer cards for purchases at state liquor stores, by providing for temporary liquor control licenses, wine permits, and beer permits, and by allowing a brewery to obtain a class "C" beer permit.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1986.

Senate File 2256, a bill for an act related to the senate's review and confirmation of gubernatorial appointments.

Committee Action **Failed to Pass** March 24, 1986.

AMENDMENTS FILED

H—5532	S.F.	2100	Committee on Judiciary and Law Enforcement
H—5533	H.F.	2406	Van Camp of Scott
H—5534	H.F.	2448	Koenigs of Mitchell
H—5535	S.F.	2083	Committee on Energy and Environmental Protection

H-5538	S.F.	2069	Committee on State Government
H-5539	H.F.	2197	Senate Amendment
H-5540	S.F.	293	Committee on State Government
H-5541	S.F.	2123	Black of Jasper Jay of Appanoose
H-5542	H.F.	2448	Maulsby of Calhoun
H-5543	H.F.	2448	Kremer of Buchanan
H-5544	H.F.	2440	Spear of Lee
H-5545	S.F.	2063	Van Camp of Scott
H-5547	H.F.	2256	Stueland of Clinton
H-5548	H.F.	2151	Stueland of Clinton
H-5549	S.F.	2088	Paulin of Plymouth Petersen of Muscatine
H-5551	H.F.	2336	Shoultz of Black Hawk

On motion by Arnould of Scott, the House adjourned at 5:31 p.m., until 9:00 a.m., Wednesday, March 26, 1986.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day—Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 26, 1986

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

Prayer was offered by Father Phillip Schmitt, pastor of the Immaculate Conception Catholic Church, Cedar Rapids.

The Journal of Tuesday, March 25, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, on request of Hammond of Story; Sherzan of Polk, for the morning, on request of Swartz of Marshall; Welden of Hardin, for an indefinite period, on request of Stromer of Hancock.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2380, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1985 and ending June 30, 1986 and making the Act effective upon publication.

Also: That the members of the conference committee, on the part of the Senate, appointed March 25, 1986, to Senate File 2175, a bill for an act relating to the reorganization and structure of state government, are: The Senator from Dubuque, Senator Carr, Chair; the Senator from Story, Senator Bruner; the Senator from Marion, Senator Dieleman; the Senator from Muscatine, Senator Drake; and the Senator from Boone, Senator Nystrom.

K. MARIE THAYER, Secretary

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following bills be deferred and retain their place on the calendar: House Files 2406, 2336, 2256, 2372, 2429 and 2440.

CONSIDERATION OF BILLS

Regular Calendar

House File 2164, a bill for an act to provide for a public policy research foundation, with report of committee recommending amendment and passage, was taken up for consideration.

Carter of Henry offered the following amendment H—5257 filed by the committee on state government:

H—5257

1 Amend House File 2164 as follows:

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

4 "Section 1. **NEW SECTION. 19.15 PUBLIC POLICY**
5 **RESEARCH FOUNDATION.**

6 1. The public policy research foundation is
7 created for the purpose of conducting studies and
8 making recommendations on critical and long-term
9 issues needing the attention of state government. The
10 foundation is authorized to establish an endowment
11 fund to assist in the financing of its activities.
12 The foundation may exercise any power authorized by
13 chapter 504A and this section.

14 2. The executive council shall cause a public
15 policy research foundation to be created under chapter
16 504A and this section. The foundation shall be
17 created so that donations and bequests to it qualify
18 as tax deductible under the federal and state income
19 tax laws. The foundation is not a state agency and
20 shall not exercise any sovereign power of the state.
21 The state is not liable for any debts of the
22 foundation.

23 3. The public policy research foundation shall
24 have a board of directors of twelve members. Not more
25 than seven members of the board shall be of the same
26 gender. The presidents of the state university of
27 Iowa, Iowa state university of science and technology,
28 the university of northern Iowa and Drake university
29 or their designees shall be ex officio members. Four
30 members shall be appointed by the governor and four
31 members shall be appointed by the legislative council,
32 one by each appointing authority representing the
33 interests of each of the following four categories:

34 a. Business

35 b. Labor

36 c. Postsecondary education

37 d. Community based organizations

38 4. The terms of the members of the board of

39 directors shall be two years beginning on July 1 and
40 ending on June 30. A vacancy on the board shall be
41 filled in the same manner as the original appointment
42 for the remainder of the term.

43 5. The governor, the legislative council by motion
44 and the general assembly by concurrent resolution may
45 request that studies be conducted by the public policy
46 research foundation. The board of directors of the
47 foundation shall establish the priorities of the
48 research requests based upon available financial
49 resources.

50 6. For the purposes of this section "community

Page 2

1 based organizations" means private nonprofit
2 organizations which are representative of communities
3 or significant segments of communities and which
4 provide job training services. Examples include
5 United Way of America, neighborhood groups and
6 organizations, community action agencies, community
7 development corporations, vocational rehabilitation
8 organizations, rehabilitation facilities as defined in
9 section 7, subsection 10, of the federal
10 Rehabilitation Act of 1973, tribal governments, and
11 agencies serving youth, the handicapped, displaced
12 homemakers, or on-reservation Indians.

13 Sec. 2. When the public policy research foundation
14 is established under section 1 of this Act, the
15 governor's appointees under subsection 3 representing
16 business and labor and the legislative council's
17 appointees under subsection 3 representing
18 postsecondary education and community based
19 organizations shall have initial terms of one year.
20 The executive council shall establish the foundation
21 by July 1, 1986. Because the legislature finds that
22 public policy research is valuable to the operation of
23 the legislature, during the fiscal year beginning July
24 1, 1986 the legislative council is authorized to use
25 the funds appropriated by section 2.12 for the initial
26 organization of the foundation but the amount shall
27 not exceed the approved budget for studies by the
28 legislative extended assistance group.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—5309, to the committee amendment H—5257.

Carter of Henry offered the following amendment H—5516, to the committee amendment H—5257, filed by him and moved its adoption:

H—5516

- 1 Amend amendment, H—5257, to House File 2164 as
- 2 follows:
- 3 1. Page 1, by striking lines 23 through 37 and
- 4 inserting the following:
- 5 "3. The public policy research foundation shall
- 6 have a board of directors of ten members. One member
- 7 shall be appointed by the state board of regents and
- 8 one member shall be appointed by the Iowa association
- 9 of independent colleges and universities. Four
- 10 members shall be appointed by the governor and four
- 11 members shall be appointed by the legislative council,
- 12 one by each appointing authority representing the
- 13 interests of each of the following three categories:
- 14 a. Business.
- 15 b. Labor.
- 16 c. Community-based organizations.
- 17 d. Farming."
- 18 2. Page 2, lines 3 and 4, by striking the words
- 19 "and which provide job training services".

Amendment H—5516 was adopted.

Carter of Henry offered the following amendment H—5523, to the committee amendment H—5257, filed by him and moved its adoption:

H—5523

- 1 Amend amendment H—5257 to House File 2164 as follows:
- 2 1. Page 2, line 18, by striking the words "postsecondary
- 3 education" and inserting the following: "farming".

Amendment H—5523 was adopted.

Spear of Lee offered the following amendment H—5309 (temporarily deferred), to the committee amendment H—5257, filed by him and requested division as follows:

H—5309

- 1 Amend amendment H—5257 to House File 2164 as
- 2 follows:

H—5309A

- 3 1. Page 1, lines 24 through 26, by striking the
- 4 words "Not more than seven members of the board shall
- 5 be of the same gender."

H—5309B

- 6 2. Page 1, line 42, by inserting after the word
 7 "term." the words "Not more than two of the governor's
 8 appointees and two of the legislative council's
 9 appointees, respectively, shall be of the same
 10 gender."

The Speaker announced that with the adoption of amendment H—5516, amendment H—5309A was out of order.

On motion by Spear of Lee amendment H—5309B was adopted.

On motion by Carter of Henry, the committee amendment H—5257, as amended, was adopted, placing out of order amendment H—5081 filed by Hatch of Polk on February 11, 1986.

Carter 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?" (H.F. 2164)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Groth
Welden

Holveck
Woods

Parker

Sherzan

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

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2246 and 2432 be deferred and that the bills retain their place on the calendar.

Norland of Worth asked and received unanimous consent that House File 2065 be temporarily deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

House File 2272, a bill for an act relating to the guaranty capital of a mutual insurance company, with report of committee recommending passage, was taken up for consideration.

SENATE FILE 2226 SUBSTITUTED FOR HOUSE FILE 2272

Skow of Guthrie asked and received unanimous consent to substitute Senate File 2226 for House File 2272.

Senate File 2226, a bill for an act relating to the guaranty capital of a mutual insurance company, was taken up for consideration.

Skow 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. 2226)

The ayes were, 93:

Arnould
Blanshan
Carl
Clark
Cooper

Baxter
Brammer
Carpenter
Cochran
Corey

Beatty
Branstad
Carter
Connolly
Daggett

Bennett
Buhr
Chapman
Connors
De Groot

Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not-voting, 7:

Black	Groth	Holveck	Parker
Sherzan	Welden	Woods	

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

House File 2065, a bill for an act relating to nonsubstantive Code corrections, (temporarily deferred) was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2065)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf

Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalfe	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Groth	Holveck	Parker	Sherzan
Swartz	Welden	Woods	

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

HOUSE FILE 2358 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2358 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

House File 2355, a bill for an act relating to the judgeship formula for the apportionment of district judges, was taken up for consideration.

SENATE FILE 2123 SUBSTITUTED FOR HOUSE FILE 2355

Haverland of Polk asked and received unanimous consent to substitute Senate File 2123 for House File 2355.

Senate File 2123, a bill for an act relating to the judgeship formula for the apportionment of district judges, was taken up for consideration.

Black of Jasper offered the following amendment H—5541 filed by him and Jay of Appanoose and moved its adoption:

H—5541

- 1 Amend Senate File 2123 as passed by the Senate as
- 2 follows:
- 3 1. Page 2, by inserting after line 25 the
- 4 following:
- 5 "Sec. 2. Section 602.6201, subsection 10, Code
- 6 1985, is amended to read as follows:
- 7 10. Notwithstanding the formula for determining
- 8 the number of judgeships in this section, the number
- 9 of district judges shall not exceed ninety-nine one
- 10 hundred during the period commencing July 1, 1983 and
- 11 ending as the general assembly shall specify January
- 12 1, 1987."

Amendment H—5541 was adopted.

Maulsby of Calhoun rose on a point of order and invoked Rule 32 to refer Senate File 2123 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

Haverland 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. 2123)

The ayes were, 74:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Daggett	De Groot
Diemer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hester	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Loneragan	McIntee	McKean	Metcalf
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rensink	Rosenberg
Running	Shoning	Shoultz	Siegrist
Skow	Spear	Sturgeon	Sullivan

Swartz
Zimmerman

Teaford
Mr. Speaker

Varn

Woods

The nays were, 19:

Bennett
Grandia
Miller
Renken
Swearingen

Branstad
Hermann
Pellett
Schnekloth
Van Camp

Corey
Kremer
Petersen, D. F.
Stromer
Van Maanen

Doderer
Maulsby
Platt
Stueland

Absent or not voting, 7:

Carl
Sherzan

Carter
Tabor

Holveck
Welden

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 **House File 2336**, a bill for an act relating to the authority of the department of water, air and waste management over hazardous substances and hazardous conditions, and amendment H—5240A (found on page 972 of the House Journal) deferred March 21, 1986 and previously deferred March 26, 1986.

Stromer of Hancock asked and received unanimous consent to temporarily defer action on amendment H—5240A.

Shoultz of Black Hawk offered the following amendment H—5551 filed by him and moved its adoption:

H—5551

- 1 Amend House File 2336 as follows:
- 2 1. By striking page 1, line 7 through page 2,
- 3 line 22 and inserting the following: "a" from the
- 4 date costs and expenses are incurred by the department
- 5 is a lien on real property, except single and multi-
- 6 family residential property, on which the department
- 7 incurs costs and expenses creating a liability and
- 8 owned by the persons liable under this part or part 5.
- 9 To perfect the lien a statement of claim describing
- 10 the property subject to the lien, signed by the
- 11 executive director and approved by the commission must
- 12 be filed within one hundred twenty days after the
- 13 incurrence of costs and expenses by the department.
- 14 The statement shall be filed with, accepted by, and

15 recorded by the county recorder in the county in which
16 the property subject to the lien is located. The
17 statement of claim may be amended to include
18 subsequent liabilities. To be effective the statement
19 of claim shall be amended and filed within one hundred
20 twenty days after the occurrence of the event
21 resulting in the amendment.

22 The lien may be dissolved by filing with the
23 appropriate recording officials a certificate, signed
24 by the executive director, that the debt for which the
25 lien is attached, together with interest and costs on
26 the debt, has been paid or legally abated."

A non-record roll call was requested.

The ayes were 37, nays 19.

Amendment H—5551 was adopted, placing the following amendments out of order:

H—5450 filed by Shoultz of Black Hawk on March 18, 1986.

H—5510 (to amendment H—5450) filed by Shoultz of Black Hawk on March 21, 1986.

H—5240A, previously deferred, and found on page 972 of the House Journal.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, until his return, on request of McIntee of Black Hawk.

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

On the question "Shall the bill pass?" (H.F. 2336)

The ayes were, 65:

Arnould
Blanshan
Clark
Cooper
Fey

Baxter
Brammer
Cochran
Corey
Fogarty

Beatty
Buhr
Connolly
Diemer
Groninga

Black
Carter
Connors
Doderer
Groth

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hatch
Haverland	Hermann	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Muhlbauer	Mullins
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Shoultz	Siegrist	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 29:

Bennett	Branstad	Carpenter	Chapman
Daggett	De Groot	Grandia	Gruhn
Handorf	Hanson	Harbor	Hester
Maulsby	Metcalf	Miller	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Stromer	Stueland	Swearingen	Van Camp
Van Maanen			

Absent or not voting, 6:

Carl	Holveck	Kremer	Norland
Sherzan	Welden		

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2248, a bill for an act relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2248, by committee on human resources, a bill for an

act relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist.

Read first time and referred to committee on **human resources**.

MOTION TO RECONSIDER TABLED
(House File 2336)

Arnould of Scott moved to reconsider the vote by which House File 2336 passed the House on March 26, 1986, and to table the motion to reconsider.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 52, nays 36.

The motion to table prevailed, placing the motion to reconsider filed by Hermann of Scott from the floor, out of order.

IMMEDIATE MESSAGES
(House Files 2164 and 2065)

Arnould of Scott asked and received unanimous consent that House Files 2164 and 2065 be immediately messaged to the Senate.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 25, 1986 and is on file in the office of the Chief Clerk.

March 24, 1986

Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 14 claims of a general nature. This supplements our filing of January 6, 1986.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

OFFICE OF STATE COMPTROLLER
STATE APPEAL BOARD

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G85-0049	State Vehicle Dispatcher State of Iowa Des Moines, Iowa (Outdated Invoice)	\$ 66.15	Denied
G85-0317	State Vehicle Dispatcher State of Iowa Des Moines, Iowa (Outdated Invoice)	37.75	Denied
G85-0644	William L. Echols Johnston, Iowa (Back Pay)	12,499.31	Denied
G85-0778	Iowa Laborer's Training Fund Des Moines, Iowa (Outdated Invoice)	2,142.03	Denied
G85-0841	Department of General Services State of Iowa Des Moines, Iowa (Outdated Invoice)	10.33	Denied
G85-0852	Bureau of Property Management, Institution Food Program Department of Human Services Des Moines, Iowa (Outdated Invoice)	397.50	Denied
G85-0886	Iowa Department of Job Services Des Moines, Iowa (Outdated Invoice)	9,715.54	Denied
G85-0884	Iowa Department of Job Services Des Moines, Iowa (Transfer of Funds)	1,038.39	Denied
G86-0006	Dean Swartzendruber Kalona, Iowa (License Fee Refund)	33.00	Denied

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-0020	Loretta M. Hagen Sun City, California (License Fee Refund)	51.00	Denied
G86-0030	Dale Petersen Payson, Arizona (License Fee Refund)	Undetermined	Denied
G86-0036	Kyle W. Black Merrill, Iowa (License Fee Refund)	20.00	Denied
G86-0052	Robert E. Rathernel Fort Dodge, Iowa (Outdated Invoice)	400.00	Denied
G86-0055	Brock J. Juhl Cedar Falls, Iowa (License Fee Refund)	Undetermined	Denied

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26, 1986, he approved and transmitted to the Secretary of State the following bills:

Senate File 159, an act relating to registration and numbering of snowmobiles and eliminating penalties for registration of snowmobiles which have not been registered for two consecutive registration periods.

Senate File 2215, an act relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 25, 1986. Had I been present, I would have voted "aye" on House File 2462.

BAXTER of Des Moines

PRESENTATION OF VISITORS

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

Forty-seven students from Central Lyon School District, Rock Rapids, accompanied by Larry Baatz, Larry Gearhart and Eldon Maxwell. By De Groot of Lyon.

Six National Honor students from Olin Junior-Senior High School, Olin, accompanied by Orval and Velma Heebner. By McKean of Jones.

SUBCOMMITTEE ASSIGNMENTS

Senate File 178 (Reassigned)

Ways and Means: Carpenter, Chair; Groth and Miller.

Senate File 557 (Reassigned)

Ways and Means: Chapman, Chair; Cochran and Daggett.

Senate File 2022

Human Resources: Hammond, Chair; Clark, Fey, Mullins and Teafor.

Senate File 2134

Judiciary and Law Enforcement: Carl, Chair; Clark and Haverland.

Senate File 2172

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Senate File 2242

Appropriations: Blanshan, Chair; Stueland and Swartz.

Senate File 2247

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

Senate File 2252

Education: Ollie, Chair; Branstad and Groth.

Senate File 2263

Education: Varn, Chair; Ollie and Siegrist.

Senate File 2265

Judiciary and Law Enforcement: Brammer, Chair; Halvorson of Clayton, Haverland and Siegrist.

Senate File 2276

Judiciary and Law Enforcement: Siegrist, Chair; Doderer and Peterson of Carroll.

STUDY BILL SUBCOMMITTEE ASSIGNMENT

Study Bill 791

Ways and Means: Tabor, Chair; Arnould, Hanson, Parker and Siegrist.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 549, a bill for an act providing for a raffle conducted by the Iowa development commission with the proceeds of the raffle to be invested in certain types of venture capital funds and the earnings on the proceeds prior to investment to be used as prizes.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 1986.

Senate File 2133, a bill for an act relating to gambling devices by permitting the manufacture of certain devices in the state and providing that the Iowa lottery agency shall give preference in contracts for lottery machines to persons who manufacture the machines in the state and in contracts for servicing machines to persons who have their principal place of business in the state.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 1986.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 166, a bill for an act to authorize the setting of seasons for pigeons.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5556** March 25, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2208, a bill for an act providing that the geographic limitation on locations where a financial institution may establish an electronic funds-transfer satellite terminal does not apply to certain satellite terminals.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 1986.

Senate File 2268, a bill for an act relating to the industrial loan thrift guaranty corporation of Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5560** March 25, 1986.

Senate File 2275, a bill for an act to require lenders or secured parties to provide debtors with copies of documents relating to the debt.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 1986.

COMMITTEE ON TRANSPORTATION

Senate File 2049, a bill for an act relating to the purchases of American made products and purchases from American based businesses.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5552** March 25, 1986.

AMENDMENTS FILED

H—5552	S.F.	2049	Committee on Transportation
H—5553	H.F.	2256	Mullins of Kossuth
H—5554	H.F.	2380	Senate Amendment
H—5555	H.F.	2256	McKean of Jones
H—5556	S.F.	166	Committee on Natural Resources and Outdoor Recreation
H—5557	H.F.	2449	Stueland of Clinton
H—5558	H.F.	2298	Peick of Linn
H—5559	S.F.	2245	Renaud of Polk
H—5560	S.F.	2268	Committee on Small Business and Commerce
H—5561	S.F.	2116	Pellett of Cass Harbor of Mills Handorf of Marshall
H—5562	H.F.	2066	Jay of Appanoose

On motion by Arnould of Scott, the House adjourned at 11:09 a.m., until 9:00 a.m., Thursday, March 27, 1986.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day—Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 27, 1986

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

Prayer was offered by the Honorable Don Shoning, state representative from Woodbury County.

The Journal of Wednesday, March 26, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cochran of Webster, until his arrival, on request of Halvorson of Webster.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 166, a bill for an act requiring the Iowa development commission to collect information regarding farm tourism.

Also: That the Senate has on March 25, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 767, a bill for an act relating to the base period under the unemployment compensation law for an employee who has received workers' compensation or indemnity insurance benefits and applying retroactively.

Also: That the Senate has on March 25, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2301, a bill for an act relating to sanitary disposal projects.

Also: That the Senate has on March 25, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2325, a bill for an act exempting electric public utilities having less

than ten thousand customers and electric cooperative corporations and associations from the rate regulation authority of the Iowa commerce commission and defining the areas in which such utilities remain subject to regulation.

Also: That the Senate has on March 25, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2381, a bill for an act relating to the adoption of the uniform transfers to minors Act.

Also: That the Senate has on March 4, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 545, a bill for an act relating to the reorganization of bank affiliates.

Also: That the Senate has on March 26, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2062, a bill for an act relating to membership sales, by exempting cooperatives organized under chapter 499.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2372, a bill for an act making corrections and additions to the law dealing with alcoholic liquor, wine, and beer by amending the definition of beer to reflect current commercial practices, and by including a reference to wine in the section allowing the sale of alcoholic beverages or beer for consumption on the premises by licensees or permittees on the Sunday before New Years Day, was taken up for consideration.

Jay of Appanoose offered the following amendment H—5501 filed by him and moved its adoption:

H—5501

- 1 Amend House File 2372 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.3, subsection 8, Code
- 5 Supplement 1985, is amended to read as follows:
- 6 8. "Alcoholic liquor", "alcoholic beverage" or
- 7 "intoxicating liquor" means the varieties of liquor
- 8 defined in subsections 5 and 6 which contain more than
- 9 five percent of alcohol by weight, beverages made as
- 10 described in subsection 9 which beverages contain more

11 than five percent of alcohol by weight but which are
12 not wine as defined in subsection 7, and every other
13 liquid or solid, patented or not, containing spirits
14 and every beverage obtained by the process described
15 in subsection 7 containing more than seventeen percent
16 alcohol by weight, and susceptible of being consumed
17 by a human being, for beverage purposes. Alcohol
18 manufactured in this state for use as fuel pursuant to
19 an experimental distilled spirits plant permit or its
20 equivalent issued by the federal bureau of alcohol,
21 tobacco and firearms is not an "alcoholic liquor".
22 2. Page 1, line 11, by inserting after the word
23 "weight" the following: "but not including mixed
24 drinks or cocktails mixed on the premises".
25 3. By renumbering sections according to this
26 amendment.

Amendment H—5501 was adopted.

Jay of Appanoose offered the following amendment H—5502
filed by him and moved its adoption:

H—5502

1 Amend House File 2372 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 123.1, Code Supplement 1985,
5 is amended to read as follows:
6 123.1 PUBLIC POLICY DECLARED.
7 This chapter shall be cited as the "Iowa Beer,
8 Wine, and Liquor Alcoholic Beverage Control Act", and
9 shall be deemed an exercise of the police power of the
10 state, for the protection of the welfare, health,
11 peace, morals, and safety of the people of the state,
12 and all its provisions shall be liberally construed
13 for the accomplishment of that purpose. It is
14 declared to be public policy that the traffic in
15 alcoholic liquors is so affected with a public
16 interest that it should be regulated to the extent of
17 prohibiting all traffic in them, except as provided in
18 this chapter.
19 Sec. 2. Section 123.3, subsection 8, Code 1985, is
20 amended to read as follows:
21 8. "Alcoholic liquor", "~~alcoholic beverage~~" or
22 "intoxicating liquor" means the varieties of liquor
23 defined in subsections 5 and 6 which contain more than
24 five percent of alcohol by weight, beverages made as
25 described in subsection 9 which beverages contain more
26 than five percent of alcohol by weight but which are
27 not wine as defined in subsection 7, and every other

28 liquid or solid, patented or not, containing spirits
29 and every beverage obtained by the process described
30 in subsection 7 containing more than seventeen percent
31 alcohol by weight, and susceptible of being consumed
32 by a human being, for beverage purposes. Alcohol
33 manufactured in this state for use as fuel pursuant to
34 an experimental distilled spirits plant permit or its
35 equivalent issued by the federal bureau of alcohol,
36 tobacco and firearms is not an "alcoholic liquor".

37 Sec. 3. Section 123.3, Code Supplement 1985, is
38 amended by adding the following new subsection:
39 **NEW SUBSECTION.** "Alcoholic beverage" means any
40 beverage containing more than one-half of one percent
41 of alcohol by volume including alcoholic liquor, wine,
42 and beer."

43 2. Page 1, by inserting after line 11 the
44 following:

45 "Sec. 5. Section 123.16, subsection 2, paragraphs
46 a and c, Code Supplement 1985, are amended to read as
47 follows:

48 a. Purchases of alcoholic liquor and wine for
49 resale by the department.

50 c. The establishment of retail prices of alcoholic

Page 2

1 liquor and wine sold by the department.

2 Sec. 6. Section 123.20, subsections 1, 7, and 8,
3 Code Supplement 1985, are amended to read as follows:

4 1. To purchase alcoholic liquors and wine for
5 resale by the department in the manner set forth in
6 this chapter.

7 7. To license, inspect, and control the
8 manufacture of beer, wine, and alcoholic liquors and
9 regulate the entire beer, wine, and liquor industry in
10 the state.

11 8. To accept intoxicating liquors ordered
12 delivered to the Iowa ~~beer and liquor~~ alcoholic
13 beverage control department pursuant to section 127.8,
14 subsection 1, and offer such intoxicating liquors and
15 wine for sale through the state liquor stores, unless
16 the director determines that such intoxicating liquors
17 and wine may be adulterated or contaminated. If the
18 director determines that such intoxicating liquors and
19 wine may be adulterated or contaminated the director
20 shall order their destruction.

21 Sec. 7. Section 123.21, subsections 2, 3, and 8,
22 Code Supplement 1985, are amended to read as follows:

23 2. Regulating the management, equipment, and
24 merchandise of state liquor stores and warehouses in
25 and from which alcoholic liquors and wine are
26 transported, kept, or sold and prescribing the books
27 and records to be kept therein.

28 3. Regulating the purchase of alcoholic liquor,
 29 generally and the furnishing of ~~such the~~ liquor and
 30 wine to state liquor stores established under this
 31 chapter, determining the classes, varieties, and
 32 brands of alcoholic liquors and wine to be kept in
 33 state warehouses or for sale at any state liquor
 34 store.

35 8. Prescribing, subject to this chapter, the days
 36 and hours during which state liquor stores shall be
 37 kept open for the purpose of the sale of alcoholic
 38 liquors and wine.

39 Sec. 8. Section 123.25, Code 1985, is amended to
 40 read as follows:

41 123.25 CONSUMPTION ON PREMISES.

42 No A vendor, officer, clerk, agent, or employee of
 43 the department employed in any state liquor store or
 44 state-owned warehouse shall not allow any alcoholic
 45 liquor or wine to be consumed on ~~such the~~ premises,
 46 nor shall any person consume any liquor on ~~such the~~
 47 premises except for testing or sampling purposes only.

48 Sec. 9. Section 123.27, unnumbered paragraph 1,
 49 Code Supplement 1985, is amended to read as follows:

50 It is unlawful to transact the sale or delivery of

Page 3

- 1 alcoholic liquor or wine in, on, or from the premises
- 2 of a state liquor store or warehouse:"
- 3 3. By renumbering as necessary.

Amendment H—5502 was adopted, placing out of order lines 2 through 21 of amendment H—5501, previously adopted.

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

On the question "Shall the bill pass?" (H.F. 2372)

The ayes were, 76:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Clark	Connolly	Connors
Cooper	Diemer	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	McIntee	Metcalf	Muhlbauer

Mullins	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 20.

Bennett	Branstad	Chapman	Corey
Daggett	De Groot	Doderer	Grandia
Halvorson, R. N.	Hammond	Handorf	Maulsby
McKean	Miller	Norland	Pellett
Renken	Rensink	Schnekloth	Van Maanen

Absent or not voting, 4:

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

SENATE AND HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following bills be deferred and that they retain their place on the calendar: Senate File 2246 and House Files 2432, 2358 and 2444.

Senate File 532, a bill for an act relating to bovine brucellosis, by providing vaccination requirements, providing definitions, providing for the adoption of rules, providing for the movement of cattle, and providing for indemnification for slaughtered cattle, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 532)

The ayes were, 97:

Arnould	Baxter	Beatty	Bennett
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Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Groth

Lageschulte

Welden

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

Senate File 444, a bill for an act relating to the time in which a defendant may waive the defendant's right to a jury trial, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5224 filed by him and moved its adoption:

H—5224

- 1 Amend Senate File 444 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "discovery" the words "but not later than ten days
- 5 prior to the date set for trial,".

Amendment H—5224 was adopted.

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

On the question "Shall the bill pass?" (S.F. 444)

The ayes were, 97:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabar	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Carter

Groth

Welden

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

SENATE FILE 2043 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2043 be deferred and that the bill retain its place on the calendar.

Senate File 2041, a bill for an act relating to schedule I and schedule II controlled substances regulated by the board of pharmacy examiners, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2041)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Varn	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

SENATE FILES 508 AND 2037 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 508 be deferred and that Senate File 2037 be temporarily deferred and that the bills retain their place on the calendar.

Senate File 2116, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer Senate File 2116 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Norland of Worth asked for unanimous consent to suspend Rule 32.

Objection was raised.

Norland of Worth moved that Rule 32 be suspended to consider Senate File 2116.

A non-record roll call was requested.

The ayes were 53, nays 36.

The motion prevailed and Rule 32 was suspended.

The House stood at ease at 9:56 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2116 at 10:13 a.m., Speaker Avenson in the chair.

Koenigs of Mitchell offered the following amendment H—5166 filed by the committee on agriculture:

H—5166

- 1 Amend Senate File 2116 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 542.1, subsection 3, Code
6 Supplement 1985, is amended to read as follows:
7 3. "Grain dealer" means a person who buys during
8 any calendar month five hundred bushels of grain or
9 more from the producers of the grain for purposes of
10 resale, milling, or processing. However, "grain
11 dealer" does not include a producer of grain who is
12 buying grain for the producer's own use as seed or
13 feed; a person solely engaged in buying grain future
14 contracts on the board of trade; a person who
15 purchases grain only for sale in a registered feed; a
16 person who purchases grain for sale in a nonregistered
17 customer-formula feed regulated by chapter 198, who
18 purchases less than a total of fifty thousand bushels
19 of grain annually, and who is also exempt as an
20 incidental warehouse operator under chapter 543; a
21 person engaged in the business of selling agricultural
22 seeds regulated by chapter 199; a person buying grain
23 only as a farm manager; an executor, administrator,
24 trustee, guardian, or conservator of an estate; a
25 bargaining agent as defined in section 542A.1; or a
26 custom livestock feeder."

27 2. Page 1, by striking lines 11 and 12, and
28 inserting the following:

29 "a. The grain dealer shall have and maintain a net
30 worth of at least".

31 3. Page 1, by striking lines 16 through 21, and
32 inserting the following: "net worth deficiency.
33 However a person".

34 4. Page 2, by striking lines 8 and 9, and
35 inserting the following:

36 "c. The grain dealer shall have and maintain
37 current assets equal to at".

38 5. By striking page 2, line 29, through page 3,
39 line 15.

40 6. Page 8, by inserting after line 9 the
41 following:

42 "Sec._____. Section 543.1, subsection 8, Code 1985,
43 is amended to read as follows:

44 8. "Warehouse operator" means any a person engaged
45 in the business of operating or controlling a
46 warehouse for the storing, shipping, handling or
47 processing of agricultural products, but does not
48 include an incidental warehouse operator.

49 Sec._____. Section 543.1, Code 1985, is amended by
50 adding the following new subsection:

Page 2

1 NEW SUBSECTION. 23. "Incidental warehouse
2 operator" means a person regulated under chapter 198
3 whose grain storage capacity does not exceed twenty-

4 five thousand bushels which is used exclusively for
5 grain owned or grain which will be returned to the
6 depositor for use in a feeding operation or as an
7 ingredient in a customer-formula feed, as defined in
8 section 198.1."

9 7. Page 19, by inserting after line 12 the
10 following:

11 "1. "Board" means the grain depositors and sellers
12 indemnity fund advisory board created in section
13 543A.4."

14 8. Page 19, by inserting after line 17 the
15 following:

16 "2A. "First purchaser" means a person, public or
17 private corporation, governmental subdivision,
18 association, co-operative, partnership, commercial
19 buyer, dealer, or processor who purchases grain from a
20 producer for the first time for any purpose except to
21 feed it to the purchaser's livestock or to manufacture
22 a product from the grain purchased for the purchaser's
23 personal consumption."

24 9. Page 19, by inserting after line 28 the
25 following:

26 "6A. "Sale" or "purchase" includes but is not
27 limited to the pledge or other encumbrance of grain as
28 security for a loan extended under a federal price
29 support loan program. Actual delivery of the grain
30 occurs when the grain is pledged or otherwise
31 encumbered to secure the loan. The purchase price of
32 the grain is the principal amount of the loan extended
33 and the purchase invoice for the grain is the
34 documentation required for extension of the loan."

35 10. By striking page 20, line 16 through page 21,
36 line 12 and inserting the following: "depositors and
37 sellers indemnity fund under section 543A.6. The fund
38 consists of a per-bushel fee deducted from the
39 purchase price of grain at the time of sale, an annual
40 fee charged to and remitted by licensed grain dealers,
41 licensed warehouse operators, and participating
42 federally licensed grain warehouses under this
43 section, sums collected by the commission by legal
44 action on behalf of the fund, and property or
45 securities acquired through the use of moneys in the
46 fund. The moneys collected under this section and
47 deposited in the fund shall be used exclusively to
48 indemnify depositors and sellers as provided in
49 section 543A.6.

50 2. The per-bushel fee shall be deducted by the

Page 3

1 first purchaser from the purchase price of grain at
2 the time of sale. The first purchaser shall forward

the per-bushel fee to the commission in the manner and using the forms prescribed by the commission. If the per-bushel fee has not been forwarded to the commission by the date required by the commission, the first purchaser is subject to a late penalty of one hundred dollars per day for each day the first purchaser fails to forward the fee. It is a simple misdemeanor for a person to withhold the per-bushel fee for more than sixty days after the date required by the commission, and it is a simple misdemeanor for a person to willfully render or furnish a false or fraudulent report, statement, or record required by the commission. The first purchaser will show the total amount of the per-bushel fee on the purchase invoice. The per-bushel fee shall be collected only once on each bushel of grain.

3. a. All licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses shall annually remit a fee to be deposited into the fund which is determined as follows:

(1) For class 1 grain dealers, five hundred dollars.

(2) For class 2 grain dealers, two hundred fifty dollars.

(3) For warehouse operators or participating federally licensed grain warehouses:

(a) For intended storage of bulk grain in any quantity less than twenty thousand bushels, forty-two dollars plus seven dollars for each two thousand bushels or fraction thereof in excess of twelve thousand bushels.

(b) For intended storage of bulk grain in any quantity not less than twenty thousand bushels and not more than fifty thousand bushels, seventy dollars plus four and a half dollars for each three thousand bushels or fraction thereof in excess of twenty thousand bushels.

(c) For intended storage of bulk grain in any quantity not less than fifty thousand bushels and not more than seventy thousand bushels, one hundred fifteen dollars plus four and a half dollars for each four thousand bushels or fraction thereof in excess of fifty thousand bushels.

(d) For intended storage of bulk grain in any quantity not less than seventy thousand bushels, one hundred thirty-seven and a half dollars plus two and three-quarters dollars for each five thousand bushels

Page 4

1 or fraction thereof in excess of seventy thousand
2 bushels.

3 b. Payment of the required amount shall be made
4 before the grain dealer's or warehouse operator's
5 license is renewed, or before the participating
6 federal licensee's agreement with the commission is
7 ratified.

8 4. For one year after the effective date of this
9 Act, all licensed grain dealers, licensed warehouse
10 operators, and participating federally licensed grain
11 warehouses shall pay a fee equal to twice the fee
12 scheduled pursuant to subsection 3. A person who
13 applies for a grain dealer's or warehouse operator's
14 license or a federal licensee who elects to
15 participate in the fund after one year from the
16 effective date of this Act, and who has not previously
17 paid the double fee, shall pay that amount before the
18 license is issued or the agreement is ratified.

19 5. All disbursements from the fund shall be paid
20 by the treasurer of state pursuant to vouchers
21 authorized by the commission.

22 6. All interest earned by the fees collected under
23 this section shall be collected by the treasurer of
24 state and deposited in the fund and may be used to the
25 extent necessary to pay the administrative costs of
26 this chapter.

27 Sec. 27. NEW SECTION. 543A.4 ADVISORY BOARD.

28 The grain depositors and sellers indemnity fund
29 advisory board is established to advise the commission
30 on matters relating to the fund and to perform the
31 duties provided it in this chapter. The board is
32 composed of the secretary of the department of
33 agriculture or a designee who shall serve as
34 president; the director of the department of insurance
35 or a designee who shall serve as secretary; the state
36 treasurer or a designee who shall serve as treasurer;
37 and two representatives of the grain industry
38 appointed by the governor, subject to confirmation by
39 the senate, selected from a list of six nominations
40 made by the secretary of agriculture. The term of
41 membership of the grain industry representatives is
42 three years, and the representatives are eligible for
43 reappointment. The grain industry representatives are
44 entitled to forty dollars per diem for each day spent
45 in the performance of the duties of the board, plus
46 actual expenses incurred in the performance of those
47 duties. Three members of the board constitute a
48 quorum, and the affirmative vote of three members is
49 necessary for any action taken by the board, except
50 that a lesser number may adjourn a meeting. A vacancy

Page 5

1 in the membership of the board does not impair the
2 rights of a quorum to exercise all the rights and
3 perform all the duties of the board."

4 11. Page 21, line 13, by striking the figure
5 "543A.4" and inserting the figure "543A.5".

6 12. Page 21, line 14, by striking the word
7 "commission" and inserting the word "board".

8 13. Page 21, by striking lines 17 through 29 and
9 inserting the following: "the per-bushel fee required
10 under section 543A.3, subsection 2, and the dealer-
11 warehouse fee required under section 543A.3,
12 subsection 3 that are necessary to maintain the fund
13 within the limits established under this section. Not
14 later than the first day of May of each year, the
15 board shall determine the proposed amount of the per-
16 bushel fee based on the expected volume of grain on
17 which the fee is to be collected and that is likely to
18 be handled under this chapter. The per-bushel fee and
19 the dealer-warehouse fee shall be adjusted on a pro
20 rata basis. The board shall make any changes in the
21 previous year's fees in accordance with chapter 17A.
22 Changes in the fees shall become effective on the
23 following first day of July. The per-bushel fee shall
24 not exceed one-half cent per bushel on soybeans and
25 one-quarter cent per bushel on all other grains on
26 which the fee is to be paid. Until the per-bushel fee
27 is adjusted or waived as provided in this section, the
28 per-bushel fee on soybeans is one-half cent, and is
29 one-quarter cent on all other grains on which the fee
30 is paid."

31 14. Page 21, line 32, by inserting before the
32 word "fee" the word "per-bushel".

33 15. By striking page 21, line 33, through page
34 22, line 1, and inserting the following: "under
35 section 543A.3, subsection 2, and the dealer-warehouse
36 fee required under section 543A.3, subsection 3, shall
37 be waived until the board reinstates the fees on a pro
38 rata basis to maintain the liquidity of the fund."

39 16. Page 22, line 2, by striking the figure
40 "543A.5" and inserting the figure "543A.6".

41 17. Page 22, line 26, by striking the word
42 "commission" and inserting the word "board".

43 18. Page 22, line 33, by striking the word
44 "moneys" and inserting the following: "a loss
45 incurred on or after July 1, 1986".

46 19. By striking page 22, line 35, through page
47 23, line 7, and inserting the following: "remedies as
48 follows:

49 a. For claims against a person who is both a li-
50 censed grain dealer and either a licensed warehouse

Page 6

1 operator or a participating federally licensed grain
2 warehouse, one hundred percent of the loss, but not
3 more than one hundred thousand dollars per claimant,
4 except that a claim based on a loss under a credit
5 sale contract is payable only as provided in paragraph
6 "c".

7 b. For claims against a person who is either a li-
8 censed warehouse operator or a participating federally
9 licensed grain warehouse, one hundred percent of the
10 loss, but not more than one hundred thousand dollars
11 per claimant.

12 c. For claims against a person who is a licensed
13 grain dealer and all claims based on a loss under a
14 credit-sale contract, eighty-five percent of the loss,
15 but not more than eighty-five thousand dollars.

16 The aggregate amount recovered by a depositor or
17 seller under all remedies shall not exceed one hundred
18 percent of the value of the loss. If the moneys
19 recovered by a depositor or seller under all remedies
20 exceed one hundred percent of the value of the loss,
21 the depositor or seller shall reimburse the fund in
22 the amount that exceeds the value of the loss."

23 20. Page 23, line 8, by striking the word
24 "commission" and inserting the word "board".

25 21. Page 23, line 18, by striking the word
26 "commission" and inserting the word "board".

27 22. Page 23, lines 28 and 29, by striking the
28 words "However, no claims shall be paid before the
29 fund initially reaches one million dollars."

30 23. Page 24, line 11, by striking the figure
31 "543A.6" and inserting the figure "543A.7".

32 24. Page 24, line 31, by striking the word "June"
33 and inserting the word "September".

34 25. By striking page 24, line 35, through page
35 25, line 1, and inserting the following: "the
36 indemnity fund is liable for claims which arise on or
37 after July 1, 1986 but before October 1, 1986 only if
38 the".

39 26. Page 25, line 8, by striking the word "June"
40 and inserting the word "October".

41 27. Page 25, by striking lines 13 through 17 and
42 inserting the following:

43 "Sec._____. The amendments in this Act to section
44 542.3, subsection 4, paragraph "b"; section 542.3,
45 subsection 5, paragraph "b"; section 542.9, unnumbered
46 paragraph 1; section 543.2; section 543.6, subsection
47 4, paragraph "b"; and section 543.6, subsection 5,
48 paragraph "b" are effective July 1, 1987."

De Groot of Lyon offered the following amendment H—5563, to the committee amendment H—5166, filed by him from the floor and requested division as follows:

H—5563

- 1 Amend amendment H—5166 to Senate File 2116 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:

H—5563A

- 4 1. Page 1, line 8, by striking the words "five
- 5 hundred" and inserting the words "five hundred one
- 6 thousand".

H—5563B

- 7 2. Page 1, line 25, by inserting after the figure
- 8 "542A.1;" the following: "a truck grain dealer as
- 9 defined in 542B.1;".

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—5563A.

De Groot of Lyon asked and received unanimous consent to temporarily defer action on amendment H—5563B.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—5512, to the committee amendment H—5166, filed by him on March 21, 1986.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—5459, to the committee amendment H—5166, filed by him on March 18, 1986.

Koenigs of Mitchell offered the following amendment H—5484, to the committee amendment H—5166, filed by him and requested division as follows:

H—5484

- 1 Amend the amendment H—5166 to Senate File 2116 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:

H—5484A

- 4 1. Page 1, by inserting after line 33 the
- 5 following:

H-5484A

6 "_____. By striking page 1, line 35, through page
7 2, line 7, and inserting the following: "commission.
8 The grain dealer may elect, however, to submit a
9 financial statement satisfying the requirements of
10 subsection 5, paragraph "b," that is accompanied by
11 the report of a certified public accountant licensed
12 in this state that is based upon a review performed by
13 the certified public accountant in lieu of the audited
14 financial statement specified in this paragraph, and
15 if a grain dealer makes this election the commission
16 shall cause the grain dealer to be inspected not less
17 than twice during each twelve-month period, but not
18 more than five times in a twenty-four month period
19 without good cause, in the manner provided in section
20 542.9. In addition, the commission shall cause a
21 grain dealer who makes this election to submit to two
22 grain inventory inspections per license year,
23 conducted by grain warehouse inventory inspectors who
24 are not employees of the commission but who are
25 approved and certified by the commission to conduct
26 the grain inventory inspections. The results of the
27 grain inventory inspections shall be forwarded to the
28 commission in the form and manner provided by the
29 commission by rule."

30 2. Page 1, by inserting after line 39 the
31 following:

32 "_____. Page 4, line 5, by inserting after the word
33 "commission," the following: "The grain dealer may
34 elect, however, to submit a financial statement that
35 is accompanied by the report of a certified public
36 accountant licensed in this state that is based upon a
37 review performed by the certified public accountant in
38 lieu of the audited financial statement specified in
39 this paragraph, and if a grain dealer makes this
40 election the commission shall cause the grain dealer
41 to be inspected not less than twice during each
42 twelve-month period, but not more than five times in a
43 twenty-four month period without good cause, in the
44 manner provided in section 542.9. In addition, the
45 commission shall cause a grain dealer who makes this
46 election to submit to two grain inventory inspections
47 per license year, conducted by grain warehouse
48 inventory inspectors who are not employees of the
49 commission but who are approved and certified by the
50 commission to conduct the grain inventory inspections.

Page 2

1 The results of the grain inventory inspections shall

H-5484A

- 2 be forwarded to the commission in the form and manner
3 provided by the commission by rule."

H-5484B

- 4 3. Page 1, by inserting before line 40 the
5 following:
6 "_____. Page 7, by inserting after line 9 the
7 following:
8 Sec._____. Section 542.15, Code Supplement 1985, is
9 amended by adding the following new subsection:
10 NEW SUBSECTION. 8. A licensed grain dealer
11 purchasing grain by credit sale contract shall at all
12 times maintain grain, rights in grain, proceeds from
13 the sale of grain, or a combination thereof totaling
14 at least eighty-five percent of the dealer's
15 obligation for grain purchased by credit sale
16 contract. The required amount shall be evidenced or
17 represented by one or more of the following:
18 a. Grain actually held by the dealer in licensed
19 storage facilities.
20 b. Rights in grain evidenced or represented by one
21 or more of the following:
22 (1) A warehouse receipt issued by a warehouse
23 licensed under chapter 543 or under the United States
24 Warehouse Act, or by other documentation acceptable as
25 evidence of inventory under the United States
26 Warehouse Act.
27 (2) Evidence of grain forwarded to another
28 warehouse under provisions of 543.39.
29 c. Sufficient proceeds from and of the grain
30 evidenced or represented by one or more of the
31 following:
32 (1) Cash on hand or cash held on account in
33 federally or state chartered financial institutions.
34 (2) Short term investments held in time accounts
35 with federally or state chartered financial
36 institutions.
37 (3) Balances on grain margin accounts.
38 (4) Credit sales contracts for grain shipped to a
39 processor, terminal, or recognized grain merchandising
40 entity, less any payment or advance that has been
41 received provided that the price term of the contract
42 remains open.
43 (5) Other evidence or proceeds from or of grain
44 acceptable to the commission, including an irrevocable
45 letter of credit.
46 For the purpose of computing the dollar value of
47 inventories and credit sale obligations, the value of

H-5484B

48 grain shall be figured at the then current market.
49 A grain dealer shall keep records of credit sale
50 obligations and evidence of grain, rights in grain and

Page 3

1 the proceeds from or of grain so as to clearly
2 indicate compliance with the requirements of this
3 subsection." "

H-5484A

4 4. Page 2, by inserting after line 8 the
5 following:
6 "_____. Page 8, line 18, by striking the word "The"
7 and inserting the following: "The Except as provided
8 in section 543.6, the".
9 _____. Page 12, by striking lines 26 through 32 and
10 inserting the following: "commission. The warehouse
11 operator may elect, however, to submit a financial
12 statement satisfying the requirements of subsection 5,
13 paragraph "b," that is accompanied by the report of a
14 certified public accountant licensed in this state
15 that is based upon a review performed by the certified
16 public accountant in lieu of the audited financial
17 statement specified in this paragraph, and if a
18 warehouse operator makes this election the commission
19 shall cause the warehouse operator to be inspected
20 twice during each twelve-month period, in the manner
21 provided in section 543.2. In addition, the
22 commission shall cause a warehouse operator who makes
23 this election to submit to two grain inventory
24 inspections per license year, conducted by grain
25 warehouse inventory inspectors who are not employees
26 of the commission but who are approved and certified
27 by the commission to conduct the grain inventory
28 inspections. The results of the grain inventory
29 inspections shall be forwarded to the commission in
30 the form and manner provided by the commission by
31 rule."
32 _____. Page 13, line 20, by inserting after the
33 word "commission." the following: "The warehouse
34 operator may elect, however, to submit a financial
35 statement that is accompanied by the report of a
36 certified public accountant licensed in this state
37 that is based upon a review performed by the certified
38 public accountant in lieu of the audited financial
39 statement specified in this paragraph, and if a
40 warehouse operator makes this election the commission

H-5484A

41 shall cause the warehouse to be inspected twice during
42 each twelve-month period, in the manner provided in
43 section 543.2. In addition, the commission shall
44 cause a warehouse operator who makes this election to
45 submit to two grain inventory inspections per license
46 year, conducted by grain warehouse inventory
47 inspectors who are not employees of the commission but
48 who are approved and certified by the commission to
49 conduct the grain inventory inspections. The results
50 of the grain inventory inspections shall be forwarded

Page 4

- 1 to the commission in the form and manner provided by
- 2 the commission by rule." "

H-5484C

- 3 5. Page 6, by striking lines 41 through 48 and
- 4 inserting the following:
- 5 " _____. Page 25, by striking lines 13 through 17.
- 6 _____. Title page, line 2, by inserting after the
- 7 word "requirements," the word "and".
- 8 _____. Title page, line 3, by striking the words "
- 9 and providing an effective date"."

Koenigs of Mitchell asked and received unanimous consent to temporarily defer action on amendment H-5484A.

Pellett of Cass offered the following amendment H-5561, to the committee amendment H-5166, filed by Pellett, et al., and requested division as follows:

H-5561

- 1 Amend the amendment H-5166 to Senate File 2116 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:

H-5561A

- 4 1. Page 1, by inserting after line 33 the
- 5 following:
- 6 " _____. By striking page 1, line 35, through page
- 7 2, line 7, and inserting the following: "commission.
- 8 The grain dealer may elect, however, to submit a
- 9 financial statement satisfying the requirements of
- 10 subsection 5, paragraph "b," that is accompanied by

H-5561A

11 the report of a certified public accountant licensed
12 in this state that is based upon a review performed by
13 the certified public accountant in lieu of the audited
14 financial statement specified in this paragraph, and
15 if a grain dealer makes this election the commission
16 shall cause the grain dealer to be inspected not less
17 than twice during each twelve-month period, but not
18 more than five times in a twenty-four month period
19 without good cause, in the manner provided in section
20 542.9. In addition, the commission shall cause a
21 grain dealer who makes this election to submit to the
22 commission, in a form and manner prescribed by the
23 commission, an interim financial statement no less
24 than once in every three calendar month period."

25 2. Page 1, by inserting after line 39 the
26 following:

27 "_____. Page 4, line 5, by inserting after the word
28 "commission," the following: "The grain dealer may
29 elect, however, to submit a financial statement that
30 is accompanied by the report of a certified public
31 accountant licensed in this state that is based upon a
32 review performed by the certified public accountant in
33 lieu of the audited financial statement specified in
34 this paragraph, and if a grain dealer makes this
35 election the commission shall cause the grain dealer
36 to be inspected not less than twice during each
37 twelve-month period, but not more than five times in a
38 twenty-four month period without good cause, in the
39 manner provided in section 542.9. In addition, the
40 commission shall cause a grain dealer who makes this
41 election to submit to the commission, in a form and
42 manner prescribed by the commission, an interim
43 financial statement no less than once in every three
44 calendar month period."

45 3. Page 2, by inserting after line 8 the
46 following:

47 "_____. Page 8, line 18, by striking the word "The"
48 and inserting the following: "The Except as provided
49 in section 543.6, the".

50 _____ Page 12, by striking lines 26 through 32 and

Page 2

- 1 inserting the following: "commission. The warehouse
- 2 operator may elect, however, to submit a financial
- 3 statement ~~satisfying the requirements of subsection 5,~~
- 4 ~~paragraph "b,"~~ that is accompanied by the report of a
- 5 certified public accountant licensed in this state
- 6 that is based upon a review performed by the certified
- 7 public accountant in lieu of the audited financial

H-5561A

8 statement specified in this paragraph, and if a
9 warehouse operator makes this election the commission
10 shall cause the warehouse operator to be inspected not
11 less than twice during each twelve-month period, but
12 not more than five times in a twenty-four month period
13 without good cause, in the manner provided in section
14 543.2. In addition, the commission shall cause a
15 warehouse operator who makes this election to submit
16 to the commission, in a form and manner prescribed by
17 the commission, an interim financial statement no less
18 than once in every three calendar month period."

19 _____. Page 13, line 20, by inserting after the
20 word "commission," the following: "The warehouse
21 operator may elect, however, to submit a financial
22 statement that is accompanied by the report of a
23 certified public accountant licensed in this state
24 that is based upon a review performed by the certified
25 public accountant in lieu of the audited financial
26 statement specified in this paragraph, and if a
27 warehouse operator makes this election the commission
28 shall cause the warehouse to be inspected not less
29 than twice during each twelve-month period, but not
30 more than five times in a twenty-four month period
31 without good cause, in the manner provided in section
32 543.2. In addition, the commission shall cause a
33 warehouse operator who makes this election to submit
34 to the commission, in a form and manner prescribed by
35 the commission, an interim financial statement no less
36 than once in every three calendar month period." "

H-5561B

37 4. Page 2, by striking lines 14 through 23.

H-5561C

38 5. Page 2, by inserting after line 34 the
39 following:

40 "_____. Page 19, by inserting after line 32 the
41 following:

42 "8. "Storage" means that grain has been received
43 and has come under care, custody or control of a
44 warehouse operator either for the depositor for which
45 a contract of purchase has not been negotiated or for
46 the warehouse operator operating the facility, and
47 includes grain received for which the actual sale
48 price is not fixed and proper documentation made or
49 payment made." "

H-5561B

50 6. Page 2, lines 38 and 39, by striking the words

Page 3

1 "deducted from the purchase price of grain at the time
2 of sale".
3 7. By striking page 2, line 50 through page 3,
4 line 18, and inserting the following:
5 "2. All licensed grain dealers, licensed warehouse
6 operators, and participating federally licensed
7 warehouses shall remit, in the manner prescribed by
8 the commission, the per-bushel fee determined in
9 accordance with section 543A.4 on all grain sold to
10 them by depositors or sellers. However, the per-
11 bushel fee shall be collected only once on each bushel
12 of grain."

H-5561D

13 8. Page 5, by striking lines 24 and 25 and
14 inserting the following: "not exceed one-quarter cent
15 per bushel on soybeans and one-tenth cent per bushel
16 on all other grains on".
17 9. Page 5, by striking lines 28 and 29 and
18 inserting the following: "per-bushel fee on soybeans
19 is one-quarter cent, and is one-tenth cent on all
20 other grains on which the fee".

H-5561E

21 10. Page 5, by inserting after line 30 the
22 following:
23 "_____. Page 21, line 31, by striking the word
24 "eight" and inserting the word "six"."

H-5561C

25 11. By striking page 5, line 49 through page 6,
26 line 15, and inserting the following:
27 "a. For claims regarding grain dealer
28 transactions, eighty-five percent of the loss, but not
29 more than one hundred thousand dollars per claimant.
30 b. For claims regarding storage transactions, one
31 hundred percent of the loss, but not more than one
32 hundred thousand dollars per claimant."

On motion by Pellett of Cass, amendment H-5561A was adopted.

Koenigs of Mitchell offered the following amendment H-5227, to the committee amendment H-5166, filed by him and requested division as follows:

H-5227

- 1 Amend H-5166 to Senate File 2116 as follows:

H-5227A

- 2 1. Page 1, by inserting after line 39 the
3 following:
4 "_____. Page 4, line 33, by striking the word
5 "thirty" and inserting the words "~~thirty~~ sixty".
6 _____ Page 5, line 1, by striking the word
7 "thirty" and inserting the words "~~thirty~~ sixty".
8 _____ Page 5, line 6, by striking the words
9 "thirty-day" and inserting the words "~~thirty~~ day
10 sixty-day".
11 2. Page 1, by inserting before line 40 the
12 following:
13 "_____. Page 5, by inserting after line 7 the
14 following:
15 "Sec._____. Section 542.3, Code Supplement 1985, is
16 amended by adding the following new subsection:
17 NEW SUBSECTION. 8. A deficiency bond or
18 irrevocable letter of credit filed with the commission
19 pursuant to this section shall not be canceled by the
20 issuer on less than one hundred twenty days' notice by
21 certified mail to the commissioner and the
22 principal."
23 3. Page 2, by inserting after line 8 the
24 following:
25 "_____. Page 13, by inserting after line 20 the
26 following:
27 "Sec._____. Section 543.6, Code 1985, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 8. A deficiency bond or
30 irrevocable letter of credit filed with the commission
31 pursuant to this section shall not be canceled by the
32 insurer on less than one hundred twenty days' notice
33 by certified mail to the commission and the
34 principal."

H—5227B

- 35 4. Page 2, by inserting before line 9 the
36 following:
37 "_____. Page 15, by striking lines 17 through 20
38 and inserting the following:
39 "1. A warehouse operator who stores only
40 agricultural products other than bulk grain shall have
41 and maintain a net worth of at least ten percent of
42 the value of the warehouse capacity, or maintain a
43 deficiency bond or an irrevocable letter of credit in
44 the amount of two thousand dollars for each one
45 thousand dollars or fraction thereof of net worth
46 deficiency. However, a person shall not be eligible
47 for a license to store only agricultural products
48 other than bulk grain if the person has a net worth of
49 less than ten thousand dollars."
50 _____. Page 15, by striking lines 21 and 22 and

Page 2

- 1 inserting the following:
2 "3. A bond, deficiency bond, or irrevocable letter
3 of credit on agricultural products other than bulk
4 grain shall not be canceled by the issuer on less than
5 one hundred twenty days' notice by certified mail to
6 the commission and the principal. When the commission
7 receives notice from an issuer that it has canceled
8 the bond, deficiency bond, or irrevocable letter of
9 credit on agricultural".
10 _____. Page 15, line 26, by inserting after the
11 word "bond" the words ", deficiency bond,".
12 _____. Page 15, line 31, by inserting after the
13 word "bond" the words ", deficiency bond,".
14 5. Page 2, by inserting before line 9 the
15 following:
16 "_____. Page 16, line 34, by inserting after the
17 word "and" the words ", if the claim relates to bulk
18 grain,".
19 _____. Page 17, line 2, by inserting after the word
20 "and" the words ", if the claim relates to bulk
21 grain,".
22 6. Page 2, by inserting before line 9 the
23 following:
24 "_____. Page 18, by inserting after line 22 the
25 following:
26 "Sec._____. Section 543.18, subsection 3, Code
27 1985, is amended to read as follows:
28 3. A statement that the receipt is issued subject
29 to the Iowa bonded warehouse Act and the rules and
30 regulations prescribed thereunder pursuant to the
31 Act."

H—5227B

32 7. Page 2, by striking lines 11 and 12 and
33 inserting the following:

34 "1. "Board" means the Iowa grain indemnity board
35 created in section".

36 8. Page 2, by inserting after line 23 the
37 following:

38 "_____. Page 19, by striking line 23 and inserting
39 the words "but does not include agricultural products
40 other than bulk grain." "

41 9. Page 2, line 44, by striking the words
42 "property or" and inserting the words "interest,
43 property, or".

44 10. Page 2, line 49, by inserting after the
45 figure "543A.6" the words "and to pay the
46 administrative costs of this chapter".

47 11. Page 4, by striking lines 22 through 26 and
48 inserting the following:

49 "6. The administrative costs of this chapter shall
50 be paid from the fund after approval of the costs by

Page 3

1 the board."

2 12. Page 4, by striking lines 28 and 29 and
3 inserting the following:

4 "The Iowa grain indemnity board is established to
5 advise the commission".

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—5227A.

The House resumed consideration of amendment H—5484B, to the committee amendment H—5166.

On motion by Koenigs of Mitchell, amendment H—5484B was adopted.

Koenigs of Mitchell asked and received unanimous consent to reconsider the vote by which amendment H—5484B, to the committee amendment H—5166, was adopted by the House.

On motion by Koenigs of Mitchell, amendment H—5484B was adopted.

Koenigs of Mitchell offered the following amendment H—5529, to the committee amendment H—5166, filed by him and moved its adoption:

H—5529

1 Amend amendment H—5166 to Senate File 2116 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, by inserting before line 40 the
5 following:

6 "_____. Page 5, by inserting after line 7 the
7 following:

8 "Sec._____. Section 542.3, Code Supplement 1985, is
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 8. A deficiency bond or
11 irrevocable letter of credit filed with the commission
12 pursuant to this section shall not be canceled by the
13 issuer on less than ninety days' notice by certified
14 mail to the commissioner and the principal." "

15 2. Page 2, by inserting after line 8 the
16 following:

17 "_____. Page 13, by inserting after line 20 the
18 following:

19 "Sec._____. Section 543.6, Code 1985, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 8. A deficiency bond or
22 irrevocable letter of credit filed with the commission
23 pursuant to this section shall not be canceled by the
24 issuer on less than one hundred twenty days' notice by
25 certified mail to the commission and the principal."

26 _____. Page 13, line 23, by inserting before the
27 word "When" the figure "1."

28 _____. Page 14, line 15, by striking the word
29 "section" and inserting the words "section
30 subsection".

31 _____. Page 14, line 19, by inserting before the
32 word "If" the figure "2."

33 _____. Page 14, line 24, by striking the word
34 "sixty" and inserting the word "thirty".

35 _____. Page 14, line 26, by striking the word
36 "sixty-day" and inserting the word "thirty-day".

37 _____. Page 14, line 27, by striking the word
38 "ninety" and inserting the word "sixty".

39 _____. Page 15, line 3, by striking the word
40 "section" and inserting the word "subsection".

41 _____. Page 15, by inserting after line 5 the
42 following:

43 "3. When the commission receives notice that a
44 deficiency bond or irrevocable letter of credit is
45 being canceled by the issuer, and determines that upon
46 the cancellation the warehouse operation will not be
47 in compliance with section 543.6, the commission shall
48 suspend the warehouse operator's license if a new
49 deficiency bond or irrevocable letter of credit is not
50 received by the commission within sixty days of

Page 2

1 receipt by the commisison of the notice of
2 cancellation. If a new deficiency bond or irrevocable
3 letter of credit is not received by the commission
4 within thirty days following suspension, the warehouse
5 operator's license shall be revoked. When a license
6 is revoked, the commission shall notify each holder of
7 an outstanding warehouse receipt and all known persons
8 who have grain retained in open storage of the
9 revocation, and shall further notify each receipt
10 holder and all known persons who have grain retained
11 in open storage that the grain must be removed from
12 the warehouse not later than the thirtieth day
13 following revocation. The notice shall be sent by
14 ordinary mail to the last known address of each person
15 having grain in storage as provided in this
16 subsection." "

Amendment H—5529 was adopted.

The House resumed consideration of amendment H—5227B, to the committee amendment H—5166.

On motion by Koenigs of Mitchell, amendment H—5227B was adopted.

The House resumed consideration of amendment H—5561B.

Pellett of Cass moved the adoption of amendment H—5561B, to the committee amendment H—5166.

Roll call was requested by Pellett of Cass and Koenigs of Mitchell.

On the question "Shall amendment H—5561B, to the committee amendment H—5166, be adopted?"

The ayes were, 48:

Bennett	Branstad	Carpenter	Clark
Connolly	Corey	Daggett	De Groot
Diemer	Fogarty	Grandia	Halvorson, R. A.
Handorf	Hanson	Harbor	Haverland
Hermann	Hester	Hummel	Johnson
Knapp	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller

Mullins	O'Kane	Osterberg	Oxley
Paulin	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Royer	Running
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Van Camp	Van Maanen

The nays were, 48:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connors
Cooper	Doderer	Fey	Groninga
Groth	Gruhn	Halvorson, R. N.	Hatch
Holveck	Hughes	Jay	Jochum
Koenigs	Lloyd-Jones	Loneragan	Muhlbauer
Norland	Ollie	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Sherzan	Shoultz	Skow
Spear	Sullivan	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 4:

Hammond	Sturgeon	Swartz	Welden
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Amendment H—5561B lost.

The House resumed consideration of amendment H—5561C.

Renaud of Polk in the chair at 11:11 a.m.

Speaker Avenson in the chair at 11:15 a.m.

Pellett of Cass moved the adoption of amendment H—5561C, to the committee amendment, H—5166.

A non-record roll call was requested.

The ayes were 53, nays 36.

Amendment H—5561C was adopted.

Koenigs of Mitchell offered the following amendment H—5323, to the committee amendment H—5166, filed by him and moved its adoption:

H—5323

- 1 Amend amendment H—5166 to Senate File 2116 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 4, by striking line 39 and inserting the
- 5 following: "the senate, one of whom shall be a
- 6 representative of grain depositors and sellers and one
- 7 of whom shall be a representative of grain dealers and
- 8 warehouse operators, each of whom shall be selected
- 9 from a list of three nominations".

Amendment H—5323 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Peterson of Carroll.

The House resumed consideration of amendment H—5561D.

Pellett of Cass moved the adoption of amendment H—5561D, to the committee amendment H—5166.

Roll call was requested by Lageschulte of Bremer and Koenigs of Mitchell.

Rule 75 was invoked.

On the question "Shall amendment H—5561D, to the committee amendment H—5166, be adopted?"

The ayes were, 42:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Fogarty	Grandia	Gruhn	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hester	Hummel	Johnson	Kremer
Lageschulte	Maulsby	McIntee	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen		

The nays were, 52:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connors
Cooper	Doderer	Fey	Groninga
Halvorson, R. N.	Hammond	Hatch	Hughes
Jay	Jochum	Koenigs	Lloyd-Jones
Loneragan	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 6:

Connolly	Groth	Haverland	Holveck
Knapp	Welden		

Amendment H—5561D lost.

Koenigs of Mitchell offered the following amendment H—5449, to the committee amendment H—5166, filed by him and moved its adoption:

H—5449

- 1 Amend the amendment H—5166, to Senate File 2116 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 5, by inserting after line 40 the
- 5 following:
- 6 "_____. Page 22, line 13, by striking the word
- 7 "commission" and inserting the word "board".

Amendment H—5449 was adopted.

The House resumed consideration of amendment H—5561E.

Pellett of Cass moved the adoption of amendment H—5561E, to the committee amendment H—5166.

Amendment H—5561E was adopted.

The House resumed consideration of amendment H—5484A, temporarily deferred.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—5484A, to the committee amendment H—5166, found on pages 1042 and 1043 of the House Journal.

The House resumed consideration of amendment H—5484C.

Koenigs of Mitchell moved the adoption of amendment H—5484C, to the committee amendment H—5166.

Amendment H—5484C was adopted.

The House resumed consideration of amendment H—5563B, temporarily deferred.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—5563B, to the committee amendment H—5166, found on page 1041 of the House Journal.

On motion by Koenigs of Mitchell, the committee amendment H—5166, as amended, was adopted.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—5522 filed by him on March 21, 1986.

The following amendment H—5577 filed by Kremer of Buchanan from the floor was adopted by unanimous consent:

H—5577

- 1 Amend Senate File 2116 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Title page, line 3, by inserting after the word
- 4 "fund" the following: " , and providing a penalty".

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

On the question "Shall the bill pass?" (S.F. 2116)

The ayes were, 57:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hatch	Hughes	Jay
Jochum	Johnson	Koenigs	Lloyd-Jones
Loneragan	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Pellett	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 38:

Bennett	Black	Branstad	Carpenter
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Knapp	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Mullins	Paulin	Petersen, D. F.	Renken
Rensink	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen		

Absent or not voting, 5:

Groth	Haverland	Holveck	Platt
Welden			

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

MOTION TO RECONSIDER WITHDRAWN (House File 2448)

Koenigs of Mitchell asked and received unanimous consent to withdraw the motion to reconsider House File 2448, a bill for an act relating to cooperative associations, placing out of order the following amendments:

H—5534 (to page 1) filed by Koenigs of Mitchell on March 25, 1986.

H—5542 (to page 1) filed by Maulsby of Calhoun on March 25, 1986.

H—5487 (to page 4) filed by Blanshan of Greene on March 20, 1986.

H—5506 (to amendment H—5487) filed by Kremer of Buchanan on March 21, 1986.

H—5543 (to amendment H—5487) filed by Kremer of Buchanan on March 25, 1986.

H—5507 (to page 7) filed by Osterberg of Linn on March 21, 1986.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hughes of Union, for the remainder of the day, on request of Skow of Guthrie.

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules for the immediate consideration of House File 2066.

Objection was raised.

Norland of Worth moved that the rules be suspended for the immediate consideration of House File 2066.

A non-record roll call was requested.

The ayes were 54, nays 33.

The motion prevailed and the rules were suspended.

House File 2066, a bill for an act relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect current practices, was taken up for consideration.

Jay of Appanoose offered the following amendment H—5562 filed by him and moved its adoption:

H-5562

1 Amend House File 2066 as follows:

2 1. Page 1, by inserting after line 33, the
3 following:

4 "Sec._____. Section 48.30, Code 1985, is amended to
5 read as follows:

6 48.30 NOTIFICATION OF CHANGES IN REGISTRATION.

7 The clerk of the district court shall promptly
8 notify the county commissioner of registration of
9 changes of name and of convictions of ~~infamous crimes~~
10 ~~or felonies, as defined in section 701.7,~~ of legal
11 declarations of incompetence made after a proceeding
12 held pursuant to section 229.27, and of diagnosis of
13 severe or profound mental retardation of persons of
14 voting age. The clerk of the district court shall
15 also notify the county commissioner of registration of
16 the restoration of citizenship of a person who has
17 been convicted of ~~an infamous crime or a felony~~ and of
18 the finding that a person is of good mental health.
19 The notice will not restore voter registration. The
20 county commissioner of registration shall notify the
21 person whose citizenship has been restored or who has
22 been declared to be in good mental health that the
23 person's registration to vote was canceled and the
24 person must register again to become a qualified
25 elector.

26 Sec._____. Section 48.31, subsection 4, Code 1985,
27 is amended to read as follows:

28 4. The clerk of district court sends notification
29 of an elector's conviction of ~~an infamous crime or a~~
30 ~~felony, as defined in section 701.7."~~

31 2. Page 3, by inserting after line 11, the
32 following:

33 "Sec._____. Section 277.29, Code 1985, is amended
34 to read as follows:

35 277.29 VACANCIES.

36 Failure to elect at the proper election or to
37 appoint within the time fixed by law or the failure of
38 the officer elected or appointed to qualify within the
39 time prescribed by law; the incumbent ceasing for any
40 reason to be a resident of the district or removing
41 residence from the subdistrict; the resignation or
42 death of incumbent or of the officer-elect; the
43 removal of the incumbent from, or forfeiture of, the
44 office, or the decision of a competent tribunal
45 declaring the office vacant; the conviction of
46 incumbent of ~~an infamous crime a felony, as defined in~~
47 ~~section 701.7,~~ or of any public offense involving the
48 violation of the incumbent's oath of office, shall
49 constitute a vacancy."

50 3. By numbering and renumbering as necessary.

A non-record roll call was requested.

The ayes were 41, nays 32.

Amendment H—5562 was adopted.

Jay of Appanoose offered the following amendment H—5095 filed by him and moved its adoption:

H—5095

1 Amend House File 2066 as follows:

2 1. Page 2, by inserting after line 12 the
3 following:

4 "Sec. 4. Section 148A.1, unnumbered paragraph 1,
5 Code 1985, is amended to read as follows:

6 As used in this chapter, physical therapy is that
7 branch of science that deals with the evaluation and
8 treatment of human capabilities and impairments.

9 Physical therapy uses the ~~effective~~ effective
10 properties of physical agents including, but not
11 limited to, mechanical devices, heat, cold, air,
12 light, water, electricity, and sound, and therapeutic
13 exercises, and rehabilitative procedures to prevent,
14 correct, minimize, or alleviate a physical impairment.
15 Physical therapy includes the interpretation of
16 performances, tests, and measurements, the
17 establishment and modification of physical therapy
18 programs, treatment planning, consultative services,
19 instructions to the patients, and the administration
20 and supervision attendant to physical therapy
21 facilities. Physical therapy evaluation of
22 biomechanics may be rendered by a physical therapist
23 without a prescription or referral from a physician or
24 dentist. Physical therapy treatment shall be rendered
25 by a physical therapist only under prescription or
26 referral from a physician, podiatrist, or dentist, or
27 referral from a chiropractor."

28 2. By renumbering as necessary.

Amendment H—5095 was adopted.

Jay of Appanoose offered the following amendment H—5527 filed by Connors of Polk and him and moved its adoption:

H—5527

1 Amend House File 2066 as follows:

2 1. Page 3, by inserting after line 25 the
3 following:

- 4 "Sec. 7. Section 602.8105, subsection 1, paragraph
5 s, Code Supplement 1985, is amended by striking the
6 paragraph."
7 2. By renumbering as necessary.

Amendment H—5527 was adopted.

Jay of Appanoose offered the following amendment H—5136
filed by him and moved its adoption:

H—5136

- 1, Amend House File 2066 as follows:
2 1. Page 4, by inserting after line 2 the
3 following:
4 "Sec. _____. Section 809A.13, subsection 4,
5 paragraph b, Code Supplement 1985, is amended to read
6 as follows:
7 b. A weapon or ammunition shall be deposited with
8 the department of public safety to be disposed of in
9 accordance with the rules of the department. All
10 weapons or ammunition may be held for use in law
11 enforcement, testing, or comparison by the
12 criminalistics laboratory, or destroyed. Ammunition
13 and firearms which are not illegal and are not
14 offensive weapons as defined by section 724.1 may be
15 sold by the department as provided in section 809A.21.
16 Sec. _____. NEW SECTION. 809A.21 SALE OF CERTAIN
17 AMMUNITION AND FIREARMS.
18 Ammunition and firearms which are not illegal and
19 which are not offensive weapons as defined by section
20 724.1 may be sold by the department of public safety
21 at public auction. The sale of ammunition or firearms
22 pursuant to this section shall be made only to
23 federally-licensed firearms dealers or to persons who
24 have a permit to purchase the firearms. Persons who
25 have not obtained a permit may bid on firearms at the
26 public auction. However, persons who bid without a
27 permit must post a fifty percent of purchase price
28 deposit with the commissioner of public safety on any
29 winning bid. No transfer of firearms may be made to a
30 person bidding without a permit until such time as the
31 person has obtained a permit. If the person is unable
32 to produce a permit within two weeks from the date of
33 the auction, the person shall forfeit the fifty
34 percent deposit to the department of public safety.
35 All proceeds of a public auction pursuant to this
36 section, less department expenses reasonably incurred,
37 shall be deposited in the general fund of the state.
38 The department of public safety shall be reimbursed
39 from the proceeds for the reasonable expenses incurred
40 in selling the property at the auction."
41 2. By renumbering as necessary.

Amendment H—5136 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Pavich of Pottawattamie.

Chapman of Linn asked and received unanimous consent to suspend Rule 31.8 (relating to the timely filing of amendments) for amendment H—5572 filed by her and Jay of Appanoose from the floor and moved its adoption:

H—5572

- 1 Amend House File 2066 as follows:
- 2 1. Page 3, by inserting after line 25 the
- 3 following:
- 4 "Sec _____. Section 422.45, subsection 2, Code
- 5 Supplement 1985, is amended to read as follows:
- 6 2. The gross receipts from the sales, furnishing,
- 7 or service of transportation service except the rental
- 8 of recreational vehicles, or recreational boats, or
- 9 and except the rental of motor vehicles subject to
- 10 registration which are registered for a gross weight
- 11 of thirteen tons or less for a period of sixty days or
- 12 less."

Amendment H—5572 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2066)

The ayes were, 74:

Arnould	Baxter	Beatty	Black
Blanshan	Buhr	Carl	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Diemer
Doderer	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Hatch	Hermann	Hester
Hummel	Jay	Jochum	Johnson

Knapp	Koenigs	Lageschulte	Lloyd-Jones
Loneragan	McIntee	Miller	Muhlbauer
Mullins	Norland	O'Kane	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 17:

Bennett	Branstad	Carpenter	Daggett
De Groot	Grandia	Halvorson, R. A.	Kremer
Maulsby	McKean	Metcalf	Renken
Rensink	Royer	Schneklath	Stromer
Van Maanen			

Absent or not voting, 9:

Brammer	Groth	Harbor	Haverland
Holveck	Hughes	Ollie	Platt
Welden			

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

SENATE AMENDMENT CONSIDERED

Parker of Jasper called up for consideration **House File 2197**, a bill for an act relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date, amended by the Senate amendment H—5539 as follows:

H—5539

- 1 Amend House File 2197 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "each" the word "instant".
- 5 2. Page 1, by striking lines 24 through 30.
- 6 3. Page 3, line 12, by striking the word "intrastate".
- 7 4. Page 5, by striking lines 25 through 30 and in-
- 8 serting in lieu thereof the following:
- 9 "Sec. 13. Marketing and".

- 10 5. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

Parker of Jasper offered the following amendment H—5571, to the Senate amendment H—5539, filed by him and McIntee of Black Hawk from the floor and moved its adoption:

H—5571

- 1 Amend Senate amendment, H—5539, to House File 2197,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking line 5.
5 2. Page 1, by striking lines 7, 8 and 9 and
6 inserting the following:
7 "_____. Page 5, line 26 and 27, by striking the
8 words "during the first six months following the
9 effective date of this Act" and inserting the words
10 "for the period beginning April 1, 1986 and ending
11 October 1, 1986".

A non-record roll call was requested.

The ayes were 41, nays 38.

Amendment H—5571 was adopted.

On motion by Parker of Jasper, the House concurred in the Senate amendment H—5539, as amended.

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

On the question "Shall the bill pass?" (H.F. 2197)

The ayes were, 56:

Arnould	Baxter	Beatty	Black
Blanshan	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Diemer	Fey	Fogarty
Groninga	Halvorson, R. N.	Hanson	Hatch
Jay	Jochum	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Loneragan	Metcalf
Muhlbauer	Norland	O'Kane	Ollie

Oxley	Parker	Paulin	Pavich
Peick	Peterson, M. K.	Poney	Renaud
Rosenberg	Running	Sherzan	Shoultz
Siegrist	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Van Camp	Woods	Zimmerman	Mr. Speaker

The nays were, 36:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Doderer
Grandia	Gruhn	Halvorson, R. A.	Hammond
Handorf	Hermann	Hester	Hummel
Johnson	Kremer	Maulsby	McIntee
McKean	Miller	Mullins	Osterberg
Pellett	Petersen, D. F.	Renken	Rensink
Royer	Schnekloth	Shoning	Stromer
Stueland	Swearingen	Van Maanen	Varn

Absent or not voting, 8:

Brammer	Groth	Harbor	Haverland
Holveck	Hughes	Platt	Welden

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

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules to consider House File 2256.

Objection was raised.

Norland of Worth moved to suspend the rules for the immediate consideration of House File 2256.

A non-record roll call was requested.

The ayes were 52, nays 34.

The motion prevailed and the rules were suspended.

The House resumed consideration of **House File 2256**, a bill for an act relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way, deferred March 25, 1986.

Norland of Worth asked and received unanimous consent to defer action on House File 2256 and that the bill be placed on the calendar under unfinished business.

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules to consider House File 2310.

Objection was raised.

Norland of Worth moved that the rules be suspended for the immediate consideration of House File 2310.

A non-record roll call was requested.

The ayes were 52, nays 32.

The motion prevailed and the rules were suspended.

House File 2310, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication, was taken up for consideration.

SENATE FILE 2167 SUBSTITUTED FOR HOUSE FILE 2310

Woods of Polk asked and received unanimous consent to substitute Senate File 2167 for House File 2310.

Senate File 2167, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2167 be deferred and that the bill retain its place on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 545, by committee on commerce, a bill for an act relating to the reorganization of bank affiliates.

Read first time and referred to committee on **small business and commerce**.

Senate File 2062, by Boswell, a bill for an act relating to membership sales, by exempting cooperatives organized under chapter 499.

Read first time and referred to committee on **small business and commerce**.

RULE 57 SUSPENDED

Sturgeon of Woodbury asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a committee on human resources meeting this afternoon.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent that House Files 2372, 2066 and 2197 be immediately messaged to the Senate.

RULE SUSPENDED

Norland of Worth asked for unanimous consent to suspend Rule 57, relating to committee notice and agenda for a committee on state government meeting upon adjournment.

Objection was raised.

MOTION TO RECONSIDER (Senate File 2116)

I move to reconsider the vote by which Senate File 2116 passed the House on March 27, 1986.

HUGHES of Union

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 27th day of March, 1986: House File 712.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM SECRETARY OF STATE

March 26, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that House File 2225 was published in the Pocahontas Record-Democrat, Pocahontas, Iowa, on March 19, 1986, and in The Messenger, Fort Dodge, Iowa, on March 19, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

SUBCOMMITTEE ASSIGNMENTS

Senate File 2248

Human Resources: Zimmerman, Chair; Hester, Mulins, Ollie and Peick.

Senate File 2270

Agriculture: Blanshan, Chair; Branstad and Hatch.

STUDY BILL SUBCOMMITTEE ASSIGNMENT

Study Bill 774

Ways and Means: Cochran, Chair; Doderer and Schneklath.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2050, a bill for an act relating to the security interest in farm products and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5587** March 26, 1986.

Senate File 2119, a bill for an act restricting the ability of a mortgagee of agricultural land to remove soil and water conservation practices and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5586** March 26, 1986.

Senate File 2231, a bill for an act relating to the right to first refusal allowed to immediately prior owners of agricultural land held by state banks.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5589** March 26, 1986.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2408), relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate sale of a homestead in relation to a foreclosure on agricultural land, providing for a farm mediation program, designating a farm crisis program coordinator, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 26, 1986.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 2165, a bill for an act providing that the hazardous chemicals risk right to know Act does not apply to employers not regulated by the federal occupational safety and health administration's hazard communication regulation with respect to hazardous chemicals which are consumer products as defined in and regulated pursuant to the federal Consumer Product Safety Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5584** March 26, 1986.

Senate File 2177, a bill for an act requiring specific criteria for the acquisition, selection, or approval of a site for a hazardous waste treatment, disposal, or storage facility.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5585 March 26, 1986.

Senate File 2253, a bill for an act relating to municipally owned utilities.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5583 March 26, 1986.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2108, a bill for an act relating to the reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship of a person convicted of a criminal offense.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5582 March 26, 1986.

Senate File 2240, a bill for an act relating to the collection of civil penalties for the reparation of persons injured by uninsured motorists.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5581 March 26, 1986.

Senate File 2265, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5575 March 26, 1986.

Pursuant to Rule 31.7, Senate File 2265 was referred to the committee on small business and commerce.

Senate File 2276, a bill for an act to legalize proceedings taken by the board of directors of the Iowa City community school district relating to the sale of certain property.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1986.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 476, a bill for an act to prohibit the relinquishment of prior seniority rights as a condition of employment.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1986.

Senate File 2101, a bill for an act providing Veterans Day as a paid state holiday and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1986.

Senate File 2104, a bill for an act relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1986.

Senate File 2283, a bill for an act relating to voluntary contributions by special zero-rated employers to meet the applicable percentage of excess requirement of the unemployment compensation contribution law and establishing a special unemployment compensation rate for certain expanding employers, and making the expanding employer rate retroactive and conditional.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5567** March 26, 1986.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 184, a bill for an act authorizing a county having a population of one hundred thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

Committee Action: **Failed to Pass** March 26, 1986.

Senate File 2227, a bill for an act to authorize direct payment of county auditors' transfer fees to county treasurers by county recorders.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1986.

Senate File 2228, a bill for an act relating to the responsibilities of county recorders to make reports concerning ownership, assessed values, and transfers of real estate, and certificates of limited partnerships.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1986.

COMMITTEE ON STATE GOVERNMENT

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding the political affiliation of members of judicial nominating commissions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5565** March 26, 1986.

Senate File 2052, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5564** March 26, 1986.

Senate File 2234, a bill for an act relating to the percent of the proceeds from the sales of obligations of the Iowa finance authority that are required to be used for newly constructed housing units.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5569** March 26, 1986.

Senate File 2235, a bill for an act relating to the sale of alcoholic liquor and wine by allowing special retailers to sell alcoholic liquor in areas which are not adequately served by state liquor stores and by limiting the sale of wine by the beer and liquor control department to sale at retail.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5568** March 26, 1986.

COMMITTEE ON WAYS AND MEANS

Senate File 2277, a bill for an act to clarify the intended effective date of portions of chapter 239, 1985 Acts, relating to the imposition of a tax on payments received by a nonprofit health service corporation for subscriber contracts and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1986.

AMENDMENTS FILED

H-5564	S.F.	2052	Committee on State Government
H-5565	S.J.R.	2002	Committee on State Government
H-5566	S.F.	245	Spear of Lee
H-5567	S.F.	2283	Committee on Labor and Industrial Relations
H-5568	S.F.	2235	Committee on State Government
H-5569	S.F.	2234	Committee on State Government
H-5573	H.F.	166	Senate Amendment
H-5574	H.F.	2301	Senate Amendment
H-5575	S.F.	2265	Committee on Judiciary and Law Enforcement
H-5576	H.F.	2471	Spear of Lee
H-5578	S.F.	549	Varn of Johnson
H-5579	S.F.	508	Holveck of Polk
H-5580	S.F.	2043	Haverland of Polk
H-5581	S.F.	2240	Committee on Judiciary and Law Enforcement
H-5582	S.F.	2108	Committee on Judiciary and Law Enforcement
H-5583	S.F.	2253	Committee on Energy and Environmental Protection
H-5584	S.F.	2165	Committee on Energy and Environmental Protection
H-5585	S.F.	2177	Committee on Energy and Environmental Protection
H-5586	S.F.	2119	Committee on Agriculture
H-5587	S.F.	2050	Committee on Agriculture
H-5588	S.F.	2265	Clark of Cerro Gordo
H-5589	S.F.	2231	Committee on Agriculture

On motion by Norland of Worth, the House adjourned at 1:19 p.m., until 9:00 a.m., Friday, March 28, 1986.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day — Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 28, 1986

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

Prayer was offered by the Honorable Dorothy Carpenter, state representative from Polk County.

The Journal of Thursday, March 27, 1986 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 268, a bill for an act relating to escapees from community-based correctional facilities, and adopting penalties.

Also: That the Senate has on March 26, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 340, a bill for an act relating to the operation of bed and breakfast homes.

Also: That the Senate has on March 26, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 732, a bill for an act relating to the penalties for violations of chapter 728 involving the promotion of obscene material and the sexual exploitation of children.

Also: That the Senate has on March 27, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2067, a bill for an act relating to the use of financial instruments and providing penalties.

Also: That the Senate has on March 26, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2078, a bill for an act relating to navigation near a diving flag and subjecting violators to a penalty.

Also: That the Senate has on March 26, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2178, a bill for an act to establish a consignment relationship between artists and art dealers for the sale of the artist's works.

K. MARIE THAYER, Secretary

PROOF OF PUBLICATION
(Senate File 2276)

Published copy of Senate File 2276 and verified proof of publication of said bill in the Iowa City Press-Citizen, a newspaper printed and published in Iowa City, Johnson County, Iowa, on March 5, 1986 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2131, a bill for an act relating to the enforcement of an interest in agricultural property, by providing for mediation, an appropriation, and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 1986.

Pursuant to Rule 31.7, Senate File 2131 was referred to the committee on appropriations.

Senate File 2270, a bill for an act relating to real estate, by providing for the payment of property tax installments, the eligibility of certain types of real estate for a foreclosure continuance, time limits for applying for a foreclosure continuance and the term of a foreclosure continuance, the distribution of income under a foreclosure continuance, the separate sale of a homestead under a foreclosure on agricultural land, foreclosure continuance eligibility to real estate used for small business, an extension of time under the current declaration of economic emergency, and an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5604 March 27, 1986.

COMMITTEE ON EDUCATION

Senate File 2269, a bill for an act relating to the education of certain children by private instruction or in nonpublic schools through a home instruction assistance program.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5590 March 27, 1986.

COMMITTEE ON HUMAN RESOURCES

Senate File 2057, a bill for an act relating to the licensing of marital and family therapists and mental health counselors.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5603 March 27, 1986.

Senate File 2207, a bill for an act excluding residential care facilities from certificate-of-need reviews for two fiscal years.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5596 March 27, 1986.

Senate File 2247, a bill for an act relating to the disclosure of mental health information and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 27, 1986.

Senate File 2248, a bill for an act relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist or veterinarian and the drug substituted by a pharmacist.

Fiscal Note is not required.

Recommended Do Pass March 27, 1986.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2015, a bill for an act relating to court costs and attorney fees in actions brought under provisions on new motor vehicle warranties.

Fiscal Note is not required.

Recommended Do Pass March 27, 1986.

Senate File 2210, a bill for an act requiring insurance companies to lower automobile liability insurance premiums to reflect the reduction in annual losses occasioned by the enactment of the mandatory seat belt bill.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5605 March 27, 1986.

Senate File 2255, a bill for an act permitting the inclusion of charges for credit unemployment insurance in consumer credit transactions under the Iowa consumer credit code.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5606 March 27, 1986.

Senate File 2265, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5602 March 27, 1986.

AMENDMENTS FILED

H—5590	S.F.	2269	Committee on Education
H—5591	S.F.	508	Rosenberg of Story
H—5592	H.F.	2178	Senate Amendment
H—5593	H.F.	2078	Senate Amendment
H—5594	H.F.	2067	Senate Amendment
H—5595	H.F.	732	Senate Amendment

H—5596 S.F. 2207

H—5597 S.F., 2101

Jochum of Dubuque
 Sherzan of Polk
 Fey of Scott
 Buhr of Polk
 Oxley of Linn
 Lloyd-Jones of Johnson
 Norland of Worth
 Tabor of Jackson
 Shoultz of Black Hawk
 Jay of Appanoose
 Arnould of Scott
 Groninga of Cerro Gordo
 Beatty of Warren
 Spear of Lee
 Sturgeon of Woodbury
 Renaud of Polk
 Siegrist of Pottawattamie
 Varn of Johnson
 Lonergan of Boone
 O'Kane of Woodbury
 Clark of Cerro Gordo
 Blanshan of Greene
 Rensink of Sioux
 Hammond of Story
 Fogarty of Palo Alto
 Diemer of Black Hawk

H—5598 S.F. 2240

H—5599 H.F. 2256

H—5600 S.J.R. 2002

H—5601 S.J.R. 2002

H—5602 S.F. 2265

H—5603 S.F. 2057

H—5604 S.F. 2270

H—5605 S.F. 2210

H—5606 S.F. 2255

Committee on
 Human Resources

Brammer of Linn
 Peick of Linn
 Haverland of Polk
 Chapman of Linn
 Ollie of Clinton
 Pavich of Pottawattamie
 Shoning of Woodbury
 Swartz of Marshall
 Teaford of Black Hawk
 Rosenberg of Story
 Mullins of Kossuth
 Peterson of Carroll
 Hatch of Polk
 Hughes of Union
 Platt of Muscatine
 Holveck of Polk
 Doderer of Johnson
 Osterberg of Linn
 Baxter of Des Moines
 Running of Linn
 Groth of Buena Vista
 McKean of Jones
 Johnson of Winneshiek
 Cooper of Lucas
 McIntee of Black Hawk
 Handorf of Marshall
 Hummel of Benton
 Black of Jasper

Kremer of Buchanan

Black of Jasper

Spear of Lee

Spear of Lee

Committee on Small
 Business and Commerce
 Committee on
 Human Resources

Committee on Agriculture

Committee on Small

Business and Commerce

Committee on Small

Business and Commerce

H—5607	S.J.R. 2002	Spear of Lee
H—5608	S.F. 245	Spear of Lee
H—5609	S.F. 477	Spear of Lee
H—5610	S.F. 2265	Jay of Appanoose
H—5611	S.F. 2265	Kremer of Buchanan

On motion by Connors of Polk, the House adjourned at 9:27 a.m., until 10:00 a.m., Tuesday, April 1, 1986.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day—Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 1, 1986

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

Prayer was offered by Reverend Jacob Boonstra, pastor of the Christian Reformed Church, Tracy.

The Journal of Friday, March 28, 1986 was approved.

INTRODUCTION OF BILL

House File 2473, by committee on appropriations, a bill for an act relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate sale of a homestead in relation to a foreclosure on agricultural land, providing for a farm mediation program, designating a farm crisis program coordinator, and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 721, a bill for an act relating to the service of process on an individual's spouse at a place other than the individual's dwelling house or usual place of abode.

Also: That the Senate has on March 27, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2110, a bill for an act relating to the membership of the state day care advisory committee.

K. MARIE THAYER, Secretary

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2116)

Hughes of Union asked and received unanimous consent to withdraw the motion to reconsider Senate File 2116, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date, filed by him on March 27, 1986.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 505, a bill for an act relating to the regulation of motor carriers and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk offered the following amendment H—5138 filed by the committee on transportation and moved its adoption:

H—5138

- 1 Amend Senate File 505 as passed by the Senate as
- 2 follows:
- 3 1. Page 4; by striking lines 9 and 10 and
- 4 inserting the following: "or mail in the same motor
- 5 vehicle with passengers."

The committee amendment H—5138 was adopted.

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

On the question "Shall the bill pass?" (S.F. 505)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey

Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Haverland	Jochum	McIntee	Shoultz
Welden			

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

SENATE FILE 2246 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2246 be deferred and that the bill retain its place on the calendar.

Senate File 245, a bill for an act relating to jurors, jury commissions and juror selection and providing penalties, with report of committee recommending passage was taken up for consideration.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—5566.

Van Camp of Scott offered the following amendment H—5515 filed by him and moved its adoption:

H—5515

- 1 Amend Senate File 245 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 21, by inserting after the word
- 4 "status," the words "physical disability."

Amendment H—5515 was adopted.

Chapman of Linn offered the following amendment H—3548 filed by her and moved its adoption:

H—3548

- 1 Amend Senate File 245 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 2, by inserting after the word
- 4 "strictly," the following: "However, in exercising
- 5 this authority the court shall allow the employer of
- 6 the person being asked to serve to give testimony in
- 7 support of a request by the person for deferral or
- 8 excuse."

Amendment H—3548 was adopted.

Spear of Lee offered the following amendment H—5608 filed by him and moved its adoption:

H—5608

- 1 Amend Senate File 245 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 29, by inserting after the word
- 4 "commissioners," the following: "If any of the above
- 5 offices have been consolidated, the chief judge of the
- 6 judicial district shall select another elected county
- 7 officer to serve as a jury commissioner."
- 8 2. Page 7, line 33, by striking the words "
- 9 county auditor and county recorder" and inserting the
- 10 words "and county auditor".

Amendment H—5608 was adopted.

Spear of Lee offered the following amendment H—5566, temporarily deferred, filed by him and moved its adoption:

H—5566

- 1 Amend Senate File 245 as amended, passed and
- 2 reprinted by the Senate as follows:

- 3 1. Page 2, line 20, by inserting after the word
 4 "age" the following: "if the person is eighteen years
 5 of age or older".

Amendment H—5566 was adopted.

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

On the question "Shall the bill pass?" (S.F. 245)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jochum

Welden

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

Senate File 2003, a bill for an act relating to the establishment of a drainage subdistrict, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2003)

The ayes were, 97:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Jochum

Welden

Zimmerman

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

Senate File 2029, a bill for an act relating to the sending, or causing to be sent, of a minor to a place of prostitution or to become a

prostitute, and providing penalties, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2029)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Petersen, D. F.
Peterson, M. K.	Platt	Poney	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jochum

Welden

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

Senate File 2193, a bill for an act to remove the notice requirements to the department of revenue relating to the discharge

of a personal representative and making the Act retroactive, with report of committee recommending passage was taken up for consideration.

Lageschulte of Bremer 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. 2193)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Taber	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jochum

Welden

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

Senate File 2213, a bill for an act relating to the criminal penalty for the fraudulent use of registration, with report of committee recommending passage was taken up for consideration.

Siegrist 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. 2213)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Cohnors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 1:

Miller

Absent or not voting, 3:

Carter

Peterson, M. K.

Welden

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

Senate File 2214, a bill for an act relating to fiduciary security transfers by increasing the duration of a certificate evidencing the appointment or incumbency of a fiduciary, with report of committee recommending passage was taken up for consideration.

Haverland 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. 2214)

The ayes were, 99:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Müllins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Welden

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

Senate File 2222, a bill for an act relating to agencies authorized to receive information pertaining to arson investigations, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2222)

The ayes were, 97:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.*

Absent or not voting, 3:

Groth

Teaford

Welden

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

Senate File 2232, a bill for an act to legalize and validate the proceedings of the City council of the City of Ankeny, Iowa, authorizing and providing for the issuance, sale and delivery of General Obligation Bonds, providing for the levy of taxes for the payment of the bonds and declaring the bonds to be enforceable obligations of the City of Ankeny, Iowa, with report of committee recommending passage was taken up for consideration.

Haverland 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. 2232)

The ayes were, 83:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Corey	Daggett	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Harbor	Hatch	Haverland
Hermann	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Koenigs
Lageschulte	Lloyd-Jones	Loneragan	McIntee
Metcalf	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Renken
Rensink	Rosenberg	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 15:

Bennett	Cooper	De Groot	Grandia
Handorf	Hester	Kremer	Maulsby
McKean	Miller	Pellett	Petersen, D. F.
Platt	Royer	Stueland	

Absent or not voting, 2:

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

Senate File 2088, a bill for an act relating to access to the results of energy audits, with report of committee recommending passage was taken up for consideration.

Paulin of Plymouth offered the following amendment H—5549 filed by him and Petersen of Muscatine and moved its adoption:

H—5549

- 1 Amend Senate File 2088 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 15 through 19 and
- 4 inserting the following: "request, to a person who
- 5 states in writing that he or she is a prospective
- 6 purchaser of the facility audited."

Amendment H—5549 was adopted.

Hughes of Union 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. 2088)

The ayes were, 75:

Arnould	Baxter	Beatty	Black
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Diemer	Doderer
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Hatch	Haverland	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	McIntee	McKean
Metcalf	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Renaud	Rensink
Rosenberg	Running	Sherzan	Shoultz
Siegrist	Skow	Spear	Stromer
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 22:

Bennett	Branstad	Clark	Corey
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Daggett	De Groot	Grandia	Handorf
Harbor	Hermann	Hummel	Maulsby
Miller	O'Kane	Pellett	Poncy
Renken	Royer	Schnekloth	Shoning
Stueland	Van Maanen		

Absent or not voting, 3:

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

Senate File 108, a bill for an act relating to information regarding medicare supplement insurance coverage, with report of committee recommending passage was taken up for consideration.

Clark 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. 108)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabors	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Gruhn

Welden

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

Senate File 2155, a bill for an act relating to the powers of the administrator of the department of credit unions in taking over the management of credit unions, with report of committee recommending passage was taken up for consideration.

Sherzan 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. 2155)

The ayes were, 98:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalfe	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Van Camp

Welden

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

Senate File 2221, a bill for an act allowing persons providing consent for the issuance of a motor vehicle license to a minor to withdraw the consent and require cancellation of the minor's license, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2221)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 3:

Gruhn Halvorson, R. N. Hummel

Absent or not voting, 4:

Connors Lloyd-Jones Stromer Welden

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

Senate File 2049, a bill for an act relating to the purchases of American made products and purchases from American based businesses, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk offered amendment H—5552 filed by the committee on transportation. Division was requested as follows:

H—5552

- 1 Amend Senate File 2049, as passed by the Senate, as
- 2 follows:

H—5552A

- 3 1. Page 1, lines 9 and 10, by striking the words
- 4 "at least seventy percent of the value" and inserting
- 5 the words "a majority of the component parts".
- 6 2. Page 1, line 11, by striking the words "North
- 7 America" and inserting the words "the United States or
- 8 Canada".
- 9 3. Page 1, line 12, by striking the words "North
- 10 America" and inserting the words "the United States or
- 11 Canada".

H—5552B

- 12 4. Page 1, by inserting after line 17 the
- 13 following new section:
- 14 "Sec. ____ Section 18.6, Code 1985, is amended by
- 15 adding the following new subsection:
- 16 **NEW SUBSECTION. 9.** The state and its political
- 17 subdivisions shall give preference to purchasing Iowa
- 18 products and purchasing from Iowa based businesses if
- 19 the bids submitted are comparable in price to those
- 20 submitted by other bidders and meet the required
- 21 specifications."

Renaud of Polk moved the adoption of the committee amendment H—5552A.

A non-record roll call was requested.

The ayes were 41, nays 22.

The committee amendment H—5552A was adopted.

On motion by Renaud of Polk, the committee amendment H—5552B was adopted.

Blanshan of Greene in the chair at 11:33 a.m.

Speaker Avenson in the chair at 11:35 a.m.

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

On the question "Shall the bill pass?" (S.F. 2049)

The ayes were, 65:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carter	Chapman	Cochran
Connolly	Connors	Cooper	Daggett
Diemer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. N.	Hammond
Handorf	Hatch	Haverland	Holveck
Jay	Jochum	Knapp	Lageschulte
Loneragan	McIntee	McKean	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellet	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Van Camp	Van Maanen	Woods	Zimmerman
Mr. Speaker			

The nays were, 31:

Bennett	Carpenter	Clark	Corey
De Groot	Doderer	Halvorson, R. A.	Hanson
Harbor	Hester	Hughes	Hummel

Johnson	Koenigs	Lloyd-Jones	Maulsby
Metcalf	Miller	Mullins	Paulin
Petersen, D. F.	Peterson, M. K.	Platt	Renken
Rensink	Royer	Schnekloth	Siegrist
Stromer	Swearingen	Varn	

Absent or not voting, 4:

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

On motion by Norland of Worth, the House was recessed at 12:05 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **Senate File 2167**, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication, deferred March 26, 1986.

The House stood at ease at 1:52 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2167 at 3:13 p.m., Speaker Avenson in the chair.

Doderer of Johnson offered the following amendment H—5303 filed by Doderer, et al.:

H—5303

- 1 Amend Senate File 2167 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 123.92A CIVIL LIABILITY
- 6 FOR INJURIES CAUSED BY INTOXICATED GUESTS.
- 7 A person injured by an intoxicated guest of a host
- 8 has a right of action against the host for damages
- 9 sustained if all the following occur:

- 10 1. The guest was intoxicated.
11 2. The host personally was actually aware the
12 guest was intoxicated.
13 3. The host then made available alcoholic
14 beverages, wine, or beer to the guest after being
15 aware that the guest was intoxicated.
16 4. The guest drank alcoholic beverages, wine, or
17 beer made available by the host.
18 5. The guest operated a motor vehicle while still
19 intoxicated.
20 6. The host took no action to prevent the guest
21 from operating a motor vehicle while intoxicated.
22 7. The guest operated the motor vehicle while
23 intoxicated in a manner which caused injury to the
24 person by reason of the intoxication."
25 2. Title page, line 1, by striking the word
26 "social".

Van Camp of Scott offered the following amendment H—5619, to amendment H—5303, filed by him from the floor:

H—5619

- 1 Amend House amendment H—5303 to Senate File 2167 as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking lines 3 through 26 and
5 inserting the following:
6 "1. Page 1, by striking lines 3 through 5 and
7 inserting the following:
8 "1. A person shall not sell, dispense, or give to
9 ~~any intoxicated person, or one simulating~~
10 ~~intoxication, any alcoholic liquor, wine, or beer to~~
11 ~~another person who is intoxicated or simulating~~
12 ~~intoxication, if the person selling, dispensing, or~~
13 ~~giving knows or should know that the other is~~
14 ~~intoxicated or simulating intoxication."~~
15 2. Page 1, lines 6 and 7, by striking the words
16 "other than a person required to hold a license or
17 permit under this chapter".
18 3. Page 1, line 12, by inserting after the word
19 "beer," the following: "This paragraph does not apply
20 to a person required to hold a license or permit under
21 this chapter, except on those occasions when the
22 person dispenses or gives alcoholic liquor, wine, or
23 beer to others during a noncommercial event and the
24 person does not receive monetary or promotional
25 consideration in return for dispensing or giving the
26 alcoholic liquor, wine, or beer."
27 4. Page 1, by inserting after line 19 the

28 following:

29 "Sec. 2. Section 123.92, unnumbered paragraph 1,
30 Code Supplement 1985, is amended to read as follows:
31 Every husband, wife, child, parent, guardian,
32 employer, or other person who is injured in person or
33 property or means of support by ~~any an~~ intoxicated
34 person or resulting from the intoxication of ~~any a~~
35 person, has a right of action for all damages actually
36 sustained, severally or jointly, against any licensee
37 or permittee, who ~~sells or gives sold or gave~~ any
38 beer, wine, or intoxicating liquor to a ~~the~~
39 intoxicated person while the person is when the
40 licensee or permittee knew or should have known the
41 person was intoxicated, or serves a who served the
42 person to a point where the person is licensee or
43 permittee knew or should have known the person would
44 become intoxicated. If the injury was caused by an
45 intoxicated person, a permittee or licensee may
46 establish as an affirmative defense that the
47 intoxication did not contribute to the injurious
48 action of the person. This section does not apply on
49 those occasions when a licensee or permittee dispenses
50 or gives alcoholic liquor, wine, or beer to others

Page 2

1 during a noncommercial event at which the licensee or
2 permittee does not receive monetary or promotional
3 consideration in return for dispensing or giving the
4 alcoholic liquor, wine, or beer."

Doderer of Johnson rose on a point of order that amendment H—5619 was not germane.

The Speaker ruled the point well taken and amendment H—5619 not germane.

Doderer of Johnson moved the adoption of amendment H—5303.

Roll call was requested by Doderer of Johnson and Lageschulte of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H—5303 be adopted?"

The ayes were, 44:

Baxter	Beatty	Bennett	Brammer
Branstad	Buhr	Carpenter	Carter
Clark	Corey	Daggett	De Groot
Doderer	Grandia	Groninga	Hammond
Handorf	Hatch	Haverland	Holveck
Hughes	Johnson	Lageschulte	Lloyd-Jones
McKean	Metcalf	Miller	Mullins
Ollie	Osterberg	Pellett	Rensink
Rosenberg	Royer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Swartz	Teaford	Van Maanen	Zimmerman

The nays were, 48:

Arnould	Black	Blanshan	Chapman
Connors	Cooper	Diemer	Fey
Fogarty	Groth	Gruhn	Halvorson, R. N.
Hanson	Harbor	Hermann	Hester
Hummel	Jay	Knapp	Koenigs
Kremer	Loneragan	Maulsby	Muhlbauer
O'Kane	Oxley	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Running	Schnekloth	Skow	Stromer
Sturgeon	Sullivan	Swearingen	Tabor
Van Camp	Varn	Woods	Mr. Speaker

Absent or not voting, 8:

Carl	Cochran	Connolly	Halvorson, R. A.
Jochum	McIntee	Norland	Welden

Amendment H—5303 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carl of Poweshiek, for the remainder of the day, on request of Baxter of Des Moines.

Van Camp of Scott offered the following amendment H—5620 filed by him from the floor and moved its adoption:

H—5620

- 1 Amend Senate File 2167 as amended, passed, and
- 2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 through 5 and
4 inserting the following:

5 "1. A person shall not sell, dispense, or give to
6 ~~any intoxicated person, or one simulating~~
7 ~~intoxication, any alcoholic liquor, wine, or beer to~~
8 another person who is intoxicated or simulating
9 intoxication, if the person selling, dispensing, or
10 giving knows or should know that the other is
11 intoxicated or simulating intoxication."

12 2. Page 1, lines 6 and 7, by striking the words
13 "~~other than a person required to hold a license or~~
14 ~~permit under this chapter~~".

15 3. Page 1, line 12, by inserting after the word
16 "beer." the following: "This paragraph does not apply
17 to a person required to hold a license or permit under
18 this chapter, except on those occasions when the
19 person dispenses or gives alcoholic liquor, wine, or
20 beer to others during a noncommercial event and the
21 person does not receive monetary or promotional
22 consideration in return for dispensing or giving the
23 alcoholic liquor, wine, or beer."

24 4. Page 1, by inserting after line 19 the
25 following:

26 "Sec. 2. Section 123.92, unnumbered paragraph 1,
27 Code Supplement 1985, is amended to read as follows:

28 Every husband, wife, child, parent, guardian,
29 employer, or other person who is injured in person or
30 property or means of support by ~~any an~~ intoxicated
31 person or resulting from the intoxication of ~~any a~~
32 person, has a right of action for all damages actually
33 sustained, severally or jointly, against any licensee
34 or permittee, who ~~sells or gives sold or gave~~ any
35 beer, wine, or intoxicating liquor to a ~~the~~
36 intoxicated person ~~while the person is~~ when the
37 licensee or permittee ~~knew or should have known the~~
38 ~~person was~~ intoxicated, or ~~serves a who served the~~
39 person to a point where the ~~person is~~ licensee or
40 permittee ~~knew or should have known the person would~~
41 ~~become~~ intoxicated. If the injury was caused by an
42 intoxicated person, a permittee or licensee may
43 establish as an affirmative defense that the
44 intoxication did not contribute to the injurious
45 action of the person. This section does not apply on
46 those occasions when a licensee or permittee dispenses
47 or gives alcoholic liquor, wine, or beer to others
48 during a noncommercial event at which the licensee or
49 permittee does not receive monetary or promotional
50 consideration in return for dispensing or giving the

Page 2

1 alcoholic liquor, wine, or beer."

Amendment H—5620 was adopted.

Lageschulte of Bremer offered the following amendment H—5613 filed by him from the floor and moved its adoption:

H—5613

1 Amend Senate File 2167 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 12, by inserting after the word
4 "beer" the following: "unless the person who
5 consumed the alcoholic beverage, wine, or beer was
6 under legal age".

Amendment H—5613 was adopted.

Brammer of Linn called up for consideration the motion to reconsider amendment H—5620 filed by him from the floor and moved to reconsider the vote by which amendment H—5620 was adopted by the House on April 1, 1986.

A non-record roll call was requested.

The ayes were 40, nays 29.

The motion prevailed and the House reconsidered amendment H—5620.

Brammer of Linn rose on a point of order that amendment H—5620 was not germane.

The Speaker ruled the point well taken and amendment H—5620 not germane.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2167)

The ayes were, 43:

Arnould	Baxter	Beatty	Black
Connolly	Connors	Cooper	Diemer
Fey	Fogarty	Groth	Gruhn
Halvorson, R. N.	Hanson	Hatch	Hermann
Hester	Knapp	Koenigs	Kremer
Lloyd-Jones	Muhlbauer	O'Kane	Oxley
Parker	Paulin	Pavich	Peick
Petersen, D. F.	Peterson, M. K.	Poney	Renaud
Running	Schnekloth	Skow	Sturgeon
Sullivan	Tabar	Teaford	Van Camp
Varn	Woods	Mr. Speaker	

The nays were, 50:

Bennett	Brammer	Branstad	Buhr
Carpenter	Carter	Chapman	Clark
Corey	Daggett	De Groot	Doderer
Grandia	Groninga	Hammond	Handorf
Harbor	Haverland	Holveck	Hughes
Hummel	Jay	Johnson	Lageschulte
Lonerган	Maulsby	McKean	Metcalf
Miller	Mullins	Norland	Ollie
Osterberg	Pellett	Platt	Renken
Rensink	Rosenberg	Royer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Swartz	Swearingen
Van Maanen	Zimmerman		

Absent or not voting, 7:

Blanshan	Carl	Cochran	Halvorson, R. A.
Jochum	McIntee	Welden	

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

Senate File 293, a bill for an act creating a fire service institute, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—5540 filed by the committee on state government and moved its adoption:

H—5540

- 1 Amend Senate File 293 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 24, by striking the words “, with

- 4 the approval of the state board of regents" and
 5 inserting the following: ", or the president's
 6 designee".
 7 2. Page 3, line 17, by inserting after the word
 8 "request" the following: ", except that amount
 9 provided by Iowa state university extension service,".

The committee amendment H—5540 was adopted.

Running of Linn in the chair at 4:31 p.m.

Beatty of Warren 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. 293)

The ayes were, 82:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Branstad
Buhr	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Royer	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		
	(Running)		

The nays were, 12:

Bennett	Carpenter	Handorf	McKean
Metcalf	Pellett	Petersen, D. F.	Renken
Rensink	Schnekloth	Stueland	Van Camp

Absent or not voting, 6:

Carl
Sherzan

Halvorson, R. A.
Welden

Jochum

McIntee

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

Senate File 2133, a bill for an act relating to gambling devices by permitting the manufacture of certain devices in the state and providing that the Iowa lottery agency shall give preference in contracts for lottery machines to persons who manufacture the machines in the state and in contracts for servicing machines to persons who have their principal place of business in the state, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2133)

The ayes were, 95:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor

Teaford
Woods

Van Camp
Zimmerman

Van Maanen
Mr. Speaker
(Running)

Varn

The nays were, none.

Absent or not voting, 5:

Carl
Welden

Halvorson, R. A.

Jochum

McIntee

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

SENATE FILES 2245 AND 2093 DEFERRED

Norland of Worth asked and received unanimous consent that Senate Files 2245 and 2093 be deferred and that the bills retain their place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Renken of Grundy, for the remainder of the day, on request of Hermann of Scott.

Senate File 2100, a bill for an act relating to public defenders, with report of committee recommending amendment and passage was taken up for consideration.

Holveck of Polk offered the following amendment H—5532 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5532

- 1 Amend Senate File 2100 as follows:
- 2 1. Page 1, line 8, by striking the words "or
- 3 budgets".

The committee amendment H—5532 was adopted.

Holveck 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. 2100)

The ayes were, 93:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rensink	Rosenberg
Royer	Schnekloth	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			
(Running)			

The nays were, none.

Absent or not voting, 7:

Carl	Halvorson, R. A.	Jochum	McIntee
Renken	Sherzan	Welden	

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

Senate File 2143, a bill for an act relating to corrections; changing certain administrative provisions; limiting remedies in restitution matters; changing the applicability dates of certain provisions relating to inmate discipline and the availability of remedies; and providing penalties, with report of committee recommending passage was taken up for consideration.

Speaker Avenson in the chair at 4:55 p.m.

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

On the question "Shall the bill pass?" (S.F. 2143)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Branstad	Buhr
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Black	Carl	Halvorson, R. A.	Handorf
Jochum	McIntee	Renken	Welden

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

SENATE FILE 2217 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2217 be deferred and that the bill retain its place on the calendar.

Senate File 477, a bill for an act relating to the search of students or protected student areas, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5518 filed by him:

H—5518

- 1 Amend Senate File 477 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 22 and inserting the
- 4 following: "is permitted to lock. School officials
- 5 may conduct a periodic inspection of all school
- 6 lockers. However, the school district shall provide
- 7 notice to the students, at least twenty-four hours
- 8 prior to the inspection, of the date and time of the
- 9 inspection."
- 10 2. Page 1, by striking lines 31 and 32 and
- 11 inserting the following:
- 12 "a. The seriousness of the violation for which a
- 13 search may be instituted."
- 14 3. Page 2, line 8, by striking the word
- 15 "significantly".

Van Camp of Scott offered amendment H—5629, to amendment H—5518, filed by him from the floor and requested division as follows:

H—5629

- 1 Amend amendment H—5518 to Senate File 477 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:

H—5629A

- 4 1. Page 1, by striking lines 3 through 9 and
- 5 inserting the following:
- 6 "_____. Page 1, by striking lines 19 through 22."

H—5629B

- 7 2. Page 1, by inserting after line 13 the
- 8 following:
- 9 "_____. Page 2, line 5, by striking the word "all"
- 10 and inserting the word "any".

H—5629A

- 11 3. By renumbering as necessary.

Van Camp of Scott moved the adoption of amendment H—5629A, to amendment H—5518.

A non-record roll call was requested.

The ayes were 49, nays 30.

Amendment H—5629A was adopted.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—5629B.

On motion by Rosenberg of Story, amendment H—5518, as amended, was adopted.

Spear of Lee offered the following amendment H—5609 filed by him and requested division as follows:

H—5609

- 1 Amend Senate File 477 as amended, passed, and
- 2 reprinted by the Senate as follows:

H—5609A

- 3 1. Page 2, by striking line 22.

H—5609B

- 4 2. Page 2, by inserting after line 29, the
- 5 following:
- 6 "d. The search of a student by a school official
- 7 not of the same sex as the student."
- 8 3. By relettering as necessary.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5609A.

On motion by Spear of Lee, amendment H—5609B was adopted.

Hummel of Benton asked and received unanimous consent to reconsider the vote by which amendment H—5518, as amended, was adopted by the House on April 1, 1986.

Hummel of Benton asked and received unanimous consent to reconsider the vote by which amendment H—5629A, to amendment H—5518, was adopted by the House on April 1, 1986.

Van Camp of Scott moved the adoption of amendment H—5629A, to amendment H—5518.

A non-record roll call was requested.

The ayes were 48, nays 36.

Amendment H—5629A was adopted.

On motion by Rosenberg of Story, amendment H—5518, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 477)

The ayes were, 81:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Carter	Chapman	Clark
Connolly	Connors	Cooper	Corey
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 10:

Bennett	De Groot	Grandia	Handorf
Paulin	Pellett	Rensink	Schnekloth
Stueland	Van Maanen		

Absent or not voting, 9:

Carl
Jochum
Welden

Cochran
McIntee

Daggett
Renken

Halvorson, R. A.
Sullivan

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 1986, 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 2197, a bill for an act relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date.

K. MARIE THAYER, Secretary

MOTIONS TO RECONSIDER (Senate File 293)

I move to reconsider the vote by which Senate File 293 passed the House on April 1, 1986.

BEATTY of Warren

(Senate File 293)

I move to reconsider the vote by which Senate File 293 passed the House on April 1, 1986.

DODERER of Johnson

(Senate File 2167)

I move to reconsider the vote by which Senate File 2167 failed to pass the House on April 1, 1986.

DODERER of Johnson

(Senate File 2167)

I move to reconsider the vote by which Senate File 2167 failed to pass the House on April 1, 1986.

JAY of Appanoose

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 28, 1986, he approved and transmitted to the Secretary of State the following bill:

House File 712, an act regarding the filing of documents for evidencing a thresher's or cornsheller's lien and providing for a penalty.

COMMUNICATIONS FROM SECRETARY OF STATE

March 27, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
L O C A L

Dear Mr. O'Hern:

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1985, there being no newspaper by the name of The Iowegian and Citizen published in Centerville, Iowa, I hereby designate that Senate File 2051 be published in the Ad-Express and Daily Iowegian and Citizen, a newspaper published in Centerville, Iowa.

I hereby certify that Senate File 2051 was published in The Sioux City Journal, Sioux City, Iowa, on March 21, 1986, and in the Ad-Express and Daily Iowegian and Citizen, Centerville, Iowa, on March 21, 1986.

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, because of inherent and imperative need, I hereby designate that House File 2353 be published in the Kossuth County Advance, a newspaper published in Algona, Iowa.

I hereby certify that House File 2353 was published in the Kossuth County Advance, Algona, Iowa, on March 22, 1986, and in The Messenger, Fort Dodge, Iowa, on March 22, 1986.

March 31, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
L O C A L

Dear Mr. O'Hern:

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1985, there being no newspaper by the name of The Cedar Valley Times, published in Vinton, Iowa, I hereby designate that House File 2287 be published in the Cedar Valley Daily Times, a newspaper published in Vinton, Iowa.

I hereby certify that House File 2287 was published in the Cedar Valley Daily Times, Vinton, Iowa, on March 19, 1986, and in the Jasper County Tribune, Colfax, Iowa, on March 20, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

CERTIFICATES OF RECOGNITION

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

- | | |
|---------|---|
| 1986-9 | Reverend John W. Hemann, St. Patrick's Catholic Church, Cedar Rapids — Celebrating the centennial of the founding of St. Patrick's. |
| 1986-10 | Alumni and Students of Simpson College, Indianola, — Observing the Quasiquicentennial anniversary. |
| 1986-11 | Orange City Unity Christian High School Basketball Team, Orange City — 1986 Class 1-A Boys' State Basketball Tournament Champions. |
| 1986-12 | Student Body of Orange City Unity Christian High School, Orange City — 1986 Sportsmanship Award at the Class 1-A Boys' State Basketball Tournament. |

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

CORRECTED REPORT OF COMMITTEE ON STATE GOVERNMENT

Senate File 2235, a bill for an act relating to the sale of alcoholic liquor and wine by allowing special retailers to sell alcoholic liquor in areas which are not adequately served by state liquor stores and by limiting the sale of wine by the beer and liquor control department to sale at retail.

Fiscal Note is required.

Reconsidered and Recommended **Amend and Do Pass with amendment H-5568**
March 26, 1986.

RESOLUTION FILED

HCR 125, by Swartz, a concurrent resolution designating the honeybee as the state insect.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5614	S.F.	97	Halvorson of Webster
H-5615	S.F.	97	Halvorson of Webster
H-5616	S.F.	2235	Halvorson of Webster
H-5617	S.F.	2235	Halvorson of Webster
H-5618	S.F.	97	Halvorson of Webster
H-5621	S.F.	2283	Halvorson of Clayton
			Corey of Louisa
H-5622	S.F.	2283	Halvorson of Clayton
			Corey of Louisa
H-5623	S.F.	2265	Halvorson of Clayton
Metcalfe of Polk			Stromer of Hancock
Renken of Grundy			Diemer of Black Hawk
Hermann of Scott			Carpenter of Polk
Royer of Page			Shoning of Woodbury
Bennett of Ida			Maulsby of Calhoun
			Lageschulte of Bremer
H-5624	S.F.	2265	Halvorson of Clayton
Harbor of Mills			Lageschulte of Bremer
Maulsby of Calhoun			Shoning of Woodbury
Diemer of Black Hawk			Renken of Grundy
			Metcalfe of Polk
H-5625	S.F.	2265	Halvorson of Clayton
Diemer of Black Hawk			Metcalfe of Polk
Royer of Page			Shoning of Woodbury
Maulsby of Calhoun			Lageschulte of Bremer
			Harbor of Mills

H-5626	S.F.	2265	Halvorson of Clayton Lageschulte of Bremer Diemer of Black Hawk
H-5627	S.F.	2265	Miller of Cherokee
H-5628	S.F.	2265	Shoning of Woodbury
			Royer of Page
			Carpenter of Polk
			Renken of Grundy
			Diemer of Black Hawk
H-5630	S.F.	2177	Halvorson of Clayton Mullins of Kossuth De Groot of Lyon Shoultz of Black Hawk
H-5631	S.F.	2265	Groninga of Cerro Gordo
H-5632	S.F.	2269	Daggett of Taylor Handorf of Marshall Van Camp of Scott Rensink of Sioux
H-5633	S.F.	2265	Jay of Appanoose

On motion by Norland of Worth, the House adjourned at 5:29 p.m., until 9:00 a.m., Wednesday, April 2, 1986.

JOURNAL OF THE HOUSE

Eightieth Calendar Day—Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 2, 1986

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

Prayer was offered by Reverend Helmer Peterson, pastor of the Liscomb Church of Christ, Liscomb.

The Journal of Tuesday, April 1, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his return, on request of Stromer of Hancock; Daggett of Taylor, until his return, on request of Bennett of Ida; Haverland of Polk, until his arrival, on request of Ollie of Clinton.

PETITION FILED

The following petition was received and placed on file:

By Renaud of Polk from two hundred fifty-seven constituents opposing any reductions at the state level for educational purposes.

SPECIAL PRESENTATION

Poncy of Wapello presented to the House Dale L. Renaud, National Commander of the American Legion. Representing three million members, Commander Renaud will be visiting fifty states and twenty-eight foreign countries during his term as commander.

The House rose and expressed its welcome.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 119

Norland of Worth called up for consideration House Concurrent Resolution 119, honoring and congratulating Dale L. Renaud, an Iowan who is 1985-1986 National Commander of the American Legion.

Poncy of Wapello moved the adoption of House Concurrent Resolution 119.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 119)

Norland of Worth asked and received unanimous consent to immediately message House Concurrent Resolution 119 to the Senate.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 2037, a bill for an act relating to the labeling of fuel sold as kerosene, with report of committee recommending passage was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—5525 filed by her and moved its adoption:

H—5525

- 1 Amend Senate File 2037 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "kerosene" the following: "and a designation as
- 5 either "K1" or "K2",."

Amendment H—5525 was adopted.

Gruhn of Dickinson 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. 2037)

The ayes were, 89:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.

Hammond	Handorf	Hanson	Hatch
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Oxley	Parker	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Daggett	Fey	Groth	Harbor
Haverland	Osterberg	Paulin	Rensink
Royer	Van Camp	Welden	

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

Senate File 2063, a bill for an act relating to loans for ethanol production, with report of committee recommending passage was taken up for consideration.

Carter of Henry asked and received unanimous consent that Senate File 2063 be temporarily deferred and that the bill retain its place on the calendar.

SENATE FILES DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2246 be deferred and that Senate File 2043 be temporarily deferred and that the bills retain their place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, until her return, on request of De Groot of Lyon.

Senate File 508, a bill for an act relating to the forcible entry or detention of real property, with report of committee recommending amendment and passage was taken up for consideration.

Running of Linn offered the following amendment H — 5488 filed by the committee on judiciary and law enforcement and moved its adoption:

H — 5488

1 Amend Senate File 508 as passed by the Senate as
2 follows:

3 1. Page 1, by striking lines 3 through 14, and
4 inserting the following:

5 648.5 JURISDICTION.

6 The court within the county shall have jurisdiction
7 of actions for the forcible entry or detention of real
8 property. It shall be tried as an equitable action.
9 Unless commenced as a small claim, a petition shall be
10 presented to a district court judge. ~~The court shall~~
11 ~~make an order fixing the time and place for hearing~~
12 ~~upon said petition and shall prescribe that notice of~~
13 ~~the hearing be personally served upon the defendant or~~
14 ~~defendants, which service shall be at least five days~~
15 ~~prior to the date set for hearing. Upon receipt of~~
16 ~~the petition, the court shall order a hearing which~~
17 ~~shall not be later than fourteen days from the date of~~
18 ~~the order. Personal service shall be made upon the~~
19 ~~defendant not less than five days prior to the~~
20 ~~hearing. In the event that personal service cannot be~~
21 ~~completed in time to give the defendant the minimum~~
22 ~~notice required by this section, the court may set a~~
23 ~~new hearing date. A default can not be made upon a~~
24 ~~defendant unless the five days notice has been given.~~

25 Sec. 2. Section 648.10, Code 1985, is amended by
26 striking the section and inserting the following:

27 648.10 SERVICE BY PUBLICATION.

28 Notwithstanding the requirements of section 648.5,
29 service may be made by publishing such notice for one
30 week in a newspaper of general circulation published
31 in the county where the petition is filed, provided
32 the petitioner files with the court an affidavit
33 stating that an attempt at personal service made by
34 the sheriff was unsuccessful because the defendant is
35 avoiding service by concealment or otherwise, and that
36 a copy of the petition and notice of hearing has been
37 mailed to the defendant at the defendant's last known
38 address or that the defendant's last known address is
39 not known to the petitioner. Service under this

- 40 section is complete seven days after publication. The
 41 court shall set a new hearing date if necessary to
 42 allow the defendant the five day minimum notice
 43 required under section 648.5."
 44 2. Page 1, by striking lines 20 and 21, and
 45 inserting the following: "claim for rent or recovery
 46 as provided in sections 562A.24, 562A.32, 562B.22, or
 47 562B.25, nor can shall it be made the".
 48 3. By renumbering as necessary.

The committee amendment H—5488 was adopted.

Rosenberg of Story offered the following amendment H—5591
 filed by him and moved its adoption:

H—5591

- 1 Amend Senate File 508 as passed by the Senate as
 2 follows:
 3 1. Page 1, by striking lines 15 through 32.

Roll call was requested by Carpenter of Polk and Doderer of
 Johnson.

On the question "Shall amendment H—5591 be adopted?"

The ayes were, 36:

Arnould	Baxter	Beatty	Brammer
Branstad	Buhr	Carl	Carpenter
Chapman	Connors	Doderer	Fey
Fogarty	Hammond	Hatch	Holveck
Hughes	Jay	Jochum	Johnson
Lloyd-Jones	Loneragan	O'Kane	Ollie
Osterberg	Parker	Platt	Rosenberg
Sherzan	Shoultz	Spear	Sturgeon
Teaford	Varn	Zimmerman	Mr. Speaker

The nays were, 56:

Bennett	Black	Blanshan	Cochran
Connolly	Cooper	Corey	De Groot
Diemer	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Knapp	Koenigs	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Norland	Oxley
Paulin	Pavich	Peick	Pellett

Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rensink	Royer	Running
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Swartz	Swearingen
Tabor	Van Camp	Van Maanen	Woods

Absent or not voting, 8:

Carter	Clark	Daggett	Groth
Haverland	Muhlbauer	Sullivan	Welden

Amendment H—5591 lost.

Holveck of Polk offered the following amendment H—5579 filed by him:

H—5579

- 1 Amend Senate File 508 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting after line 32, the
- 4 following:
- 5 "Sec. _____, NEW SECTION. 648.24 INSPECTION
- 6 CERTIFICATES.
- 7 The courts of this state shall not have
- 8 jurisdiction over any action or special proceeding for
- 9 possession based on nonpayment of rent unless the
- 10 plaintiff attaches to the petition a photocopy of a
- 11 current inspection certificate which may be required,
- 12 demonstrating compliance with section 364.17,
- 13 subsection 3, at the time the cause of action
- 14 accrued."
- 15 2. By renumbering as necessary.

Platt of Muscatine in the chair at 10:26 a.m.

Holveck of Polk moved the adoption of amendment H—5579.

A non-record roll call was requested.

The ayes were 31, nays 46.

Amendment H—5579 lost.

Running 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. 508)

The ayes were, 77:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Carl
Carter	Clark	Cochran	Connolly
Cooper	Corey	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hermann	Hester
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rensink	Royer	Running
Schneklloth	Shoning	Shoultz	Siegrist
Skow	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker (Platt)			

The nays were, 17:

Avenson	Beatty	Buhr	Carpenter
Chapman	Connors	Doderer	Hatch
Holveck	Hughes	Jochum	Loneragan
O'Kane	Rosenberg	Sherzan	Spear
Teaford			

Absent or not voting, 6:

Daggett	Groth	Hammond	Haverland
Sullivan	Welden		

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

Senate File 2253, a bill for an act relating to municipally owned utilities, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5583 filed by the committee on energy and environmental protection and moved its adoption:

H—5583

- 1 Amend Senate File 2253 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "e. Disconnection of service, as set forth in
- 6 section 476.20.
- 7 f. Discrimination against users of renewable
- 8 energy resources, as set forth in section 476.21.
- 9 g. Encouragement of alternate energy production
- 10 facilities, as set forth in sections 476.41 through
- 11 476.45."
- 12 2. Page 1, by striking lines 23 through 28.
- 13 3. Page 1, line 29, by striking the letter "e."
- 14 and inserting the letter "b."

The committee amendment H—5583 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2253)

The ayes were, 81:

Arnould	Avenson	Beatty	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carter	Clark	Cochran
Connolly	Connors	Cooper	Corey
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Harbor	Hatch
Hester	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stueland	Sturgeon	Swearingen	Tabor
Teaford	Van Maanen	Varn	Woods
Mr. Speaker			
(Platt)			

The nays were, 10.

Brammer	Carpenter	Chapman	Doderer
Handorf	Hanson	Hermann	Hummel
Poncy	Van Camp		

Absent or not voting, 9:

Baxter	Daggett	Groth	Haverland
Stromer	Sullivan	Swartz	Welden
Zimmerman			

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

Speaker Avenson in the chair at 11:10 a.m.

Senate File 2217, a bill for an act establishing a criminal penalty under Iowa's criminal code for the violation of federal law regarding the acquisition, sale, or purchase of federal agricultural surplus commodities, with report of committee recommending passage was taken up for consideration.

Carl of Poweshiek 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. 2217)

The ayes were, 33:

Black	Blanshan	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Fey	Halvorson, R. A.	Halvorson, R. N.	Hanson
Hester	Holveck	Jay	Jochum
Johnson	Lloyd-Jones	Maulsby	McIntee
McKean	Mullins	O'Kane	Paulin
Pellett	Rosenberg	Running	Siegrist
Skow	Spear	Sturgeon	Varn
Mr. Speaker			

The nays were, 60:

Arnould	Baxter	Beatty	Bennett
Brammer	Branstad	Buhr	Connolly
Cooper	Corey	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gruhn	Hammond	Handorf	Harbor

Hatch	Hermann	Hughes	Hummel
Knapp	Koenigs	Kremer	Lageschulte
Lonerган	Metcalf	Miller	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Royer	Schnekloth	Sherzan
Shoning	Shoultz	Stromer	Stueland
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Woods	Zimmerman

Absent or not voting, 7:

Connors	Daggett	Groth	Haverland
Rensink	Sullivan	Welden	

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

Senate File 2150, a bill for an act relating to the assessment of porcine animals, with report of committee recommending passage was taken up for consideration.

Carter 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. 2150)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonerган
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink

Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

Senate File 2235, a bill for an act relating to the sale of alcoholic liquor and wine by allowing special retailers to sell alcoholic liquor in areas which are not adequately served by state liquor stores and by limiting the sale of wine by the beer and liquor control department to sale at retail, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2235 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2247, a bill for an act relating to the disclosure of mental health information and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2247)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia

Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carl	Daggett	Groth	Haverland
Pellett	Welden		

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

Senate File 2283, a bill for an act relating to voluntary contributions by special zero-rated employers to meet the applicable percentage of excess requirement of the unemployment compensation contribution law and establishing a special unemployment compensation rate for certain expanding employers, and making the expanding employer rate retroactive and conditional, with report of committee recommending amendment and passage was taken up for consideration.

Ollie of Clinton offered the following amendment H—5567 filed by the committee on labor and industrial relations and moved its adoption:

H—5567

- 1 Amend Senate File 2283 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:

5 "Section 1. Section 96.5, subsection 1, Code
6 Supplement 1985, is amended by adding the following
7 new lettered paragraph:
8 **NEW LETTERED PARAGRAPH. j.** The individual is
9 unemployed as a result of the individual's employer
10 selling or otherwise transferring a clearly segregable
11 and identifiable part of the employer's business or
12 enterprise to another employer which does not make an
13 offer of suitable work to the individual as provided
14 under subsection 3; however, if the individual does
15 accept, and works in and is paid wages for, suitable
16 work with the acquiring employer, the acquiring
17 employer immediately becomes chargeable for the
18 benefits paid which are based on the wages paid by the
19 transferring employer."

20 2. Page 1, line 9, by inserting after the word
21 "with" the following: "more than a total of one
22 hundred dollars in".

23 3. Page 1, line 11, by inserting after the word
24 "year." the following: "However, notwithstanding the
25 voluntary contribution provisions of section 96.7,
26 subsection 3, paragraph "a", subparagraph (7), if the
27 employer's account has not been charged with more than
28 a total of one hundred dollars in benefit payments
29 during the twenty-four calendar quarters immediately
30 preceding the computation date and the employer's
31 percentage of excess is less than seven and five-
32 tenths percent, the employer shall not be required to
33 contribute to the unemployment compensation fund for
34 the rate year if the employer makes a voluntary
35 contribution which raises the employer's percentage of
36 excess to seven and five-tenths percent or greater and
37 which equals or exceeds the amount of any benefit
38 charge, of no more than one hundred dollars within the
39 preceding twenty-four calendar quarters, to the
40 employer's account."

41 4. Page 1, by striking lines 16 through 32 and
42 inserting the following: "year is either the
43 employer's experience rate computed under this
44 lettered paragraph or one and eight-tenths percent,
45 whichever is less. For subsequent years, either the
46 employer is not required to contribute under this
47 unnumbered paragraph or the employer's contribution
48 rate is the employer's experience rate computed under
49 this lettered paragraph. However, the employer's
50 experience rate shall be limited for each of the next

Page 2

1 three consecutive rate years. For the first rate
2 year, the employer's rate shall be limited to the rate

3 in the percentage of excess rank which is no more than
4 three percentage of excess ranks higher numerically
5 than the rank containing the one and eight-tenths
6 percent rate or the next lower rate. For each of the
7 next two rate years, the employer's rate shall be
8 limited to the rate in the percentage of excess rank
9 which is no more than three percentage of excess ranks
10 higher numerically than the rank in which the employer
11 was placed for the immediate past rate year."

12 5. Page 3, by inserting after line 27 the
13 following:

14 "Sec. _____. 1986 CONTRIBUTIONS FOR CERTAIN ZERO-
15 RATED EMPLOYERS. If an employer was not required to
16 contribute to the unemployment compensation fund for
17 any prior rate year under section 96.7, subsection 3,
18 paragraph "d", unnumbered paragraph 6, but is required
19 to contribute for calendar year 1986 solely due to the
20 fact that the employer's percentage of excess is less
21 than seven and five-tenths percent, and if the
22 employer's contributions paid for the first two
23 calendar quarters of 1986 raise the employer's
24 percentage of excess to seven and five-tenths percent
25 or more, based on the employer's average annual
26 payroll computed as of July 1, 1986, the employer is
27 not required to contribute to the fund for the last
28 two calendar quarters of 1986."

29 6. By striking page 3, line 29 through page 4,
30 line 4.

31 7. Title page, line 1, by inserting after the
32 word "Act" the following: "relating to employer
33 charges for benefits involving the transfer of a
34 clearly segregable and identifiable part of a business
35 or enterprise,".

36 8. Title page, line 3, by inserting after the
37 word "law" the following: ", relating to contribution
38 rates and schedules for special zero-rated
39 employers,".

40 9. Title page, by striking lines 5 and 6, and
41 inserting the following: "certain expanding
42 employers."

43 10. By renumbering as necessary.

The committee amendment H—5567 was adopted.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—5498 filed by him on March 20, 1986.

Halvorson of Clayton offered the following amendment H—5621 filed by him and Corey of Louisa:

H-5621

1 Amend Senate File 2283 as follows:

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

4 "Sec. _____. Section 96.19, subsection 20, Code
5 1985, is amended to read as follows:

6 20. "TAXABLE WAGES". For the purposes of section
7 96.7, subsections 1 and 2 and for the period beginning
8 January 1, 1972 and ending December 31, 1977, taxable
9 wages shall not include that part of remuneration
10 which, after remuneration equal to four thousand two
11 hundred dollars has been paid in a calendar year to an
12 individual by an employer or the employer's
13 predecessor with respect to employment during any
14 calendar year, is paid to such individual by such
15 employer during such calendar year unless that part of
16 the remuneration is subject to a tax under a federal
17 law imposing a tax against which credit may be taken
18 for contributions required to be paid into a state
19 unemployment fund, except that for the calendar years
20 1976 and 1977 the remuneration figure shall be six
21 thousand dollars.

22 For the purposes of this subsection, the term
23 "employment" includes service constituting employment
24 under any unemployment compensation law of another
25 state provided such the other state will consider
26 service performed in Iowa in determining the
27 contribution base.

28 For the calendar year beginning January 1, 1978,
29 and each subsequent calendar year, taxable "Taxable
30 wages" means upon which an employer shall be required
31 to contribute based upon remuneration which has been
32 paid in a calendar year to an individual by an the
33 employer or the employer's predecessor with respect to
34 employment during any the calendar year shall be, and
35 is equal to the greater of the following:

36 a. Sixty-six and two-thirds percent of the
37 statewide average annual wage paid to employees in
38 insured work rounded to the next highest multiple of
39 one hundred dollars based upon the calculation made
40 during the previous calendar year used to determine
41 the maximum weekly benefit amount, or Twelve thousand
42 dollars.

43 b. That portion of remuneration subject to a tax
44 under a federal law imposing a tax against which
45 credit may be taken for contributions required to be
46 paid into a state unemployment fund.

47 However, the amount of taxable wages otherwise
48 determined under this subsection shall be increased by
49 six hundred dollars for calendar year 1984, by eleven
50 hundred dollars for calendar year 1985, and by sixteen

Page 2

1 hundred dollars for calendar year 1986 and subsequent
2 calendar years. However, notwithstanding any
3 provision of this chapter to the contrary, an employer
4 shall only be required to contribute, based upon
5 remuneration which has been paid to an individual by
6 the employer or the employer's predecessor with
7 respect to employment during the calendar year, on the
8 amount of taxable wages which is subject to federal
9 tax, or on the first eight thousand dollars of taxable
10 wages paid to the individual, whichever is greater.

11 Sec. _____. 1983 Iowa Acts, chapter 190, section 28,
12 is amended to read as follows:

13 SEC. 26. PROSPECTIVE REPEAL. Sections Section 8
14 and 24 of this Act are is prospectively repealed on
15 January 1 of the first calendar year after December
16 31, 1985 for which a contribution rate table other
17 than contribution rate table one is effective.
18 Section 8 is repealed for benefit claims effectively
19 filed for and after the first full week in that first
20 calendar year. Section 24 is repealed for taxable
21 wages for that first calendar year and subsequent
22 calendar years."

23 2. By renumbering as necessary.

Ollie of Clinton rose on a point of order that amendment
H-5621 was not germane.

The Speaker ruled the point well taken and amendment
H-5621 not germane.

Stromer of Hancock moved that the rules be suspended to con-
sider amendment H-5621.

Roll call was requested by Stromer of Hancock and Bennett of
Ida.

On the question "Shall the rules be suspended to consider
amendment H-5621?"

The ayes were, 36:

Bennett	Carpenter	Clark	Corey
De Groot	Diemer	Grandia	Halvorson, R. A.
Handorf	Hanson	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalfe	Miller

Mullins	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Van Camp	Van Maanen

The nays were, 51:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Chapman	Cochran	Connors	Cooper
Doderer	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Lonergan	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Swartz	Tabor	Teaford
Varn	Woods	Mr. Speaker	

Absent or not voting, 13:

Branstad	Carter	Connolly	Daggett
Fey	Groth	Harbor	Hatch
Haverland	Lloyd-Jones	Sullivan	Welden
Zimmerman			

The motion lost.

Halvorson of Clayton offered the following amendment H—5622 filed by him and Corey of Louisa:

H—5622

- 1 Amend Senate File 2283 as follows:
- 2 1. Page 3, by inserting after line 27 the
- 3 following:
- 4 "Sec. _____. Section 96.19, subsection 20, Code
- 5 1985, is amended to read as follows:
- 6 20. "TAXABLE WAGES". For the purposes of section
- 7 96.7, subsections 1 and 2 and for the period beginning
- 8 January 1, 1972 and ending December 31, 1977, taxable
- 9 wages shall not include that part of remuneration
- 10 which, after remuneration equal to four thousand two
- 11 hundred dollars has been paid in a calendar year to an
- 12 individual by an employer or the employer's
- 13 predecessor with respect to employment during any
- 14 calendar year, is paid to such individual by such
- 15 employer during such calendar year unless that part of
- 16 the remuneration is subject to a tax under a federal

17 law imposing a tax against which credit may be taken
18 for contributions required to be paid into a state
19 unemployment fund, except that for the calendar years
20 1976 and 1977 the remuneration figure shall be six
21 thousand dollars.

22 For the purposes of this subsection, the term
23 "employment" includes service constituting employment
24 under any unemployment compensation law of another
25 state provided such the other state will consider
26 service performed in Iowa in determining the
27 contribution base.

28 For the calendar year beginning January 1, 1978,
29 and each subsequent calendar year, taxable "Taxable
30 wages" means wages upon which an employer shall be is
31 required to contribute based upon remuneration which
32 has been paid in a calendar year to an individual by
33 an the employer or the employer's predecessor with
34 respect to employment during any the calendar year
35 shall be, and is equal to the greater of the
36 following:

37 a. Sixty-six and two-thirds percent of the
38 statewide average annual wage paid to employees in
39 insured work rounded to the next highest multiple of
40 one hundred dollars based upon the calculation made
41 during the previous calendar year used to determine
42 the maximum weekly benefit amount, or Twelve thousand
43 dollars.

44 b. That portion of remuneration subject to a tax
45 under a federal law imposing a tax against which
46 credit may be taken for contributions required to be
47 paid into a state unemployment fund.

48 However, the amount of taxable wages otherwise
49 determined under this subsection shall be increased by
50 six hundred dollars for calendar year 1984, by eleven

Page 2

1 hundred dollars for calendar year 1985, and by sixteen
2 hundred dollars for calendar year 1986 and subsequent
3 calendar years.

4 Sec. _____ 1983 Iowa Acts, chapter 190, section 26,
5 is amended to read as follows:

6 SEC. 26. PROSPECTIVE REPEAL. Sections Section 8
7 and 24 of this Act are is prospectively repealed on
8 January 1 of the first calendar year after December
9 31, 1985 for which a contribution rate table other
10 than contribution rate table one is effective.
11 Section 8 is repealed for benefit claims effectively
12 filed for and after the first full week in that first
13 calendar year. Section 24 is repealed for taxable
14 wages for that first calendar year and subsequent
15 calendar years."

16 2. By renumbering as necessary.

Ollie of Clinton rose on a point of order that amendment H—5622 was not germane.

The Speaker ruled the point well taken and amendment H—5622 not germane.

Stromer of Hancock moved that the rules be suspended to consider amendment H—5622.

Roll call was requested by Carpenter of Polk and Halvorson of Clayton.

On the question "Shall the rules be suspended to consider amendment H—5622?"

The ayes were, 36:

Bennett	Branstad	Carpenter	Clark
Corey	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Swearingen	Van Camp	Van Maanen

The nays were, 53:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Chapman	Cochran	Connolly	Connors
Cooper	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Hatch	Holveck	Hughes	Jay
Johnson	Knapp	Koenigs	Lloyd-Jones
Loneragan	Muhlbauer	Norland	O'Kane
Ollie	Oxley	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 11:

Carter	Daggett	Doderer	Hanson
Harbor	Haverland	Jochum	Osterberg
Parker	Sherzan	Welden	

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterberg of Linn, until his return, on request of Johnson of Winneshiek.

Doderer of Johnson in the chair at 12:16 p.m.

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

On the question "Shall the bill pass?" (S.F. 2283)

The ayes were, 91:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Chapman	Clark	Cochran	Connors
Cooper	Corey	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Hatch
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Madam Speaker (Doderer)	

The nays were, none.

Absent or not voting, 9:

Carter	Connolly	Daggett	Harbor
Haverland	Jochum	Kremer	Osterberg
Welden			

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

Speaker Avenson in the chair at 12:34 p.m.

BILLS REMOVED FROM CALENDAR

Norland of Worth asked and received unanimous consent that the following bills, presently on the regular calendar and no longer eligible pursuant to Joint Rule 20, be removed from the regular calendar:

House Files 2006, 2084, 2149, 2159, 2231, 2232, 2233, 2271, 2298, 2321, 2327, 2340, 2358, 2364, 2406, 2411, 2418, 2429, 2430, 2432, 2440, 2444, 2445, 2450 and 2467.

On motion by Norland of Worth, the House was recessed at 12:36 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson, until her arrival, on request of Rosenberg of Story.

CONSIDERATION OF BILLS Regular Calendar

Senate File 2104, a bill for an act relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2104)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schneklloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Teaford	Van Camp	Van Maanen
Varn	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Black	Carter	Hatch	Jay
Lloyd-Jones	Parker	Tabor	Welden
Zimmerman			

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

Senate File 2108, a bill for an act relating to the reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship of a person convicted of a criminal offense, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5582 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5582

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

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

5 "Sec._____. Section 48.30, Code 1985, is amended to
6 read as follows:

7 48.30 NOTIFICATION OF CHANGES IN REGISTRATION.

8 The clerk of the district court shall promptly
9 notify the county commissioner of registration of
10 changes of name and of convictions of ~~infamous crimes~~
11 ~~or felonies, as defined in section 701.7, of legal~~
12 ~~declarations of incompetence made after a proceeding~~
13 ~~held pursuant to section 229.27, and of diagnosis of~~
14 ~~severe or profound mental retardation of persons of~~
15 ~~voting age. The clerk of the district court shall~~
16 ~~also notify the county commissioner of registration of~~
17 ~~the restoration of citizenship of a person who has~~
18 ~~been convicted of an infamous crime or a felony and of~~
19 ~~the finding that a person is of good mental health.~~
20 The notice will not restore voter registration. The
21 county commissioner of registration shall notify the
22 person whose citizenship has been restored or who has
23 been declared to be in good mental health that the
24 person's registration to vote was canceled and the
25 person must register again to become a qualified
26 elector.

27 Sec._____. Section 48.31, subsection 4, Code 1985,
28 is amended to read as follows:

29 4. The clerk of district court sends notification
30 of an elector's conviction of ~~an infamous crime or a~~
31 ~~felony, as defined in section 701.7."~~

32 2. Page 1, line 4, by striking the words "an
33 infamous crime" and inserting the words "~~an infamous~~
34 ~~crime a felony, as defined in section 701.7."~~

35 3. Page 1, line 10, by striking the words "Except
36 as provided in this chapter, the" and inserting the
37 word "The".

38 4. Page 2, line 5, by striking the word "thirty"
39 and inserting the word "ninety".

40 5. Page 2, lines 9 and 10, by striking the words
41 "remain with the governor and shall be reviewed at
42 least annually" and inserting the following: "be
43 returned to the board of parole and may be refiled
44 with the governor at any time".

45 6. By striking page 2, line 28 through page 3,
46 line 1.

47 7. Page 4, by inserting after line 9, the
48 following:

49 "Sec._____. Section 277.29, Code 1985, is amended
50 to read as follows:

Page 2

- 1 277.29 VACANCIES.
- 2 Failure to elect at the proper election or to
- 3 appoint within the time fixed by law or the failure of
- 4 the officer elected or appointed to qualify within the
- 5 time prescribed by law; the incumbent ceasing for any
- 6 reason to be a resident of the district or removing
- 7 residence from the subdistrict; the resignation or
- 8 death of incumbent or of the officer-elect; the
- 9 removal of the incumbent from, or forfeiture of, the
- 10 office, or the decision of a competent tribunal
- 11 declaring the office vacant; the conviction of
- 12 incumbent of an infamous crime a felony, as defined in
- 13 section 701.7, or of any public offense involving the
- 14 violation of the incumbent's oath of office, shall
- 15 constitute a vacancy."
- 16 8. By numbering and renumbering as necessary.

The committee amendment H—5582 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2108)

The ayes were, 63:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carpenter
Chapman	Clark	Connolly	Connors
Cooper	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Harbor	Hatch	Hermann	Holveck
Hughes	Hummel	Jochum	Johnson
Knapp	Koenigs	Lonergan	McKean
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Paulin
Pavich	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Sturgeon	Sullivan	Swartz	Teaford
Varn	Woods	Mr. Speaker	

The nays were, 26:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Handorf	Hester

Kremer	Lageschulte	Maulsby	McIntee
Metcalf	Miller	Pellett	Petersen, D. F.
Renken	Rensink	Royer	Running
Schnekloth	Stromer	Stueland	Swearingen
Van Camp	Van Maanen		

Absent or not voting, 11:

Black	Carter	Cochran	Haverland
Jay	Lloyd-Jones	Parker	Peick
Tabor	Welden	Zimmerman	

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

Senate File 2245, a bill for an act relating to the sale of alcoholic liquor, wine, and beer by allowing the use of personal checks, traveler's checks, and electronic funds transfer cards for purchases at state liquor stores, by providing for temporary liquor control licenses, wine permits, and beer permits, and by allowing a brewery to obtain a class "C" beer permit, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2245 be deferred and that the bill be placed on the unfinished business calendar.

SENATE FILE 2093 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2093 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 2262, a bill for an act relating to the approval of legal descriptions of parcels of land, with report of committee recommending passage was taken up for consideration.

O'Kane 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. 2262)

The ayes were, 89:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad

Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Hughes	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Oxley	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Teaford
Van Camp	Van Maanen	Varn	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Doderer	Haverland	Holveck	Jay
Lloyd-Jones	Osterberg	Parker	Platt
Tabor	Welden	Zimmerman	

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

Senate File 2212, a bill for an act relating to the use of trust assets received under the federal Bankhead-Jones Farm Tenant Act for guaranteeing operating loans for farmers, with report of committee recommending passage was taken up for consideration.

Skow 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. 2212)

The ayes were, 89:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter

Chapman	Clark	Cochran	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jochum	Johnson	Knapp	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Teaford
Van Camp	Van Maanen	Varn	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Connors	Haverland	Jay	Koenigs
Lloyd-Jones	Metcalf	O'Kane	Parker
Tabor	Welden	Zimmerman	

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

Senate File 2268, a bill for an act relating to the industrial loan thrift guaranty corporation of Iowa, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2268 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2275, a bill for an act to require lenders or secured parties to provide debtors with copies of documents relating to the debt, with report of committee recommending passage was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now

and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2275)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jochum	Johnson
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Jay	Knapp	Lloyd-Jones	Metcalf
Welden	Zimmerman		

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

Senate File 2159, a bill for an act relating to the reduction of recommended salary increases by the board of supervisors, with report of committee recommending passage was taken up for consideration.

Skow of Guthrie in the chair at 3:25 p.m.

Renken of Grundy 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. 2159)

The ayes were, 59:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Buhr
Carl	Carpenter	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Hatch	Haverland	Hermann	Hester
Holveck	Jochum	Johnson	Knapp
Koenigs	Kremer	Loneragan	Maulsby
Muhlbauer	Norland	O'Kane	Paulin
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Stromer
Sturgeon	Swartz	Swearingen	Tabor
Van Camp	Van Maanen	Mr. Speaker (Skow)	

The nays were, 33:

Branstad	Carter	Chapman	Clark
De Groot	Diemer	Harbor	Hughes
Hummel	Lageschulte	McIntee	McKean
Metcalf	Miller	Mullins	Ollie
Osterberg	Oxley	Pavich	Peick
Pellett	Platt	Rensink	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stueland	Teaford
Varn			

Absent or not voting, 8:

Brammer	Jay	Lloyd-Jones	Parker
Sullivan	Welden	Woods	Zimmerman

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

Senate File 2208, a bill for an act providing that the geographic limitation on locations where a financial institution may establish an electronic funds-transfer satellite terminal does not apply to certain satellite terminals, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2208 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2151, a bill for an act providing that the small claims court has concurrent jurisdiction of an action of replevin if the value of the property claimed is two thousand dollars or less, with report of committee recommending passage was taken up for consideration.

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. 2151)

The ayes were, 92:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shultz	Siegrist
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Mr. Speaker
			(Skow)

The nays were, none.

Absent or not voting, 8:

Brammer	Hatch	Jay	Lloyd-Jones
Sullivan	Welden	Woods	Zimmerman

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

Senate File 2119, a bill for an act restricting the ability of a mortgagee of agricultural land to remove soil and water conservation practices and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5586 filed by the committee on agriculture and moved its adoption:

H—5586

- 1 Amend Senate File 2119 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 18 and inserting the
- 4 words "state agency administering chapter 467A to be
- 5 used for cost sharing of soil and water conservation
- 6 practices under that chapter."

The committee amendment H—5586 was adopted.

Stromer of Hancock asked and received unanimous consent that Senate File 2119 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 2052, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5564 filed by the committee on state government and moved its adoption:

H—5564

- 1 Amend Senate File 2052, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 3 and inserting the
- 4 following:
- 5 "Sec. 2. This Act takes effect on the date of the
- 6 entry of the final decision or order in the case,

- 7 Junkins v. Branstad, No. CL 062 36310 (Polk County
8 Dist. Ct.), after the Act's".

The committee amendment H—5564 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2052)

The ayes were, 93:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schneklath	Sherzan	Shoning	Shultz
Siegrist	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Mr. Speaker			
(Skow)			

The nays were, 1:

Paulin

Absent or not voting, 6:

Jay	Lloyd-Jones	Sullivan	Welden
Woods	Zimmerman		

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

Speaker Avenson in the chair at 3:51 p.m.

Senate File 2165, a bill for an act providing that the hazardous chemicals risk right to know Act does not apply to employers not regulated by the federal occupational safety and health administration's hazard communication regulation with respect to hazardous chemicals which are consumer products as defined in and regulated pursuant to the federal Consumer Product Safety Act, with report of committee recommending amendment and passage was taken up for consideration.

Peterson of Carroll offered the following amendment H—5584 filed by the committee on energy and environmental protection and moved its adoption:

H—5584

- 1 Amend Senate File 2165 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. _____. Section 455D.4, subsection 1, Code
- 6 1985, is amended to read as follows:
- 7 1. Except for section 455D.9, this chapter does
- 8 not apply to a person engaged in farming, as defined
- 9 in this section or a pesticide as defined in section
- 10 206.2, subsection 1, used, stored, or available for
- 11 sale by a commercial applicator as defined in section
- 12 206.2, subsection 12, a certified applicator as
- 13 defined in section 206.2, subsection 17, a certified
- 14 private applicator as defined in section 206.2,
- 15 subsection 18, a certified commercial applicator as
- 16 defined in section 206.2, subsection 19, a pesticide
- 17 dealer as defined in section 206.2, subsection 24, or
- 18 to activities which are covered under the federal
- 19 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C.
- 20 sec. 135 et seq.; provided, however, that such persons
- 21 shall comply with the requirements of the federal
- 22 Insecticide, Fungicide, and Rodenticide Act, 40 C.F.R.
- 23 sec. 170, and chapter 206 where applicable to such
- 24 persons. As used in this section, "farming" means the
- 25 cultivation of land for the production of agricultural
- 26 crops, the raising of poultry, the production of eggs,
- 27 production of milk, the production of fruit or other
- 28 horticultural crops, grazing or the production of
- 29 livestock, spraying, or harvesting. The department of
- 30 agriculture shall cooperate with the bureau in an
- 31 investigation of an agricultural employee's complaint

32 filed pursuant to section 455D.9."
 33 2. Page 1, by striking lines 4 through 9 and
 34 inserting the following: "hazardous chemicals which
 35 are consumer products as defined in and regulated by
 36 the federal Consumer Product Safety Act, 15 U.S.C. §§
 37 2051 et seq., in the possession of a person who is not
 38 regulated by the federal occupational safety and
 39 health administration's hazard communication
 40 regulation 29 C.F.R. §§ 1910.1200 et seq. as
 41 promulgated on November 25, 1983."
 42 3. Title page, by striking lines 1 through 6 and
 43 inserting the following: "An Act relating to the
 44 applicability of the hazardous chemicals risk right to
 45 know Act."

The committee amendment H—5584 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2165)

The ayes were, 93:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Baxter
Welden

Jay
Woods

Lloyd-Jones
Zimmerman

Sullivan

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

Senate File 2177, a bill for an act requiring specific criteria for the acquisition, selection, or approval of a site for a hazardous waste treatment, disposal, or storage facility, with report of committee recommending amendment and passage was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H—5585 filed by the committee on energy and environmental protection:

H—5585

- 1 Amend Senate File 2177 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 455B.422, Code Supplement
- 6 1985, is amended to read as follows:
- 7 455B.422 ACQUISITION AND LEASE OF SITES.
- 8 The commission shall adopt rules establishing
- 9 criteria for the identification of land areas or sites
- 10 which are suitable for the operation of a treatment,
- 11 ~~or disposal, or storage~~ facility. Upon request, the
- 12 department shall assist the executive council in
- 13 locating suitable sites for the location of a
- 14 treatment, ~~or disposal, or storage~~ facility. The
- 15 commission may recommend to the executive council the
- 16 purchase or condemnation of land to be leased for the
- 17 operation of a treatment, ~~or disposal, or storage~~
- 18 facility. The executive council may purchase or may
- 19 condemn the land subject to chapter 471.
- 20 Consideration for a contract for purchase of land
- 21 shall not be in excess of funds appropriated by the
- 22 general assembly for that purpose. The executive
- 23 council upon recommendation of the commission may
- 24 lease land purchased under this section to any person
- 25 including the state or a state agency. This section
- 26 authorizes the state to own or operate a hazardous
- 27 waste treatment, ~~or disposal facility, or storage~~
- 28 facilities for the treatment, ~~and disposal, and~~

29 storage of hazardous wastes. The terms of the lease
30 shall establish responsibility for long-term
31 monitoring and maintenance of the site. The lessee is
32 subject to all applicable requirements of this part
33 including permit requirements. The commission may
34 shall require the lessee to post bond conditioned upon
35 performance of conditions of the lease relating to
36 long-term monitoring and maintenance. The leasehold
37 interest including improvements made to the property
38 shall be listed, assessed, and valued as any other
39 real property as provided by law. A facility acquired
40 or operated pursuant to this section is subject to the
41 licensing requirements of section 455B.443.

42 Sec. 2. Section 455B.448, subsection 1, Code 1985,
43 is amended by adding the following new lettered
44 paragraphs j and k and relettering the remaining
45 lettered paragraph:

46 NEW LETTERED PARAGRAPH. j. The availability of
47 alternatives sites and methods of treatment, disposal,
48 or storage, including cost comparisons. The cost
49 comparisons shall cover short and long-term costs
50 including, but not limited to, liability insurance,

Page 2

1 postclosure maintenance, monitoring of ground and
2 surface waters, monitoring of air before and after
3 closure, and the potential loss of land or water
4 resources due to contamination.

5 NEW LETTERED PARAGRAPH. k. To the maximum extent
6 feasible a site should be located away from all of the
7 following areas:

8 (1) Areas subject to natural hazards including,
9 but not limited to, flooding, earthquakes, or
10 subsidence.

11 (2) Sources of drinking water supply including,
12 but not limited to, reservoirs, lakes and rivers and
13 their watersheds, and aquifers and their recharge
14 areas.

15 (3) Fragile land areas including, but not limited
16 to, wetlands and the shorelines of rivers, lakes, and
17 streams.

18 (4) Areas with rare or valuable ecosystems or
19 geologic formations or significant wildlife habitat.

20 (5) Unique scenic or historic areas.

21 (6) Residential areas, parks, or schools."

Mullins of Kossuth offered the following amendment H—5630, to the committee amendment H—5585, filed by Mullins, et al., and moved its adoption:

H—5630

- 1 Amend amendment H—5585 to Senate File 2177 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by inserting after line 21 the
- 5 following:
- 6 "(7) Prime farmland as defined by the United
- 7 States department of agriculture in 7 C.F.R.
- 8 §657.5(a)."

• Amendment H—5630 was adopted.

On motion by Shoultz of Black Hawk, the committee amendment H—5585, as amended, was adopted.

Shoultz 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. 2177)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Groth
Welden

Jay
Woods

Lloyd-Jones
Zimmerman

Sullivan

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

Senate File 191, a bill for an act establishing a central registry of brain-injured persons within the department of human services, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 191 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2227, a bill for an act to authorize direct payment of county auditor's transfer fees to county treasurers by county recorders, with report of committee recommending passage was taken up for consideration.

Baxter 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. 2227)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt

Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Groth	Jay	Lloyd-Jones	Sullivan
Welden	Woods		

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

Senate File 2231, a bill for an act relating to the right of first refusal allowed to immediately prior owners of agricultural land held by state banks, with report of committee recommending amendment and passage was taken up for consideration.

Hughes of Union offered the following amendment H—5589 filed by the committee on agriculture and moved its adoption:

H—5589

- 1 Amend Senate File 2231 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 28, by striking the word "three"
- 4 and inserting the word "five".
- 5 2. Page 1, line 31, by striking the words
- 6 "receives an earnest inquiry or".
- 7 3. Page 1, line 35, by striking the words
- 8 "inquiry or".
- 9 4. Page 2, line 3, by striking the words "made
- 10 the inquiry or".
- 11 5. Page 2, line 10, by inserting after the word
- 12 "owner." the following: "A state bank shall not
- 13 retain mineral rights to the land upon the sale of
- 14 agricultural land held by the bank."
- 15 6. Page 2, by inserting after line 10 the
- 16 following:
- 17 "Sec. _____. NEW SECTION. 535.14 AGRICULTURAL LAND
- 18 HELD BY CERTAIN FINANCIAL INSTITUTIONS.
- 19 1. A state chartered bank, state chartered savings
- 20 and loan association, nationally chartered bank,
- 21 insurance company, agricultural credit corporation,
- 22 federal land bank, or federal capital corporation

23 which purchases agricultural land at sales upon
24 foreclosure of mortgages or deeds of trust owned by
25 it, or which acquires agricultural land upon judgments
26 or decrees obtained or rendered for debts due it, or
27 which has agricultural land conveyed to it in
28 satisfaction of debts previously contracted in the
29 course of its business, or which obtains agricultural
30 land through redemption as a junior mortgagee or
31 judgment creditor, shall, if less than five years have
32 passed since the acquisition of the land, notify the
33 immediately prior owner if the institution begins
34 negotiation as to the possible sale of the
35 agricultural land. The institution shall give the
36 immediately prior owner notice of the negotiation at
37 least twenty days before the institution accepts the
38 tender of an offer to purchase the agricultural land
39 from the person who was involved in the negotiation.
40 Upon tender of an offer to the institution by a
41 prospective buyer, the institution shall notify the
42 immediately prior owner of the price and terms of the
43 tendered and acceptable offer at least ten days prior
44 to accepting the offer. If the prior owner submits
45 within the ten-day period an intervening offer of
46 equal or better price, the agricultural land shall be
47 sold to the immediately prior owner.
48 2. If an institution listed in subsection 1
49 acquires agricultural land by a means described in
50 subsection 1, the institution shall not retain mineral

Page 2

1 rights to the land upon the sale of the agricultural
2 land."
3 7. Title page, by striking lines 1 through 3 and
4 inserting the following: "An Act relating to
5 agricultural land held by financial institutions, by
6 providing a first right of refusal to immediately
7 prior owners, and prohibiting the retention of mineral
8 rights upon the sale of agricultural land."

The committee amendment H—5589 was adopted.

Hughes of Union 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. 2231)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Sturgeon	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Zimmerman	Mr. Speaker	

The nays were, 3:

Handorf	Renken	Stueland
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Absent or not voting, 6:

Jay	Lloyd-Jones	Parker	Sullivan
Welden	Woods		

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

Senate File 2043, a bill for an act relating to qualification of non profit corporations as conservators, temporarily deferred, with report of committee recommending passage was taken up for consideration.

Haverland of Polk offered the following amendment H-5580 filed by him and moved its adoption:

H-5580

- 1 Amend Senate File 2043 as amended, passed, and
- 2 reprinted by the Senate as follows:

- 3 1. Page 1, line 6, by inserting after the figure
 4 "7," the following: "where the assets subject to
 5 the conservatorship are less than fifteen thousand
 6 dollars.".
 7 2. Page 1, by striking line 12, and inserting the
 8 following:
 9 "Sec. 2. Section 633.172, subsection 2, Code 1985,
 10 is amended to read as follows:
 11 2. Unless otherwise required by the instrument
 12 creating the relationship, or by order of court, a
 13 corporate fiduciary bank and trust companies shall not
 14 be required to provide any bond.
 15 Sec. 3. This Act takes effect July 1 following
 16 its".

Amendment H—5580 was adopted.

Haverland 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. 2043)

The ayes were, 91:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Loneragan	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Carter	Groth	Jay	Lloyd-Jones
McIntee	Sullivan	Swartz	Welden
Woods			

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 2063**, a bill for an act relating to loans for ethanol production, temporarily deferred.

Van Camp of Scott offered the following amendment H—5545 filed by him and moved its adoption:

H—5545

- 1 Amend Senate File 2063 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 5, by inserting before the word
- 4 "corn" the words "Iowa grown".

Roll call was requested by Stromer of Hancock and Schnekloth of Scott.

On the question "Shall amendment H—5545 be adopted?"

The ayes were, 46:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McIntee
McKean	Miller	Mullins	Ollie
Osterberg	Paulin	Peick	Pellett
Petersen, D. F.	Platt	Renaud	Renken
Rensink	Royer	Running	Schnekloth
Shoning	Siegrist	Skow	Stromer
Stueland	Swartz	Swearingen	Van Camp
Van Maanen	Varn		

The nays were, 49:

Arnould	Baxter	Beatty	Black
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Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jochum	Johnson
Knapp	Koenigs	Lloyd-Jones	Loneragan
Metcalf	Muhlbauer	Norland	Oxley
Parker	Pavich	Peterson, M. K.	Poncy
Rosenberg	Sherzan	Spear	Sturgeon
Tabor	Teaford	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 5;

Jay	O'Kane	Shoultz	Sullivan
Welden			

Amendment H—5545 lost.

Osterberg of Linn asked for unanimous consent to consider an amendment not timely filed pursuant to Rule 31.8.

Objection was raised.

Carter 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2063)

The ayes were, 48:

Arnould	Baxter	Beatty	Bennett
Blanshan	Branstad	Buhr	Carl
Carpenter	Carter	Cochran	Connolly
Connors	Corey	Daggett	De Groot
Fey	Fogarty	Groth	Gruhn
Harbor	Haverland	Hester	Jay
Jochum	Knapp	Muhlbauer	Norland
Ollie	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rensink
Royer	Running	Sherzan	Shoultz
Siegrist	Skow	Spear	Stromer
Van Maanen	Varn	Woods	Mr. Speaker

The nays were, 50:

Black	Brammer	Chapman	Clark
Cooper	Diemer	Doderer	Grandia
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Hatch	Hermann
Holveck	Hughes	Hummel	Johnson
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonerган	Maulsby	McIntee	McKean
Metcalf	Miller	Mullins	O'Kane
Osterberg	Oxley	Parker	Paulin
Peick	Platt	Renken	Rosenberg
Schnekloth	Shoning	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Zimmerman		

Absent or not voting, 2:

Sullivan Welden

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

Senate File 2093, a bill for an act extending the sunset provision for the Iowa advisory commission on intergovernmental relations, with report of committee recommending passage was taken up for consideration.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2093)

The ayes were, 87:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Hatch	Haverland	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonerган	Maulsby	McIntee

McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 9:

Grandia	Handorf	Hummel	Metcalf
Pellett	Rensink	Royer	Schnekloth
Stueland			

Absent or not voting, 4:

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

MOTIONS TO RECONSIDER (Senate File 2063)

I move to reconsider the vote by which Senate File 2063 failed to pass the House on April 2, 1986.

VAN CAMP of Scott

(Senate File 2231)

I move to reconsider the vote by which Senate File 2231 passed the House on April 2, 1986.

SWARTZ of Marshall

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, March 14, 1986 and Tuesday, April 1, 1986. Had I been present, I would have voted "aye" on House Files 665 and 2409; Senate Files 293, 477, 505, 2100, 2133, 2143; amendment H—5303 to Senate File 2167; and "nay" on Senate File 2167.

McINTEE of Black Hawk

I was temporarily absent from the House chamber on April 2, 1986. Had I been present, I would have voted "aye" on Senate File 2037.

VAN CAMP of Scott

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 792 Ways and Means

To increase the tax rate for real estate transfers.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF HUMAN SERVICES

Executive Summary, "Implementation of the Bill of Rights for Persons with Mental Retardation, Developmental Disabilities or Chronic Mental Illness: Assessment of Impact," pursuant to Senate File 473, Seventy-first General Assembly, 1985 Session.

PRESENTATION OF VISITORS

Stromer of Hancock presented to the House the Honorable Floyd Edgington, former member of the House representing Franklin County.

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

Seventy-five 4-H students from Worth County, accompanied by Dennis Johnson, Jill Weber, Fran Olson and Dixie Scherrer. By Clark of Cerro Gordo.

4-H members from Lee, Des Moines and Henry Counties. By Carter of Henry, Spear of Lee, Baxter of Des Moines and Sullivan of Van Buren.

Thirty senior students from Aurelia High School, Aurelia, accompanied by Marlin Lode and Gary DeWall as well as former Page Tom Cope. By Miller of Cherokee.

AMENDMENTS FILED

H-5634	S.F.	2265	Blanshan of Greene
H-5635	S.F.	293	Jochum of Dubuque
H-5636	S.F.	249	Halvorson of Clayton
H-5637	S.F.	2050	Fogarty of Palo Alto
H-5638	S.F.	2265	Jay of Appanoose
H-5639	H.F.	2431	Muhlbauer of Crawford
H-5640	S.F.	2248	Lonergan of Boone
H-5641	S.F.	2050	Fogarty of Palo Alto
H-5642	S.F.	2265	Jay of Appanoose
H-5643	H.F.	2469	Johnson of Winneshiek
			Osterberg of Linn
H-5644	S.F.	2083	Hughes of Union
H-5645	S.F.	2248	Peick of Linn
			Harbor of Mills
			Arnould of Scott
			Lonergan of Boone
H-5646	S.F.	2083	Hughes of Union
H-5647	S.F.	2083	Hughes of Union
H-5648	S.F.	2057	Hanson of Delaware
H-5649	S.F.	2057	Hanson of Delaware
H-5650	S.F.	2050	Carter of Henry
H-5651	S.F.	2265	Bennett of Ida
H-5653	S.F.	2248	Carpenter of Polk
			Sherzan of Polk
			Doderer of Johnson
			Renaud of Polk
			Halvorson of Clayton
			Harbor of Mills
H-5654	S.F.	2270	Osterberg of Linn
H-5655	S.F.	2270	Osterberg of Linn
H-5656	S.F.	2268	Skow of Guthrie
			Jochum of Dubuque
			Arnould of Scott
H-5657	S.F.	549	Varn of Johnson
H-5658	S.F.	2265	Doderer of Johnson
			Siegrist of Pottawattamie
H-5659	S.F.	2265	Halvorson of Clayton
			Diemer of Black Hawk
			Metcalf of Polk
			Shoning of Woodbury
			Lageschulte of Bremer
			Clark of Cerro Gordo
			Woods of Polk
			Koenigs of Mitchell
			Royer of Page
			Maulsby of Calhoun
			Harbor of Mills

H—5660	S.F.	2268	Sturgeon of Woodbury
			Skow of Guthrie
H—5661	S.F.	2269	O’Kane of Woodbury
H—5662	S.F.	2269	Jay of Appanoose
H—5663	S.F.	2050	Stueland of Clinton
			Maulsby of Calhoun
			Daggett of Taylor
			Kremer of Buchanan
			Oxley of Linn
			Zimmerman of Dallas
			Corey of Louisa
H—5664	S.F.	2208	Teaford of Black Hawk
			Connors of Polk
			Chapman of Linn
H—5665	S.F.	2269	Spear of Lee
H—5666	S.F.	2269	Spear of Lee
H—5667	S.F.	2269	Spear of Lee
H—5668	S.F.	2265	Doderer of Johnson
			Sherzan of Polk
			Shoultz of Black Hawk
			McKean of Jones

On motion by Norland of Worth, the House adjourned at 5:17 p.m., until 9:00 a.m., Thursday, April 3, 1986.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day—Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 3, 1986

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

Prayer was offered by Reverend Charles Klink, pastor of the United Methodist Church of Sumner.

The Journal of Wednesday, April 2, 1986 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 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 710, a bill for an act relating to the establishment and the regulation of vehicular traffic within rural residence districts, making penalties applicable.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2026, a bill for an act related to the appointment of county deputies, assistants, and clerks.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2082, a bill for an act relating to the exchange of territory between a benefited fire district and a township to provide fire protection services.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2189, a bill for an act relating to the appointment of citizen members to the board of directors of a judicial district department of correctional services.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2204, a bill for an act relating to the placement of appropriate highway signs and other highway information devices along primary roads and interstate highways to guide traffic to tourist attractions by the state department of transportation.

Also: That the Senate has on April 1, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2221, a bill for an act providing for modifications of the authority of the department of water, air and waste management over water pollution, flood plain construction, and water use.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2222, a bill for an act relating to the number of state officers or employees required to request payroll deduction for purposes of purchasing insurance.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2297, a bill for an act relating to the meetings of the state conservation commission.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2347, a bill for an act relating to the definition of the term "felony" for purposes of the law relating to possession of weapons, and affecting penalties.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2352, a bill for an act authorizing the temporary transfer of funds between the primary road fund and the farm-to-market road fund.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2389, a bill for an act relating to the population of cities in which substandard housing and related buildings are subject to abatement under chapter 657A.

K. MARIE THAYER, Secretary

SENATE FILE 2246 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2246 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS Regular Calendar

Senate File 2276, a bill for an act to legalize proceedings taken by the board of directors of the Iowa City community school district

relating to the sale of certain property, with report of committee recommending passage was taken up for consideration.

Siegrist 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. 2276)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carter	Cochran	Jochum	Rensink
Schnekloth	Welden		

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

Senate File 2015, a bill for an act relating to court costs and attorney fees in actions brought under provisions on new motor vehicle warranties, with report of committee recommending passage was taken up for consideration.

Sturgeon 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. 2015)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Carter	Connors	Groth	Mullins
Welden			

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:

Lloyd-Jones of Johnson, until her return, on request of Arnould of Scott.

Senate File 2228, a bill for an act relating to the responsibilities of county recorders to make reports concerning ownership, assessed values, and transfers of real estate, and certificates of limited partnerships, with report of committee recommending passage was taken up for consideration.

Baxter 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. 2228)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lonergan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Carter

Lloyd-Jones

Sherzan

Welden

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

Senate File 2234, a bill for an act relating to the percent of the proceeds from the sales of obligations of the Iowa finance authority that are required to be used for newly constructed housing units, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—5569 filed by the committee on state government and moved its adoption:

H—5569

- 1 Amend Senate File 2234 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 26 through 31 and
- 4 inserting the following:
- 5 "If the authority determines that sufficient demand
- 6 exists for housing rehabilitation financing, it shall
- 7 endeavor to issue obligations to finance that demand.
- 8 If the authority finds it is unable to issue
- 9 obligations to meet that demand, it shall file, within
- 10 six months of the date of the determination that a
- 11 demand exists, a full report with the governor,
- 12 secretary of the senate, and chief clerk of the house
- 13 of representatives explaining the demand and the
- 14 reason it was not possible to satisfy that demand."

The committee amendment H—5569 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2234)

The ayes were, 96:

Arnould
Black
Buhr

Baxter
Blanshan
Carl

Beatty
Brammer
Carpenter

Bennett
Branstad
Carter

Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Running
Schnekloth	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 1:

Royer

Absent or not voting, 3:

Lloyd-Jones

Sherzan

Welden

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

Senate File 2239, a bill for an act to legalize the purchase of certain property by the Hardin county conservation board, with report of committee recommending passage was taken up for consideration.

Siegrist 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. 2239)

The ayes were, 92:

Arnould
Black

Baxter
Blanshan

Beatty
Brammer

Bennett
Branstad

Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Fogarty	Grandia	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Carter	Doderer	Fey	Groninga
Lloyd-Jones	Stueland	Welden	Woods

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

Senate File 249, a bill for an act relating to workers' compensation benefits for persons domiciled in this state but injured outside the state, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 249 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 549, a bill for an act providing for a raffle conducted by the Iowa development commission with the proceeds of the raffle to be invested in certain types of venture capital funds and the earnings on the proceeds prior to investment to be used as prizes, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose in the chair at 9:49 a.m.

Varn of Johnson offered the following amendment H—5578 filed by him and moved its adoption:

H—5578

- 1 Amend Senate File 549 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 1, by striking the figure "IX"
- 4 and inserting the following: "XI".
- 5 2. Page 1, line 2, by striking the figure
- 6 "28.101" and inserting the following: "28.111".
- 7 3. Page 1, line 5, by striking the figure
- 8 "28.102" and inserting the following: "28.112".
- 9 4. Page 1, line 10, by striking the figure
- 10 "28.103" and inserting the following: "28.113".
- 11 5. Page 1, line 18, by striking the figure
- 12 "28.103" and inserting the following: "28.113".
- 13 6. Page 4, by striking lines 19 through 35 and
- 14 inserting the following:
- 15 "Sec. 5. Section 537A.4, unnumbered paragraph 2,
- 16 Code Supplement 1985, is amended to read as follows:
- 17 This section does not apply to a contract for the
- 18 operation of or for the sale or rental of equipment
- 19 for games of skill or games of chance, if both the
- 20 contract and the games are in compliance with chapter
- 21 99B. This section does not apply to wagering under
- 22 the pari-mutuel method of wagering authorized by
- 23 chapter 99D. This section does not apply to the sale,
- 24 purchase or redemption of a ticket or share in the
- 25 state lottery in compliance with chapter 99E or the
- 26 sale, purchase or redemption of a share in the raffle
- 27 conducted under section 22.113.
- 28 Sec. 6. Section 725.15, Code Supplement 1985, is
- 29 amended to read as follows:
- 30 725.15 EXCEPTIONS FOR LEGAL GAMBLING.
- 31 Sections 725.5 to 725.10 and 725.12 do not apply to
- 32 a game, activity, ticket, share or device when
- 33 lawfully possessed, used, conducted or participated in
- 34 pursuant to section 28.113, chapter 99B or chapter
- 35 99E."

Amendment H—5578 was adopted.

Varn of Johnson offered the following amendment H—5657 filed by him and moved its adoption:

H—5657

1 Amend Senate File 549 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 7 the
4 following:

5 "_____. "Lottery agency" means the Iowa lottery
6 agency created and operating pursuant to chapter 99E."

7 2. Page 1, line 19, by striking the word
8 "commission" and inserting the following: "lottery
9 agency".

10 3. Page 1, line 21, by striking the word
11 "commission" and inserting the following: "lottery
12 agency".

13 4. Page 1, line 30, by striking the word
14 "commission" and inserting the following: "lottery
15 agency".

16 5. Page 2, line 4, by inserting after the words
17 "by the" the following: "lottery agency, the".

18 6. Page 2, line 28, by inserting after the word
19 "The" the following: "lottery agency and the".

20 7. Page 3, line 4, by striking the word
21 "commission" and inserting the following: "lottery
22 agency".

23 8. Page 3, line 9, by striking the word
24 "commission" and inserting the following: "lottery
25 agency".

26 9. Page 3, line 11, by striking the word
27 "commission" and inserting the following: "lottery
28 agency".

29 10. Page 3, line 20, by striking the word
30 "Commission" and inserting the following: "Lottery
31 agency".

32 11. Page 4, by striking line 13 and inserting the
33 following:

34 "6. The lottery agency and the commission shall
35 include in their annual reports to".

36 12. Page 4, line 16, by inserting after the word
37 "The" the following: "lottery agency and the".

38 13. Title page, by striking lines 1 through 3 and
39 inserting the following: "An Act providing for a
40 raffle conducted by the Iowa lottery agency with the
41 proceeds of the raffle to be invested by the Iowa
42 development commission in certain types of venture
43 capital funds and the".

Amendment H—5657 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, until his return, on request of Harbor of Mills; Mullins of Kossuth, until her return, on request of Bennett of Ida.

Speaker Avenson in the chair at 9:56 a.m.

Osterberg of Linn in the chair at 10:07 a.m.

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

On the question "Shall the bill pass?" (S.F. 549)

The ayes were, 56:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hanson	Hatch	Haverland
Hughes	Jay	Jochum	Knapp
Koenigs	Lloyd-Jones	Loneragan	Muhlbauer
Norland	O'Kane	Ollie	Parker
Paulin	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Siegrist	Skow
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman

The nays were, 40:

Bennett	Branstad	Carl	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Hammond	Handorf
Harbor	Hermann	Hester	Holveck
Hummel	Johnson	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Oxley	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schneklath	Shoning	Spear	Stueland
Swearingen	Van Camp	Van Maanen	Mr. Speaker (Osterberg)

Absent or not voting, 4:

Halvorson, R. A.

Mullins

Stromer

Welden

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

Senate File 2050, a bill for and act relating to the security interest in farm products and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—5587 filed by the committee on agriculture:

H—5587

1 Amend Senate File 2050 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 554.9307, subsection 1, Code
6 Supplement 1985, is amended to read as follows:

7 1. Except as provided in subsection 4, a buyer in
8 ordinary course of business as defined in section
9 554.1201, subsection 9, takes free of a security
10 interest created by that person's seller even though
11 the security interest is perfected and even though the
12 buyer knows of its existence. For purposes of this
13 section, a buyer or buyer in ordinary course of
14 business includes any commission merchant, selling
15 agent, or other person engaged in the business of
16 receiving livestock as defined in section 189A.2 on
17 commission for or on behalf of another.

18 Sec. 2. Section 554.9307, subsection 4, Code
19 Supplement 1985, is amended by striking the subsection
20 and inserting in lieu thereof the following:

21 4. a. A buyer in ordinary course of business
22 buying farm products from a person engaged in farming
23 operations takes free of a security interest created
24 by that person's seller even though the security
25 interest is perfected, unless within one year before
26 the sale of the farm products the buyer receives prior
27 written notice of the security interest which complies
28 with this subsection.

29 b. A written notice complies with this subsection
30 if the notice is given to the buyer by the secured
31 party or the seller of the farm products and complies
32 with both of the following:

33 (1) Is an original or reproduced copy of the

- 34 financing statement.
- 35 (2) Contains all of the following:
- 36 (a) The name and address of the secured party.
- 37 (b) The name and address of the person indebted to
- 38 the secured party.
- 39 (c) The social security number of the debtor or,
- 40 in the case of a debtor doing business other than as
- 41 an individual, the internal revenue service taxpayer
- 42 identification number of the debtor.
- 43 (d) A description of the farm products subject to
- 44 the security interest created by the debtor, including
- 45 the amount of the products where applicable.
- 46 (e) An identification of the crop year in which
- 47 the farm products were produced.
- 48 (f) An identification of the county in which the
- 49 farm products were produced.
- 50 (g) A reasonable description of the property on

Page 2

- 1 which the farm products were produced.
- 2 c. In addition to the requirements of paragraph
- 3 "b", the notice shall contain a statement of any
- 4 payment obligations imposed on the buyer by the
- 5 secured party as conditions for waiver or release of
- 6 the security interest.
- 7 d. A written notice shall be amended by the
- 8 secured party within three months of any material
- 9 change and transmitted to the potential buyer by
- 10 either the secured party or the seller of the farm
- 11 products. The notice lapses on the earlier of either
- 12 one year from the date the notice was received by the
- 13 buyer or the buyer receives a notice signed by the
- 14 secured party that the security interest has lapsed.
- 15 Sec. 3. Section 554.9307, subsection 1, Code Sup-
- 16 plement 1985, is amended by adding the following new
- 17 subsections:
- 18 **NEW SUBSECTION. 5.** A secured party may request a
- 19 debtor to provide the secured party with a list of
- 20 potential buyers to whom the debtor anticipates
- 21 selling the farm products to be subject to a security
- 22 interest. The secured party may also request the
- 23 buyer to issue any check for payment or partial
- 24 payment of a product subject to a security interest
- 25 jointly in the name of both the seller and the secured
- 26 party. However, before the secured party may exercise
- 27 either right provided in this section, the secured
- 28 party shall have included in the documents creating
- 29 the security interest a written provision stating that
- 30 the secured party intends to notify any person listed
- 31 as a potential buyer of the existence of the security
- 32 interest and to request a joint check. The provision

33 making such disclosure shall be separately signed and
34 dated by the person granting the security interest for
35 the provision to be effective. A debtor who signs
36 such a separate provision shall provide the secured
37 party with a list of potential buyers of the farm
38 product subject to the security interest created at
39 the time the debt is incurred.

40 NEW SUBSECTION. 6. A buyer of farm products takes
41 subject to a security interest created by the seller
42 if the buyer has received the notice provided for in
43 subsection 4 and fails to perform the payment
44 obligations specified in the notice.

45 NEW SUBSECTION. 7. a. If the documents creating
46 a security interest contain the provisions permitted
47 pursuant to subsection 5 and meet the requirements of
48 subsection 5, the debtor is engaged in farming
49 operations, and the debtor sells the farm products
50 subject to a security interest created by the debtor

Page 3

1 to a buyer not included on the list as a potential
2 buyer, then the debtor is subject to a civil penalty
3 of the greater of either five thousand dollars or
4 fifteen percent of the value or benefits received by
5 the debtor for the farm product described in the
6 security agreement. The penalty shall be deposited in
7 the state general fund. However, if the secured party
8 can demonstrate in state district court upon
9 application by the secured party that the secured
10 party has sustained a monetary loss as a result of the
11 debtor selling to a person other than a person on the
12 list of potential buyers and is unable to collect
13 under the security agreement, then to the extent that
14 the secured party can prove by competent evidence the
15 amount of the monetary loss and the inability to
16 collect under the security agreement, the court shall
17 award the secured party so much of the civil penalty
18 as necessary to cover the secured party's loss. The
19 penalty provided in this subsection shall not be
20 imposed on the debtor if the debtor has complied with
21 any of the following:

22 (1) Notified the secured party in writing of the
23 identity of the buyer at least seven days prior to the
24 sale.

25 (2) Accounted to the secured party for the
26 proceeds of the sale not later than ten days after the
27 sale.

28 (3) Acted in conformity with a written agreement
29 between the secured party and the debtor regarding
30 prior notification of a sale or payment of the
31 proceeds.

32 b. In addition to the civil penalty provided in
33 this section, a debtor who sells a farm product
34 subject to a security interest created by the debtor
35 to a buyer not included on the list as a potential
36 buyer may also be guilty of committing theft pursuant
37 to section 714.1, subsection 5.

38 c. The civil penalty provided in paragraph "a" is
39 in lieu of and not in addition to any penalty imposed
40 under federal law. If a debtor is required to pay a
41 fine or penalty under federal law and the debtor has
42 previously also been required to pay a civil penalty
43 pursuant to paragraph "a", then the debtor is entitled
44 to a reimbursement of any moneys required to be paid
45 due to a violation of paragraph "a".

46 NEW SUBSECTION. 8. A secured party is subject to
47 the following civil penalties that shall be paid to
48 the state general fund:

49 a. One hundred dollars if the secured party fails
50 to send a written notice to any person the secured

Page 4

1 party notified as a potential buyer that the security
2 interest has been terminated within fifteen days after
3 all obligations for which the security interest was
4 granted have been fulfilled, unless the debtor signs a
5 written statement after the obligations secured by the
6 security interest have been fulfilled waiving the
7 requirement of the secured party to provide notice to
8 potential buyers that the obligation has been
9 fulfilled.

10 b. Two hundred dollars for each person the secured
11 party has sent a written notice pursuant to this
12 section who was not either of the following:

13 (1) Listed as a potential buyer pursuant to the
14 provision permitted in subsection 5.

15 (2) A person who was identified by the debtor
16 pursuant to subsection 7, paragraph "a", subparagraph
17 (1).

18 NEW SUBSECTION. 9. a. A potential buyer who
19 receives a written notice pursuant to subsection 4
20 shall not do either of the following:

21 (1) Publicly display the written notice or any
22 writing or document containing information obtained
23 from or based upon the written notice.

24 (2) Disseminate the written notice or any writing
25 or document containing information obtained from or
26 based upon the written notice to any person other than
27 those agents or employees of the potential buyer who
28 reasonably require the information to comply with this
29 section.

30 b. A potential buyer who violates paragraph "a" is

31 liable for a civil penalty in an amount of one
32 thousand dollars. The penalty shall be paid to the
33 state general fund.

34 NEW SUBSECTION. 10. a. In addition to any civil
35 penalty imposed pursuant to subsections 8 and 9, a
36 person who violates subsection 8 or 9 is liable to the
37 debtor for any loss caused by the person resulting
38 from the violation that the debtor can prove in court.
39 The person may also recover from the person violating
40 subsection 8 or 9 a penalty in an amount determined by
41 the court not less than one hundred dollars nor more
42 than one thousand dollars.

43 b. In an action in which it is found that a person
44 has violated subsections 7, 8, or 9, the court shall
45 award to the secured party under subsection 7 or the
46 debtor under subsections 8 and 9 the court costs and
47 to that party's attorneys their reasonable fees.
48 Reasonable attorney's fees shall be determined by the
49 value of the time reasonably expended by the attorney
50 and not by the amount of recovery on behalf of the

Page 5

1 secured party or debtor.

2 NEW SUBSECTION. 11. For purposes of this
3 subsection, a written notice shall be considered to be
4 received by the person to whom it was sent if the
5 notice is mailed by registered mail with the proper
6 postage and properly addressed to the person to whom
7 it was sent. The refusal of a person to whom a notice
8 is sent to accept delivery of the notice shall be
9 considered receipt.

10 Sec. 4. Section 554.9402, subsection 3, Code
11 Supplement 1985, is amended to read as follows:

12 3. A form substantially as follows is sufficient
13 to comply with subsection 1:

14 Name of debtor (or assignor)
15 Address
16 Name of secured party (or assignee)
17 Address
18 Social security number of debtor if debtor is an
19 individual or the internal revenue service taxpayer
20 identification number of the debtor if the debtor is
21 not an individual

22 (1) This financing statement covers the following
23 types (or items) of property:

24 (Describe: If collateral is farm products,
25 describe the farm products including the amount of the
26 products where applicable and the crop year in which
27 the products were produced and the county in which the
28 products were produced)

29

30 (2) (If collateral is crops) The above described
 31 crops are growing or are to be grown on:
 32 (Describe Real Estate)
 33 (3) (If applicable) The above goods are to become
 34 fixtures on
 35 Where appropriate either add or substitute "The above timber
 36 is standing on " or "The above minerals or
 37 the like (including oil and gas) are located on "
 38 or "The above accounts will be financed at the wellhead or mine-
 39 head of the well or mine located on "
 40 or any or all of these
 41 (Describe Real Estate) and this
 42 financing statement is to be filed for record in the real estate
 43 records. (If the debtor does not have an interest of record)
 44 The name of a record owner is
 45 (4) (If products of collateral are claimed)
 46 Products of the collateral are also covered.
 47 (use whichever is applicable)
 48 Signature of Debtor (or Assignor)
 49 Signature of Secured Party (or Assignee)
 50 Sec. 5. This bill is effective on December 24,

Page 6

1 1986 and shall apply to all security interests granted
 2 on or after December 24, 1986."
 3 2. Title page, line 1, by inserting after the
 4 word "products" the following: ", prohibiting certain
 5 acts, providing for penalties,".

Speaker Avenson in the chair at 10:42 a.m.

Fogarty of Palo Alto offered the following amendment H—5637, to the committee amendment H—5587, filed by him and moved its adoption:

H—5637

1 Amend the amendment H—5587 to Senate File 2050 as
 2 amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 2, by inserting after line 14 the
 5 following:
 6 "e. A buyer of farm products takes subject to a
 7 security interest created by the seller if the buyer
 8 has received the notice provided for in subsection 4
 9 and fails to perform the payment obligations specified
 10 in the notice."
 11 2. Page 2, by striking lines 40 through 44.
 12 3. Page 2, line 45, by striking the figure "7"

- 13 and inserting the figure "6".
14 4. Page 3, line 46, by striking the figure "8"
15 and inserting the figure "7".
16 5. Page 4, line 16, by striking the figure "7"
17 and inserting the figure "6".
18 6. Page 4, line 18, by striking the figure "9"
19 and inserting the figure "8".
20 7. Page 4, line 34, by striking the figure "10"
21 and inserting the figure "9".
22 8. Page 4, line 35, by striking the word and
23 figures "8 and 9" and inserting the following: "7 and
24 8".
25 9. Page 4, line 36, by striking the word and
26 figures "8 or 9" and inserting the following: "7 or
27 8".
28 10. Page 4, line 40, by striking the word and
29 figures "8 or 9" and inserting the following: "7 or
30 8".
31 11. Page 4, line 44, by striking the word and
32 figures "7, 8, or 9" and inserting the following: "6,
33 7, or 8".
34 12. Page 4, line 45, by striking the figure "7"
35 and inserting the figure "6".
36 13. Page 4, line 46, by striking the word and
37 figures "8 and 9" and inserting the following: "7 and
38 8".
39 14. Page 5, line 2, by striking the figure "11"
40 and inserting the figure "10".

Amendment H—5637 was adopted.

Fogarty of Palo Alto offered the following amendment H—5641, to the committee amendment H—5587, filed by him and moved its adoption:

H—5641

- 1 Amend amendment H—5587 to Senate File 2050 as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 2, line 39, by inserting after the word
5 "incurred" the following: "or at any other time that
6 the secured party and debtor have agreed to in
7 writing".
8 2. Page 3, by striking line 12 and inserting the
9 following: "list of potential buyers and does not
10 reasonably expect to be able to collect".
11 3. Page 3, line 18, by inserting after the word
12 "loss." the following: "However, if the secured party
13 does ultimately recover under the security agreement,

14 then the secured party shall remit to the state
15 general fund the moneys collected under this
16 subsection to the extent of the recovery."

17 4. Page 4, by inserting after line 17 the
18 following:

19 "The penalty imposed pursuant to this paragraph "b"
20 shall not apply if the debtor does in fact sell all or
21 part of the farm product subject to the security
22 interest to the person to whom the notice was sent."

Amendment H—5641 was adopted.

Carter of Henry offered the following amendment H—5650, to the committee amendment H—5587, filed by him and moved its adoption:

H—5650

1 Amend amendment H—5587 to Senate File 2050 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 4, line 13, by inserting after the word
4 "Listed" the words "by the debtor".

Amendment H—5650 was adopted.

O'Kane of Woodbury in the chair at 10:49 a.m.

Stueland of Clinton offered the following amendment H—5663, to the committee amendment H—5587, filed by Stueland, et al.:

H—5663

1 Amend amendment H—5587 to Senate File 2050 as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. By striking page 1, line 5, through page 6,
5 line 5, and inserting the following:
6 "Section 1. Section 554.9307, subsection 1, Code
7 Supplement 1985, is amended by striking the subsection
8 and inserting in lieu thereof the following:
9 1. A buyer in the ordinary course of business as
10 defined in section 554.1201, subsection 9, other than
11 a person buying farm products from a person engaged in
12 farming operations, takes free of a security interest
13 even though the security interest is perfected and
14 even though the buyer knows of its existence.
15 Sec. 2. Section 554.9307, subsection 4, Code
16 Supplement 1985, is amended by striking the
17 subsection."

The House stood at ease at 10:59 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5663 (to the committee amendment H—5587) to Senate File 2050 at 11:44 a.m., Speaker Avenson in the chair.

Stueland of Clinton moved the adoption of amendment H—5663, to the committee amendment H—5587.

Roll call was requested by Stueland of Clinton and Cochran of Webster.

Rule 75 was invoked.

On the question "Shall amendment H—5663, to the committee amendment H—5587, be adopted?"

The ayes were, 30:

Branstad	Clark	Corey	De Groot
Diemer	Grandia	Hanson	Harbor
Hermann	Hummel	Jay	Kremer
Maulsby	McIntee	McKean	Metcalf
Miller	Ollie	Oxley	Renken
Royer	Schneklath	Shoning	Siegrist
Skow	Stromer	Stueland	Swearingen
Van Camp	Van Maanen		

The nays were, 60:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Cochran	Connors	Cooper	Doderer
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hatch
Haverland	Hester	Holveck	Hughes
Johnson	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Loneragan	Muhlbauer	Norland
Osterberg	Parker	Paulin	Pavich
Peick	Pellet	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rensink
Rosenberg	Running	Sherzan	Shoultz
Spear	Swartz	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 10:

Connolly	Daggett	Groth	Halvorson, R. A.
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Jochum
Sullivan

Mullins
Welden

O'Kane

Sturgeon

Amendment H—5663 lost.

(The committee amendment H—5587 to Senate File 2050 pending at recess.)

On motion by Norland of Worth, the House was recessed at 12:19 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1986, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2116, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 2050**, a bill for an act relating to the security interest in farm products and providing an effective date, and the committee amendment H—5587, as amended.

QUORUM CALL

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

Harbor of Mills asked and received unanimous consent that Senate File 2050 be temporarily deferred and that the bill retain its

place on the calendar.

(The committee amendment H—5587, as amended, pending.)

Senate File 2101, a bill for an act providing Veterans Day as a paid state holiday and providing an effective date, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2101 be deferred and that the bill be placed on the unfinished business calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass, for the remainder of the day, on request of De Groot of Lyon.

Senate File 476, a bill for an act to prohibit the relinquishment of prior seniority rights as a condition of employment, with report of committee recommending passage was taken up for consideration.

Connors of Polk in the chair at 1:54 p.m.

Schnekloth of Scott asked for unanimous consent to defer action on Senate File 476.

Objection was raised.

Haverland 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. 476)

The ayes were, 70:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Cooper
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Hatch	Haverland	Holveck	Hughes
Jay	Jochum	Johnson	Knapp

Koenigs	Lloyd-Jones	Lonergan	McIntee
McKean	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker (Connors)		

The nays were, 25:

Bennett	Corey	Daggett	De Groot
Diemer	Grandia	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Lageschulte	Maulsby	Metcalf	Miller
Paulin	Renken	Rensink	Royer
Schnekloth	Stromer	Stueland	Swearingen
Van Maanen			

Absent or not voting, 5:

Carl	Halvorson, R. A.	Kremer	Pellett
Welden			

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

Senate File 2265, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other

nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2265 be deferred and that the bill be placed on the unfinished business calendar.

SENATE FILE 2240 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2240 be deferred and that the bill retain its place on the calendar.

Senate File 2210, a bill for an act requiring insurance companies to lower automobile liability insurance premiums to reflect the reduction in annual losses occasioned by the enactment of the mandatory seat belt bill, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2210 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2207, a bill for an act excluding residential care facilities from certificate-of-need reviews for two fiscal years, with report of committee recommending amendment and passage was taken up for consideration.

Ollie of Clinton offered the following amendment H—5596 filed by the committee on human resources and moved its adoption:

H—5596

- 1 Amend Senate File 2207, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 1 through 16.
- 4 2. Page 1, line 18, by striking the word
- 5 "paragraphs" and inserting the following:
- 6 "paragraph".
- 7 3. Page 1, by striking lines 23 through 25.
- 8 4. By renumbering as necessary.

Amendment H—5596 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2207)

The ayes were, 95:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker (Connors)	

The nays were, none.

Absent or not voting, 5:

Brammer	Groth	Halvorson, R. A.	Pellett
Welden			

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

Senate File 2248, a bill for an act relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist, with report of committee recommending passage was taken up for consideration.

Lonergan of Boone offered amendment H—5640 filed by her. Division was requested as follows:

H—5640

- 1 Amend Senate File 2248 as amended, passed, and
- 2 reprinted by the Senate as follows:

H—5640A

- 3 1. Page 1, line 10, by striking the word "may"
- 4 and inserting the following: "~~may~~ shall".
- 5 2. Page 1, by inserting after line 21 the
- 6 following:
- 7 "Sec._____. Section 155.37, Code 1985, is amended
- 8 by adding the following new subsection:
- 9 **NEW SUBSECTION.** 4. A pharmacist who does not
- 10 exercise the professional judgment required in
- 11 subsection 1, paragraph a, is guilty of a simple
- 12 misdemeanor."

H—5640B

- 13 3. Title page, line 1, by striking the words "the
- 14 acquisition costs between".

H—5640A

- 15 4. Title page, line 3, by inserting after the
- 16 word "pharmacist" the following: "and providing a
- 17 penalty".

Lonergan of Boone moved the adoption of amendment H—5640A.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 43, nays 51.

Amendment H—5640A lost.

Carpenter of Polk offered the following amendment H—5653 filed by Carpenter, et al., and moved its adoption:

H—5653

- 1 Amend Senate File 2248 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 20, by striking the word "fifty"
- 4 and inserting the following: "seventy-five".

A non-record roll call was requested.

The ayes were 48, nays 31.

Amendment H—5653 was adopted.

Peick of Linn offered the following amendment H—5645 filed by Peick, et al.:

H—5645

- 1 Amend Senate File 2248 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following: "A pharmacist shall refill a prescription
- 5 with the same generic drug that was dispensed for the
- 6 original prescription."

Peick of Linn offered the following amendment H—5674, to amendment H—5645, filed by her from the floor and moved its adoption:

H—5674

- 1 Amend amendment H—5645 to Senate File 2248 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 5, by striking the word
- 5 "generic".

Amendment H—5674 was adopted.

Peick of Linn moved the adoption of amendment H—5645, as amended.

A non-record roll call was requested.

The ayes were 28, nays 47.

Amendment H—5645, as amended, lost.

The House resumed consideration of amendment H—5640B.

Lonergan of Boone asked and received unanimous consent to withdraw amendment H—5640B.

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

On the question "Shall the bill pass?" (S.F. 2248)

The ayes were, 91:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Cooper	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammmond	Handorf	Hanson	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Lonergan	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Yarn
Woods	Zimmerman	Mr. Speaker	
		(Connors)	

The nays were, 6:

Corey	Grandia	Harbor	Maulsby
Renken	Van Maanen		

Absent or not voting, 3:

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

SENATE FILES 2255 AND 2269 DEFERRED

Norland of Worth asked and received unanimous consent that Senate Files 2255 and 2269 be temporarily deferred and that the bills retain their place on the calendar.

Senate File 2270, a bill for an act relating to real estate, by providing for the payment of property tax installments, the eligibility of certain types of real estate for a foreclosure continuance, time limits for applying for a foreclosure continuance and the term of a foreclosure continuance, the distribution of income under a foreclosure continuance, the separate sale of a homestead under a foreclosure on agricultural land, foreclosure continuance eligibility to real estate used for small business, an extension of time under the current declaration of economic emergency, and an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2270 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 97, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 97 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2084, a bill for an act prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2084 be deferred and that the bill be placed on the unfinished business calendar.

SENATE JOINT RESOLUTION 2002 DEFERRED

Norland of Worth asked and received unanimous consent that Senate Joint Resolution 2002 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **Senate File 2050**, a bill for an act relating to the security interest in farm products and providing an effective date, and the committee amendment H—5587, as amended.

Harbor of Mills offered the following amendment H—5679, to the committee amendment H—5587, filed from the floor by him and Branstad of Winnebago and moved its adoption:

H—5679

- 1 Amend H—5587 to Senate File 2050 as amended,
- 2 passed, and reprinted by the Senate as follows:
- 3 1. By striking page 1, line 5 through page 6,
- 4 line 5 and inserting the following:
- 5 "Section 1. Section 554.9307, subsection 1, Code
- 6 Supplement 1985, is amended by striking the subsection
- 7 and inserting in lieu thereof the following:
- 8 1. A buyer in ordinary course of business as
- 9 defined in section 554.1201, subsection 9, takes free
- 10 of a security interest created by that person's seller
- 11 even though the security interest is perfected and
- 12 even though the buyer knows of its existence.
- 13 Sec. 2. Section 554.9307, subsection 4, Code
- 14 Supplement 1985, is amended by striking the
- 15 subsection.

Roll call was requested by Harbor of Mills and Hummel of Benton.

On the question "Shall amendment H—5679, to the committee amendment H—5587, be adopted?"

The ayes were, 39:

Bennett
Buhr
Diemer
Hanson
Koenigs
Paulin

Black
Carpenter
Döderer
Harbor
Maulsby
Pavich

Blanshan
Clark
Grandia
Hermann
Miller
Petersen, D. F.

Branstad
Corey
Halvorson, R. N.
Hester
Oxley
Peterson, M. K.

Platt	Renken	Royer	Schneklloth
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Swearingen	Teaford
Van Camp	Van Maanen	Zimmerman	

The nays were, 54:

Arnould	Avenson	Baxter	Beatty
Brammer	Carl	Chapman	Cochran
Connolly	Cooper	De Groot	Fey
Fogarty	Groninga	Gruhn	Hammond
Handorf	Hatch	Haverland	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Kremer	Lageschulte
Lloyd-Jones	Loneragan	McIntee	McKean
Metcalf	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Parker
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Mr. Speaker (Connors)		

Absent or not voting, 7:

Carter	Daggett	Groth	Halvorson, R. A.
Pellett	Rensink	Weiden	

Amendment H—5679 lost.

On motion by Fogarty of Palo Alto, the committee amendment H—5587, as amended, was adopted.

Buhr of Polk in the chair at 3:44 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his return, on request of Stromer of Hancock; Connors of Polk, for the remainder of the day and April 4, 1986, on request of Loneragan of Boone.

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

On the question "Shall the bill pass?" (S.F. 2050)

The ayes were, 84:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Cooper
Corey	Daggett	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rensink	Rosenberg	Running	Sherzan
Shoultz	Siegrist	Skow	Spear
Stromer	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Madam Speaker (Buhr)

The nays were, 11:

Branstad	De Groot	Grandia	Hummel
Maulsby	Renken	Royer	Schnekloth
Shoning	Stueland	Van Maanen	

Absent or not voting, 5:

Connors	Halvorson, R. A.	Harbor	Pellett
Welden			

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 249**, a bill for an act relating to workers' compensation benefits for persons domiciled in this state but injured outside the state, temporarily deferred April 3, 1986.

Hummel of Benton offered the following amendment H—5636 filed by Halvorson of Clayton:

H—5636

- 1 Amend Senate File 249 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking lines 27 through 34.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer Senate File 249 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

Hummel of Benton moved the adoption of amendment H—5636.

Roll call was requested by Hummel of Benton and Stueland of Clinton.

On the question "Shall amendment H—5636 be adopted?"

The ayes were, 32:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Hanson	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	Metcalf	Miller	Mullins
Paulin	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schneklloth	Siegrist
Stromer	Stueland	Swearingen	Van Maanen

The nays were, 63:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Carl
Carter	Chapman	Cochran	Connolly
Cooper	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Lloyd-Jones
Loneragan	McKean	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoning	Shultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Teaford	Van Camp	Varn
Woods	Zimmerman	Madam Speaker (Buhr)	

Absent or not voting, 5:

Connors
Welden

Halvorson, R. A.

Harbor

Pellett

Amendment H—5636 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gruhn of Dickinson, for the remainder of the day, on request of Fogarty of Palo Alto.

Stromer of Hancock asked for unanimous consent to suspend Rule 31.8 to consider amendment H—5677.

Objection was raised.

Stromer of Hancock moved to suspend Rule 31.8, relating to the timely filing of amendments, to consider amendment H—5677 filed by him from the floor as follows:

H—5677

- 1 Amend Senate File 249 as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 85.31, subsection 1, paragraph
- 6 d, unnumbered paragraph 2, Code 1985, is amended to
- 7 read as follows:
- 8 The weekly benefit amount shall not exceed a weekly
- 9 benefit amount, rounded to the nearest dollar, equal
- 10 to ~~sixty-six and two-thirds~~ one hundred percent of the
- 11 statewide average weekly wage ~~paid employees~~ as
- 12 determined by the Iowa department of job service under
- 13 the provisions of section 96.3 and in effect at the
- 14 time of the injury, ~~provided, that as of July 1, 1975;~~
- 15 ~~July 1, 1977; July 1, 1979; and July 1, 1981, the~~
- 16 ~~maximum weekly benefit amount rounded to the nearest~~
- 17 ~~dollar shall be increased so that it equals one~~
- 18 ~~hundred percent, one hundred thirty-three and one-~~
- 19 ~~third percent, one hundred sixty-six and two-thirds~~
- 20 ~~percent and two hundred percent, respectively, of the~~
- 21 ~~statewide average weekly wage as determined above.~~
- 22 However, the minimum weekly benefit amount shall be
- 23 equal to the weekly benefit amount of a person whose

24 gross weekly earnings are thirty-five percent of the
25 statewide average weekly wage, or to the spendable
26 weekly earnings of the employee, whichever are less.

27 Such compensation shall be is in addition to the
28 benefits provided by sections 85.27 and 85.28.

29 Sec. 2. Section 85.34, subsection 2, unnumbered
30 paragraph 1, Code 1985, is amended to read as follows:

31 Compensation for permanent partial disability shall
32 begin begins at the termination of the healing period
33 provided in subsection 1 of this section. The
34 compensation shall be is in addition to the benefits
35 provided by sections 85.27 and 85.28. The
36 compensation shall be based upon the extent of the
37 disability and upon the basis of eighty percent per
38 week of the employee's average weekly spendable
39 earnings, but not more than a weekly benefit amount,
40 rounded to the nearest dollar, equal to sixty-one and
41 one-third one hundred percent of the statewide average
42 weekly wage paid employees as determined by the Iowa
43 department of job service under the provisions of
44 section 96.3 and in effect at the time of the injury;
45 provided that as of July 1, 1975; July 1, 1977; July
46 1, 1979; and July 1, 1981, the maximum weekly benefit
47 amount rounded to the nearest dollar shall be
48 increased so that it equals ninety-two percent, one
49 hundred twenty-two and two-thirds percent, one hundred
50 fifty-three and one-third percent, and one hundred

Page 2

1 eighty-four percent, respectively, of the statewide
2 average weekly wage as determined above. However, the
3 minimum weekly benefit amount shall be equal to the
4 weekly benefit amount of a person whose gross weekly
5 earnings are thirty-five percent of the statewide
6 average weekly wage, or to the spendable weekly
7 earnings of the employee, whichever are less.
8 However, if the employee is a minor or a full-time
9 student under the age of twenty-five in an accredited
10 educational institution the minimum weekly benefit
11 amount shall be equal to the weekly benefit amount of
12 a person whose gross weekly earnings are thirty-five
13 percent of the statewide average weekly wage. For all
14 cases of permanent partial disability compensation
15 shall be paid as follows:

16 Sec. 3. Section 85.34, subsection 3, unnumbered
17 paragraph 1, Code 1985, is amended to read as follows:

18 Compensation for an injury causing permanent total
19 disability shall be upon the basis of eighty percent
20 per week of the employee's average weekly spendable
21 earnings, but not more than a weekly benefit amount,

22 rounded to the nearest dollar, equal to ~~sixty-six and~~
23 ~~two-thirds~~ one hundred percent of the statewide
24 average weekly wage paid employees as determined by
25 the director of the Iowa department of job service
26 under the provisions of section 96.3 and in effect at
27 the time of the injury, provided that as of July 1,
28 1975; July 1, 1977; July 1, 1979; and July 1, 1981,
29 the maximum weekly benefit amount rounded to the
30 nearest dollar shall be increased so that it equals
31 one hundred percent, one hundred thirty-three and one-
32 third percent, one hundred sixty-six and two-thirds
33 percent and two hundred percent, respectively, of the
34 statewide average weekly wage as determined above.
35 However, the minimum weekly benefit amount is equal to
36 the weekly benefit amount of a person whose gross
37 weekly earnings are thirty-five percent of the
38 statewide average weekly wage, or to the spendable
39 weekly earnings of the employee, whichever are less.
40 However, if the employee is a minor or a full-time
41 student under the age of twenty-five in an accredited
42 educational institution the minimum weekly benefit
43 amount shall be equal to the weekly benefit amount of
44 a person whose gross weekly earnings are thirty-five
45 percent of the statewide average weekly wage. The
46 weekly compensation is payable during the period of
47 the employee's disability.

48 Sec. 4. Section 85.36, subsection 10, paragraph a,
49 Code 1985, is amended to read as follows:

50 a. In computing the compensation to be allowed a

Page 3

1 volunteer fire fighter or reserve peace officer, the
2 earnings as a fire fighter or reserve peace officer
3 shall be disregarded and the volunteer fire fighter or
4 reserve peace officer shall be paid an amount equal to
5 the compensation the volunteer fire fighter or reserve
6 peace officer would be paid if injured in the normal
7 course of the volunteer fire fighter's or reserve
8 peace officer's regular employment or an amount equal
9 to one hundred and forty percent of the statewide
10 average weekly wage, whichever is greater.

11 Sec. 5. Section 85.37, unnumbered paragraph 1,
12 Code 1985, is amended to read as follows:

13 If an employee receives a personal injury causing
14 temporary total disability, or causing a permanent
15 partial disability for which compensation is payable
16 during a healing period, compensation for the
17 temporary total disability or for the healing period
18 shall be upon the basis provided in this section. The
19 weekly benefit amount payable to ~~any~~ an employee for

20 any one week shall be upon the basis of eighty percent
21 of the employee's weekly spendable earnings, but shall
22 not exceed an amount, rounded to the nearest dollar,
23 equal to ~~sixty-six and two-thirds~~ one hundred percent
24 of the statewide average weekly wage ~~paid employees~~ as
25 determined by the Iowa department of job service under
26 the provisions of section 96.3 and in effect at the
27 time of the injury ~~provided that as of July 1, 1975;~~
28 ~~July 1, 1977; July 1, 1979; and July 1, 1981; the~~
29 ~~maximum weekly benefit amount rounded to the nearest~~
30 ~~dollar shall be increased so that it equals one~~
31 ~~hundred percent, one hundred thirty-three and one~~
32 ~~third percent, one hundred sixty-six and two-thirds~~
33 ~~percent, and two hundred percent, respectively, of the~~
34 ~~statewide average weekly wage as determined above.~~
35 Total weekly compensation for any an employee shall
36 not exceed eighty percent per week of the employee's
37 weekly spendable earnings. However, the minimum
38 weekly benefit amount shall be equal to the weekly
39 benefit amount of a person whose gross weekly earnings
40 are thirty-five percent of the statewide average
41 weekly wage, or to the spendable weekly earnings of
42 the employee, whichever is are less."

43 2. Page 1, by inserting after line 34 the
44 following:

45 "Sec. _____. Sections 1 through 5 of this Act apply
46 to injuries occurring on or after the effective date
47 of this Act."

48 3. By renumbering as necessary.

Roll call was requested by Bennett of Ida and Stromer of Hancock.

On the question "Shall Rule 31.8 be suspended to consider amendment H-5677?"

The ayes were, 33:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Handorf	Hanson	Hermann
Hester	Hummel	Kremer	Lageschulte
McIntee	Metcalf	Miller	Mullins
Paulin	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Maanen			

The nays were, 55:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Carter
Chapman	Cochran	Connolly	Cooper
Doderer	Fey	Fogarty	Groninga
Groth	Halvorson, R. N.	Hammond	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Lonerger	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Skow	Spear	Sturgeon	Swartz
Tabor	Teaford	Van Camp	Varn
Woods	Zimmerman	Madam Speaker (Buhr)	

Absent or not voting, 12:

Carl	Connors	Gruhn	Halvorson, R. A.
Harbor	Maulsby	McKean	Oxley
Pellett	Shoultz	Sullivan	Welden

The motion lost.

Speaker Avenson in the chair at 5:00 p.m.

Haverland 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. 249)

The ayes were, 58:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carter
Chapman	Cochran	Connolly	Cooper
Doderer	Fey	Fogarty	Groninga
Groth	Halvorson, R. N.	Hammond	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Lonerger	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoning	Shoultz	Skow
Spear	Sturgeon	Swartz	Tabor

Teaford
Zimmerman

Van Camp
Mr. Speaker

Varn

Woods

The nays were, 34:

Bennett
Corey
Grandia
Hester
Maulsby
Miller
Platt
Schnekloth
Swearingen

Branstad
Daggett
Handorf
Hummel
McIntee
Mullins
Renken
Siegrist
Van Maanen

Carpenter
De Groot
Hanson
Kremer
McKean
Paulin
Rensink
Stromer

Clark
Diemer
Hermann
Lageschulte
Metcalf
Petersen, D. F.
Royer
Stueland

Absent or not voting, 8:

Carl
Harbor

Connors
Pellett

Gruhn
Sullivan

Halvorson, R. A.
Welden

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

Senate File 2255, a bill for an act permitting the inclusion of charges for credit unemployment insurance in consumer credit transactions under the Iowa consumer credit code, with report of committee recommending amendment and passage was taken up for consideration.

Skow of Guthrie offered the following amendment H—5606 filed by the committee on small business and commerce:

H—5606

- 1 Amend Senate File 2255 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "cost." the following: "However, credit unemployment
- 5 insurance shall be permitted under this paragraph if
- 6 all of the following conditions have been met:
- 7 (1) The insurance provides coverage beginning with
- 8 the first day of unemployment. However, the policy
- 9 may include a waiting period before the consumer may
- 10 file a claim.
- 11 (2) The insurance shall be sold separately and
- 12 shall be separately priced from any other insurance
- 13 offered or sold at the same time.
- 14 (3) The premium rates have been affirmatively
- 15 approved by the insurance department. In approving or

16 establishing the rates, the department shall review
17 the insurance company's actuarial data to assure that
18 the rates are fair and reasonable. The insurance
19 commissioner shall either hire or contract with a
20 qualified actuary to review the data. The insurance
21 department shall obtain reimbursement from the
22 insurance company for the cost of the actuarial review
23 prior to approving the rates. In addition, the rates
24 shall be made in accordance with the following
25 provisions:

26 a. Rates shall not be excessive, inadequate or
27 unfairly discriminatory.

28 b. Due consideration shall be given to all
29 relevant factors within and outside this state but
30 rates shall be deemed to be reasonable under this
31 section and section 537.2501 if they reasonably may be
32 expected to produce a ratio of fifty percent by
33 dividing claims incurred by premiums earned."

34 2. Title page, line 1, by inserting after the
35 word "Act" the words "relating to credit unemployment
36 insurance in consumer transactions, by providing
37 requirements for the rates for involuntary credit
38 unemployment insurance sold in connection with
39 consumer credit transactions, and".

Swartz of Marshall offered the following amendment H—5682, to the committee amendment H—5606, filed by him from the floor and moved its adoption:

H—5682

1 Amend the Committee on Small Business and Commerce
2 amendment, H—5606 to Senate File 2255 as passed by the
3 Senate as follows:

4 1. Page 1, line 13, by inserting after the word
5 "time." the following: "The credit unemployment
6 insurance need not be sold separately or separately
7 priced from other insurance offered if it is included
8 as part of a mailed insurance offering by a credit
9 card issuer to its credit cardholders. However,
10 credit unemployment insurance shall not be sold in
11 conjunction with an application for a credit card or
12 for the renewal of a credit card."

Amendment H—5682 was adopted.

On motion by Skow of Guthrie, the committee amendment H—5606, as amended, was adopted.

Skow 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. 2255)

The ayes were, 75:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Carter	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Fey	Fogarty
Groninga	Groth	Halvorson, R. N.	Hammond
Handorf	Hanson	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
McIntee	McKean	Metcalf	Miller
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peterson, M. K.	Poncy	Renaud	Rensink
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Varn	Woods	Mr. Speaker	

The nays were, 15:

Beatty	Chapman	Grandia	Johnson
Lonergan	Maulsby	O'Kane	Peick
Petersen, D. F.	Platt	Renken	Rosenberg
Van Camp	Van Maanen	Zimmerman	

Absent or not voting, 10:

Carl	Connors	Doderer	Gruhn
Halvorson, R. A.	Harbor	Muhlbauer	Pellet
Sullivan	Welden		

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

UNANIMOUS CONSENT

Running of Linn asked and received unanimous consent to change his vote from "nay" to "aye" on Senate File 2255 and the vote was so recorded.

**HOUSE INSISTS
(Senate File 2116)**

Norland of Worth called up for consideration Senate File 2116, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date.

Koenigs of Mitchell moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

**CONFERENCE COMMITTEE APPOINTED
(Senate File 2116)**

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2116: Koenigs of Mitchell, chair; Muhlbauer of Crawford, Skow of Guthrie, De Groot of Lyon and Pellett of Cass.

**MOTION TO RECONSIDER
(Senate File 2248)**

I move to reconsider the vote by which Senate File 2248 passed the House on April 3, 1986.

TABOR of Jackson

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 3rd day of April, 1986: House Files 767 and 2381.

**JOSEPH O'HERN
Chief Clerk of the House**

Report adopted.

PRESENTATION OF VISITORS

Skow of Guthrie presented to the House the Honorable Ernie Gilson, former member of the House representing Guthrie County.

Carpenter of Polk presented to the House her intern, Julie Holvik, who has just received the Iowa State University Political Science Merit Scholarship.

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

Thirty eighth and ninth grade students from Holmes Junior High School, Cedar Falls, accompanied by Dave Andreason. By Diemer of Black Hawk.

Sixty Cadette, Senior and adult Girl Scouts from the state of Iowa. By Lonergan of Boone.

Twenty-two students from Yale-Jamaica-Bagley Community School District, Jamaica, accompanied by Ernie Gilson. By Skow of Guthrie.

Fifteen sixth grade students from Klemme Elementary School, Klemme, accompanied by Gladys Wessels. By Stromer of Hancock.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 793 Ways and Means

Relating to the state individual income tax by altering the tax rates, increasing the standard deduction, eliminating the deduction for federal income taxes paid, except under certain circumstances, and making other coordinating amendments and making provisions retroactive.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2242, a bill for an act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5672** April 2, 1986.

Committee Bill (Formerly House File 2377), relating to public financing of political campaigns, providing penalties, and making a standing appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 2, 1986.

COMMITTEE ON WAYS AND MEANS

Senate File 557, a bill for an act relating to the filing of claims for the homestead act.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1986.

Committee Bill (Formerly Study Bill 648), exempting an employer within the motion picture industry from the requirement to withhold state income taxes from payments made to nonresident employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 2, 1986.

RESOLUTION FILED

HCR 126, by Haverland, Carl, Clark, Hatch, Hermann, Johnson, Lonergan, Metcalf and Shoning, a concurrent resolution urging the creation of an interim study committee relating to the prevention of untimely teenage pregnancies.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5669	S.F.	2265	Bennett of Ida
H—5670	S.F.	2265	Chapman of Linn
			Swartz of Marshall
H—5671	H.F.	2221	Senate Amendment
H—5672	S.F.	2242	Committee on
			Appropriations

H-5673	S.F.	2268	Sturgeon of Woodbury Skow of Guthrie
H-5675	S.F.	2265	Stromer of Hancock
H-5676	S.F.	2265	Stromer of Hancock
H-5678	S.F.	2269	Schnekloth of Scott
H-5681	S.F.	2210	Swartz of Marshall
H-5683	S.F.	2083	Hatch of Polk
H-5684	S.F.	2265	Hummel of Benton Harbor of Mills Carpenter of Polk Diemer of Black Hawk Metcalf of Polk
H-5685	S.F.	166	Platt of Muscatine Black of Jasper
H-5687	S.F.	19	Swartz of Marshall
H-5688	S.F.	2265	Running of Linn Groninga of Cerro Gordo
H-5689	H.F.	732	Tabor of Jackson

On motion by Norland of Worth, the House adjourned at 5:54 p.m., until 9:00 a.m., Friday, April 4, 1986.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day—Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 4, 1986

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

Prayer was offered by Reverend Ken Sutterlin, pastor of the Faith United Methodist Church, Russell.

The Journal of Thursday, April 3, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk on request of Ollie of Clinton; Halvorson of Clayton, for an indefinite period, on request of Stromer of Hancock.

PETITION FILED

The following petition was received and placed on file:

By Running of Linn from one hundred forty-nine constituents of the 51st District, favoring amending the Iowa Code and allowing the Knights of Columbus to continue holding Bingo games.

INTRODUCTION OF BILLS

House File 2474, by Norland and Stromer, a bill for an act relating to the penalty for noncompliance with compulsory education attendance requirements.

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

House File 2475, by committee on ways and means, a bill for an act exempting certain nonresidents engaged in feature film, television, and educational production from the state income tax withholding provisions.

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

House File 2476, by committee on appropriations, a bill for an act relating to public financing of political campaigns and providing penalties.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 724, a bill for an act requiring a separate award of real estate taxes, personal property taxes and special assessments to the county treasurer by the compensation commission as damages in condemnation.

Also: That the Senate has on April 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2035, a bill for an act relating to the appointment of chiefs of the police department and chiefs of the fire department in cities under civil service.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2097, a bill for an act to exempt authorized emergency vehicles from the child restraint law.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2098, a bill for an act to prohibit the abandonment of dogs and cats and providing a penalty.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2113, a bill for an act relating to the liability for actions to allow or facilitate the use of land contiguous to highways or roadways.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2191, a bill for an act relating to the disclosure of suggested price information by the retail seller of certain motor vehicles, and providing a penalty.

Also: That the Senate has on April 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2216, a bill for an act providing that a judicial district department of correctional services is a state agency for purposes of coverage under the Iowa tort claims Act.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2230, a bill for an act relating to the disclosure of information regarding open-end credit accounts, credit cards, and financial services.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2239, a bill for an act relating to criminal offenses committed against or with children and to court testimony by children.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2252, a bill for an act relating to the proving of paternity for purposes of inheritance.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2293, a bill for an act relating to the definition of a transporter.

Also: That the Senate has on April 3, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2370, a bill for an act relating to county officers by providing for the combining of county offices and removing salary restrictions for the combined offices under section 331.323, by amending the duties of certain elected county officers, and by making the Act effective upon publication.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2384, a bill for an act relating to the registration of a mark which has become distinctive of the applicant's goods or services.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2395, a bill for an act authorizing a city or county hospital to establish and operate facilities, programs, and services which provide health benefits to persons.

Also: That the Senate has on April 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2397, a bill for an act relating to sanitary landfills.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2416, a bill for an act relating to the filing of a surety bond or depositing of moneys or securities with the department of job service by a nonprofit organization electing to become a reimbursable employer under the unemployment compensation law.

Also: That the Senate has on April 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2417, a bill for an act relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2426, a bill for an act relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2435, a bill for an act providing the right to a chemical test upon arrest on a charge of public intoxication.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2442, a bill for an act providing a statute of limitations for certain actions arising out of improvements to real property.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2451, a bill for an act relating to the provision of grants intended to facilitate the establishment of businesses within this state.

Also: That the Senate has on April 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2455, a bill for an act relating to tax sales and redemptions, by revising provisions governing notice and other procedures.

Also: That the Senate has on April 2, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

•

House Concurrent Resolution 119, a concurrent resolution honoring and congratulating Dale L. Renaud, an Iowan who is 1985-1986 National Commander of the American Legion.

Also: That the members of the conference committee to Senate File 2116, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, on the part of the Senate, appointed April 3, 1986, are: The Senator from Tama, Senator Husak, Chair; the Senator from Lee, Senator Fraise; the Senator from Floyd, Senator Grattias; the Senator from Cerro Gordo, Senator Miller; and the Senator from Marshall, Senator Soorholtz.

K. MARIE THAYER, Secretary

SENATE FILES 2246 AND 2101 DEFERRED

Norland of Worth asked and received unanimous consent that Senate Files 2246 and 2101 be deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS Regular Calendar

Senate File 166, a bill for an act to authorize the setting of seasons for pigeons, with report of committee recommending amendment and passage was taken up for consideration.

Black of Jasper offered the following amendment H—5556 filed by the committee on natural resources and outdoor recreation:

H—5556

- 1 Amend Senate File 166 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 20 through 22 and
- 4 inserting the following: "methods by which pigeons
- 5 may be taken which may include, but are not limited
- 6 to, the use of trapping or chemical repellants."

Platt of Muscatine offered the following amendment H—5691, to the committee amendment H—5556, filed from the floor by him and Black of Jasper and moved its adoption:

H—5691

- 1 Amend the Committee amendment, H—5556, to Senate
- 2 File 166 as amended, passed and reprinted by the
- 3 Senate as follows:

- 4 1. Page 1, by striking line 6 and inserting the
 5 following: "to, the use of trapping, chemical
 6 repellants, or toxic perches."

Amendment H—5691 was adopted.

On motion by Black of Jasper, the committee amendment H—5556, as amended, was adopted, placing out of order amendment H—5685 filed by Platt of Muscatine and Black of Jasper on April 3, 1986.

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

On the question "Shall the bill pass?" (S.F. 166)

The ayes were, 64:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Connolly	Cooper	Daggett	Diemer
Doderer	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Handorf	Hanson
Hermann	Hester	Johnson	Koenigs
Kremer	Lageschulte	Loneragan	McIntee
Metcalf	Miller	Muhlbauer	Norland
Ollie	Osterberg	Parker	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Renken	Rensink	Rosenberg	Running
Schnekloth	Shoning	Shoultz	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Woods	Mr. Speaker

The nays were, 24:

Carl	Clark	Cochran	Corey
De Groot	Grandia	Hammond	Harbor
Hatch	Holveck	Hughes	Hummel
Jochum	Knapp	Maulsby	McKean
Oxley	Paulin	Poncy	Sherzan
Siegrist	Skow	Van Maanen	Zimmerman

Absent or not voting, 12:

Connors	Fey	Halvorson, R. A.	Haverland
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Jay
Pellett

Lloyd-Jones
Renaud

Mullins
Royer

O'Kane
Welden

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

The House stood at ease at 9:53 a.m., until the fall of the gavel.

The House resumed session at 11:28 a.m., Speaker Avenson in the chair.

Senate File 2246, a bill for an act relating to suspensions or restrictions on water use under the state priority allocation plan, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2246 be deferred and that the bill be placed on the unfinished business calendar.

The House resumed consideration of **Senate File 2101**, a bill for an act providing Veterans Day as a paid state holiday and providing an effective date, deferred and placed on the unfinished business calendar April 3, 1986.

Brammer of Linn offered the following amendment H—5597 filed by Brammer, et al., and moved its adoption:

H—5597

- 1 Amend Senate File 2101 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 33.2, Code 1985, is amended by
- 6 adding the following new subsection after subsection 1
- 7 and renumbering the remaining subsections:
- 8 **NEW SUBSECTION. 2.** Martin Luther King, Jr.'s
- 9 birthday, the third Monday in January."
- 10 2. Page 1, by striking lines 6 through 8 and
- 11 inserting the following: "by striking the
- 12 subsection."
- 13 3. Title page, by striking line 1 and inserting
- 14 the following:
- 15 "An Act relating to Martin Luther King, Jr.'s
- 16 birthday and Veterans Day as paid state holidays and".

Van Camp of Scott rose on a point of order that amendment H-5597 was not germane.

The Speaker ruled the point well taken and amendment H-5597 not germane.

Norland of Worth asked for unanimous consent to consider amendment H-5597.

Objection was raised.

Norland of Worth moved that the rules be suspended to consider amendment H-5597.

Roll call was requested by Doderer of Johnson and Van Camp of Scott.

On the question "Shall the rules be suspended to consider amendment H-5597?"

The ayes were, 59:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carter
Chapman	Cochran	Connolly	Cooper
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Hatch	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lonergan	McIntee	McKean	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Platt	Poncy	Rosenberg
Running	Sherzan	Shoultz	Siegrist
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 33:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Handorf	Hanson	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Maulsby	Metcalf	Miller
Paulin	Pellet	Petersen, D. F.	Reaken
Rensink	Royer	Schneklath	Shoning
Stromer	Stueland	Swearingen	Van Camp
Van Maanen			

Absent or not voting, 8:

Carl	Connors	Halvorson, R. A.	Haverland
Lloyd-Jones	O'Kane	Renaud	Welden

The motion prevailed and the rules were suspended.

On motion by Brammer of Linn, amendment H—5597 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2101)

The ayes were, 87:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hanson
Harbor	Hatch	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Parker	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 4:

Branstad	Handorf	Maulsby	Paulin
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Absent or not voting, 9:

Carl	Connors	Groth	Halvorson, R. A.
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Haverland
Welden

O'Kane

Pavich

Royer

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

SENATE BILLS DEFERRED

Norland of Worth asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: Senate Joint Resolution 2002, Senate Files 2265, 2240 and 2269.

Senate File 19, a bill for an act which treats, in certain instances, a speeding violation of ten miles per hour or less over the legal speed limit as one-half of a violation in relation to certain motor vehicle license suspensions, revocations, and cancellations, with reports of committee recommending amendment and passage was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H-3069 filed by the committee on transportation:

H-3069

- 1 Amend Senate File 19 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 321.200, Code 1985, is amended
- 6 to read as follows:
- 7 321.200 CONVICTION AND ACCIDENT FILE.
- 8 The department shall also file all accident reports
- 9 and abstracts of court records of convictions received
- 10 by it under the laws of this state and in connection
- 11 therewith with them shall maintain convenient records
- 12 or make suitable notations in order that an individual
- 13 record of each licensee showing the convictions of
- 14 such the licensee and the traffic accidents in which
- 15 the licensee has been involved shall be readily
- 16 ascertainable and available for the consideration of
- 17 the department upon any application for renewal of
- 18 license and at other suitable times. However, the
- 19 abstract of court records shall not include
- 20 convictions of speeding violations of ten miles per
- 21 hour or less over the legal speed limit occurring on
- 22 or after July 1, 1985.
- 23 Sec. 2. Section 321.207, Code 1985, is amended to
- 24 read as follows:
- 25 321.207 RECORD FORWARDED.

26 Every court having jurisdiction over offenses
27 committed under this chapter, or any other law of this
28 state or any city or county traffic ordinances, other
29 than parking regulations, regulating the operation of
30 motor vehicles on highways, shall forward to the
31 department a record of the conviction of any person in
32 the court for a violation of any of the laws, and may
33 recommend the suspension of the operator's or
34 chauffeur's license of the person convicted, and the
35 department shall consider and act upon the
36 recommendation. However, a record of conviction for a
37 speeding violation of ten miles per hour or less over
38 the legal speed limit shall not be forwarded to the
39 department, except for violations by nonresidents as
40 required under section 321.513 and chapter 321C.

41 Sec. 3. Section 321.210, Code 1985, is amended by
42 adding the following new unnumbered paragraph:

43 **NEW UNNUMBERED PARAGRAPH.** The department shall not
44 consider or assess any points for speeding violations
45 of ten miles per hour or less over the legal speed
46 limit in determining a license suspension under this
47 section.

48 Sec. 4. Section 321.491, unnumbered paragraph 2,
49 Code 1985, is amended to read as follows:

50 Within ten days after the conviction or forfeiture

Page 2

1 of bail of a person upon a charge of violating any
2 provision of this chapter or other law regulating the
3 operation of vehicles on highways every said
4 magistrate of the court or clerk of the court of
5 record in which such conviction was had or bail was
6 forfeited shall prepare and immediately forward to the
7 department an abstract of the record of said court
8 covering the case in which said person was so
9 convicted or forfeited bail, which abstract must be
10 certified by the person so required to prepare the
11 same to be true and correct. However an abstract of
12 the record shall not be forwarded for convictions of
13 speeding violations of ten miles per hour or less over
14 the legal speed limit, except for violations by
15 nonresidents as required under section 321.513 and
16 chapter 321C.

17 Sec. 5. Section 321A.3, Code 1985, is amended by
18 adding the following new subsection immediately
19 following subsection 2:

20 **NEW SUBSECTION.** The abstract provided under this
21 section shall not include records of convictions for
22 speeding violations of ten miles per hour or less over
23 the legal speed limit occurring on or after July 1,
24 1985."

25 2. Title page, by striking lines 1 through 4 and
26 inserting in lieu thereof the following: "An Act
27 relating to violations of ten miles per hour or less
28 over the legal speed limit."

Muhlbauer of Crawford offered the following amendment H—5006, to the committee amendment H—3069, filed by the committee on transportation and moved its adoption.

H—5006

- 1 Amend the Committee amendment, H—3069, to Senate
- 2 File 19, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, line 22, by striking the figure "1985"
- 5 and inserting the figure "1986".
- 6 2. Page 2, line 24, by striking the figure "1985"
- 7 and inserting the figure "1986".

The committee on transportation amendment H—5006 was adopted.

Carter of Henry offered the following amendment H—5027, to the committee amendment H—3069, filed by him and McKean of Jones:

H—5027

- 1 Amend the Committee amendment, H—3069, to Senate
- 2 File 19, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, line 20, by striking the word "of" and
- 5 inserting the following: "which occur outside city
- 6 corporate limits and which are".
- 7 2. Page 1, line 37, by striking the word "of" and
- 8 inserting the words "which occurs outside city
- 9 corporate limits and which is".
- 10 3. Page 1, line 45, by striking the word "of" and
- 11 inserting the words "which occur outside city
- 12 corporate limits and which are".
- 13 4. Page 2, line 13, by striking the word "of" and
- 14 inserting the words "which occur outside city
- 15 corporate limits and which are".
- 16 5. Page 2, line 22, by striking the word "of" and
- 17 inserting the words "which occur outside city
- 18 corporate limits and which are".
- 19 6. Page 2, line 27, by inserting after the word
- 20 "to" the word "certain".

Spear of Lee in the chair at 12:09 p.m.

Jochum of Dubuque moved that amendment H—5027 be tabled.

Roll call was requested by Woods of Polk and Renaud of Polk.

Rule 75 was invoked.

On the question "Shall amendment H—5027 be tabled?"

The ayes were, 51:

Baxter	Beatty	Blanshan	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Corey	Daggett	De Groot
Doderer	Fey	Grandia	Hammond
Handorf	Hanson	Hatch	Hermann
Hester	Hughes	Hummel	Jochum
Johnson	Kremer	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Miller
Mullins	Ollie	Osterberg	Paulin
Pellett	Petersen, D. F.	Poncy	Rensink
Rosenberg	Schneklath	Sherzan	Shoning
Shoultz	Siegrist	Stueland	Sturgeon
Swearingen	Teaford	Van Maanen	

The nays were, 42:

Arnould	Avenson	Bennett	Black
Brammer	Cochran	Cunolly	Cooper
Diemer	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Harbor	Holveck	Jay
Knapp	Koenigs	Lageschulte	Metcalf
Muhlbauer	Norland	Oxley	Parker
Pavich	Peick	Peterson, M. K.	Platt
Renaud	Renken	Royer	Running
Skow	Stromer	Sullivan	Swartz
Tabor	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker (Spear)		

Absent or not voting, 7:

Carl	Connors	Groth	Halvorson, R. A.
Haverland	O'Kane	Welden	

The motion prevailed and amendment H—5027 was tabled, which concluded action on Senate File 19.

Senate File 2069, a bill for an act relating to the issuance of temporary certificates for chiropractors, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5538 filed by the committee on state government and moved its adoption:

H—5538

- 1 Amend Senate File 2069 as passed by the Senate as
- 2 follows:
- 3 1. Page 2, by striking lines 1 through 4.

The committee amendment H—5538 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2069)

The ayes were, 68:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Carter
Clark	Cochran	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hanson	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Kremer	Loneragan	McIntee	McKean
Miller	Muhlbauer	Norland	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Renaud	Renken	Rosenberg
Running	Shoning	Siegrist	Skow
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker (Spear)

The nays were, 21:

Bennett	Buhr	Carpenter	Chapman
Doderer	Hammond	Handorf	Harbor
Johnson	Lageschulte	Lloyd-Jones	Maulsby
Metcalf	Ollie	Poney	Rensink
Royer	Schnekloth	Shoultz	Teaford
Van Maanen			

Absent or not voting, 11.

Branstad	Carl	Connors	Grandia
Groth	Halvorson, R. A.	Haverland	Mullins
O'Kane	Sherzan	Welden	

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

Speaker Avenson in the chair at 12:29 p.m.

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding the political affiliation of members of judicial nominating commissions, with report of committee recommending amendment and passage (temporarily deferred April 3, 1986) was taken up for consideration.

Lloyd-Jones of Johnson asked and received unanimous consent that Senate Joint Resolution 2002 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2083, a bill for an act repealing the energy conservation improvement pilot programs and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H—5535 filed by the committee on energy and environmental protection:

H—5535

- 1 Amend Senate File 2083 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 20, by striking the word "third"
- 4 and inserting the following: "first".
- 5 2. Page 1, by inserting after line 21 the
- 6 following:
- 7 "Sec. _____. The Iowa state commerce commission
- 8 shall conduct at least one public hearing prior to
- 9 December 31, 1986 to receive citizen input on the
- 10 extent of avoided long-term production and capital
- 11 costs regarding energy conservation strategies."
- 12 3. Renumber as necessary.

Cooper of Lucas in the chair at 12:35 p.m.

Hughes of Union offered the following amendment H—5644, to the committee amendment H—5535, filed by him:

H—5644

- 1 Amend the amendment H—5535 to Senate File 2083 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "_____. Page 1, by inserting before line 1 the

7 following:

8 "Sec. _____, Section 476.1, unnumbered paragraph 7,

9 Code 1985, is amended to read as follows:

10 The jurisdiction of the commission under this
11 chapter shall include programs designed to promote the
12 use of energy conservation strategies, which may
13 include direct loans, by rate or service-regulated gas
14 and electric utilities. These programs shall be cost
15 effective. The commission may initiate these programs
16 as pilot projects to accumulate sufficient data to
17 determine if the programs meet the requirements of
18 this paragraph." "

19 2. Page 1, by inserting after line 11 the
20 following:

21 "_____. Title page, by striking lines 1 and 2 and
22 inserting the following: "An Act relating to energy
23 conservation pilot programs and providing an effective
24 date." "

25 3. Renumber as necessary.

Woods of Polk rose on a point of order that amendment H—5644 was not germane.

The Speaker ruled the point well taken and amendment H—5644 not germane to the committee amendment H—5535.

Hughes of Union asked for unanimous consent to consider amendment H—5644.

Objection was raised.

Hatch of Polk offered the following amendment H—5683, to the committee amendment H—5535, filed by him and moved its adoption:

H—5683

1 Amend amendment H—5535 to Senate File 2083 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, by inserting after line 11 the
5 following:

6 "Investor owned public utilities shall submit to
7 the Iowa state commerce commission energy conservation
8 strategies at least thirty days prior to the first
9 scheduled hearing. The commission shall make
10 available to the public a summary of the utilities'
11 suggested strategies, as well as, proposed legislative
12 initiatives for energy conservation on or before the
13 day of the first public hearing."

Amendment H—5683 lost.

The House stood at ease at 12:47 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—5535 to Senate File 2083 at 1:16 p.m., Speaker Avenson in the chair.

Norland of Worth asked and received unanimous consent that Senate File 2083 be temporarily deferred and that the bill retain its place on the calendar.

(Committee amendment H—5535 pending.)

MOTION TO TAKE FROM TABLE PREVAILED
(Senate File 19)

Norland of Worth moved to take from the table amendment H—5027 to Senate File 19, a bill for an act which treats, in certain instances, a speeding violation of ten miles per hour or less over the legal speed limit as one-half of a violation in relation to certain motor vehicle license suspensions, revocations, and cancellations.

A non-record roll call was requested.

The ayes were 53, nays 33.

The motion prevailed and amendment H—5027 was taken from the table.

Norland of Worth asked and received unanimous consent that Senate File 19 be deferred and placed on the unfinished business calendar.

(Amendment H—5027, to the committee amendment H—3069, pending.)

The House resumed consideration of **Senate File 2083**, a bill for an act repealing the energy conservation improvement pilot programs and providing an effective date, and the committee amendment H—5535, to Senate File 2083, temporarily deferred.

Division of the committee amendment H—5535 was requested as follows:

H—5535A, lines 3 and 4.

H—5535B, lines 5 through 12.

On motion by Hatch of Polk, the committee amendment H—5535A was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones on request of Carter of Henry; Carl of Poweshiek on request of Zimmerman of Dallas; Schneklath of Scott on request of Rensink of Sioux, all for the remainder of the day.

Ollie of Clinton in the chair at 1:29 p.m.

Van Camp of Scott rose on a point of order that the committee amendment H—5535B was not germane.

The Speaker ruled the point not well taken and the committee amendment H—5535B germane.

Hatch of Polk moved the adoption of the committee amendment H—5535B:

A non-record roll call was requested.

The ayes were 29, nays 45.

The committee amendment H—5535B lost.

Hughes of Union asked and received unanimous consent to withdraw amendment H—5646 filed by him on April 2, 1986.

Hughes of Union offered the following amendment H—5647 filed by him:

H—5647

- 1 Amend Senate File 2083 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following:
- 5 "Sec. _____. Notwithstanding the repeal of section
- 6 476.61, the Iowa state commerce commission shall file
- 7 with the governor and the general assembly a report on

8 the effects the pilot programs initiated under section
9 476.61 had on rates charged to customers of investor-
10 owned electric and natural gas utilities in Iowa. The
11 report shall indicate the level of investments in
12 energy conservation improvements made by the public
13 utilities pursuant to section 476.61. The report
14 shall be filed by January 1, 1987 rather than January
15 1, 1988."
16 2. Renumber as necessary.

Hughes of Union offered the following amendment H—5694, to amendment H—5647, filed by him from the floor and moved its adoption:

H—5694

1 Amend H—5647 to Senate File 2083 as amended,
2 passed, and reprinted by the Senate as follows:
3 1. Page 1, by striking lines 13 through 15, and
4 inserting the following: "utilities pursuant to
5 section 476.61 and shall include all of the following:
6 1. The extent of avoidance of long-term costs
7 including, but not limited to, the elimination or
8 reduction of the necessity of building or expanding
9 electric power generating plants resulting from the
10 energy conservation pilot programs.
11 2. The reduction of operating expenses for
12 participating public utilities resulting from the
13 energy conservation pilot programs.
14 3. The potential impact on economic development in
15 the state due to the energy conservation pilot
16 programs.
17 The report shall be filed by January 1, 1987 rather
18 than January 1, 1988."

Amendment H—5694 was adopted.

Speaker Avenson in the chair at 1:44 p.m.

On motion by Hughes of Union, amendment H—5647, as amended, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carter of Henry, for the remainder of the day, on request of Buhr of Polk.

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

On the question "Shall the bill pass?" (S.F. 2083)

The ayes were, 74:

Baxter	Beatty	Bennett	Black
Blanshan	Buhr	Carpenter	Chapman
Clark	Cochran	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Hermann	Holveck
Hughes	Hummel	Jay	Knapp
Koenigs	Kremer	Lageschulte	Lonergran
Maulsby	McIntee	Metcalf	Miller
Muhlbauer	Mullins	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Petersen, D. F.	Platt	Poncy
Renaud	Renken	Rensink	Royer
Running	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tabor
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 13:

Arnould	Brammer	Fey	Groninga
Jochum	Johnson	Lloyd-Jones	Osterberg
Peterson, M. K.	Rosenberg	Shoultz	Sturgeon
Teaford			

Absent or not voting, 13:

Branstad	Carl	Carter	Connors
Groth	Halvorson, R. A.	Haverland	Hester
McKean	Norland	O'Kane	Schnekloth
Welden			

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

INTRODUCTION OF BILL

House File 2477, by committee on ways and means, a bill for an act relating to the payment of installments of special assessments.

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

MOTIONS TO RECONSIDER**(Senate File 2083)**

I move to reconsider the vote by which Senate File 2083 passed the House on April 4, 1986.

HUGHES of Union

(Senate File 2248)

I move to reconsider the vote by which Senate File 2248 passed the House on April 3, 1986.

CONNOLLY of Dubuque

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 4th day of April, 1986: House Files 268, 340, 2197 and 2325.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 2, 1986. Had I been present, I would have voted "aye" on Senate Files 508, 2037, 2150, 2247, 2253, 2283 and "nay" on Senate File 2217.

DAGGETT of Taylor

On April 2, 1986, due to the fact that my voting key malfunctioned, I would have voted "aye" on Senate Files 2212 and 2275.

METCALF of Polk

PRESENTATION OF VISITORS

Groninga of Cerro Gordo presented to the House foreign exchange students Tilman Ferbert of Germany and Tomas Amat of Spain. They are attending school in Mason City.

Muhlbauer of Crawford presented to the House foreign exchange student Graeme Hunt of Bathurst, Australia. He is attending school in Denison, Iowa.

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

Twenty-two students from Twin Rivers Community Schools, Bode, accompanied by Garvin Larson and Greg Schmidt. By Mullins of Kossuth.

Twenty-five sixth and eighth grade students from Orient-Macksburg Community School, Orient, accompanied by John Dunlevey and Judy Woods. By Skow of Guthrie and Hughes of Union.

SUBCOMMITTEE ASSIGNMENT

House File 756 (Reassigned)

Ways and Means: Petersen of Muscatine, Chair; Holveck and Peterson of Carroll.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 792

Ways and Means: Fey, Chair; Lageschulte and O'Kane.

Study Bill 793

Ways and Means: Arnould, Chair; De Groot, Osterberg, Rosenberg and Siegrist.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been

received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 756), relating to the payment of installments of special assessments.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1986.

AMENDMENTS FILED

H-5690	S.F.	2240	Van Camp of Scott
H-5692	S.F.	2265	Stromer of Hancock
Harbor of Mills			Diemer of Black Hawk
Renken of Grundy			Schnekloth of Scott
Metcalf of Polk			Royer of Page
Carpenter of Polk			Shoning of Woodbury
Bennett of Ida			Maulsby of Calhoun
H-5693	S.F.	19	Kremer of Buchanan
H-5695	S.F.	2270	Hummel of Benton
H-5696	S.F.	2270	Hummel of Benton
H-5697	H.F.	2256	Lloyd-Jones of Johnson
H-5698	S.F.	19	Chapman of Linn
H-5699	S.F.	19	Swartz of Marshall
H-5700	H.F.	2370	Senate Amendment
H-5701	H.F.	724	Senate Amendment
H-5702	H.F.	2035	Senate Amendment
H-5703	H.F.	2216	Senate Amendment
H-5704	H.F.	2397	Senate Amendment
H-5705	H.F.	2455	Senate Amendment
H-5706	H.F.	2417	Senate Amendment
H-5707	S.F.	2265	Doderer of Johnson
Corey of Louisa			Teaford of Black Hawk
Clark of Cerro Gordo			McKean of Jones
McIntee of Black Hawk			Fey of Scott
Peick of Linn			Jay of Appanoose
Chapman of Linn			Mullins of Kossuth
Johnson of Winneshiek			Peterson of Carroll
Hughes of Union			Shoultz of Black Hawk

H-5708	S.F.	2265	Swartz of Marshall Groninga of Cerro Gordo Jay of Appanoose
H-5709	H.F.	2380	Varn of Johnson
H-5710	S.F.	2235	Halvorson of Webster
H-5711	H.F.	2473	Blanshan of Greene
H-5712	H.F.	2473	Blanshan of Greene

On motion by Buhr of Polk, the House adjourned at 2:25 p.m., until 10:00 a.m., Monday, April 7, 1986.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day—Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 7, 1986

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

Prayer was offered by Father Richard Weimer, pastor of the Holy Name Catholic Church, West Union.

The Journal of Friday, April 4, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Paulin of Plymouth on request of Groninga of Cerro Gordo; Van Camp of Scott on request of Platt of Muscatine.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2265**, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the

conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates, deferred and placed on the unfinished business calendar on April 3, 1986.

Brammer of Linn offered the following amendment H—5575 filed by the committee on judiciary and law enforcement:

H—5575

- 1 Amend Senate File 2265 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 18.190 DEFINITIONS.
- 6 As used in sections 18.190 through 18.200 unless
- 7 the context otherwise requires:
- 8 1. "Division" means the division of risk
- 9 management created by section 18.192.
- 10 2. "Insurance coverage" means any contract whereby
- 11 loss exposure or risk exposure is transferred to or
- 12 shared by an insurer.
- 13 3. "Governmental subdivision" means a city,
- 14 county, township, school district, area education
- 15 agency, area vocational school, area community
- 16 college, an entity created by agreement under chapter
- 17 28E, or another political subdivision. The term does
- 18 not include any unit or agency of state government.
- 19 Sec. 2. NEW SECTION. 18.191 SCOPE OF ACT.
- 20 Sections 18.190 through 18.200 apply to all
- 21 property and casualty loss exposures, but do not apply
- 22 to any exposure covered by life, accident and health,
- 23 or workers compensation insurance, and do not apply to

24 any retirement plan or system.

25 The duties of the department of general services
26 and the division under sections 18.190 through 18.200
27 extend to and encompass the personnel and property of
28 the state board of regents and the state department of
29 transportation in the same manner and to the same
30 extent as other agencies of state government.
31 Sections 18.190 through 18.200 do not apply to losses
32 and loss exposures for revenue producing facilities
33 under the state board of regents which are required to
34 carry insurance under a bond covenant.

35 Sec. 3. NEW SECTION. 18.192 RISK MANAGEMENT
36 DIVISION.

37 A division of risk management is created within the
38 department of general services. The division is the
39 agency which administers sections 18.190 through
40 18.200. The division is supervised by a risk manager
41 who shall be appointed and subject to removal by the
42 director of general services.

43 Sec. 4. NEW SECTION. 18.193 PERSONNEL.

44 The risk manager shall employ other permanent full-
45 time personnel as necessary to administer this
46 chapter. All permanent full-time personnel other than
47 the risk manager are subject to chapter 19A. The risk
48 manager is authorized to hire as independent
49 contractors other persons as necessary to assist the
50 risk manager in establishing standards and procedures

Page 2

1 under sections 18.190 through 18.200.

2 Sec. 5. NEW SECTION. 18.194 DUTIES OF DIVISION.

3 1. The risk management division, with respect to
4 losses and loss exposures of state government, shall:

5 a. Develop and maintain loss and exposure data on
6 all state property and liability risks.

7 b. Develop risk reduction or elimination programs.

8 c. Determine which risk exposures shall be insured
9 and which risk exposures shall be self-insured or
10 assumed by the state.

11 d. Review the insurance purchasing practices of
12 the state.

13 e. Establish standards for the purchase of
14 necessary insurance coverage at the lowest costs,
15 consistent with good underwriting practices and sound
16 risk management techniques.

17 f. Recommend to the general assembly legislation
18 as necessary from time to time to carry out the
19 purposes of sections 18.190 through 18.200.

20 2. The division shall develop programs for the
21 management of losses and loss exposures of
22 governmental subdivisions which may include, but are
23 not limited to, the following:

24 a. To assist subdivisions in the development and
25 maintenance of loss and loss exposure data on property
26 and liability risks of governmental subdivisions.

27 b. To recommend risk reduction or risk elimination
28 programs to governmental subdivisions.

29 c. To recommend to governmental subdivisions those
30 practices which will permit protection against losses
31 at the lowest costs, consistent with good underwriting
32 practices and sound risk management techniques.

33 d. To negotiate or acquire insurance coverage for
34 governmental subdivisions, subject to the limitations
35 contained in sections 18.190 through 18.200.

36 e. To recommend to the general assembly and
37 governmental subdivisions, changes in statutes,
38 ordinances, and policies as necessary to enable
39 governmental subdivisions to develop and implement
40 risk management programs and to acquire insurance
41 coverage.

42 3. The division shall develop and implement a
43 market assistance program to facilitate, arrange, or
44 provide for the acquisition of insurance coverage for
45 all public or private entities deemed to be essential
46 to the public welfare and for which it is determined
47 that present coverage is unavailable, unreasonable, or
48 unacceptable.

49 4. The division shall provide technical advice and
50 assistance to governmental subdivisions and public and

Page 3

1 private entities identified under subsection 3 seeking
2 to utilize alternative financing methods to develop a
3 stable pool of funds with which to insure and reinsure
4 risk exposures, including administrative and personnel
5 support for entities seeking to utilize state
6 financing, or combination financing under chapter 28E.

7 Sec. 6. NEW SECTION. 18.195 GUIDELINES.

8 1. The risk management division shall carry out
9 its duties relating to state government loss and risk

10 exposures pursuant to the following guidelines:

11 a. To the extent possible, all insurance coverage
12 which is purchased for vehicles owned by the state
13 shall be under fleet policies.

14 b. Bonding of state employees shall be
15 reevaluated, and uniform standards shall be adopted
16 for the purchase of all fidelity bonds recommended for
17 state employees. To the extent possible, all bonded
18 state employees shall be covered under one or more
19 blanket bonds or position schedule bonds. In carrying
20 out section 64.6, the state may purchase an individual
21 or a blanket surety bond insuring the fidelity of
22 state officers subject to the minimum surety bond
23 requirements of section 64.6. A state officer listed
24 in section 64.6 is deemed to have furnished surety if
25 the officer is covered by a blanket bond purchased as
26 provided in this paragraph.

27 c. The management of state property loss exposures
28 and state liability risk exposures shall be
29 accomplished for state government as a whole, and
30 without regard to the branch of government or the
31 agency within which the loss exposure or risk exposure
32 arises, except that the state board of regents shall
33 share in the management of property loss exposures and
34 liability risk exposures involving institutions under
35 the jurisdiction of the board.

36 d. Insurance coverage may include any type of
37 insurance protection sold by insurers, including but
38 not limited to, full coverage, partial coverage,
39 coinsurance, reinsurance, and deductible insurance.

40 2. The division shall develop programs relating to
41 governmental subdivisions which are subject to the
42 following guidelines:

43 a. Participation by a governmental subdivision in
44 any risk management program offered by the division
45 shall be by contract or on a voluntary basis.

46 b. The division is not required to negotiate or
47 purchase insurance coverage for any governmental
48 subdivision, as permitted by sections 18.190 through
49 18.200, which fails to comply with standards adopted
50 by the division, and may cancel coverage already

Page 4

1 negotiated or purchased upon determination of such
2 failure.

3 c. Risk management programs may treat loss and
4 risk exposures of governmental subdivisions
5 individually, or on a group basis, or both.

6 Sec. 7. NEW SECTION. 18.196 PURCHASE OF
7 INSURANCE.

8 1. The division, in consultation with the director
9 of the department of general services, is the
10 exclusive contracting agency for the purchase of
11 insurance coverage for state loss and risk exposure
12 except for revenue producing facilities under the
13 state board of regents which have to comply with bond
14 covenants.

15 2. The division shall negotiate with insurers on
16 behalf of governmental subdivisions unable to obtain
17 reasonable or acceptable insurance coverage, for the
18 purchase of insurance coverage.

19 3. The division may purchase contracts of
20 insurance, and may contract with insurers, within the
21 standards prescribed by the risk management division.
22 Funding for the purchase of insurance for state loss
23 and risk exposure shall be provided by a specific and
24 separate appropriation provided solely for this
25 purpose.

26 4. The division may facilitate, arrange, or
27 provide for the acquisition of insurance coverage on
28 behalf of one or more governmental subdivisions. Any
29 insurance contract negotiated by the division may
30 include coverage or coverages for state loss or risk
31 exposures and for the loss or risk exposures of one or
32 more governmental subdivisions, or for any combination
33 of these exposures.

34 5. The risk manager may act as attorney in fact
35 under section 520.2 for governmental subdivisions
36 executing reciprocal or interinsurance contracts under
37 chapter 520.

38 6. The division shall not charge governmental
39 subdivisions for risk management services, but may
40 charge for the reimbursement of expenses incurred in
41 facilitating, arranging, or acquiring insurance
42 coverage.

43 Sec. 8. NEW SECTION. 18.197 EXECUTIVE COUNCIL
44 SUPERVISION.

45 All standards adopted by the division under
46 sections 18.190 through 18.200 are subject to review
47 and approval or disapproval by the executive council.
48 However, each standard proposed by the division shall
49 be effective on the date specified in the standard
50 unless specifically disapproved by the executive

Page 5

1 council within thirty days after a copy of the
2 proposed standard is delivered to the secretary of the
3 executive council.

4 Sec. 9. NEW SECTION. 18.198 ACCESS TO STATE
5 RECORDS.

6 The division shall be given full assistance and
7 cooperation by every state agency and its officers and
8 employees. Each agency shall provide to the division
9 all requested loss and loss exposure information, and
10 shall comply with all standards and directives of the
11 division and of the department of insurance relating
12 to the administration of sections 18.190 through
13 18.200 except as otherwise provided in those sections.

14 Sec. 10. NEW SECTION. 18.199 ACCESS TO RECORDS
15 OF GOVERNMENTAL SUBDIVISIONS AND OTHER ENTITIES.

16 A governmental subdivision or other public or
17 private entity requesting the assistance of the
18 division shall, as a prerequisite to the assistance,
19 provide the division with full cooperation and all
20 requested loss and loss exposure information, and
21 shall comply with all standards and directives of the
22 division relating to the administration of sections
23 18.190 through 18.200.

24 Sec. 11. NEW SECTION. 18.200 ANNUAL REPORT --
25 LONG RANGE PLANNING.

26 The division shall:

27 1. Annually submit to the general assembly a
28 report containing the findings and recommendations of
29 the division, setting out the standards adopted, and
30 making recommendations for those statutory changes
31 which are necessary to implement or permit the
32 implementation of standards proposed by the division.
33 The report shall include a summary of the division's
34 annual costs of operation, the risks covered, and the
35 premiums paid.

36 2. Initiate continuing discussion and programming
37 with public and private financing agencies and other
38 interested entities regarding the feasibility and
39 establishment of a continuing source of funds to serve
40 as a reinsurance pool for public and private entities
41 essential to the public welfare.

42 Sec. 12. Section 25A.14, Code 1985, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 11. Any claim for financial loss
45 based upon an act or omission in financial regulation,
46 including but not limited to examinations,
47 inspections, audits, or other financial oversight
48 responsibilities, pursuant to Titles XIX through
49 XXIII. This subsection shall not apply to claims
50 based upon gross negligence.

Page 6

1 Sec. 13. Section 25A.14, Code 1985, is amended by
2 adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. Subsection 11 of this
4 section applies to all cases filed on or after July 1,
5 1986, and does not expand any existing cause of action
6 or create any new cause of action against the state.

7 Sec. 14. Section 64.6, unnumbered paragraph 1,
8 Code Supplement 1985, is amended to read as follows:

9 Unless covered by a higher limit blanket bond
10 purchased as provided in section ~~18.165~~ 18.195,
11 subsection 1, paragraph "b", state officers shall give
12 bonds, the premiums being paid by the state, in an
13 amount as follows:

14 Sec. 15. Section 123.92, Code Supplement 1985, is
15 amended to read as follows:

16 123.92 CIVIL LIABILITY FOR SALE OR GIFT AND
17 SERVICE OF BEER, WINE, OR INTOXICATING LIQUOR
18 (DRAMSHOP ACT).

19 Every husband, wife, child, parent, guardian,
20 employer or other person Any person who is injured in
21 person or property or means of support by any an
22 intoxicated person or resulting from the intoxication
23 of any a person, has a right of action for all damages
24 actually sustained, severally or jointly, against any
25 licensee or permittee, who sells or gives sold and
26 served any beer, wine, or intoxicating liquor to a the
27 intoxicated person while the person is when the
28 licensee or permittee knew or should have known the
29 person was intoxicated, or serves a who sold to and
30 served the person to a point where the person is
31 licensee or permittee knew or should have known the
32 person would become intoxicated. If the injury was
33 caused by an intoxicated person, a permittee or
34 licensee may establish as an affirmative defense that
35 the intoxication did not contribute to the injurious
36 action of the person.

37 Every liquor control licensee and class "B" beer
38 permittee shall furnish proof of financial
39 responsibility either by the existence of a liability
40 insurance policy or by posting bond in such amount as
41 determined by the department.

42 The department shall issue to each licensee and
43 permittee a scientific chart showing the relationship
44 between beer, wine, or intoxicating liquor consumed,
45 body weight, and resulting blood alcohol content, and
46 each licensee and permittee shall instruct all persons
47 under their supervision and control, who serve or have
48 the authority to serve beer, wine, or intoxicating
49 liquor, in the use of such chart.

50 Sec. 16. Section 147.135, Code 1985, is amended by

Page 7

1 adding the following new unnumbered paragraphs:

2 NEW UNNUMBERED PARAGRAPH. The proceedings and
3 records of a peer review committee are confidential
4 and are not discoverable or admissible in evidence in
5 any civil action. A person present at a meeting of a
6 peer review committee shall not be permitted to
7 testify in any civil action as to the findings,
8 recommendations, evaluations, or opinions of the peer
9 review committee. Information or documents dis-
10 coverable from sources other than the peer review
11 committee do not become nondiscoverable from the other
12 sources merely because they are made available to a
13 peer review committee.

14 NEW UNNUMBERED PARAGRAPH. The hospital
15 administrator or chief of the medical staff shall make
16 a full and confidential report to the board of medical
17 examiners concerning final hospital disciplinary
18 action approved by the hospital board of trustees,
19 within ten days of the action, if the action results
20 in a limitation, suspension, or revocation of a
21 physician's privilege to practice for reasons relating
22 to the physician's professional competence or
23 concerning any voluntary surrender or limitation of
24 privileges for reasons relating to professional
25 competence. The board of medical examiners shall
26 investigate the report and take appropriate action.
27 The reports are not discoverable or admissible in
28 evidence in any civil action. Persons making these
29 reports and persons participating in proceedings
30 related to these reports are immune from civil
31 liability with respect to the making of the report or
32 participation in the related proceedings. However,
33 the immunity does not apply to an act, omission, or
34 decision made with malice.

35 Sec. 17. NEW SECTION. 147.139 EXPERT WITNESS
36 STANDARDS.

37 If the standard of care given by a physician and
38 surgeon licensed pursuant to chapter 148, or
39 osteopathic physician and surgeon licensed pursuant to
40 chapter 150A is at issue, the court shall only allow a
41 person to qualify as an expert witness and to testify
42 on the issue of the appropriate standard of care if
43 the person's medical qualifications relate directly to
44 the medical problem or problems at issue and the type
45 of treatment administered in the case.

46 Sec. 18. NEW SECTION. 148.12 VOLUNTARY
47 AGREEMENTS.

48 The medical examiners, after due notice and
49 hearing, may direct the commissioner of health to
50 issue an order to revoke, suspend, or restrict a

Page 8

1 license to practice medicine and surgery, osteopathic
2 medicine and surgery, or osteopathy, or to issue a
3 restricted license on application if, after a hearing,
4 the medical examiners determine that a physician
5 licensed to practice medicine and surgery, osteopathic
6 medicine and surgery, or osteopathy, or an applicant
7 for licensure has entered into a voluntary agreement
8 to restrict the practice of medicine and surgery,
9 osteopathic medicine and surgery, or osteopathy in
10 another state, district, territory, or country. A
11 certified copy of the voluntary agreement shall be
12 considered conclusive or prima facie evidence.

13 Sec. 19. NEW SECTION. 296.7 INDEBTEDNESS FOR
14 INSURANCE AUTHORIZED — TAX LEVY.

15 A school district or merged area school corporation
16 is authorized to contract indebtedness and to issue
17 general obligation bonds or enter into insurance
18 agreements obligating the school district or
19 corporation to make payments beyond its current budget
20 year to procure or provide for a policy of insurance,
21 a self insurance program, or a local government risk
22 pool to protect the school district or corporation
23 from tort liability, loss of property, or any other
24 risk associated with the operation of the school
25 district or corporation. Taxes for the payment of the
26 principal, premium, or interest on such a bond, the
27 payment of such an insurance policy, the payment of
28 the costs of such a self insurance program, the
29 payment of the costs of such a local government risk
30 pool, and the payment of any amounts payable under any
31 such insurance agreement may be levied in excess of
32 any tax limitation imposed by statute pursuant to
33 section 613A.7. Such a self insurance program or
34 local government risk pool is not insurance and is not
35 subject to regulation under chapters 505 through 523C.

36 Sec. 20. Section 331.301, Code Supplement 1985, is
37 amended by adding the following new subsections:

38 NEW SUBSECTION. 11. A county may enter into
39 insurance agreements obligating the county to make
40 payments beyond its current budget year to procure or
41 provide for a policy of insurance, a self insurance
42 program, or a local government risk pool to protect
43 the county against tort liability, loss of property,
44 or any other risk associated with the operation of the
45 county. Such a self insurance program or local
46 government risk pool is not insurance and is not
47 subject to regulation under chapters 505 through 523C.

48 NEW SUBSECTION. 12. The board of supervisors may
49 credit funds to a reserve for the purposes authorized
50 by section 331.301, subsection 11; section 331.424,

Page 9

1 subsection 1, paragraph 1; and section 331.441,
2 subsection 2, paragraph "b". Moneys credited to the
3 reserve, and interest earned on such moneys, shall
4 remain in the reserve until expended for purposes
5 authorized by section 331.301, subsection 11; section
6 331.424, subsection 1, paragraph "l"; or section
7 331.441, subsection 2, paragraph "b".

8 Sec. 21. Section 331.424, subsection 1, paragraph
9 l, Code 1985, is amended by striking the paragraph and
10 inserting in lieu thereof the following:

11 1. Tort liability insurance, property insurance,
12 and any other insurance that may be necessary in the
13 operation of the county, costs of a self insurance
14 program, costs of a local government risk pool, and
15 amounts payable under any insurance agreements to
16 provide or procure such insurance, self insurance
17 program, or local government risk pool pursuant to
18 section 613A.7.

19 Sec. 22. Section 331.441, subsection 2, paragraph
20 b, Code 1985, is amended by adding the following new
21 subparagraph:

22 NEW SUBPARAGRAPH. (8) The provision of insurance,
23 or funding a self insurance program or local
24 government risk pool, including but not limited to the
25 investigation and defense of claims, the payment of
26 claims, and the administration and management of such
27 self insurance program or local government risk pool.

28 Sec. 23. Section 364.4, Code Supplement 1985, is
29 amended by adding the following new subsection:

30 NEW SUBSECTION. 5. Enter into insurance
31 agreements obligating the city to make payments beyond
32 its current budget year to procure or provide for a
33 policy of insurance, a self insurance program, or a
34 local government risk pool to protect the city against
35 tort liability, loss of property, or any other risk
36 associated with the operation of the city. Such a
37 self insurance program or local government risk pool
38 is not insurance and is not subject to regulation
39 under chapters 505 through 523C.

40 Sec. 24. Section 384.12, subsection 18, Code
41 Supplement 1985, is amended by striking the subsection
42 and inserting in lieu thereof the following:

43 18. A tax to pay the premium costs on tort
44 liability insurance, property insurance, and any other
45 insurance that may be necessary in the operation of
46 the city, the costs of a self insurance program, the
47 costs of a local government risk pool and amounts
48 payable under any insurance agreements to provide or
49 procure such insurance, self insurance program, or
50 local government risk pool pursuant to section 613A.7.

Page 10

1 Sec. 25. Section 384.24, subsection 3, Code 1985,
2 is amended by adding the following new lettered
3 paragraph:

4 NEW LETTERED PARAGRAPH. s. The provision of
5 insurance, or funding a self insurance program or
6 local government risk pool, including but not limited
7 to the investigation and defense of claims, the
8 establishment of reserve funds for claims, the payment
9 of claims, and the administration and management of
10 such self insurance program or local government risk
11 pool.

12 Sec. 26. NEW SECTION. 384.110 INSURANCE, SELF-
13 INSURANCE, AND RISK POOLING FUNDS.

14 A city may credit funds to a fund or funds for the
15 purposes authorized by section 364.4, subsection 5;
16 section 384.12, subsection 18; section 384.24, .
17 subsection 3, paragraph "s"; or section 613A.7.

18 Moneys credited to the fund or funds, and interest
19 earned on such moneys, shall remain in the fund or
20 funds until expended for purposes authorized by
21 section 364.4, subsection 5; section 384.12,
22 subsection 18; section 384.24, subsection 3, paragraph
23 "s"; or section 613A.7.

24 Sec. 27. NEW SECTION. 613.18 LIMITATION ON
25 PRODUCTS LIABILITY OF NONMANUFACTURERS.

26 1. A person who is not the assembler, designer, or
27 manufacturer, and who wholesales, retails,
28 distributes, or otherwise sells a product is:

29 a. Immune from any suit based upon strict
30 liability in tort or breach of implied warranty of
31 merchantability which arises solely from an alleged
32 defect in the original design or manufacture of the
33 product.

34 b. Not liable for damages based upon strict
35 liability in tort or breach of implied warranty of
36 merchantability for the product upon proof that the
37 manufacturer is subject to the jurisdiction of the
38 courts of this state and has not been judicially
39 declared insolvent.

40 2. A person who is a retailer of a product and who
41 assembles a product, such assembly having no causal
42 relationship to the injury from which the claim
43 arises, is not liable for damages based upon strict
44 liability in tort or breach of implied warranty of
45 merchantability which arises from an alleged defect in
46 the original design or manufacture of the product upon
47 proof that the manufacturer is subject to the
48 jurisdiction of the courts of this state and has not
49 been judicially declared insolvent.

50 3. An action brought pursuant to this section,

Page 11

1 where the claimant certifies that the manufacturer of
2 the product is not yet identifiable, tolls the statute
3 of limitations against such manufacturer until such
4 time as discovery in the case is completed.

5 Sec. 28. Section 613A.7, Code 1985, is amended to
6 read as follows:

7 613A.7 INSURANCE.

8 The governing body of any municipality may purchase
9 a policy of liability insurance insuring against all
10 or any part of liability which might be incurred by
11 such municipality or its officers, employees and
12 agents under the provisions of section 613A.2 and
13 section 613A.8 and may similarly purchase insurance
14 covering torts specified in section 613A.4. The
15 governing body of any municipality may adopt a self
16 insurance program, including but not limited to the
17 investigation and defense of claims, the establishment
18 of a reserve fund for claims, the payment of claims,
19 and the administration and management of the self
20 insurance program, to cover all or any part of the
21 liability. The governing body of any municipality may
22 join and pay funds into a local government risk pool
23 to protect itself against any or all liability. The
24 governing body of any municipality may enter into
25 insurance agreements obligating the municipality to
26 make payments beyond its current budget year to
27 provide or procure such policies of insurance, self
28 insurance program, or local government risk pool. The
29 premium costs of such insurance, the costs of such a
30 self insurance program, the costs of a local
31 government risk pool, and the amounts payable under
32 any such insurance agreements may be paid out of the
33 general fund or any available funds or may be levied
34 in excess of any tax limitation imposed by statute.
35 Any independent or autonomous board or commission in
36 the municipality having authority to disburse funds
37 for a particular municipal function without approval
38 of the governing body may similarly enter into
39 insurance agreements, procure liability insurance,
40 adopt a self insurance program, or join a local
41 government risk pool within the field of its
42 operation. The procurement of such insurance
43 constitutes a waiver of the defense of governmental
44 immunity as to those exceptions listed in section
45 613A.4 to the extent stated in such policy but shall
46 have no further effect on the liability of the
47 municipality beyond the scope of this chapter, but if
48 a municipality adopts a self insurance program or
49 joins and pays funds into a local government risk pool
50 such action does not constitute a waiver of the

Page 12

1 defense of governmental immunity as to the exceptions
2 listed in section 613A.4. The existence of any
3 insurance which covers in whole or in part any
4 judgment or award which may be rendered in favor of
5 the plaintiff, or lack of any such insurance, shall
6 not be material in the trial of any action brought
7 against the governing body of any municipality, or
8 their officers, employees or agents and any reference
9 to such insurance, or lack of same, shall be grounds
10 for a mistrial. A self insurance program or local
11 government risk pool is not insurance and is not
12 subject to regulation under chapters 505 through 523C.

13 Sec. 29. NEW SECTION. 617.16 FRIVOLOUS ACTIONS.

14 If a party commencing an action has in the
15 preceding five-year period unsuccessfully prosecuted
16 three or more actions, the court may, if it deems the
17 actions to have been frivolous, stay the proceedings
18 until that party furnishes an undertaking secured by
19 cash or approved sureties to pay all costs resulting
20 to opposing parties to the action including a rea-
21 sonable attorney fee.

22 Sec. 30. Section 619.18, Code 1985, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 619.18 MONEY DAMAGES NOT TO BE STATED.

26 In an action for personal injury or wrongful death,
27 the amount of money damages demanded shall not be
28 stated in the petition, original notice, or any
29 counterclaim or cross-petition. This section does not
30 apply to claims brought pursuant to chapter 631.

31 Sec. 31. NEW SECTION. 619.19 VERIFICATION NOT
32 REQUIRED - AFFIDAVITS.

33 Pleadings need not be verified unless otherwise
34 required by statute. Where a pleading is verified, it
35 is not necessary that subsequent pleadings be verified
36 unless otherwise required by statute.

37 The signature of a party, the party's legal
38 counsel, or any other person representing the party,
39 to a motion, pleading, or other paper is a certificate
40 that:

41 1. The person has read the motion, pleading, or
42 other paper.

43 2. To the best of the person's knowledge,
44 information, and belief, formed after reasonable
45 inquiry, it is grounded in fact and is warranted by
46 existing law or a good faith argument for the
47 extension, modification, or reversal of existing law.

48 3. It is not interposed for any improper purpose,
49 such as to harass or cause an unnecessary delay or
50 needless increase in the cost of litigation.

Page 13

1 If a motion, pleading, or other paper is not
2 signed, it shall be stricken unless it is signed
3 promptly after the omission is called to the attention
4 of the pleader or movant.

5 If a motion, pleading, or other paper is signed in
6 violation of this section, the court, upon motion or
7 upon its own initiative, shall impose upon the person
8 signing, the represented party, or both, an
9 appropriate sanction, which may include an order to
10 pay the other party or parties the amount of the
11 reasonable expenses incurred because of the filing of
12 the motion, pleading, or other paper, including a
13 reasonable attorney fee.

14 Sec. 32. NEW SECTION. 624.39 PUNITIVE OR
15 EXEMPLARY AWARDS.

16 1. Punitive or exemplary damages shall not be
17 awarded in the judgment of any case unless one of the
18 following occurs:

19 a. The cause of action for the case is provided by
20 a statute which specifically authorizes the award of
21 punitive or exemplary damages.

22 b. The court first determines that the conduct of
23 the defendant from which the claim arose was in
24 reckless, malicious, intentional, or willful and
25 wanton disregard for the rights or safety of the
26 claimant.

27 2. Notwithstanding subsection 1, punitive or
28 exemplary damages shall not be awarded based upon the
29 defendant's vicarious liability for the act of another
30 unless one of the following is true:

31 a. The defendant authorized the act and the manner
32 of the act.

33 b. The other person was an employee or agent of
34 the defendant at the time of the act, and the
35 employment of such person by the defendant was in
36 reckless disregard for the rights or safety of others.

37 c. The other person was an employee of the de-
38 fendant in an officer or managerial capacity, and the
39 act upon which the claim is based was an act within
40 such person's scope of employment.

41 d. The defendant, or an employee of the defendant
42 in an officer or managerial capacity, ratified or
43 approved the conduct of the other person upon which
44 the claim is based.

45 3. An insurer who provides coverage for punitive
46 or exemplary damages shall designate in each policy
47 the separate cost and pricing of the portion of the
48 policy relating to such coverage for punitive or
49 exemplary damages.

50 Sec. 33. Section 668.3, Code 1985, is amended by

Page 14

1 adding the following new subsection:

2 NEW SUBSECTION. 7. When a final judgment or award
3 is entered for future damages, any party may petition
4 the court for a determination of the appropriate
5 payment method of such judgment or award. If so
6 petitioned the court shall order that the payment
7 method for all or part of the judgment or award for
8 future damages be by structured, periodic, or other
9 nonlump-sum payments. Structured, periodic, or other
10 nonlump-sum payments may include appropriate interest
11 if such interest was not included in the determination
12 of the initial judgment or award. However, the court
13 shall not order a structured, periodic, or other
14 nonlump-sum payment method if it finds that any of the
15 following are true:

16 a. The payment method would be inequitable.

17 b. The payment method provides insufficient
18 guarantees of future collectibility of the judgment or
19 award.

20 c. Payments made under the payment method could be
21 subject to other claims, past or future, against the
22 defendant.

23 Sec. 34. NEW SECTION. 668.11 DISCLOSURE OF
24 EXPERT WITNESSES IN LIABILITY CASES INVOLVING LICENSED
25 PROFESSIONALS.

26 1. A party in a professional liability case
27 pursuant to this chapter who intends to call an expert
28 witness of their own selection, shall certify to the
29 court and all other parties the expert's name,
30 qualifications and the purpose for calling the expert
31 within the following time period:

32 a. The plaintiff within one hundred eighty days of
33 the defendant's answer unless the court for good cause
34 not ex parte extends the time of disclosure.

35 b. The defendant within ninety days of plaintiff's
36 certification.

37 2. If a party fails to disclose an expert pursuant
38 to subsection 1 or does not make the expert available
39 for discovery, the expert shall be prohibited from
40 testifying in the action unless leave for the expert's
41 testimony is given by the court for good cause shown.

42 3. This section does not apply to court appointed
43 experts or to rebuttal experts called with the
44 approval of the court.

45 Sec. 35. NEW SECTION. 668.12 LIABILITY FOR
46 PRODUCTS - STATE OF THE ART DEFENSE.

47 In any action brought pursuant to this chapter
48 against an assembler, designer, supplier of
49 specifications, distributor, manufacturer or seller
50 for damages arising from an alleged defect in the

Page 15

1 design, testing, manufacturing, formulation,
2 packaging, warning, or labeling of a product, a
3 percentage of fault shall not be assigned to such
4 persons if they plead and prove that the product
5 conformed to the state of the art in existence at the
6 time the product was designed, tested, manufactured,
7 formulated, packaged, provided with a warning, or
8 labeled. Nothing contained in this section shall
9 diminish the duty of an assembler, designer, supplier
10 of specifications, distributor, manufacturer or seller
11 to warn concerning subsequently acquired knowledge of
12 a defect or dangerous condition that would render the
13 product unreasonably dangerous for its foreseeable use
14 or diminish the liability for failure to so warn.

15 Sec. 36. NEW SECTION. 668.14 SUBSEQUENT PROFITS
16 — REMISSION OF ATTORNEY FEE — CIVIL LITIGATION TRUST.

17 Every person, firm, corporation, partnership,
18 association, or other legal entity contracting with an
19 attorney of record in an action brought pursuant to
20 this chapter, shall pay over to the attorney general
21 any money or other compensation received from the
22 reenactment of the action, by way of movie, book,
23 magazine article, radio or television presentation, or
24 from the expression of the attorney's thoughts,
25 feelings, opinions, or emotions regarding the action,
26 which money or other compensation would otherwise, by
27 terms of a contract, be owing to the attorney. The
28 attorney general shall deposit such funds in a trust
29 account and shall disburse the funds as follows:

30 1. First, payment to the attorney to cover actual
31 expenses incurred.

32 2. Second, payment to the person bringing the
33 action an amount equal to the attorney fee paid by the
34 person as a result of the action.

35 3. Third, any remaining funds disbursed to civil
36 litigation programs for the indigent.

37 Any action taken by an attorney to defeat the
38 purpose of this section shall be null and void as
39 against the public policy of this state.

40 This section applies to all moneys or other
41 compensation received on or after July 1, 1986.

42 Sec. 37. Senate File 499, section 2, as enacted by
43 the 1986 Session of the Seventy-first General Assembly
44 is amended by adding the following new subsection:

45 NEW SUBSECTION. 4. The nonuse of a seatbelt by a
46 person identified in subsection 2, paragraphs "a"
47 through "f", and by a person in a cause of action
48 arising prior to July 1, 1986, shall not be admissible
49 or material as evidence in civil actions brought for
50 damage.

Page 16

1 Sec. 38. STUDY COMMISSION CREATED.

2 1. There is established a commission to study the
3 issues involved in liability and liability insurance
4 concerns. The commission shall be composed of twelve
5 voting members and two ex officio members, appointed
6 as follows:

7 a. Two members of the house of representatives, by
8 the speaker of the house.

9 b. Two members of the senate, by the senate
10 majority leader.

11 c. Two members of the house of representatives, by
12 the house minority leader.

13 d. Two members of the senate, by the senate
14 minority leader.

15 e. Four members of the public as representatives
16 of the private sector for industries, professions, or
17 other particularly affected groups, appointed by the
18 chairperson and vice chairperson of the legislative
19 council, in consultation with the senate and house
20 minority leaders and with the approval of the
21 legislative council.

22 f. The attorney general or the attorney general's
23 designee, who shall be an ex officio member.

24 g. The commissioner of insurance or the
25 commissioner's designee, who shall be an ex officio
26 member.

27 2. The commission's study shall include, but is
28 not limited to, the following:

29 a. The implementation of maximum caps on liability
30 payments.

31 b. The elimination of the collateral source rule.

32 c. The review of present insurance practices,
33 including:

34 (1) A review and report on the feasibility and
35 advisability of enacting a mandatory insurance
36 disclosure Act.

37 (2) A review and report on the present level of
38 industry regulation and the potential for increasing
39 such regulation. This report should approximate the
40 cost of any recommendations made.

41 (3) A review and report on the present powers,
42 authority, and staffing of the insurance department.

43 (4) A review and report on the feasibility and
44 advisability of enacting insurance assistance and risk
45 management programs.

46 d. The review of alternative methods of litigation
47 actions.

48 e. The review of alternatives to reduce
49 nonmeritorious suits.

50 f. Review and report on the advisability of

Page 17

- 1 limiting tort liability of the state arising from
- 2 regulatory and licensing activities.
- 3 g. Review and report on the advisability of
- 4 enacting a statute of repose for actions arising from
- 5 improvements to real property.
- 6 h. Monitor and report on any operation savings in
- 7 the insurance industry due to tort liability reform
- 8 for the period from July 1, 1983 to present, including
- 9 the effects of this Act, and the feasibility of
- 10 mandatory rate adjustments for insurers to reflect
- 11 such cost savings.
- 12 i. Other issues necessary to ensure fairness in
- 13 the operation of the tort liability system.
- 14 3. The legislative council may authorize funds for
- 15 the study commission, which may be used for the
- 16 following commission purposes.
- 17 a. Employment of a full-time staff person for the
- 18 commission.
- 19 b. Employment of actuarial, insurance, and legal
- 20 consultants.
- 21 c. Compilation, printing, and distribution of
- 22 materials prepared by the commission.
- 23 d. Necessary expenses of travel, attendance, and
- 24 participation in regional or national programs.
- 25 4. Public members of the study commission shall
- 26 receive a per diem of forty dollars and be reimbursed
- 27 for their travel and other necessary expenses actually
- 28 incurred in the performance of their official duties.
- 29 Public employees who are members of the study
- 30 commission shall be reimbursed for travel and other
- 31 expenses actually incurred in the performance of their
- 32 official duties.
- 33 5. The study commission shall hold its first
- 34 meeting within sixty days of its formation and shall
- 35 transmit copies of its final report to the legislative
- 36 council by December 15, 1986.
- 37 Sec. 39. A county which has levied a tax pursuant
- 38 to section 331.424, subsection 1, paragraph 1, or a
- 39 city which has levied a tax pursuant to section
- 40 384.12, subsection 18, for the fiscal year July 1,
- 41 1985 through June 30, 1986, may use any unexpended
- 42 proceeds of this tax to pay the costs of a self
- 43 insurance program or the costs of a local government
- 44 risk pool.
- 45 Sec. 40. Sections 18.160 through 18.169, Code
- 46 1985, are repealed.
- 47 Sec. 41. Sections 15 through 18, 27, and 29
- 48 through 35 of this Act take effect July 1 following
- 49 their enactment and apply to all cases filed on or
- 50 after that date.

Page 18

1 Sec. 42. Sections 19 through 26, 28, 38, and 39 of
2 this Act, being deemed of immediate importance, take
3 effect from and after their publication in The Sioux
4 City Journal, a newspaper published in Sioux City,
5 Iowa, and in The Iowegian and Citizen, a newspaper
6 published in Centerville, Iowa."

 Groninga of Cerro Gordo offered the following amendment
H—5602, to the committee amendment H—5575, filed by the com-
mittee on small business and commerce:

H—5602

1 Amend the amendment H—5575 to Senate File 2265, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 1, line 5, through page 5,
5 line 41, and inserting the following:

6 "Sec. _____. Section 18.164, subsection 2,
7 unnumbered paragraph 1, Code 1985, is amended to read
8 as follows:

9 The division ~~may~~ shall develop programs for the
10 management of loss and loss exposures of governmental
11 subdivisions which may include, but shall not be
12 limited to, the following:

13 Sec. _____. Section 18.164, Code 1985, is amended by
14 adding the following new subsections:

15 NEW SUBSECTION. 3. The division shall develop and
16 implement a market assistance program to facilitate,
17 arrange, or provide for the acquisition of insurance
18 coverage for all public or private entities deemed to
19 be essential to the public welfare and for which it is
20 determined that present coverage is unavailable,
21 unreasonable, or unacceptable.

22 NEW SUBSECTION. 4. The division shall provide
23 technical advice and assistance, upon request, to
24 governmental subdivisions and public and private
25 entities identified under subsection 3 seeking to
26 utilize alternative financing methods to develop a
27 stable pool of funds with which to insure and reinsure
28 risk exposures, including administrative and personnel
29 support for entities seeking to utilize state
30 financing, or combination financing under chapter 28E.

31 Sec._____. Section 18.165, subsection 1, paragraph
32 b, Code 1985, is amended to read as follows:
33 b. Bonding of state employees shall be re-
34 evaluated, and uniform standards shall be adopted for
35 the purchase of all fidelity bonds recommended for
36 state employees. To the extent possible, all bonded
37 state employees shall be covered under one or more
38 blanket bonds or position schedule bonds. In carrying
39 out the requirements of section 64.6, the state may
40 purchase an individual or a blanket surety bond
41 insuring the fidelity of state officers subject to the
42 minimum surety bond requirements of section 64.6. A
43 state officer listed in section 64.6 is deemed to have
44 furnished surety if the officer is covered by a
45 blanket bond purchased as provided in this paragraph.
46 The risk management division may self assume or self
47 insure fidelity exposures for state officials and
48 employees. A state official is deemed to have
49 furnished surety if the official has been covered by
50 any program of insurance or self insurance established

Page 2

1 by the risk management division.
2 Sec._____. Section 18.165, subsection 2, Code 1985,
3 is amended to read as follows:
4 2. The division ~~may~~ shall develop programs
5 relating to governmental subdivisions which shall be
6 subject to the following guidelines:
7 a. Participation by a governmental subdivision in
8 any risk management program offered by the division
9 shall be by contract or on a voluntary basis.
10 b. The division shall not be required to negotiate
11 or purchase insurance coverage for any governmental
12 subdivision, as permitted by sections 18.160 to
13 18.169, which fails to comply with standards adopted
14 by the division and may cancel coverage already
15 negotiated or purchased upon determination of such
16 failure.
17 c. Risk management programs may treat loss and
18 risk exposures of governmental subdivisions
19 individually, or on a group basis, or both.
20 Sec._____. Section 18.166, Code 1985, is amended to
21 read as follows:
22 18.166 PURCHASE OF INSURANCE.
23 1. The department shall be the exclusive

24 contracting agency for the purchase of insurance
25 coverage for state loss and risk exposure except for
26 revenue producing facilities under the state board of
27 regents which have to comply with bond covenants.

28 2. The department division may upon request
29 negotiate with insurers on behalf of governmental
30 subdivisions unable to obtain reasonable or acceptable
31 insurance coverage for the purchase of insurance
32 coverage.

33 3. The department may purchase such contracts of
34 insurance, and may contract with such insurers, as are
35 within the standards prescribed by the risk management
36 division. Funding for the purchase of insurance shall
37 be provided by a specific and separate appropriation
38 provided solely for this purpose.

39 4. The department division may acquire facilitate,
40 arrange, or provide for the acquisition of insurance
41 coverage on behalf of one or more governmental
42 subdivisions upon request. Any insurance contract
43 negotiated by the department may include coverage or
44 coverages for state loss or risk exposures and for the
45 loss or risk exposures of one or more governmental
46 subdivisions, or for any combination thereof.

47 5. The director of the department of general
48 services may act as attorney in fact under section
49 520.2 for governmental subdivisions executing
50 reciprocal or interinsurance contracts under chapter

Page 3

1 520.

2 6. The department of general services or the
3 division shall not charge governmental subdivisions
4 for risk management services. ~~However, the department~~
5 ~~shall not expend state funds for the purchase of~~
6 ~~insurance coverage for any governmental subdivision,~~
7 but may charge for the reimbursement of expenses
8 incurred in facilitating, arranging, or acquiring
9 insurance coverage.

10 Sec. _____. Section 18.168, Code 1985, is amended to
11 read as follows:

12 18.168 ACCESS TO STATE RECORDS.

13 1. The division shall be given full assistance and
14 co-operation by every state agency and its officers
15 and employees. Each agency shall provide to the

16 division all requested loss and loss exposure
17 information, and shall comply with all standards and
18 directives of the division and of the department
19 relating to the administration of sections 18.160 to
20 18.169 except as herein provided.

21 2. A governmental subdivision or other public or
22 private entity requesting the assistance of the
23 division shall, as a prerequisite to the assistance,
24 provide the division with full cooperation and all
25 requested loss and loss exposure information, and
26 shall comply with all standards and directives of the
27 division relating to the administration of sections
28 18.160 through 18.169.

29 3. Information provided pursuant to this section
30 shall be maintained in a separate confidential file,
31 notwithstanding chapter 22.

32 Sec. _____. Section 18.169, Code 1985, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 18.169 ANNUAL REPORT – LONG RANGE PLANNING.

36 The division shall:

37 1. Annually submit to the general assembly a
38 report containing the findings and recommendations of
39 the division, setting out the standards adopted, and
40 making recommendations for those statutory changes
41 which are necessary to implement or permit the
42 implementation of standards proposed by the division.
43 The report shall include a summary of the division's
44 annual costs of operation, the risks covered, and the
45 premiums paid.

46 2. Initiate continuing discussion and programming
47 with public and private financing agencies and other
48 interested entities regarding the feasibility and
49 establishment of a continuing source of funds to serve
50 as a reinsurance pool for public and private entities

Page 4

1 essential to the public welfare."

2 2. Page 5, by striking lines 49 and 50 and
3 inserting the following: "XXIII".

4 3. Page 6, by striking lines 7 through 13, and
5 inserting the following:

6 "Sec. _____. Section 64.6, Code Supplement 1985, is
7 amended by striking the section and inserting in lieu

8 thereof the following:

9 64.6 STATE OFFICERS — BONDS.

10 State officials are not required to obtain bonds,
11 but may be covered under a blanket bond for state
12 employees. The blanket bond purchases shall be made
13 in an amount and with the level of assumption of risk
14 by the state that is determined by the risk management
15 division of the department of general services. The
16 state shall pay the reasonable cost of bonds under
17 this section."

18 4. By striking page 6, line 50 through page 7,
19 line 34 and inserting the following:

20 "Sec. _____. Section 147.1, subsection 6, Code
21 Supplement 1985, is amended by adding the following
22 new lettered paragraph:

23 NEW LETTERED PARAGRAPH. e. The board of trustees
24 of a licensed hospital when performing a function
25 relating to the reporting required by section 147.135,
26 subsection 3.

27 Sec. _____. Section 147.135, Code 1985, is amended
28 by numbering the current unnumbered paragraph as
29 subsection 1 and by adding the following new
30 subsections:

31 NEW SUBSECTION. 2. As used in this subsection,
32 "peer review records" means all complaint files,
33 investigation files, reports, and other investigative
34 information relating to licensee discipline or
35 professional competence in the possession of a peer
36 review committee or an employee of a peer review
37 committee. As used in this subsection, "peer review
38 committee" does not include examining boards. Peer
39 review records are privileged and confidential, are
40 not subject to discovery, subpoena, or other means of
41 legal compulsion for release to a person other than an
42 affected licensee or a peer review committee and are
43 not admissible in evidence in a judicial or
44 administrative proceeding other than a proceeding
45 involving licensee discipline or a proceeding brought
46 by a licensee who is the subject of a peer review
47 record and whose competence is at issue. A person
48 shall not be liable as a result of filing a report or
49 complaint with a peer review committee or providing
50 information to such a committee, or for disclosure of

2 person present at a meeting of a peer review committee
3 shall not be permitted to testify as to the findings,
4 recommendations, evaluations, or opinions of the peer
5 review committee in any judicial or administrative
6 proceeding other than a proceeding involving licensee
7 discipline or a proceeding brought by a licensee who
8 is the subject of a peer review committee meeting and
9 whose competence is at issue. Information or
10 documents discoverable from sources other than the
11 peer review committee do not become nondiscoverable
12 from the other sources merely because they are made
13 available to or are in the possession of a peer review
14 committee. However, such information relating to
15 licensee discipline may be disclosed to an appropriate
16 licensing authority in any jurisdiction in which the
17 licensee is licensed or has applied for a license. If
18 such information indicates a crime has been committed,
19 the information shall be reported to the proper law
20 enforcement agency. This subsection shall not
21 preclude the discovery of the identification of
22 witnesses or documents known to a peer review
23 committee. Any final written decision and finding of
24 fact by a licensing board in a disciplinary proceeding
25 is a public record. Upon appeal by a licensee of a
26 decision of a licensing board, the entire case record
27 shall be submitted to the reviewing court. In all
28 cases where privileged and confidential information
29 under this subsection becomes discoverable,
30 admissible, or part of a court record the identity of
31 an individual whose privilege has been involuntarily
32 waived shall be withheld.

33 NEW SUBSECTION. 3. A full and confidential report
34 concerning any final hospital disciplinary action
35 approved by a hospital board of trustees that results
36 in a limitation, suspension, or revocation of a
37 physician's privilege to practice for reasons relating
38 to the physician's professional competence or
39 concerning any voluntary surrender or limitation of
40 privileges for reasons relating to professional
41 competence shall be made to the board of medical
42 examiners by the hospital administrator or chief of
43 medical staff within ten days of such action. The
44 board of medical examiners shall investigate the
45 report and take appropriate action. These reports
46 shall be privileged and confidential as though
47 included in and subject to the requirements for peer
48 review committee information in subsection 2. Persons
49 making these reports and persons participating in
50 resulting proceedings related to these reports shall

Page 6

1 be immune from civil liability with respect to the
2 making of the report or participation in resulting
3 proceedings. As used in this subsection, "physician"
4 means a person licensed pursuant to chapter 148,
5 chapter 150, or chapter 150A.

6 Sec._____. Section 258A.6, subsection 4, unnumbered
7 paragraph 1, Code 1985, is amended to read as follows:

8 In order to assure a free flow of information for
9 accomplishing the purposes of this section, and
10 notwithstanding section 622.10, all complaint files,
11 investigation files, other investigation reports, and
12 other investigative information in the possession of a
13 licensing board or peer review committee acting under
14 the authority of a licensing board or its employees or
15 agents which relates to licensee discipline are
16 privileged and confidential, and are not subject to
17 discovery, subpoena, or other means of legal
18 compulsion for their release to a person other than
19 the licensee and the boards, their employees and
20 agents involved in licensee discipline, and are not
21 admissible in evidence in a judicial or administrative
22 proceeding other than the proceeding involving
23 licensee discipline. However, investigative
24 information in the possession of a licensing board or
25 its employees or agents which relates to licensee
26 discipline may be disclosed to the appropriate
27 licensing authority in another authorities within this
28 state, the appropriate licensing authority in another
29 state, the District of Columbia, or a territory or
30 country in which the licensee is licensed or has
31 applied for a license. If the investigative
32 information in the possession of a licensing board or
33 its employees or agents indicates a crime has been
34 committed, the information shall be reported to the
35 proper law enforcement agency. However, a final
36 written decision and finding of fact of a licensing
37 board in a disciplinary proceeding, including a
38 decision referred to in section 258A.3, subsection 4,
39 is a public record."

40 5. Page 7, line 40, by inserting after the figure
41 "150A" the words ", or a dentist licensed pursuant to
42 chapter 153,".

43 6. Page 7, line 43, by inserting after the word
44 "medical" the words "or dental".

45 7. Page 9, line 6, by striking the word "or".

46 8. Page 9, line 7, by inserting after the words
47 "paragraph "b" " the following: ", or section 613A.7".

48 9. Page 10, by inserting after line 23, the
49 following:

50 "Sec._____. NEW SECTION. 507D.1 SHORT TITLE.

Page 7

1 This Act shall be known as the "Insurance
2 Assistance Act".

3 Sec._____. NEW SECTION. 507D.2 DISCLOSURE OF
4 INFORMATION.

5 The commissioner of insurance shall adopt rules
6 pursuant to chapter 17A for the collection of
7 information relating to the availability, obtain
8 ability, costs, profits, and losses associated with
9 the provision of property, casualty, product, pro-
10 fessional, or other liability insurance within the
11 state, and relating to the feasibility and
12 implementation of market assistance programs,
13 mandatory risk allocation programs, risk-sharing
14 programs, risk management programs, or any other
15 authorized program under section 507D.3.

16 Sec._____. NEW SECTION. 507D.3 AUTHORIZED
17 ASSISTANCE PROGRAMS.

18 The commissioner of insurance is authorized to
19 institute programs, order the institution of programs
20 within the private sector, or to contract with or
21 delegate authority to the risk management division of
22 the department of general services for the institution
23 of programs relating to insurance assistance
24 including, but not limited to, the following:

25 1. The development and implementation of a market
26 assistance program to facilitate, arrange, or provide
27 for the acquisition of property, casualty, product,
28 professional, or other liability insurance coverage
29 for all persons or entities seeking such coverage but
30 for which the coverage is presently unavailable or
31 unobtainable to the person or entity.

32 2. The development and implementation of a
33 mandatory risk allocation system for property,
34 casualty, product, professional, or other liability
35 insurance, except asbestosis and environmental
36 impairment liability, in order to assure that all
37 persons or entities for which such insurance is
38 essential may obtain such insurance from insurers
39 authorized to do business within this state.

40 3. The development and implementation of a risk-
41 sharing program to assist and advise persons or
42 entities seeking property, casualty, product,
43 professional, or other liability insurance, except
44 asbestosis and environmental impairment liability, on
45 the most efficient manner in which to share or pool
46 similar risks in order to obtain essential insurance
47 coverage at the minimum cost.

48 4. The development and implementation of a risk
49 management program for persons or entities to which
50 property, casualty, product, professional, or other

Page 8

- 1 liability insurance is essential, such program to
- 2 include at a minimum the following:
- 3 a. Assistance in developing and maintaining loss
- 4 and loss exposure data on such liability risks.
- 5 b. Recommendations regarding risk reduction and
- 6 risk elimination programs.
- 7 c. Recommendations of those practices which will
- 8 permit protection against such losses at the lowest
- 9 costs, consistent with good underwriting practices and
- 10 sound risk management techniques.

- 11 5. Subsections 2 and 3 shall have no application
- 12 or effect after July 1, 1991.

13 Sec. _____. NEW SECTION. 507D.4 FINANCING OF
14 ASSISTANCE PROGRAMS.

15 The insurance commissioner may, by rule, provide
16 for the financing, as necessary, for any or all
17 programs under section 507D.3 by the assessment of
18 fees to insurers authorized to write property,
19 casualty, product, professional, or other liability
20 insurance within this state. The commissioner of
21 insurance may assess fees and charges against persons
22 or entities for costs incurred in providing assistance
23 to the person or entity pursuant to section 507D.3.
24 Fees collected pursuant to such rules shall be used
25 solely for the purposes of the program for which
26 assessed, and are not to be transmitted to the general
27 fund or used for any other purposes.

28 Sec. _____. NEW SECTION. 507D.5 RATE ADJUSTMENT
29 REVIEW.

30 The commissioner of insurance shall conduct a rate
31 adjustment review for all insurers authorized to write
32 property, casualty, product, professional, or other
33 liability insurance within this state and who make a
34 request for rate adjustment regarding such insurance.
35 The commissioner of insurance may employ or contract
36 with actuarial consultants as necessary to review the
37 request. The person conducting the review shall
38 report to the commissioner as to the advisability of
39 the adjustment requested.

40 The reasonable fees and expenses of an actuarial
41 consultant employed or contracted by the commissioner
42 of insurance for purposes of a rate adjustment review
43 shall be assessed against and paid by the person
44 requesting such rate adjustment.

45 Sec. _____. NEW SECTION. 507D.6 CONTINUING
46 STUDIES.

47 The commissioner of insurance is authorized to
48 conduct such further surveys, market reviews, data
49 collection and analysis, studies of a mandatory risk
50 allocation system and a risk sharing program and such

Page 9

1 other studies as the commissioner deems necessary for
2 the proper implementation of this chapter.

3 Sec._____. NEW SECTION. 507D.7 AUTHORIZATION TO
4 ACCEPT FUNDS.

5 The commissioner of insurance may accept gifts,
6 grants, or other funds from any source for the purpose
7 of defraying the costs incurred by the department of
8 insurance in carrying out the provisions of this
9 chapter. However, the commissioner shall transmit to
10 the general assembly by January 1 of each year a list
11 of contributions received from private sources, the
12 contributors, and the purposes for which the
13 contributions were used."

14 10. Page 11, line 4, by striking the words "is
15 completed" and inserting the words "has identified the
16 manufacturer".

17 11. Page 13, by striking lines 45 through 49.

18 12. Page 14, line 26, by inserting after the word
19 "case" the following: "brought against a licensed
20 professional".

21 13. Page 16, line 7, by striking the word "Two"
22 and inserting the word "Three".

23 14. Page 16, line 9, by striking the word "Two"
24 and inserting the word "Three".

25 15. Page 16, by striking line 16, and inserting
26 the following: "of the public or private sector for
27 industries, professions, local governments, or".

28 16. Page 16, by striking line 23 and inserting
29 the following: "designee."

30 17. Page 16, by striking lines 25 and 26 and
31 inserting the following: "commissioner's designee."

32 18. Page 17, line 1, by inserting after the word
33 "state" the words "and municipalities".

34 19. Page 17, by inserting after line 36 the
35 following:

36 "Sec._____. The judicial council shall promulgate
37 rules and adopt uniform forms to be used by the clerks
38 of the district court in compiling information
39 relating to tort liability litigation for the period
40 of at least July 1, 1983 through July 1, 1986 and for
41 the development of a uniform procedure for such
42 information compilation for all cases filed on or
43 after July 1, 1986."

44 20. Page 17, by striking lines 45 and 46, and
45 inserting the following:

46 "Sec._____. Section 64.7, Code 1985, is repealed."

The following amendment H—5716, to the committee amendment H—5602 (to the committee amendment H—5575) filed by Groninga of Cerro Gordo from the floor, was adopted by unanimous consent:

H—5716

- 1 Amend amendment H—5602 to amendment H—5575 to
- 2 Senate File 2265 as amended, passed, and reprinted by
- 3 the Senate, as follows:
- 4 1. Page 7, line 35, by striking the word "asbestosis"
- 5 and inserting the word "asbestos".
- 6 2. Page 7, line 44, by striking the word "asbestosis"
- 7 and inserting the word "asbestos".
- 8 3. Page 9, line 6, by striking the word "source" and
- 9 inserting the word "sources".
- 10 4. Page 9, line 9, by inserting after the word
- 11 "chapter" the following: ", provided the funds are made
- 12 available by more than one source during the fiscal year".

Norland of Worth asked and received unanimous consent that Senate File 2265 be deferred and that the bill retain its place on the calendar (committee amendment H—5602, as amended (to the committee amendment H—5575) pending.)

The House resumed consideration of **Senate File 2268**, a bill for an act relating to the industrial loan thrift guaranty corporation of Iowa, deferred and placed on the unfinished business calendar on April 2, 1986.

Skow of Guthrie offered the following amendment H—5560 filed by the committee on small business and commerce:

H—5560

- 1 Amend Senate File 2268 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. 103. Section 536B.7, unnumbered paragraph 1,
- 6 Code 1985, is amended to read as follows:
- 7 Thrift Except as provide in section 536B.28, thrift
- 8 certificates of a member of the guaranty corporation
- 9 shall be guaranteed by the guaranty corporation as
- 10 follows:
- 11 2. Page 1, line 13, by striking the word
- 12 "borrower" and inserting the following: "member".
- 13 3. Page 1, by inserting after line 17 the
- 14 following:

15 "Sec. _____. NEW SECTION. 536B.28 LIMITS OF
16 GUARANTEES — PHASING OUT OF GUARANTEES.

17 1. Notwithstanding section 536B.7, any new thrift
18 certificate issued by a member after June 30, 1986,
19 shall not be guaranteed by the guaranty corporation.
20 Thrift certificates guaranteed under section 536B.7
21 which are outstanding as of June 30, 1986 may be
22 renewed provided that their maturity date after
23 renewal is not later than June 30, 1988.

24 Thrift certificates issued by a member in the form
25 of passbook accounts shall be redeemed by the member
26 or converted to a nonguaranteed thrift certificate not
27 later than June 30, 1987. After June 30, 1986 the
28 balance of each guaranteed passbook account shall not
29 exceed the balance of the account existing on that
30 date plus any accumulated interest on that balance.

31 2. As of July 1, 1986, any thrift certificate
32 issued by a member shall conspicuously bear on its
33 face a statement indicating that the thrift
34 certificate is not guaranteed or insured by the
35 guaranty corporation or the state of Iowa. A member
36 may issue such nonguaranteed thrift certificates as
37 senior debt pursuant to section 536A.22.

38 3. All thrift certificates issued by a member,
39 including those certificates issued prior to July 1,
40 1986, shall cease to be guaranteed by the guaranty
41 corporation as of July 1, 1988.

42 4. Notwithstanding the provisions of this chapter,
43 a member may, in lieu of maintaining membership in the
44 guaranty corporation, acquire insurance from the
45 federal deposit insurance corporation or the federal
46 savings and loan insurance corporation to protect each
47 thrift certificate against loss of funds."

48 4. Renumber as necessary.

Skow of Guthrie offered the following amendment H—5656, to the committee amendment H—5560, filed by Skow, et al., and moved its adoption:

H—5656

1 Amend the amendment H—5560 to Senate File 2268 as
2 passed by the Senate as follows:

3 1. Page 1, by striking lines 22 and 23 and
4 inserting the following: "renewed for a term not to
5 exceed one year beyond the stated maturity date, and
6 in no event beyond June 30, 1991."

7 2. Page 1, line 27, by striking the figure "1987"
8 and inserting the following: "1991".

9 3. Page 1, line 31, by inserting after the word
10 "any" the following: "new".

11 4. Page 1, line 41, by striking the figure "1988"
12 and inserting the following: "1991".

Roll call was requested by Skow of Guthrie and Black of Jasper.

Rule 75 was invoked.

On the question "Shall amendment H—5656, to the committee amendment H—5560, be adopted?"

The ayes were, 43:

Arnould	Baxter	Beatty	Black
Branstad	Buhr	Cochran	Connolly
Cooper	Fey	Fogarty	Groninga
Groth	Gruhn	Hatch	Hughes
Jay	Jochum	Knapp	Koenigs
Kremer	McIntee	Muhlbauer	Norland
Ollie	Parker	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Siegrist	Skow
Spear	Sullivan	Swartz	Teaford
Varn	Woods	Mr. Speaker	

The nays were, 50:

Bennett	Blanshan	Brammer	Carl
Carpenter	Chapman	Clark	Corey
Daggett	De Groot	Diemer	Doderer
Grandia	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hester
Holveck	Hummel	Johnson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McKean
Metcalf	Miller	Mullins	O'Kane
Osterberg	Oxley	Peick	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Stromer
Stueland	Sturgeon	Swearingen	Tabor
Van Maanen	Welden		

Absent or not voting, 7:

Carter	Connors	Halvorson, R. A.	Halvorson, R. N.
Paulin	Van Camp	Zimmerman	

Amendment H—5656 lost.

Sturgeon of Woodbury asked and received unanimous consent to withdraw amendment H—5660, to the committee amendment H—5560, filed by him and Skow of Guthrie on April 2, 1986.

Sturgeon of Woodbury offered the following amendment H—5673, to the committee amendment H—5560, filed by him and Skow of Guthrie and moved its adoption:

H—5673

- 1 Amend H—5560 to Senate File 2268 as passed by the
- 2 Senate as follows:
- 3 1. Page 1, line 37, by inserting after the figure
- 4 "536A.22." the following: "However, before a member
- 5 may issue a nonguaranteed thrift certificate, the
- 6 member must disclose to the prospective purchaser in
- 7 writing and orally that the certificate is not
- 8 guaranteed or insured by the guaranty corporation or
- 9 the state of Iowa. The written disclosure shall be
- 10 made clearly and conspicuously and shall be
- 11 specifically signed and dated prior to the purchase by
- 12 the prospective purchaser of the certificate."

Amendment H—5673 was adopted.

On motion by Skow of Guthrie, the committee amendment H—5560, as amended, was adopted.

Skow 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. 2268)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt

Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Carl	Halvorson, R. A.	Paulin	Van Camp
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules to consider bills listed on the Tuesday, April 8, 1986 Daily Debate Calendar.

SENATE FILE 2246 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2246 be deferred and that the bill retain its place on the calendar.

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2473 and 2471 be temporarily deferred and that the bills retain their place on the calendar.

Lonergan of Boone in the chair at 11:21 a.m.

Senate File 2277, a bill for an act to clarify the intended effective date of portions of chapter 239, 1985 Acts, relating to the imposition of a tax on payments received by a nonprofit health service corporation for subscriber contracts and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2277)

The ayes were, 67:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hanson	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	McKean	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Siegrist	Spear	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Madam Speaker (Lonergan)	

The nays were, 29:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Handorf	Harbor
Hester	Hummel	Kremer	Lageschulte
Maulsby	McIntee	Metcalf	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Skow
Stromer	Stueland	Swearingen	Van Maanen
Welden			

Absent or not voting, 4:

Halvorson, R. A.	Hermann	Paulin	Van Camp
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2242 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2242 be temporarily deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

House File 2475, a bill for an act exempting certain nonresidents engaged in feature film, television, and educational production from the state income tax withholding provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2475)

The ayes were, 88:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Diemer	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hanson	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	McIntee	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poney	Renaud
Renken	Rosenberg	Royer	Running
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Maanen	Varn
Welden	Woods	Zimmerman	Madam Speaker (Lonergan)

The nays were, 9:

Branstad	De Groot	Grandia	Harbor
Hummel	Maulsby	McKean	Rensink
Schnekloth			

Absent or not voting, 3:

Halvorson, R. A.	Paulin	Van Camp
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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 2477 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2477 be temporarily deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

House File 2472, a bill for an act relating to taxation by updating references to the Internal Revenue Code, eliminating one of the net operating loss deductions in computing the state minimum tax, removing the requirement that members of an affiliated group of corporations consent in writing to the filing of a consolidated corporation income tax return, and providing an effective date, was taken up for consideration.

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. 2472)

The ayes were, 94:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swearingen	Tabor	Teaford
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Lonergan)		

The nays were, none.

Absent or not voting, 6:

Cochran
Swartz

Groth
Van Camp

Halvorson, R. A.

Paulin

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

SENATE FILE 2270 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2270 be deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED

Norland of Worth called up for consideration **House File 732**, a bill for an act relating to the penalties for violations of chapter 728 involving the promotion of obscene material and the sexual exploitation of children, amended by the Senate amendment H-5595 as follows:

H-5595

- 1 Amend House File 732 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 7.
- 4 2. Page 1, by striking lines 21 through 30 and
- 5 inserting the following:
- 6 "Sec. _____. Section 728.12, Code 1985, is amended
- 7 by adding the following new subsection:
- 8 **NEW SUBSECTION. 3.** A person who knowingly
- 9 purchases any negative, slide, book, magazine or other
- 10 print or visual medium depicting a child engaging in a
- 11 prohibited sexual act or the simulation of a
- 12 prohibited sexual act commits a simple misdemeanor."
- 13 3. Title page, lines 1 and 2 by striking the
- 14 words "penalties for violations of chapter 728
- 15 involving the promotion of obscene material and the".
- 16 4. Title page, line 3, by inserting after the
- 17 word "children" the words ", and providing penalties".
- 18 5. By numbering and renumbering as necessary.

Tabor of Jackson offered the following amendment H-5689, to the Senate amendment H-5595, filed by him and moved its adoption:

H—5689

- 1 Amend the amendment H—5595, to House File 732 as
- 2 passed by the House as follows:
- 3 1. Page 1, by striking lines 4 and 5 and
- 4 inserting the following:
- 5 "2. Page 1, by inserting after line 30 the
- 6 following:".
- 7 2. Page 1, line 12, by striking the word "simple"
- 8 and inserting the word "serious".
- 9 3. By renumbering as necessary.

Amendment H—5689 was adopted.

On motion by Siegrist of Pottawattamie, the House concurred in the Senate amendment H—5595, as amended.

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

On the question "Shall the bill pass?" (H.F. 732)

The ayes were, 96:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen

Tabor
Welden

Teaford
Woods

Van Maanen
Zimmerman

Varn
Madam Speaker
(Lonergan)

The nays were, none.

Absent or not voting, 4:

Halvorson, R. A.

Jochum

Paulin

Van Camp

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

On motion by Norland of Worth, the House was recessed at 11:51 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

QUORUM CALL

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2120, a bill for an act relating to the care of neglected or estray animals.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2208, a bill for an act to require state conservation commission approval of county conservation board projects for acquisition or exchange of land and general development plans where the costs of the project exceed twenty-five thousand dollars.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2220, a bill for an act relating to the power of a city council over variances granted by a board of adjustment.

Also: That the Senate has on April 3, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2245, a bill for an act relating to the confidentiality of archaeological sites or resource information and subjecting violators to civil and criminal penalties.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2313, a bill for an act relating to horticultural crops and nontraditional crops by creating a linked deposit program to provide loan moneys for the production, processing, and marketing of horticultural crops.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2345, a bill for an act relating to drainage districts.

Also: That the Senate has on April 7, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2349, a bill for an act relating to games of skill, games of chance, and raffles.

Also: That the Senate has on April 3, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2350, a bill for an act relating to the publication of official public notices by defining a newspaper, by establishing fees for the publication of official notices, and by providing for enforcement of official publication requirements, and subjecting violators to penalties.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2369, a bill for an act relating to public employee grievance procedures.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2372, a bill for an act making corrections and additions to the law dealing with alcoholic liquor, wine, and beer by amending the definition of beer to reflect current commercial practices, and by including a reference to wine in the section allowing the sale of alcoholic beverages or beer for consumption on the premises by licensees or permittees on the Sunday before New Years Day.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2379, a bill for an act relating to commodity boards, by providing for their membership, the collection of their assessments, and the appropriation of their funds.

Also: That the Senate has on April 3, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2388, a bill for an act relating to statutory requirements for corporations and limited partnerships by revising provisions governing filings, fees, reports, service of process, and publication of notice.

Also: That the Senate has on April 3, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2400, a bill for an act relating to the Iowa community development loan program.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2446, a bill for an act relating to the insurance and tariff provisions for bonded warehouses for agricultural products.

Also: That the Senate has on April 3, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2456, a bill for an act relating to workers' compensation benefits for persons receiving employment training or employment evaluations.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2471, a bill for an act relating to taxation, by amending administrative requirements of taxpayers, taxpayers' representatives, and public and taxing authorities, including non-substantive and technical corrections and making certain provisions of the Act retroactive, (previously deferred) was taken up for consideration.

Spear of Lee offered the following amendment H-5576 filed by him and moved its adoption:

H-5576

- 1 Amend House File 2471 as follows:
- 2 1. Page 24, lines 30 and 31, by striking the
- 3 words "if the person resides in the county where the

4 land is situated," and inserting the words "if the
5 person resides in the county where the land is
6 situated,".

7 2. Page 25, line 8, by striking the word
8 "housing" and inserting the word "housing".

9 3. Page 25, lines 14 through 18, by striking the
10 words "or assignee of record, whether resident or
11 nonresident of the county, if the mortgagee's or
12 assignee's address is disclosed by the recorded
13 instrument or by a certificate showing the address of
14 the mortgagee or assignee duly filed with the
15 recorder, or" and inserting the words "or assignee of
16 record, whether resident or nonresident of the county,
17 if the mortgagee's or assignee's address is disclosed
18 by the recorded instrument or by a certificate showing
19 the address of the mortgagee or assignee duly filed
20 with the recorder, or having a lien upon the real
21 estate, a vendor of the real estate under a recorded
22 contract of sale, a lessor who has a recorded lease or
23 memorandum of a recorded lease, and any other person
24 who has an interest of record, at the person's last
25 known address, and on".

Amendment H—5576 was adopted.

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. 2471)

The ayes were, 94:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy

Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Connors)		

The nays were, none.

Absent or not voting, 6:

Groth	Halvorson, R. A.	Lloyd-Jones	Paulin
Shoultz	Van Camp		

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

House File 2477, a bill for an act relating to the payment of installments of special assessments, (previously deferred) was taken up for consideration.

Petersen 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.

On the question "Shall the bill pass?" (H.F. 2477)

The ayes were, 93:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer

Running	Schnekloth	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Connors)			

The nays were, 1:

Parker

Absent or not voting, 6:

Cochran	Groth	Halvorson, R. A.	Paulin
Shoultz	Van Camp		

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

Appropriations Calendar

House File 2473, a bill for an act relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate sale of a homestead in relation to a foreclosure on agricultural land, providing for a farm mediation program, designating a farm crisis program coordinator, and providing an effective date, (temporarily deferred) was called up for consideration.

The House stood at ease at 3:26 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2473 at 4:37 p.m., Connors of Polk in the chair.

Blanshan of Greene offered the following amendment H—5711 filed by him:

H—5711

- 1 Amend House File 2473 as follows:
- 2 1. Page 3, line 26, by striking the word "person"
- 3 and inserting the following: "creditor, as defined in
- 4 section 654A.1,".
- 5 2. Page 3, line 27, by inserting after the word
- 6 "chapter" the following: "against a borrower subject
- 7 to section 654A.4".

3. Page 4, line 11, by striking the words "shall be" and inserting the words "is deemed received if".

4. Page 4, line 19, by inserting after the word "default." the following: "The borrower does not have a right to cure the default if the creditor has given the borrower a proper notice of right to cure with respect to a prior default within twelve months prior to the alleged default."

5. Page 4, line 25, by striking the word "ninety" and inserting the word "forty-five".

6. Page 4, line 26, by inserting after the word "given." the following: "The time period for a request for mediation pursuant to chapter 654A shall run concurrently with the period for the notice to cure under this section."

7. Page 4, line 27, by striking the word "ninety" and inserting the word "forty-five".

8. Page 6, by striking lines 8 through 11, and inserting the following: "without bond, provided that all parties agree to the appointment."

9. Page 6, by striking lines 14 through 32 and inserting the following:

"Sec.____. NEW SECTION. 654.16 SEPARATE REDEMPTION OF HOMESTEAD.

If a foreclosure sale is ordered on agricultural land used for farming, as defined in section 175.2, the mortgagor may, by a date set by the court but not later than ten days before the sale, designate to the court the portion of the land which the mortgagor claims as a homestead. The homestead may be any contiguous portion of forty acres or less of the real estate subject to the foreclosure. The homestead shall contain the residence of the mortgagor and shall be as compact as practicable.

If the homestead is not sold separately, but rather is sold in conjunction with the nonhomestead property in order to satisfy the judgment, the court shall determine the fair market value of the homestead. The court may consult with the county appraisers appointed pursuant to section 450.24 to determine the fair market value of the homestead. The mortgagor may redeem the homestead separately by tendering the fair market value of the homestead pursuant to chapter

Page 2

628."

10. Page 8, line 33, by inserting after the word "harm." the following: "The time period for the notice of right to cure provided in section 654.2A shall run concurrently with the time period for the

6 mediation period provided in this section and section
7 654A.10."

8 11. Page 12, by inserting after line 18 the
9 following:

10 "Sec. _____. Sections 1 through 7, 10, and 13
11 through 27 are repealed on July 1, 1989."

12 12. Title page, line 3, by striking the word
13 "sale" and inserting the word "redemption".

Carter of Henry offered the following amendment H—5729, to amendment H—5711, filed by him from the floor and moved its adoption:

H—5729

1 Amend amendment H—5711 to House File 2473 as
2 follows:

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

4 "_____. Page 3, by inserting after line 34 the
5 following:

6 "Sec. _____. NEW SECTION. 561.22 WAIVER.

7 If a homestead exemption waiver is contained in a
8 written contract, the contract must contain a statement
9 in substantially the following form, in boldface type
10 of a minimum size of ten points, and be signed and
11 dated by the person waiving the exemption at the time
12 of the execution of the contract: "I understand that
13 homestead property is in many cases protected from the
14 claims of creditors and exempt from judicial sale; and
15 that by signing this contract, I voluntarily give up my
16 right to this protection for this property with respect
17 to claims based upon this contract." "

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 52, nays 37.

Amendment H—5729 was adopted.

Blanshan of Greene offered the following amendment H—5726, to amendment H—5711, filed by him from the floor and moved its adoption:

H—5726

1 Amend the amendment H—5711 to House File 2473 as
2 follows:

3 1. Page 2, line 8, by striking the figure "18"
4 and inserting the figure "1".

Amendment H—5726 was adopted.

Blanshan of Greene asked and received unanimous consent to temporarily defer action on amendment H—5711, as amended.

Blanshan of Greene offered the following amendment H—5712 filed by him and moved its adoption:

H—5712

- 1 Amend House File 2473 as follows:
- 2 1. Page 3, by inserting after line 34 the
- 3 following:
- 4 "Sec._____. Section 567.3, subsection 3, Code 1985,
- 5 is amended by striking the subsection and inserting in
- 6 lieu thereof the following:
- 7 3. The restriction set forth in subsection 1 of
- 8 this section does not apply to the following:
- 9 a. Agricultural land acquired by devise or
- 10 descent.
- 11 b. A bona fide encumbrance on agricultural land
- 12 taken for purposes of security.
- 13 c. Agricultural land acquired by a process of law
- 14 in the collection of debts, by a deed in lieu of
- 15 foreclosure, pursuant to a forfeiture of a contract
- 16 for deed, or by any procedure for the enforcement of a
- 17 lien or claim on the land, whether created by mortgage
- 18 or otherwise. However, agricultural land so acquired
- 19 shall be converted to a purpose other than farming,
- 20 sold, or otherwise disposed of within three years
- 21 after title is transferred. Pending the sale,
- 22 disposition, or the development of the agricultural
- 23 land for purpose other than farming, the land shall
- 24 not be used for farming except under lease to an
- 25 individual, trust, corporation, partnership or other
- 26 business entity not subject to the restriction on the
- 27 increase in agricultural land holdings imposed by
- 28 section 172C.4.
- 29 d. Agricultural land acquired for research or
- 30 experimental purposes, if commercial sales from the
- 31 agricultural land are incidental to the research and
- 32 experimental objectives of the nonresident alien,
- 33 foreign business, or foreign government, or an agent,
- 34 trustee, or fiduciary thereof, and if the agricultural
- 35 land is used for the testing, development, or
- 36 production of seeds, animals, or plants for sale or
- 37 resale to farmers, or for incidental activities.
- 38 Commercial sales are incidental to research and
- 39 experimental objectives when they are less than
- 40 twenty-five percent of the gross sales of the primary

41 product of the research or experimentation.
42 e. An interest in agricultural land, not to exceed
43 three hundred twenty acres, acquired for an immediate
44 or pending use other than farming. However, a
45 nonresident alien, foreign business or foreign
46 government, or an agent, trustee or fiduciary thereof,
47 who lawfully owns over three hundred twenty acres on
48 January 1, 1980, may continue to own or hold the land,
49 but shall not purchase or otherwise acquire additional
50 agricultural land in this state except by devise or

Page 2

1 descent from a nonresident alien. Pending the
2 development of the agricultural land for purpose other
3 than farming, the land shall not be used for farming
4 except under lease to an individual, trust,
5 corporation, partnership or other business entity not
6 subject to the restriction on the increase in
7 agricultural land holdings imposed by section 172C.4."

Speaker Avenson in the chair at 5:12 p.m.

On motion by Blanshan of Greene, amendment H-5712 was adopted.

The House resumed consideration of amendment H-5711, as amended, temporarily deferred.

On motion by Blanshan of Greene, amendment H-5711, as amended, was adopted.

The following amendment H-5735 filed by Cochran of Webster from the floor was adopted by unanimous consent:

H-5735

1 Amend House File 2473 as follows:
2 1. Title page, line 5, by inserting after the
3 word "land," the following: "providing a procedure
4 for the waiver of homestead exemption, providing for
5 the ownership of agricultural land by certain
6 nonresident aliens,".

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

On the question "Shall the bill pass?" (H.F. 2473)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Maanen	Varn
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Halvorson, R. A.	Metcalf	Paulin	Van Camp
Welden	Woods		

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

Appropriations Calendar

Senate File 2242, a bill for an act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5672 filed by the committee on appropriations:

H—5672

1 Amend Senate File 2242, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the figure "1" and
4 inserting the following: "31".

5 2. Page 2, line 23, by inserting after the figure
6 "1." the following: "Notwithstanding the minimum age
7 requirements specified in this section, if a state
8 employee is fifty-nine years of age or older when the
9 state employee retires under chapter 97A within the
10 time limitations specified in this section, the state
11 employee is eligible to receive the retirement bonus
12 under subsection 1."

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

15 "For purposes of determining the length of a full-
16 time state employee's period of continuous state
17 service, the merit employment department, or successor
18 agency, shall include the state employee's most recent
19 continuous period of service in full-time county
20 employment as full-time state employment for
21 individuals who became full-time state employees under
22 1983 Iowa Acts, chapter 186."

23 4. Page 3, by striking lines 7 through 21 and
24 inserting the following: "this section. The merit
25 employment department,".

26 5. Page 3, line 24, by striking the word "fifty-
27 five" and inserting the following: "fifty-nine".

28 6. Page 3, by striking lines 28 through 33 and
29 inserting the following: "completed at least five
30 years of state employment, and sends written
31 notification to the merit employment department, or
32 successor agency, by July 31, 1986 that the state
33 employee will terminate state employment not later
34 than October 31, 1986, is eligible to receive the
35 following termination".

36 7. Page 4, by striking lines 12 through 15 and
37 inserting the following:

38 "For an employee who is fifty-nine years of age,
39 the percent based upon age at termination is thirty-
40 two; for an employee who is sixty years of age, thirty
41 percent, and for an employee who is sixty-one years of
42 age, twenty-eight percent. The bonus".

43 8. Page 4, line 28, by striking the word "twelve"
44 and inserting the word "eight".

45 9. Page 4, line 28, by inserting after the word
46 "dollars." the following: "One-half the bonus payment
47 shall be paid during the fiscal year beginning July 1,
48 1986 and the remainder of the bonus payment shall be
49 paid during the fiscal year beginning July 1, 1987."

50 10. Page 5, line 23, by inserting after the word

Page 2

1 "regents" the following: ", employees covered under
2 the retirement system established under chapter 97A,".

3 11. Page 6, line 5, by inserting after the word
4 "state" the following: "or a political subdivision of
5 the state".

6 12. Page 6, by inserting after line 19 the
7 following:

8 "Sec. _____. The board of directors of each judicial
9 district department of correctional services
10 established in chapter 905 shall establish for its
11 employees retirement incentives identical to those
12 established in section 1 of this Act. If funds of a
13 judicial district department of correctional services
14 are insufficient to pay the retirement bonus under
15 section 1, subsection 1, of this Act, the Iowa
16 department of corrections may request that the
17 governor authorize payment from the salary adjustment
18 fund. The cost of payments under section 1,
19 subsection 2, of this Act shall be made from funds
20 appropriated to the salary adjustment fund, and the
21 Iowa department of corrections shall reimburse the
22 salary adjustment fund annually from state funds
23 appropriated for the establishment, operation,
24 support, and evaluation of community-based
25 correctional programs and services unless the governor
26 exempts the department from the reimbursement
27 requirements."

28 13. Page 6, by inserting after line 19 the fol-
29 lowing:

30 "Sec. _____. POLITICAL SUBDIVISION RETIREMENT
31 INCENTIVES. The governing board of a political
32 subdivision may adopt a program for payment of a
33 monetary bonus, continuation of health or medical
34 insurance coverage, or other incentives for
35 encouraging its employees to retire before the normal
36 retirement date as defined in chapter 97B. The
37 program is available only to employees between fifty-
38 nine and sixty-five years of age who notify the board
39 at any time between the effective date of this Act and
40 March 15, 1987 that they intend to retire not later
41 than June 30, 1987. An employee retiring under this
42 section shall apply for a retirement allowance under
43 chapter 97B or chapter 294. If the total estimated
44 accumulated cost to a political subdivision of the
45 bonus or other incentives for employees who retire
46 under this section does not exceed the estimated
47 savings in salaries and benefits for employees who
48 replace the employees who retire under the program,
49 the governing board may certify for levy a tax on all
50 taxable property in the political subdivision to pay

Page 3

- 1 the costs of the program provided in this section.
- 2 The levy certified under this section is in addition
- 3 to any other levy authorized for that political
- 4 subdivision by law and is not subject to budget
- 5 limitations otherwise provided by law. A governing
- 6 board may amend its certified budget during a fiscal
- 7 year to provide for payments required under this
- 8 section."

Carter of Henry offered amendment H—5715, to amendment H—5672, filed by him from the floor and requested division as follows:

H—5715

- 1 Amend amendment H—5672 to Senate File 2242 as
- 2 amended, passed and reprinted by the Senate as follows:

H—5715A

- 3 1. Page 1, line 44, by striking the word "eight"
- 4 and inserting the word "ten".

H—5715B

- 5 2. Page 1, line 49, by inserting after the word
- 6 "paid" the following: "in the first pay period".

Carter of Henry moved the adoption of amendment H—5715A, to the committee amendment H—5672.

A non-record roll call was requested.

The ayes were 24, nays 40.

Amendment H—5715A lost.

On motion by Carter of Henry, amendment H—5715B was adopted.

Norland of Worth asked and received unanimous consent that Senate File 2242 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—5672, as amended, pending.)

SENATE AMENDMENT CONSIDERED

Varn of Johnson called up for consideration **House File 2380**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1985 and ending June 30, 1986 and making the Act effective upon publication, amended by the Senate amendment H—5554 as follows:

H—5554

- 1 Amend House File 2380 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 5, by striking lines 8 through 11, and in-
- 4 serting in lieu thereof the following: "or siding
- 5 defined in the agreement. Credits to the corporation
- 6 account by the railroad".
- 7 2. Page 6, by striking lines 7 through 18.
- 8 3. Page 6, by inserting after line 28 the
- 9 following new section:
- 10 "Sec. _____. For the fiscal year beginning July 1,
- 11 1985 and ending June 30, 1986, the state comptroller
- 12 shall reduce quarterly allocations of funds
- 13 appropriated to agencies to reflect savings made as a
- 14 result of implementing recommendations for
- 15 restructuring and downsizing state government which
- 16 are implemented by administrative action. Reductions
- 17 to allotments made under this section shall be
- 18 retained in a special account in the office of state
- 19 comptroller, and shall be unavailable for expenditure
- 20 by the various departments. Funds accumulated in this
- 21 account shall revert to the credit of the fund from
- 22 which appropriated on June 30, 1986. The executive
- 23 council shall delete any positions identified by the
- 24 governor as funded by these reversions from the table
- 25 of organization. However, this section shall not be
- 26 used to effect any reorganization that is contrary to
- 27 the intent of the general assembly."
- 28 4. By renumbering, relettering, or redesignating
- 29 and correcting internal references as necessary.

Varn of Johnson asked and received unanimous consent to withdraw amendment H—5709, to the Senate amendment H—5554, filed by him on April 4, 1986.

Varn of Johnson offered the following amendment H—5727, to the Senate amendment H—5554, filed by him from the floor and moved its adoption:

H—5727

- 1 Amend the Senate amendment, H—5554, to House File
- 2 2380, as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 27 and
- 5 inserting the following:
- 6 " _____. Page 2, lines 18 and 19, by striking the
- 7 words and figures "not later than April 15, 1986".
- 8 _____. Page 2, line 32, by inserting after the
- 9 figure "1987." the words "Funds appropriated by this
- 10 section may be expended or encumbered after June 30,
- 11 1986. Notwithstanding section 8.33, any remaining
- 12 unencumbered funds appropriated under this section
- 13 shall revert to the general fund of the state on June
- 14 30, 1987." "

Amendment H—5727 was adopted.

On motion by Varn of Johnson, the House concurred in the Senate amendment H—5554, as amended.

Varn of Johnson 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. 2380)

The ayes were, 80:

Arnould	Baxter	Beatty	Bennett
Black	Brammer	Buhr	Carpenter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermanin	Hester
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Lonergan	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rensink	Rosenberg	Running	Sherzan
Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Sturgeon	Sullivan

Swartz
Varn

Swearingen
Woods

Tabor
Zimmerman

Teaford
Mr. Speaker

The nays were, 10:

Grandia
Platt
Stueland

Hummel
Renken
Van Maanen

Maulsby
Royer

Pellett
Schneklloth

Absent or not voting, 10:

Blanshan
Groth
Van Camp

Branstad
Halvorson, R. A.
Welden

Carl
Metcalf

Carter
Paulin

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

MOTION TO RECONSIDER (Senate File 2268)

I move to reconsider the vote by which Senate File 2268 passed the House on April 7, 1986.

HARBOR of Mills

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 7th day of April, 1986: House Files 721 and 2110.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 7, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 767, an act relating to the base period under the unemployment compensation law for an employee who has received workers' compensation or indemnity insurance benefits and applying retroactively.

House File 2381, an act relating to the adoption of the uniform transfers to minors act.

Senate File 532, an act relating to bovine brucellosis, by providing vaccination requirements, providing definitions, providing for the adoption of rules, providing for the movement of cattle, and providing for indemnification for slaughtered cattle.

Senate File 2041, an act relating to schedule I and schedule II controlled substances regulated by the Board of Pharmacy Examiners.

Senate File 2226, an act relating to the guaranty capital of a mutual insurance company.

PRESENTATION OF VISITORS

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

Twelve Cadette Girl Scouts from Andrew, accompanied by Joyce Till. By Tabor of Jackson.

Sixty senior students from Hudson High School, Hudson. By Diemer of Black Hawk.

SUBCOMMITTEE ASSIGNMENT

House File 2474

Education: Haverland, Chair; Daggett and Groth.

STUDY BILL SUBCOMMITTEE ASSIGNMENT

Study Bill 774 (Reassigned)

Ways and Means: Cochran, Chair; Doderer and Schneklath.

CERTIFICATE OF RECOGNITION

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

1986-13

Mr. Roosevelt Taylor — For his many years of meritorious community service to the people of Waterloo.

JOSEPH O'HERN
Chief Clerk of the House

RESOLUTION FILED

HCR 127, by Fey and Arnould, a concurrent resolution urging the Congress not to reduce federal funding of the Job Training Partnership Act.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5713	S.F. 2265	O'Kane of Woodbury
H-5714	S.J.R. 2002	Spear of Lee
H-5717	S.F. 2265	Haverland of Polk
		Jay of Appanoose
H-5718	S.J.R. 2002	Spear of Lee
H-5719	S.F. 19	Chapman of Linn
H-5720	H.F. 2388	Senate Amendment
H-5721	H.F. 2245	Senate Amendment
H-5722	H.F. 2400	Senate Amendment
H-5723	H.F. 2350	Senate Amendment
H-5725	H.F. 2474	Spear of Lee
H-5728	S.F. 2242	Doderer of Johnson
H-5730	H.F. 2245	Gruhn of Dickinson
H-5731	S.F. 2265	Halvorson of Clayton
H-5732	H.F. 2349	Senate Amendment
H-5733	S.F. 2265	Stromer of Hancock
H-5734	S.F. 2265	Carpenter of Polk
		O'Kane of Woodbury
		Platt of Muscatine
H-5736	S.F. 2268	Harbor of Mills
		Skow of Guthrie
H-5737	H.F. 2274	Running of Linn

On motion by Norland of Worth, the House adjourned at 5:58 p.m., until 9:00 a.m., Tuesday, April 8, 1986.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day — Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 8, 1986

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

Prayer was offered by Reverend Al Folkes, pastor of the Wesleyan Methodist Church, Rudd.

The Journal of Monday, April 7, 1986 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 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 123, a bill for an act providing for the issuance and use of handicapped identification cards, making penalties applicable and providing effective dates.

Also: That the Senate has on April 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2001, a bill for an act relating to the length of exposure in the last employment to the hazards of pneumoconiosis under the workers' compensation law.

Also: That the Senate has on April 4, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2336, a bill for an act relating to the authority of the department of water, air and waste management over hazardous substances and hazardous conditions.

Also: That the Senate has on April 4, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2376, a bill for an act establishing liability of persons responsible for hazardous conditions for reasonable costs incurred by the department of water, air and waste management in responding to the conditions, and providing for the credit of recoveries for the liabilities.

Also: That the Senate has on April 4, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2401, a bill for an act establishing a state management training program and a management training revolving fund.

Also: That the Senate has on April 4, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2403, a bill for an act relating to the operation of city civil service commissions.

Also: That the Senate has on April 4, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2460, a bill for an act relating to the disposition of seizable and forfeitable property, and providing penalties.

Also: That the Senate has on April 4, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2465, a bill for an act relating to the continuation of and conversion of accident or health insurance benefits and providing an effective date.

Also: That the Senate has on April 7, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 106, a bill for an act to provide a specific exemption to the sales and use tax relative to gross receipts from the sale of automotive fluids and providing retroactive effect.

K. MARIE THAYER, Secretary

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 10:16 a.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sullivan of Van Buren on request of Jay of Appanoose; Muhlbauer of Crawford on request of Cooper of Lucas; Lonergan of Boone, until her arrival, on request of Arnould of Scott.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 2265**, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates, (again deferred and retained on the unfinished business calendar on April 7, 1986) and the committee on small business and commerce amendment H—5602 (found on pages 1257 through 1266 of the House Journal), as amended, to the committee on judiciary and law enforcement amendment H—5575 (found on pages 1239 through 1257 of the House Journal).

Division of the committee amendment H—5602 was requested as follows:

H—5602A — Page 1, lines 4 through 50; all of pages 2, 3, 4 and 5; page 6, lines 1 through 44; page 9, lines 14 through 33; page 9, lines 44 through 46.

H-5602B — Page 6, lines 45 through 47.

H-5602C — Page 6, lines 48 through 50; all of pages 7 and 8; page 9, lines 1 through 13.

H-5602D — Page 9, lines 34 through 43.

Hummel of Benton asked and received unanimous consent to temporarily defer action on the committee amendment H-5602A.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw the committee amendment H-5602B.

Fey of Scott in the chair at 10:33 a.m.

Groninga of Cerro Gordo moved the adoption of the committee amendment H-5602C, as amended, (to the committee amendment H-5575).

Roll call was requested by Harbor of Mills and Schnekloth of Scott.

On the question "Shall the committee amendment H-5602C, as amended, (to the committee amendment H-5575) be adopted?"

The ayes were, 55:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Chapman	Cochran	Connolly	Connors
Cooper	Doderer	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Loneragan	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	
		(Fey)	

The nays were, 38:

Bennett	Branstad	Carpenter	Clark
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Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Siegrist	Stueland	Swearingen
Van Maanen	Weiden		

Absent or not voting, 7:

Avenson	Carter	Muhlbauer	Shoning
Stromer	Sullivan	Van Camp	

The committee amendment H-5602C, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Camp of Scott, for the remainder of the day, on request of Platt of Muscatine.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw the committee amendment H-5602D.

On motion by Groninga of Cerro Gordo, the committee amendment H-5602A was adopted, placing out of order the following amendments to the committee amendment H-5575:

H-5717 filed by Haverland of Polk and Jay of Appanoose on April 7, 1986.

H-5744 filed by Haverland of Polk from the floor.

Diemer of Black Hawk offered the following amendment H-5626, to the committee amendment H-5575, filed by Halvorson of Clayton, et al.:

H-5626

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H-5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 5, by inserting before line 42 the
- 6 following:

7 "Sec._____. Section 25A.4, unnumbered paragraph 2,
8 Code 1985, is amended to read as follows:

9 The state ~~shall be~~ is liable in respect to such
10 claims to the same claimants, in the same manner, and
11 to the same extent as a private individual under like
12 circumstances, except that the state ~~shall is not be~~
13 liable for interest prior to judgment or for punitive
14 damages. Costs shall be allowed in all courts to the
15 successful claimant to the same extent as if the state
16 were a private litigant."

17 2. Page 10, by inserting before line 24 the
18 following:

19 "Sec._____. Section 535.3, Code 1985, is amended to
20 read as follows:

21 535.3 INTEREST ON JUDGMENTS AND DECREES.

22 Interest shall be allowed on all money due on
23 judgments and decrees of courts at the rate of ten
24 percent per year, unless a different rate is fixed by
25 the contract on which the judgment or decree is
26 rendered, in which case the judgment or decree shall
27 draw interest at the rate expressed in the contract,
28 not exceeding the maximum applicable rate permitted by
29 the provisions of section 535.2, which allowable rate
30 must be expressed in the judgment or decree. The
31 interest shall accrue from the date of the
32 commencement of the action judgment or decree.

33 Sec._____. Section 557A.16, subsection 2, Code
34 Supplement 1985, is amended to read as follows:

35 2. If a developer or any other person subject to
36 this chapter violates any a provision of this chapter
37 or any a provision of the project or time-share
38 instruments, any a person or class of persons damaged
39 or otherwise adversely affected by the violation shall
40 have has a claim for appropriate relief, which shall
41 be brought in the county in which the time-share
42 project is located or was offered or sold, in which
43 the time-share offeror or time-share salesperson
44 resides or is doing business upon tender of the time-
45 share interest sold, or in which the contract was
46 made. The court may order the developer or other
47 person subject to this chapter to refund the purchaser
48 the full amount paid by the purchaser, with
49 prejudgment interest, less a portion of the amount
50 paid representing the portion of any benefit the

Page 2

1 purchaser actually received or had the right to
2 receive during the time preceding the tender. In all
3 cases, the court may provide equitable relief if
4 considers necessary or proper. The court may also
5 award the person or class of persons reasonable
6 attorney's fees. This action does not limit any other
7 remedy of the purchaser."

8 3. By numbering and renumbering as necessary.

Brammer of Linn rose on a point of order that amendment H—5626 was not germane.

The Speaker ruled the point not well taken and amendment H—5626 germane.

Diemer of Black Hawk moved the adoption of amendment H—5626, to the committee amendment H—5575.

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall amendment H—5626, to the committee amendment H—5575, be adopted?"

The ayes were, 42:

Bennett	Black	Branstad	Carpenter
Clark	Corey	Daggett	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Koenigs	Kremer	Lageschulte	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Peick	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Swearingen	Van Maanen
Varn	Welden		

The nays were, 51:

Arnould	Avenson	Baxter	Beatty
Brammer	Buhr	Carl	Carter
Chapman	Connors	Cooper	Doderer
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Lloyd-Jones	Loneragan
McIntee	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Spear
Sturgeon	Swartz	Tabor	Teaford
Woods	Zimmerman	Mr. Speaker	
		(Fey)	

Absent or not voting, 7:

Blanshan
Muhlbauer

Cochran
Sullivan

Connolly
Van Camp

De Groot

Amendment H — 5626 lost.

Speaker Avenson in the chair at 11:39 a.m.

Jay of Appanoose offered the following amendment H — 5642, to the committee amendment H — 5575, filed by him and moved its adoption:

H — 5642

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H — 5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 6, line 26, by inserting after the word
- 6 "served" the words "or sold and delivered".
- 7 2. Page 13, line 22, by inserting after the word
- 8 "that" the words "an issue of fact exists that".
- 9 3. Page 14, line 22, by inserting after the word
- 10 "defendant" the words "or the defendant's insurer".

Amendment H — 5642 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Groot of Lyon, until his return, on request of Hummel of Benton.

Doderer of Johnson offered amendment H — 5707, to the committee amendment H — 5575 filed by Doderer, et al. Division was requested as follows:

H — 5707

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H — 5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:

H-5707A

- 5 1. Page 6, by striking lines 16 through 32 and
 6 inserting the following:
 7 "123.92 CIVIL LIABILITY FOR SALE OR GIFT OF BEER,
 8 WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT).
 9 Every husband, wife, child, parent, guardian,
 10 employer or other person who is injured in person or
 11 property or means of support by any intoxicated person
 12 or resulting from the intoxication of any person, has
 13 a right of action for all damages actually sustained,
 14 severally or jointly, against any licensee or
 15 permittee, who sells or gives any beer, wine, or
 16 intoxicating liquor to a person while the person is
 17 intoxicated, or serves a person to a point where the
 18 person is intoxicated. If the injury was".

H-5707B

- 19 2. Page 6, line 36, by inserting after the word
 20 "person." the following: "However, a licensee or
 21 permittee found to be liable under this section shall
 22 have a cause of action against the intoxicated person
 23 for contribution or idemnity."

Doderer of Johnson moved the adoption of amendment
 H-5707A, to the committee amendment H-5575.

Roll call was requested by Halvorson of Webster and Skow of
 Guthrie.

Rule 75 was invoked.

On the question "Shall amendment H-5707A, to the committee
 amendment H-5575, be adopted?"

The ayes were, 35:

Arnould	Baxter	Bennett	Brammer
Carl	Carpenter	Chapman	Clark
Connors	Corey	Fey	Grandia
Hammond	Holveck	Hughes	Jay
Jochum	Johnson	Lloyd-Jones	McIntee
McKean	Norland	Osterberg	Peick
Pellett	Platt	Rensink	Rosenberg
Sherzan	Shoning	Shultz	Spear
Teaford	Van Maanen	Mr. Speaker	

The nays were, 57:

Beatty	Black	Branstad	Buhr
Carter	Connolly	Cooper	Diemer
Doderer	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Hummel	Knapp
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	Metcalf	Miller	Mullins
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Renken	Royer	Running
Schnekloth	Siegrist	Skow	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Varn	Welden	Woods
Zimmerman			

Absent or not voting, 8:

Blanshan	Cochran	Daggett	De Groot
Muhlbauer	Renaud	Sullivan	Van Camp

Amendment H—5707A lost.

Norland of Worth asked and received unanimous consent that Senate File 2265 be temporarily deferred and that the bill retain its place on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 106, by Gronstal, a bill for an act to provide a specific exemption to the sales and use tax relative to gross receipts from the sale of automotive fluids and providing retroactive effect.

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

On motion by Norland of Worth, the House was recessed at 12:23 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his arrival, on request of Pavich of Pottawattamie; Peick of Linn, for the remainder of the day, on request of Blanshan of Greene.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2265**, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates, and the committee on judiciary and law enforcement amendment H—5575, as amended, (found on pages 1239 through 1257 of the House Journal).

The House resumed consideration of amendment H—5707B, to the committee amendment H—5575, as amended.

Jay of Appanoose asked and received unanimous consent to temporarily defer action on amendment H—5707B.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5625, to the committee amendment H—5575, filed by Halvorson, et al., on April 1, 1986.

Woods of Polk offered the following amendment H—5659, to the committee amendment H—5575, filed by Halvorson of Clayton, et al.:

H—5659

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 6, by striking lines 14 through 49 and
- 6 inserting the following:
- 7 "Sec. _____. Section 123.92, Code Supplement 1985,
- 8 is amended by striking the section and inserting in
- 9 lieu thereof the following:
- 10 123.92 CIVIL LIABILITY FOR SALE OR GIFT OF BEER,
- 11 WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT).
- 12 A licensee or permittee who sells, gives, or
- 13 otherwise supplies alcoholic liquor, wine, or beer
- 14 shall not be liable unless the licensee or permittee
- 15 does one of the following:
- 16 1. Causes the consumption by force or by
- 17 representing that the beverages contain no alcohol.
- 18 2. Knew or had reasonable cause to believe that
- 19 the person consuming was under the legal age, and the
- 20 beverages provided were a substantial factor in
- 21 causing injury to a third party. However, liability
- 22 shall not attach if all of the following occurred:
- 23 a. The underage person falsely represented that
- 24 they had attained the legal drinking age.
- 25 b. The underage person supported the
- 26 representation of legal drinking age with
- 27 documentation.
- 28 c. The beverages were provided in good faith
- 29 reliance on the underage person's representation of
- 30 legal drinking age.
- 31 d. Based on the appearance of the underage person,
- 32 an ordinary and prudent person would believe that the
- 33 underaged person had attained the legal drinking age.
- 34 Every liquor control licensee and permittee shall
- 35 furnish proof of financial responsibility either by
- 36 the existence of a liability insurance policy or by
- 37 posting bond in an amount determined by the
- 38 department."

Carl of Poweshiek in the chair at 3:20 p.m.

Speaker Avenson in the chair at 3:24 p.m.

Varn of Johnson in the chair at 4:01 p.m.

Woods of Polk moved the adoption of amendment H—5659, to the committee amendment H—5575.

A non-record roll call was requested.

The ayes were 23, nays 61.

Amendment H—5659 lost.

Doderer of Johnson offered the following amendment H—5668, to the committee amendment H—5575, filed by Doderer, et al.:

H—5668

- 1 Amend amendment H—5575 to Senate File 2265 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 6, by striking lines 14 through 49.

Halvorson of Webster rose on a point of order that amendment H—5668 was not in order inasmuch as it was the same subject matter previously considered in amendment H—5707A.

The Speaker ruled the point not well taken and amendment H—5668 in order.

Doderer of Johnson moved the adoption of amendment H—5668, to the committee amendment H—5575.

Roll call was requested by Doderer of Johnson and Brammer of Linn.

On the question "Shall amendment H—5668, to the committee amendment H—5575, be adopted?"

The ayes were, 31:

Bennett	Brammer	Branstad	Buhr
Corey	Daggett	De Groot	Doderer
Grandia	Hammond	Haverland	Holveck
Hughes	Johnson	Lloyd-Jones	Loneragan
McIntee	McKean	Ollie	Osterberg
Pellett	Renken	Rensink	Rosenberg
Sherzan	Shoultz	Spear	Stueland
Teaford	Van Maanen	Zimmerman	

The nays were, 60:

Arnould	Baxter	Beatty	Black
Blanshan	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connors
Cooper	Diemer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Hatch
Hester	Hummel	Jay	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Maulsby	Metcalf	Miller	Muhlbauer
Mullins	O'Kane	Oxley	Parker
Paulin	Pavich	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Royer
Running	Schneklath	Shoning	Siegrist
Skow	Stromer	Sturgeon	Swartz
Swearingen	Welden	Woods	Mr. Speaker (Varn)

Absent or not voting, 9:

Avenson	Connolly	Harbor	Hermann
Norland	Peick	Sullivan	Tabor
Van Camp			

Amendment H—5668 lost.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—5713, to the committee amendment H—5575, filed by him on April 7, 1986.

O'Kane of Woodbury offered the following amendment H—5748, to the committee amendment H—5575, filed by him from the floor and moved its adoption:

H—5748

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2285 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 8, lines 32 and 33, by striking the words
- 6 and figure "pursuant to section 613A.7".
- 7 2. Page 9, lines 17 and 18, by striking the words
- 8 and figure "pursuant to section 613A.7".
- 9 3. Page 9, line 50, by striking the words and
- 10 figure "pursuant to section 613A.7".
- 11 4. Page 10, line 16, by inserting after the
- 12 figure "18;" the word "or".
- 13 5. Page 10, line 17, by striking the words and
- 14 figure "; or section 613A.7".

- 15 6. Page 10, line 22, by inserting after the
 16 figure "18;" the word "or".
 17 7. Page 10, line 23, by striking the words and
 18 figure "; or section 613A.7".

Amendment H—5748 was adopted.

Kremer of Buchanan offered the following amendment H—5611, to the committee amendment H—5575, filed by him and moved its adoption:

H—5611

- 1 Amend the Committee on Judiciary and Law
 2 Enforcement amendment, H—5575, to Senate File 2265 as
 3 amended, passed and reprinted by the Senate as
 4 follows:
 5 1. Page 8, line 35, by inserting after the figure
 6 "523C." the following: "Any issue of general
 7 obligation bonds under this section shall be subject
 8 to the provisions of chapter 75."
 9 2. Page 8, line 47, by inserting after the figure
 10 "523C." the following: "Any issue of general
 11 obligation bonds under this subsection shall be
 12 subject to the provisions of chapter 75."
 13 3. Page 9, line 39, by inserting after the figure
 14 "523C." the following: "Any issue of general
 15 obligation bonds under this subsection shall be
 16 subject to the provisions of chapter 75."
 17 4. Page 12, line 12, by inserting after the
 18 figure "523C." the following: "Any issue of general
 19 obligation bonds under this section shall be subject
 20 to the provisions of chapter 75."

Roll call was requested by Kremer of Buchanan and Branstad of Winnebago.

On the question "Shall amendment H—5611, to the committee amendment H—5575, be adopted?"

The ayes were, 41:

Bennett	Black	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Fogarty	Grandia	Gruhn
Halvorson, R. A.	Handorf	Hanson	Hermann
Hester	Hummel	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Ollie	Paulin	Pellett

Petersen, D. F.	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Swearingen	Van Maanen
Welden			

The nays were, 48:

Arnould	Baxter	Beatty	Brammer
Buhr	Carl	Carter	Chapman
Cochran	Connolly	Connors	Cooper
Doderer	Fey	Groninga	Groth
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Loneragan
O'Kane	Osterberg	Oxley	Parker
Pavich	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Spear	Sturgeon	Swartz	Tabor
Teaford	Woods	Zimmerman	Mr. Speaker (Varn)

Absent or not voting, 11:

Avenson	Blanshan	Harbor	Lloyd-Jones
Muhlbauer	Mullins	Norland	Peick
Rensink	Sullivan	Van Camp	

Amendment H—5611 lost.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—5684, to the committee amendment H—5575, filed by Hummel, et al., on April 3, 1986.

Halvorson of Clayton offered the following amendment H—5743, to the committee amendment H—5575, filed from the floor by him and Carpenter of Polk and moved its adoption:

H—5743

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 8, by striking lines 13 through 35.
- 6 2. Page 17, by inserting after line 46 the
- 7 following:
- 8 "Sec. _____. RESTRICTIONS ON ALTERNATIVE FINANCING.
- 9 1. For the period running from the effective date
- 10 of this Act to January 1, 1988, alternative financing

11 programs for insurance coverage authorized by sections
12 20 through 26, 28, and 39 of this Act shall be subject
13 to the following restrictions:

14 a. A governmental entity shall not enter into an
15 alternative financing program without prior written
16 approval, and the division of risk management of the
17 department of general services shall be the exclusive
18 agency for the granting of such approval.

19 b. The use of such alternative financing programs
20 by cities and counties having a population of less
21 than one hundred thousand persons, according to the
22 latest certified federal census, shall be limited to a
23 maximum of three pilot programs. Applications for the
24 approval of a pilot program shall be submitted to the
25 division of risk management within thirty days of the
26 effective date of this Act, with such application to
27 be in a form similar to a request for the rating of
28 general obligation bonds.

29 2. Approval for an alternative financing program
30 by the division of risk management shall be based
31 upon, but is not limited to, a review of the
32 following:

33 a. The existence of an implemented or planned risk
34 management program for the entity.

35 b. The entity's plans for risk management and loss
36 avoidance, to minimize losses.

37 c. The availability of expertise from a risk
38 management specialist.

39 d. The funds currently available through
40 traditional financing methods.

41 e. The funds anticipated to be raised by any
42 planned alternative financing mechanism allowed by
43 this Act.

44 f. The entity's previous experience and success
45 with similar alternative financing mechanisms.

46 g. The completeness and thoroughness of the
47 entity's planning.

48 h. The probability for successful implementation
49 and continuing existence of the entity's planned
50 program.

Page 2

1 3. The risk manager shall file with the general
2 assembly and the office of the governor, by January 1,
3 1988, a report of the feasibility and effects of
4 alternative financing plans authorized by this Act,
5 and making recommendations regarding the expansion of
6 the programs. Expansion of the pilot programs
7 established pursuant to subsection 1, paragraph "b",
8 shall not occur until at least thirty days following
9 the receipt of the report required by this
10 subsection."

A non-record roll call was requested.

The ayes were 29, nays 52.

Amendment H—5743 lost.

Running of Linn asked and received unanimous consent to withdraw amendment H—5688, to the committee amendment H—5575, filed by him and Groninga of Cerro Gordo on April 3, 1986.

Swartz of Marshall offered the following amendment H—5708, to the committee amendment H—5575, filed by Swartz, et al., and moved its adoption:

H—5708

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265, as
- 3 amended, passed, and reprinted by the Senate, as
- 4 follows:
- 5 1. Page 10, by inserting after line 23 the
- 6 following:
- 7 "Sec._____. Section 602.1209, Code 1985, is amended
- 8 by adding the following new subsection:
- 9 NEW SUBSECTION. 16. Provide for the compilation
- 10 of information relating to tort liability litigation,
- 11 including but not limited to the numbers and types of
- 12 petitions filed and the numbers and amounts of
- 13 judgments rendered in the various types of cases."
- 14 2. Page 17, by inserting after line 36 the
- 15 following:
- 16 "Sec._____. The judicial department shall compile
- 17 information relating to tort liability litigation,
- 18 including but not limited to the numbers and types of
- 19 petitions filed and the numbers and amounts of
- 20 judgments rendered in the various types of cases, for
- 21 the period of July 1, 1983 through July 1, 1986, and
- 22 for such period prior to July 1, 1983 as the
- 23 department determines to be feasible, and shall report
- 24 such information to the legislative council by
- 25 September 1, 1986. The judicial department is
- 26 authorized to contract for the information compilation
- 27 required under this section."

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—5708, to the committee amendment H—5575, be adopted?"

The ayes were, 49:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Cochran	Connors
Cooper	Diemer	Fey	Fogarty
Groninga	Groth	Halvorson, R. N.	Hammond
Hanson	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Loneragan	McIntee
Muhlbauer	O'Kane	Ollie	Oxley
Pavich	Peterson, M. K.	Poncy	Renaud
Running	Sherzan	Shoultz	Sturgeon
Swartz	Teaford	Woods	Zimmerman
Mr. Speaker			
(Varn)			

The nays were, 37:

Bennett	Branstad	Chapman	Clark
Corey	Daggett	De Groot	Grandia
Gruhn	Halvorson, R. A.	Handorf	Harbor
Hermann	Hester	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Swearingen
Van Maanen			

Absent or not voting, 14:

Avenson	Connolly	Doderer	Hummel
Lloyd-Jones	Norland	Osterberg	Parker
Peick	Rosenberg	Sullivan	Tabor
Van Camp	Welden		

Amendment H—5708 was adopted.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—5733, to the committee amendment H—5575, filed by him on April 7, 1986.

Connors of Polk in the chair at 5:34 p.m.

Schnekloth of Scott offered the following amendment H—5623, to the committee amendment H—5575, filed by Halvorson of Clayton, et al., and moved its adoption:

H—5623

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 10, line 25, by striking the words "OF
- 6 NONMANUFACTURERS".
- 7 2. Page 11, by inserting after line 4 the
- 8 following:
- 9 "4. A civil action against a manufacturer, a
- 10 distributor, or a seller of a product for the recovery
- 11 of damages for personal injury, death, or property
- 12 damages, sustained by reason of an alleged defect in
- 13 the design, testing, manufacturing, formulation,
- 14 marketing, packaging, warning or labeling of the
- 15 product based on the theories of strict liability in
- 16 tort or breach of an implied warranty shall not be
- 17 commenced more than ten years after the product was
- 18 first purchased, leased, bailed, or installed for use
- 19 or consumption. This subsection does not affect the
- 20 time during which a person found liable may seek and
- 21 obtain contribution or indemnity from another person
- 22 whose actual fault caused a product to be defective."

Roll call was requested by Lageschulte of Bremer and Harbor of Mills.

Rule 75 was invoked.

On the question "Shall amendment H—5623, to the committee amendment H—5575, be adopted?"

The ayes were, 47:

Bennett	Black	Blanshan	Branstad
Carpenter	Clark	Cochran	Cooper
Corey	Daggett	De Groot	Diemer
Fogarty	Grandia	Gruhn	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hester	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Oxley	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schneklloth	Shoning
Siegrist	Skow	Stromer	Stueland
Swearingen	Van Maanen	Welden	

The nays were, 48:

Arnould	Avenson	Baxter	Beatty
Brammer	Buhr	Carl	Carter
Chapman	Connolly	Fey	Groninga
Groth	Halvorson, R. N.	Hammond	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Loneragan	Norland	O'Kane
Ollie	Osterberg	Parker	Pavich
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Spear
Sturgeon	Swartz	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker (Connors)

Absent or not voting, 5:

Doderer	Hummel	Peick	Sullivan
Van Camp			

Amendment H—5623 lost.

Platt of Muscatine asked and received unanimous consent to withdraw amendment H—5624, to the committee amendment H—5575, filed by Halvorson, et al., on April 1, 1986.

Speaker Avenson in the chair at 5:50 p.m.

Varn of Johnson offered the following amendment H—5747, to the committee amendment H—5575, filed from the floor by Varn, Ollie, Cooper and Platt and moved its adoption:

H—5747

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 11, by inserting after line 4 the
- 6 following:
- 7 "Sec. _____. Section 613A.4, Code 1985, is amended
- 8 by adding the following new subsections:
- 9 **NEW SUBSECTION. 9.** Any claim based upon an act or
- 10 omission by an officer or employee of the municipality
- 11 or the municipality's governing body, in the granting,
- 12 suspension, or revocation of a license or permit,
- 13 where the damage was caused by the person to whom the
- 14 license or permit was issued, unless the act of the

- 15 officer or employee constitutes actual malice or a
 16 criminal offense.
 17 NEW SUBSECTION. 10. Any claim based upon an act
 18 or omission of an officer or employee of the
 19 municipality, whether by issuance of permit,
 20 inspection, investigation, or otherwise, and whether
 21 the statute, ordinance, or regulation is valid, if the
 22 damage was caused by a third party, event, or property
 23 not under the supervision or control of the
 24 municipality, unless the act or omission of the
 25 officer or employee constitutes actual malice or a
 26 criminal offense."
 27 2. By numbering and renumbering as necessary.

Roll call was requested by Platt of Muscatine and Varn of Johnson.

On the question "Shall amendment H—5747, to the committee amendment H—5575, be adopted?"

The ayes were, 47:

Bennett	Black	Branstad	Carpenter
Carter	Clark	Cooper	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Harbor	Hermann
Hester	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Ollie	Oxley	Paulin	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Swearingen	Teaford	Van Maanen
Varn	Welden	Woods	

The nays were, 46:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Chapman
Cochran	Connolly	Connors	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Hammond	Hanson	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Koenigs	Lloyd-Jones
Loneragan	Muhlbauer	Mullins	O'Kane
Osterberg	Parker	Pavich	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Sturgeon	Swartz	Tabor
Zimmerman	Mr. Speaker		

Absent or not voting, 7:

Halvorson, R. N.
Peick

Hummel
Sullivan

Knapp
Van Camp

Norland

Amendment H—5747 was adopted.

Carpenter of Polk offered the following amendment H—5734, to the committee amendment H—5575, filed by Carpenter, et al., and moved its adoption:

H—5734

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265, as
- 3 amended, passed, and reprinted by the Senate, as
- 4 follows:
- 5 1. Page 12, by inserting after line 12, the
- 6 following:
- 7 "Sec. _____. Section 613A.12, Code 1985, is amended
- 8 to read as follows:
- 9 613A.12 OFFICERS AND EMPLOYEES — PERSONAL
- 10 LIABILITY.
- 11 All officers and employees of municipalities are
- 12 not personally liable for ~~any claim~~ claims which is
- 13 are exempted under section 613A.4, except a claim
- 14 claims for punitive damages, and actions permitted
- 15 under section 85.20. An officer or employee of a
- 16 municipality is not liable for punitive damages as a
- 17 result of acts in the performance of a law enforcement
- 18 or emergency duty, unless actual malice or willful,
- 19 wanton and reckless misconduct is proven."

Roll call was requested by Carpenter of Polk and Halvorson of Clayton.

On the question "Shall amendment H—5734, to the committee amendment H—5575, be adopted?"

The ayes were, 43:

Bennett
Cooper
Diemer
Halvorson, R. N.
Hermann
Maulsby
O'Kane
Platt

Branstad
Corey
Fogarty
Handorf
Hester
Metcalf
Paulin
Renaud

Carpenter
Daggett
Grandia
Hanson
Kremer
Miller
Pellett
Renken

Clark
De Groot
Halvorson, R. A.
Harbor
Lageschulte
Muhlbauer
Petersen, D. F.
Rensink

Royer	Schnekloth	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Swearingen	Van Maanen	Welden	

The nays were, 51:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Doderer	Fey	Groninga
Groth	Gruhn	Hammond	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Loneragan	McIntee	McKean
Mullins	Norland	Ollie	Osterberg
Parker	Pavich	Peterson, M. K.	Poncy
Rosenberg	Running	Sherzan	Sturgeon
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 6:

Hummel	Oxley	Peick	Shoultz
Sullivan	Van Camp		

Amendment H—5734 lost.

(Senate File 2265 and the committee amendment H—5575, as amended, pending at adjournment.)

MOTIONS TO RECONSIDER

(Amendment H—5707A to Senate File 2265)

I move to reconsider the vote by which amendment H—5707A, to amendment H—5575, to Senate File 2265 failed to be adopted by the House on April 8, 1986.

DODERER of Johnson

(Amendment H—5623 to Senate File 2265)

I move to reconsider the vote by which amendment H—5623, to the committee amendment H—5575, to Senate File 2265 failed to be adopted by the House on April 8, 1986.

KOENIGS of Mitchell

(Amendment H—5747 to Senate File 2265)

I move to reconsider the vote by which amendment H—5747, to amendment H—5575, to Senate File 2265 was adopted by the House on April 8, 1986.

PETERSON of Carroll

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 8, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 268, an act relating to escapees from community-based correctional facilities, and adopting penalties.

House File 340, an act relating to the operation of bed and breakfast homes.

House File 721, an act relating to the service of process on an individual's spouse at a place other than the individual's dwelling house or usual place of abode.

House File 2110, an act relating to the membership of the state day care advisory committee.

House File 2197, an act relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date.

House File 2325, an act exempting electric public utilities having less than ten thousand customers and electric cooperative corporations and associations from the rate regulation authority of the Iowa Commerce Commission and defining the areas in which such utilities remain subject to regulation.

**REPORT OF HOUSE RULES AND
ADMINISTRATION COMMITTEE**

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Secretary II	Mildred L. Schnekloth	16-2 + 1 to 16-2 + 1 + 1	S-O	3-31-86
Administrative Assistant II	Cheryl Ann Critelli	16-1	S-O	3-31-86

FEY of Scott, Chair

PRESENTATION OF VISITORS

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

Fifth grade students from State Center Elementary School, State Center, accompanied by Carol Eddy, Pat Maxwell and Paula Dawson. By Black of Jasper.

Thirty sixth grade students from Dexfield Elementary School, Dexter, accompanied by Mrs. Sanborn. By Zimmerman of Dallas.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 178, a bill for an act relating to the handling and preservation of assessment rolls and assessment information.

Fiscal Note is not required.

Recommended Do Pass April 7, 1986.

AMENDMENTS FILED

H—5738	H.F. 655	Running of Linn
H—5739	H.F. 2460	Senate Amendment

H—5740	H.F.	2403	Senate Amendment
H—5741	H.F.	2401	Senate Amendment
H—5742	H.F.	2376	Senate Amendment
H—5745	S.F.	2265	Skow of Guthrie
Petersen of Muscatine			Muhlbauer of Crawford
Harbor of Mills			Fogarty of Palo Alto
Cooper of Lucas			De Groot of Lyon
H—5746	S.F.	2265	Hummel of Benton
			Clark of Cerro Gordo
H—5749	H.F.	123	Senate Amendment
H—5750	H.F.	2469	Bennett of Ida
H—5751	S.J.R.	2002	Spear of Lee
H—5752	H.F.	2476	Spear of Lee
H—5753	H.F.	2178	Paulin of Plymouth
H—5754	H.F.	2469	Stueland of Clinton
Pellett of Cass			Schnekloth of Scott
Rensink of Sioux			Stromer of Hancock
Maulsby of Calhoun			Bennett of Ida
			De Groot of Lyon
H—5755	H.F.	2469	Johnson of Winneshiek
			Osterberg of Linn
			Mullins of Kossuth
H—5756	S.F.	2265	Swartz of Marshall
H—5757	S.F.	2265	Haverland of Polk
			Jay of Appanoose

On motion by Norland of Worth, the House adjourned at 6:25 p.m., until 9:00 a.m., Wednesday, April 9, 1986.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day—Fifty-ninth Session Day

**Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 9, 1986**

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

Prayer was offered by Reverend Duane Churchman, pastor of the Trinity United Methodist Church, Waverly.

The Journal of Tuesday, April 8, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peick of Linn on request of Tabor of Jackson.

INTRODUCTION OF BILLS

House File 2478, by committee on ways and means, a bill for an act relating to the exemption from the use tax of transactions subject to the sales tax.

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

House File 2479, by committee on ways and means, a bill for an act relating to the state individual income tax by altering the tax rates, increasing the standard deduction, eliminating the deduction for federal income taxes paid, except under certain circumstances, and making other coordinating amendments and making provisions retroactive.

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 7, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 717, a bill for an act relating to the purchase of motor fuel by a regional transit system, providing for a tax refund, and providing penalties.

Also: That the Senate has on April 7, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2280, a bill for an act relating to violations of child custody orders and making penalties applicable.

Also: That the Senate has on April 7, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2390, a bill for an act relating to the regulation of insurance holding companies and providing for penalties.

Also: That the Senate has on April 7, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2402, a bill for an act relating to the election of judicial nominating commissioners and county magistrate appointing commissioners.

Also: That the Senate has on April 7, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2409, a bill for an act relating to the visitation rights of grandparents.

Also: That the Senate has on April 7, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2144, a bill for an act to require the payment of interest on any amount of a refund for motor fuel taxes paid if the refund is not paid within sixty days from the date the claim is filed.

Also: That the Senate has on April 7, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2284, a bill for an act exempting trailers and semitrailers registered under chapter 326 and ships, barges, and waterborne vessels used primarily for transporting property or cargo for hire from the state use tax.

Also: That the Senate has on April 7, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2288, a bill for an act relating to the operation of certain state agencies including the insurance department, the department of banking, the credit union department, and the savings and loan division of the auditor of state's office by exempting certain personnel from merit employment and collective bargaining, establishing trust funds, and making certain payments to the general fund.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Business Pending At Adjournment

The House resumed consideration of **Senate File 2265**, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates, and the committee amendment H—5575, as amended, (found on pages 1239 through 1257 of the House Journal) pending at adjournment.

Norland of Worth asked and received unanimous consent that Senate File 2265 be temporarily deferred and that the bill retain its place on the calendar.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules and take up out of order House File 2469.

Ways and Means Calendar

House File 2469, a bill for an act relating to agricultural chemicals by imposing fees on fertilizer and an excise tax on pesticides and providing for the disposition and use of those revenues, was taken up for consideration.

Johnson of Winneshiek offered the following amendment
H—5755 filed by Johnson, et al.:

H—5755

1 Amend House File 2469 as follows:

2 1. By striking all after the enacting clause and
3 inserting the following:

4 "Section 1. NEW SECTION. 455B.115 AGRICULTURAL
5 ENERGY MANAGEMENT FUND.

6 1. The agricultural energy management fund is
7 created within the department. The fund shall be used
8 to finance education and demonstration projects
9 regarding tillage practices and the management of
10 fertilizer and pesticide use which result in
11 management practices that reduce energy inputs in
12 agriculture and reduce potential for groundwater
13 contamination.

14 2. There is appropriated each fiscal year from the
15 funds available in the petroleum overcharge fund of
16 section 93.15 to the agricultural energy management
17 fund the sum of one million dollars. Funds in the
18 agricultural energy management fund shall not be
19 subject to reversion under section 8.33 but shall
20 remain in the fund and be available for expenditure in
21 the following fiscal year.

22 3. An agricultural energy management advisory
23 council is established which shall consist of the
24 chief administrators of the following organizations or
25 the administrator's designee:

26 a. The department.

27 b. Iowa state university of science and technology
28 college of agriculture.

29 c. Iowa state university of science and technology
30 college of civil engineering.

31 d. Iowa state water resource research institute.

32 e. State university of Iowa department of
33 preventative medicine and environmental health.

34 f. Iowa geologic survey.

35 g. Department of soil conservation.

36 h. Iowa cooperative extension service in
37 agriculture and home economics.

38 The executive director shall be the chairperson of
39 the council. The presiding officers of the senate and
40 house shall each appoint two members, not more than
41 one of any one political party, to serve on the
42 advisory council for a term of two years. The council
43 may invite the administrators of the United States
44 geological survey and the federal environmental
45 protection agency to each appoint a person to meet
46 with the council in an advisory capacity. The council
47 shall meet quarterly or upon the call of the
48 chairperson. The council shall review possible uses
49 of the funds and the effectiveness of current and past
50 expenditures of the fund. The council shall make

Page 2

1 recommendations to the department on the uses of the
2 fund."

3 2. Title page, by striking lines 1 through 3 and
4 inserting the following: "An Act establishing an
5 agricultural energy management fund, financing the
6 fund, providing for its uses and establishing an
7 advisory council."

Johnson of Winneshiek offered the following amendment
H—5758, to amendment H—5755, filed by him from the floor and
moved its adoption:

H—5758

1 Amend the amendment, H—5755, to House File 2469 as
2 follows:

3 1. Page 2, by striking line 2 and inserting the
4 following: "fund."

5 4. The department shall report annually to the
6 standing committees on energy and environmental
7 protection of the house and senate on the projects
8 conducted with the agricultural energy management
9 fund."

Amendment H—5758 was adopted.

Stromer of Hancock rose on a point of order that amendment
H—5755 was not germane.

The Speaker ruled the point well taken and amendment
H—5755 not germane.

Norland of Worth asked and received unanimous consent to suspend the rules for the consideration of amendment H—5755.

Connors of Polk in the chair at 9:55 a.m.

Stromer of Hancock offered the following amendment H—5759, to amendment H—5755, filed by him from the floor and moved its adoption:

H—5759

- 1 Amend amendment H—5755 to House File 2469 as
- 2 follows:
- 3 1. Page 1, line 40, by inserting after the word "two"
- 4 the word "nonvoting".

Amendment H—5759 was adopted.

Johnson of Winneshiek moved the adoption of amendment H—5755, as amended.

Amendment H—5755, as amended, was adopted placing the following amendments out of order:

H—5643 filed by Johnson of Winneshiek and Osterberg of Linn on April 2, 1986.

H—5750 filed by Bennett of Ida on April 8, 1986.

H—5754 filed by Stueland, et al., on April 8, 1986.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer House File 2469 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Norland of Worth asked and received unanimous consent to suspend Rule 32 on House File 2469.

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

On the question "Shall the bill pass?" (H.F. 2469)

The ayes were, 98:

Arnould

Avenson

Baxter

Beatty

Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Connors)		

The nays were, none.

Absent or not voting, 2:

McIntee

Peick

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2265**, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action un-

til sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates, and the committee amendment H—5575, as amended, (found on pages 1239 through 1257 of the House Journal) temporarily deferred.

Skow of Guthrie offered the following amendment H—5745, to the committee amendment H—5575, filed by Skow, et al., and moved its adoption:

H—5745

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265 as
- 3 amended, passed, and reprinted by the Senate as
- 4 follows:
- 5 1. Page 13, by striking lines 14 through 49.
- 6 2. Page 15, by inserting after line 41, the
- 7 following:
- 8 "Sec. _____, **NEW SECTION. 669.1 PUNITIVE OR**
- 9 **EXEMPLARY DAMAGES.**
- 10 1. In a civil action where a claim for punitive or
- 11 exemplary damages is made, the trial shall be
- 12 conducted in two phases.
- 13 a. In the trial's first phase, the trier of fact
- 14 shall determine, concurrent with all other issues
- 15 presented, whether punitive or exemplary damages may
- 16 be assessed. However, in making this determination,
- 17 all of the following apply:
- 18 (1) If the trier of fact is a jury, the verdict
- 19 must be unanimous on the issue of liability for
- 20 punitive or exemplary damages.

21 (2) Evidence of the defendant's wealth or
22 financial condition is not admissible and discovery of
23 the defendant's financial condition shall not be
24 allowed.

25 (3) Punitive or exemplary damages shall not be
26 assessed in a case where any of the following are
27 true:

28 (a) There is no finding of actual damages,
29 compensatory damages are not awarded, or only nominal
30 damages are awarded.

31 (b) The defendant has previously been assessed
32 punitive or exemplary damages for the same conduct
33 serving as the basis for the claim.

34 (c) The defendant has previously been criminally
35 or civilly punished by fine or imprisonment, or
36 proceedings for criminal or civil punishment have been
37 instituted or are pending, which arose from the same
38 conduct for which punitive or exemplary damages are
39 sought.

40 (d) The defendant was acting in good faith that
41 the actions were proper, or was acting in good faith
42 reliance on the advice of legal counsel.

43 (e) Against a principal or employer for the acts
44 of an employee or agent, unless the principal or
45 employer authorized or ratified the conduct of the
46 employee or agent serving as the basis for the claim.
47 However, this authorization or ratification must have
48 been made by a person expressly empowered to do so.

49 (f) For tortious breach of contract, unless it is
50 first determined that the contract involves a subject

Page 2

1 matter of great public interest.

2 (4) The plaintiff must have proven the defendant's
3 culpability, as defined in subsection 2, and each
4 element authorizing the imposition of punitive or
5 exemplary damages beyond a reasonable doubt.
6 Presumptions shall not be used to shift this burden of
7 proof.

8 b. If liability for punitive or exemplary damages
9 is found in the trial's first phase, the judge shall
10 then assess the amount of punitive or exemplary
11 damages in the trial's second phase. During the
12 second phase, the judge may consider evidence not
13 formally admitted during the first phase, including
14 evidence of an economic or social policy nature, and
15 hear any evidence outside the record that would aid in
16 determining the amount of punitive or exemplary
17 damages to be assessed including any evidence of
18 remedial measures undertaken by the defendant relating

19 to the conduct from which the present claims arise.
20 The defendant may introduce expert testimony
21 concerning the assessment of punitive or exemplary
22 damages which may include testimony regarding the
23 subsequent effects which the award of punitive or
24 exemplary damages would have on the defendant's
25 ability to pay subsequent or anticipated awards
26 arising from the same conduct from which the present
27 claims arise.

28 2. A defendant shall not be held liable for
29 punitive or exemplary damages unless the plaintiff has
30 proven that the defendant acted with oppression,
31 fraud, or malice toward the plaintiff. For purposes
32 of this subsection:

33 a. "Oppression" means a specific intent to subject
34 a person to cruel and unjust hardship.

35 b. "Fraud" means an intentional misrepresentation,
36 deceit or concealment of a material fact known to the
37 defendant with the intention on the part of the
38 defendant to deprive a person of property or legal
39 right, or otherwise cause injury.

40 c. "Malice" means conduct which is specifically
41 intended by the defendant to cause tangible or
42 intangible injury to another, or an act that is
43 carried out with flagrant indifference to the rights
44 of others and with a subjective awareness that the act
45 could result in death or serious injury.

46 3. If punitive or exemplary damages are awarded,
47 they shall be distributed as follows:

48 a. An amount shall be awarded to the plaintiff not
49 to exceed ten percent of all compensatory damages
50 awarded.

Page 3

1 b. An amount shall be awarded to the crime victim
2 reparation program, established pursuant to chapter
3 912, not to exceed fifteen percent of the punitive or
4 exemplary damages.

5 c. The remainder, if any, shall be paid to the
6 general fund of the state.

7 This established distribution scheme shall not be
8 introduced as evidence and is not a proper subject
9 matter on voir dire. This subsection shall not be
10 construed as granting the state a cause of action to
11 seek punitive damages or be a party to an action in
12 which punitive or exemplary damages are sought, except
13 the right to collect punitive or exemplary damages
14 after they have been assessed and determined.
15 However, the state may seek punitive or exemplary
16 damages in its own right where authorized by statute.

17 4. At any time during the trial and upon motion of
 18 the defendant, the court may hold a hearing on the
 19 merit of the claim for punitive or exemplary damages.
 20 The court may award costs, expenses, and reasonable
 21 attorney's fees, as it deems equitable and
 22 appropriate, to the defendant and against the
 23 plaintiff or the plaintiff's attorney if the court
 24 determines that either of the following is true:
 25 a. The claim for punitive or exemplary damages was
 26 brought without sufficient facts and evidence to
 27 reasonably entitle the plaintiff to a judgment for
 28 such damages.
 29 b. The claim for punitive or exemplary damages was
 30 maintained after it was reasonably evident that there
 31 were insufficient facts and evidence to reasonably
 32 entitle the plaintiff to a judgment for such damages."

Roll call was requested by Bennett of Ida and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall amendment H—5745, to the committee amendment H—5575, be adopted?"

The ayes were, 51:

Bennett	Branstad	Carpenter	Clark
Cochran	Cooper	Corey	Daggett
De Groot	Diemer	Fogarty	Grandia
Gruhn	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Koenigs	Kremer	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Oxley	Paulin
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Renken	Rensink	Rosenberg	Royer
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Varn	Welden	

The nays were, 47:

Arnould	Avenson	Baxter	Beatty
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Connolly	Doderer
Fey	Groninga	Groth	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson

Knapp	Lloyd-Jones	Mullins	Norland
O'Kane	Ollie	Osterberg	Parker
Pavich	Poney	Renaud	Running
Sherzan	Shoultz	Spear	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Woods	Zimmerman	Mr. Speaker (Connors)	

Absent or not voting, 2:

Black

Peick

Amendment H—5745 was adopted, placing the following amendments to the committee amendment H—5575, out of order:

H—5746 filed by Hummel of Benton and Clark of Cerro Gordo on April 8, 1986.

H—5642, lines 7 and 8, previously adopted and found on page 1303 of the House Journal.

H—5602A, page 9, line 17, previously adopted and found on page 1266 of the House Journal.

Jay of Appanoose offered the following amendment H—5638, to the committee amendment H—5575, filed by him and moved its adoption:

H—5638

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 13, by inserting after line 49 the
- 6 following:
- 7 "4. The mere allegation or assertion of a claim
- 8 for punitive damages shall not form the basis for
- 9 discovery of the wealth or ability to respond in
- 10 damages on behalf of the party from whom punitive
- 11 damages are claimed until such time as the claimant
- 12 has established that sufficient admissible evidence
- 13 exists to support a prima facie case establishing the
- 14 requirements of subsection 1."

Amendment H—5638 lost.

Stromer of Hancock offered amendment H—5692, to the committee amendment H—5575, filed by Stromer, et al., and requested division as follows:

H-5692

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H-5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:

H-5692A

- 5 1. Page 13, by inserting after line 49 the
- 6 following:
- 7 "4. Punitive or exemplary damages awarded pursuant
- 8 to this section shall not exceed two hundred thousand
- 9 dollars to or on behalf of any one person."

H-5692B

- 10 2. Page 13, by inserting before line 50 the
- 11 following:
- 12 "Sec. _____. NEW SECTION. 624.42 LIMITATION ON
- 13 NONECONOMIC DAMAGES.
- 14 In a civil action for recovery of damages for death
- 15 of or injury to person or property, the court shall
- 16 not award an amount exceeding two hundred thousand
- 17 dollars for noneconomic damages to or on behalf of any
- 18 one person."

Stromer of Hancock asked and received unanimous consent to temporarily defer action on H-5692A for the consideration of amendment H-5692B.

Stromer of Hancock moved the adoption of amendment H-5692B, to the committee amendment H-5575.

Roll call was requested by Stromer of Hancock and Harbor of Mills.

On the question "Shall amendment H-5692B, to the committee amendment H-5575, be adopted?"

The ayes were, 39:

Bennett	Branstad	Carpenter	Clark
Daggett	De Groot	Diemer	Fogarty
Grandia	Handorf	Hanson	Harbor
Hermann	Hester	Hummel	Knapp
Kremer	Lageschulte	Loneragan	Maulsby
McIntee	Metcalf	Miller	Muhlbauer
Paulin	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Royer	Schnekloth
Skow	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

The nays were, 58:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Cochran
Connolly	Cooper	Doderer	Fey
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Koenigs	Lloyd-Jones	McKean
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Shoning	Shoultz	Siegrist
Spear	Sturgeon	Sullivan	Swartz
Tabor	Teaford	Varn	Woods
Zimmerman	Mr. Speaker (Connors)		

Absent or not voting, 3:

Corey	Peick	Sherzan
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Amendment H — 5692B lost.

Norland of Worth asked and received unanimous consent that Senate File 2265 be temporarily deferred and that the bill retain its place on the calendar.

(The committee amendment H — 5575, as amended, pending.)

SENATE MESSAGES CONSIDERED

Senate File 2144, by Coleman, a bill for an act to require the payment of interest on any amount of a refund of motor fuel taxes paid if the refund is not paid within sixty days from the date the claim is filed.

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

Senate File 2284, by committee on ways and means, a bill for an act exempting trailers and semitrailers registered under chapter 326 and ships, barges, and waterborne vessels used primarily for transporting property or cargo for hire from the state use tax.

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

MOTIONS TO RECONSIDER WITHDRAWN
(Senate File 2248)

Connolly of Dubuque asked and received unanimous consent to withdraw the motion to reconsider Senate File 2248, a bill for an act relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist, filed by him on April 4, 1986.

(Senate File 2248)

Tabor of Jackson asked and received unanimous consent to withdraw the motion to reconsider Senate File 2248, a bill for an act relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist, filed by him on April 3, 1986.

On motion by Norland of Worth, the House was recessed at 12:21 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2167, a bill for an act relating to the time allowed for persons to file additional objections to a school reorganization petition if the board continues the hearing on the petition.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2288, by committee on appropriations, a bill for an act relating to the operation of certain state agencies including the insurance department, the department of banking, the credit union department, and the savings and loan division of the auditor of

state's office by exempting certain personnel from merit employment and collective bargaining, establishing trust funds, and making certain payments to the general fund.

Read first time and referred to committee on appropriations.

CONSIDERATION OF BILLS

Appropriations Calendar

The House resumed consideration of **Senate File 2242**, a bill for an act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication, and the committee amendment H-5672, as amended, (found on pages 1288 through 1290 of the House Journal).

Blanshan of Greene offered the following amendment H-5766, to the committee amendment H-5672, filed from the floor by Blanshan, Carpenter and Carter and moved its adoption:

H-5766

- 1 Amend the amendment H-5672, to Senate File 2242, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 23 through 25 and
- 5 inserting the following:
- 6 "_____ Page 3, by striking lines 15 through 21 and
- 7 inserting the following: "program for state employees
- 8 who are at least fifty-nine but have not yet reached
- 9 sixty-two years of age. The governor may implement
- 10 the program in up to three phases based upon the
- 11 number of terminations and the employees' ages on June
- 12 30, 1987. The merit employment department,""
- 13 2. Page 1, by striking lines 26 and 27 and
- 14 inserting the following:
- 15 "_____ Page 3, line 24, by striking the words
- 16 "between fifty-five and" and inserting the following:
- 17 "who is at least fifty-nine but less than".
- 18 3. Page 1, by striking lines 43 and 44.

Amendment H-5766 was adopted.

Division of the committee amendment H-5672, as amended, was requested as follows:

H—5672A — Page 1, lines 3 through 50 and page 2, lines 1 through 27.

H—5672B — Page 2, lines 28 through 50, and all of page 3.

On motion by Blanshan of Greene, the committee amendment H—5672A, as amended, was adopted, placing out of order amendment H—5517 filed by Swartz of Marshall on March 21, 1986.

Arnould of Scott in the chair at 1:45 p.m.

Blanshan of Greene moved the adoption of the committee amendment H—5672B.

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall the committee amendment H—5672B be adopted?"

The ayes were, 52:

Avenson	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Chapman
Cochran	Connolly	Connors	Cooper
Doderer	Fey	Fogarty	Groninga
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Lloyd-Jones	Loneragan
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Paulin	Pavich
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Siegrist	Swartz	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker (Arnould)

The nays were, 42:

Bennett	Branstad	Carpenter	Carter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Gruhn	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hester	Hummel	Koenigs	Kremer
Lageschulte	Maulsby	McIntee	McKean

Metcalf	Miller	Mullins	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Skow	Spear
Stromer	Stueland	Sturgeon	Swearingen
Van Camp	Van Maanen		

Absent or not voting, 6:

Carl	Groth	Parker	Peick
Sullivan	Welden		

Amendment H—5672B was adopted.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer Senate File 2242 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Norland of Worth asked for unanimous consent to suspend Rule 32.

Objection was raised.

Norland of Worth moved to suspend Rule 32 on Senate File 2242.

A non-record roll call was requested.

The ayes were 51, nays 38.

The motion prevailed and Rule 32 was suspended.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5479 filed by him on March 19, 1986.

Doderer of Johnson offered the following amendment H—5728 filed by her and moved its adoption:

H—5728

- 1 Amend Senate File 2242, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 7, by striking the words "between
- 4 five and fourteen" and inserting the following: "at
- 5 least five years but less than fifteen".
- 6 2. Page 4, line 9, by striking the words "between
- 7 fifteen and twenty-four" and inserting the following:

- 8 "at least fifteen but less than twenty-five".
9 3. Page 4, lines 10 and 11, by striking the words
10 "after twenty-five" and inserting the following:
11 "twenty-five or more".

Amendment H—5728 was adopted.

Doderer of Johnson offered the following amendment H—5768 filed by her from the floor and moved its adoption:

H—5768

- 1 Amend Senate File 2242 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 3, line 23, by inserting after the word
4 "section." the following: "The governor may implement
5 the program in selected departments or agencies as the
6 goals and objectives for reduced long-term governmental
7 needs arise."

Amendment H—5768 was adopted.

The following amendment H—5769 filed by Carter of Henry from the floor was adopted by unanimous consent:

H—5769

- 1 Amend Senate File 2242 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Title page, line 1, by inserting after the word
4 "state" the following: "and local government".

Carter 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. 2242)

The ayes were, 60:

Baxter	Beatty	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Connors
Cooper	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Gruhn
Hammond	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Lageschulte	Lonergan	McIntee	McKean

Miller	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peterson, M. K.	Poney	Renaud
Rosenberg	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Stueland
Sturgeon	Swartz	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker (Arnould)

The nays were, 29:

Bennett	Branstad	Carpenter	Clark
Corey	Grandia	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Hermann
Hester	Hummel	Kremer	Maulsby
Metcalf	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Royer	Schneklloth
Spear	Stromer	Swearingen	Van Camp
Van Maanen			

Absent or not voting, 11:

Avenson	Daggett	Groth	Knapp
Koenigs	Lloyd-Jones	Muhlbauer	Mullins
Peick	Sullivan	Welden	

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, until her return, on request of Buhr of Polk.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2265**, a bill for an act relating to civil liability by modifying statutory language relating to civil liability for sale of alcohol, setting expert witness standards for certain medical malpractice actions, making statutory modifications to allow governmental subdivisions to take certain actions regarding insurance, self-insurance, or risk pooling, providing risk management and insurance coverage assistance to the state, governmental subdivisions, and other entities deemed essential to the public welfare, limiting the liability of nonmanufacturers for

claims based upon strict liability in tort or breach of implied warranty of merchantability, authorizing the court to stay an action until sufficient surety to cover costs is posted by a claimant who has previously been involved in frivolous suits, prohibiting the stating of money damages demanded, providing sanctions for the filing of unwarranted motions, pleadings, or other papers, modifying the conditions under which punitive or exemplary damages may be awarded and the use of such punitive or exemplary damages, requiring the payment of awards or judgments by structured, periodic, or other nonlump-sum payment methods, prohibiting the assignment of a percentage of fault to an assembler, designer, supplier of specifications, manufacturer, distributor or seller who can plead and prove that the product or the person's actions in regard to the product conformed to the state of the art in existence at that time, requiring a party to disclose and register an expert witness of their own selection with the court within one hundred eighty days of the filing of an action, creating a liability and liability insurance study commission, providing penalties, and providing for publication and effective dates, and the committee amendment H-5575, as amended, (found on pages 1239 through 1257 of the House Journal), temporarily deferred.

The House resumed consideration of amendment H-5692A (found on page 1335 of the House Journal), to the committee amendment H-5575.

Stromer of Hancock asked and received unanimous consent to temporarily defer action on amendment H-5692A.

Clark of Cerro Gordo asked and received unanimous consent to withdraw amendment H-5588, to the committee amendment H-5575, filed by her on March 27, 1986.

Halvorson of Clayton offered the following amendment H-5731, to the committee amendment H-5575, filed by him and moved its adoption:

H-5731

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement Amendment, H-5575, to Senate File 2265 as
- 3 amended, passed, and reprinted by the Senate, as
- 4 follows:
- 5 1. Page 15, by inserting after line 14, the
- 6 following:
- 7 "Sec.____. NEW SECTION. 668.13 REDUCTIONS FOR

8 COLLATERAL SOURCE PAYMENTS.

- 9 , In an action brought pursuant to this chapter, the
 10 recovery awarded pursuant to section 668.3 shall be
 11 reduced by the amount, and in proportion to the
 12 percentages of assigned fault, of any losses replaced
 13 by insurance or benefit programs or any other source
 14 except the claimant's assets and family."
 15 2. Page 16, by striking line 31.

Roll call was requested by Stromer of Hancock and Stueland of Clinton.

On the question "Shall amendment H—5731, to the committee amendment H—5575, be adopted?"

The ayes were, 40:

Bennett	Black	Branstad	Carpenter
Clark	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	Metcalf
Miller	Osterberg	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Sturgeon	Swearingen
Van Camp	Van Maanen	Varn	Welden

The nays were, 50:

Baxter	Beatty	Blanshan	Brammer
Buhr	Carl	Carter	Chapman
Cochran	Connolly	Connors	Cooper
Corey	Doderer	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hatch	Haverland	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Loneragan	McIntee	McKean
O'Kane	Ollie	Oxley	Parker
Pavich	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Spear	Swartz	Tabor	Teaford
Zimmerman	Mr. Speaker (Arnould)		

Absent or not voting, 10:

Avenson	Groth	Lloyd-Jones	Muhlbauer
Mullins	Norland	Peick	Royer
Sullivan	Woods		

Amendment H—5731 lost.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-5658, to the committee amendment H-5575, filed by her and Siegrist of Pottawattamie on April 2, 1986.

Miller of Cherokee offered the following amendment H-5627, to the committee amendment H-5575, filed by him:

H-5627

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H-5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 15, by inserting after line 41, the
- 6 following:
- 7 "Sec. _____. NEW SECTION. 668.15 ATTORNEY FEES.
- 8 1. In an action under this chapter, an attorney
- 9 representing a party pursuant to a contingent fee
- 10 arrangement is entitled to a reasonable fee as
- 11 determined by the court. However, the fee shall not
- 12 exceed the following:
- 13 a. For the amount of the judgment not exceeding
- 14 one hundred thousand dollars, thirty-five percent of
- 15 the amount.
- 16 b. For the amount of a judgment exceeding one
- 17 hundred thousand dollars but not exceeding five
- 18 hundred thousand dollars, twenty percent of the
- 19 amount.
- 20 c. For the amount of the judgment exceeding five
- 21 hundred thousand dollars but not exceeding one million
- 22 dollars, ten percent of the amount.
- 23 d. For the amount of the judgment exceeding one
- 24 million dollars, five percent of the amount.
- 25 2. Notwithstanding subsection 1, an attorney fee
- 26 may exceed an applicable maximum if either of the
- 27 following is true:
- 28 a. The court determines that extraordinary
- 29 expenses or services were provided by the attorney.
- 30 b. Appeal is taken and heard. However, any
- 31 additional fees allowed under this paragraph shall not
- 32 exceed the applicable maximum by more than twenty
- 33 percent.
- 34 Any fee allowed pursuant to this subsection shall
- 35 be a reasonable fee as determined by the court."

Swartz of Marshall rose on a point of order that amendment H-5627 was not germane.

The Speaker ruled the point not well taken and amendment H-5627 germane.

Speaker Avenson in the chair at 3:36 p.m.

Miller of Cherokee moved the adoption of amendment H—5627, to the committee amendment H—5575.

Roll call was requested by Swartz of Marshall and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall amendment H—5627, to the committee amendment H—5575, be adopted?"

The ayes were, 34:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Gruhn	Halvorson, R. A.	Handorf
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McKean
Miller	Paulin	Pellet	Petersen, D. F.
Renken	Rensink	Royer	Schnekloth
Spear	Stromer	Stueland	Van Camp
Van Maanen	Welden		

The nays were, 63:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Halvorson, R. N.
Hammond	Hanson	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Lloyd-Jones
Loneragan	Metcalf	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shultz
Siegrist	Skow	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Varn	Zimmerman	Mr. Speaker	

Absent or not voting, 3:

McIntee

Peick

Woods

Amendment H—5627 lost.

Connors of Polk in the chair at 3:55 p.m.

Bennett of Ida offered the following amendment H—5669, to the committee amendment H—5575, filed by him:

H—5669

1 Amend the Committee on Judiciary and Law
2 Enforcement amendment, H—5575, to Senate File 2265 as
3 amended, passed and reprinted by the Senate as
4 follows:

5 1. Page 15, by inserting after line 41 the
6 following:

7 "Sec. _____. NEW SECTION. 669.1 AUTHORIZATION.

8 The supreme court by rule may provide for mandatory
9 arbitration of actions brought pursuant to chapter
10 668, as the court deems appropriate in order to
11 expedite in a less costly manner any action wherein a
12 party asserts a claim not exceeding fifteen thousand
13 dollars, or a judge of the district court, at a
14 pretrial conference, determines that no greater amount
15 appears to be genuinely in controversy.

16 Sec. _____. NEW SECTION. 669.2 IMPLEMENTATION.

17 The supreme court shall by rule adopt procedures
18 adapted to each judicial district to implement
19 mandatory arbitration under this chapter.

20 Sec. _____. NEW SECTION. 669.3 QUALIFICATION —
21 APPOINTMENT — COMPENSATION OF ARBITRATORS.

22 The qualification and the method of appointment of
23 arbitrators shall be prescribed by rule. Arbitrators
24 shall be entitled to reasonable compensation for their
25 services. Arbitration hearings shall be conducted by
26 arbitrators sitting in panels of three, or a lesser
27 number as may be stipulated by the parties.

28 Sec. _____. NEW SECTION. 669.4 DECISION AND AWARD.

29 Following the arbitration hearing as prescribed by
30 rule, the arbitrators' decision shall be filed with
31 the district court, together with proof of service on
32 the parties. Within the time prescribed by rule, any
33 party to the proceeding may file with the clerk of the
34 court a written notice of the rejection of the award.
35 In case of a rejection, the parties may, upon payment
36 of appropriate costs, proceed to trial in the district
37 court.

38 Sec. _____. NEW SECTION. 669.5 JUDGMENT OF THE
39 COURT.

40 If no rejection of the award is filed, a judge of
41 the district court may enter the award as the judgment
42 of the court in the matter.

43 Sec. _____. NEW SECTION. 669.6 CHAPTER NOT
44 AFFECTED.

- 45 Chapter 679A, or any other provision of law
46 relating to arbitration, is not applicable to
47 arbitration proceedings pursuant to this chapter."
48 2. By renumbering as necessary.

Jay of Appanoose asked and received unanimous consent to temporarily defer action on amendment H—5669.

Blanshan of Greene asked and received unanimous consent to temporarily defer action on amendment H—5634.

Chapman of Linn offered the following amendment H—5670, to the committee amendment H—5575, filed by her and Swartz of Marshall:

H—5670

- 1 Amend the Committee on Judiciary and Law
2 Enforcement amendment, H—5575, to Senate File 2265 as
3 amended, passed and reprinted by the Senate as
4 follows:
5 1. Page 15, by striking lines 42 through 50 and
6 inserting the following:
7 "Sec._____. Section 321.445, Code 1985, as amended
8 by 1986 Iowa Acts, Senate File 499, section 2, is
9 amended by adding the following new subsection:
10 **NEW SUBSECTION. 4.** Except as provided under
11 section 321.446, the nonuse of a safety belt or safety
12 harness by a person when not required to wear a safety
13 belt or safety harness under subsection 2 or by a
14 person in a cause of action arising prior to July 1,
15 1986, shall not be admissible or material as evidence
16 in a civil action brought for damages."

Chapman of Linn asked and received unanimous consent to temporarily defer action on amendment H—5670.

Peterson of Carroll offered the following amendment H—5760, to the committee amendment H—5575, filed by him from the floor and moved its adoption:

H—5760

- 1 Amend the Committee on Judiciary and Law
2 Enforcement amendment, H—5575, to Senate File 2265 as
3 amended, passed and reprinted by the Senate as
4 follows:
5 1. Page 15, by striking lines 42 through 50 and

6 inserting the following:

7 "Sec._____. Section 321.445, Code 1985, as amended

8 by 1986 Iowa Acts, Senate File 499, section 2, is

9 amended by adding the following new subsection:

10 NEW SUBSECTION. 4. a. The nonuse of a safety
11 belt or safety harness by a person is not admissible
12 or material as evidence in a civil action brought for
13 damages in a cause of action arising prior to July 1,
14 1986.

15 b. In a cause of action arising on or after July
16 1, 1986, brought to recover damages arising out of the
17 ownership or operation of a motor vehicle, the failure
18 to wear a safety belt or safety harness in violation
19 of this section shall not be considered evidence of
20 comparative fault. However, except as provided in
21 section 321.446, subsection 6, the failure to wear a
22 safety belt or safety harness in violation of this
23 section may be admitted to mitigate damages, but only
24 under the following circumstances:

25 (1) Parties seeking to introduce evidence of the
26 failure to wear a safety belt or safety harness in
27 violation of this section must first introduce
28 substantial evidence that the failure to wear a safety
29 belt or safety harness contributed to the injury or
30 injuries claimed by the plaintiff.

31 (2) If the evidence supports such a finding, the
32 trier of fact may find that the plaintiff's failure to
33 wear a safety belt or safety harness in violation of
34 this section contributed to the plaintiff's claimed
35 injury or injuries, and may reduce the amount of
36 plaintiff's recovery by an amount not to exceed five
37 percent of the damages awarded after any reductions
38 for comparative fault."

Roll call was requested by Harbor of Mills and Halvorson of
Clayton.

Rule 75 was invoked.

On the question "Shall amendment H—5760, to the committee
amendment H—5575, be adopted?"

The ayes were, 57:

Arnould
Black
Carl
Corey
Groth

Avenson
Blanshan
Cochran
Fey
Gruhn

Baxter
Brammer
Connolly
Fogarty
Handorf

Beatty
Buhr
Cooper
Groninga
Hanson

Hatch	Haverland	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Koenigs	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Norland	O'Kane
Ollie	Osterberg	Parker	Paulin
Pellett	Peterson, M. K.	Poncy	Running
Sherzan	Shoultz	Siegrist	Skow
Spear	Sturgeon	Swartz	Swearingen
Tabor	Varn	Welden	Zimmerman
Mr. Speaker (Connors)			

The nays were; 40:

Bennett	Branstad	Carpenter	Carter
Chapman	Clark	Daggett	De Groot
Diemer	Doderer	Grandia	Halvorson, R. A.
Halvorson, R. N.	Hammond	Harbor	Hermann
Hummel	Knapp	Kremer	Maulsby
Metcalf	Miller	Mullins	Oxley
Pavich	Petersen, D. F.	Platt	Renaud
Renken	Rensink	Rosenberg	Royer
Schnekloth	Shoning	Stromer	Stueland
Teaford	Van Camp	Van Maanen	Woods

Absent or not voting, 3:

Muhlbauer	Peick	Sullivan
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Amendment H—5760 was adopted, placing the following amendments, to the committee amendment H—5575, out of order:

H—5670, previously deferred and found on page 1348 of the House Journal.

H—5634, filed by Blanshan of Greene on April 2, 1986, previously deferred.

Groninga of Cerro Gordo offered the following amendment H—5762, to the committee amendment H—5575, filed by him from the floor and moved its adoption:

H—5762

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement Amendment, H—5575, to Senate file 2265, as
- 3 amended, passed and reprinted by the Senate, as
- 4 follows:
- 5 1. Page 16, line 4, by striking the word "twelve"
- 6 and inserting the word "sixteen".

- 7 2. Page 16, by striking line 5, and inserting the
8 following: "members who shall be appointed".

Amendment H—5762 was adopted.

Stromer of Hancock offered the following amendment H—5676, to the committee amendment H—5575, filed by him and moved its adoption:

H—5676

- 1 Amend the Committee on Judiciary and Law
2 Enforcement amendment, H—5575, to Senate File 2265 as
3 amended, passed and reprinted by the Senate as
4 follows:
5 1. Page 17, by striking lines 12 and 13, and
6 inserting the following:
7 "i. Review and report on the advisability of
8 enacting a system for the compensation of individuals
9 injured by the state or a municipality of a nature
10 similar to existing statutory enactments relating to
11 workers' compensation, and having such attributes as a
12 no-fault basis, limited recovery, and remedy
13 exclusivity.
14 j. Other issues necessary to ensure fairness in
15 the operation of the tort liability system."

Amendment H—5676 was adopted.

Stromer of Hancock offered the following amendment H—5675, to the committee amendment H—5575, filed by him and moved its adoption:

H—5675

- 1 Amend the Committee on Judiciary and Law
2 Enforcement amendment, H—5575, to Senate File 2265 as
3 amended, passed and reprinted by the Senate as
4 follows:
5 1. Page 17, by inserting after line 44 the
6 following:
7 "Sec. _____. A municipality is authorized to submit
8 a claim to the state comptroller for the payment of
9 any documented increase in tort liability insurance
10 premiums of the municipality for the fiscal year 1987
11 over the average of the municipality's corresponding
12 tort liability insurance premiums for the fiscal years
13 1985 and 1986."

Roll call was requested by Stromer of Hancock and Stueland of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H—5675, to the committee amendment H—5575, be adopted?"

The ayes were, 43:

Bennett	Black	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Doderer	Grandia	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Sherzan	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

The nays were, 53:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Cooper
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Loneragan	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Shoultz
Skow	Spear	Sturgeon	Swartz
Tabor	Teaford	Varn	Zimmerman
Mr. Speaker (Connors)			

Absent or not voting, 4:

Avenson	Peick	Sullivan	Woods
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Amendment H—5675 lost.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw amendment H—5631, to the committee amendment H—5575, filed by him on April 1, 1986.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5610, to the committee amendment H—5575, filed by him on March 28, 1986.

Jay of Appanoose offered the following amendment H—5633, to the committee amendment H—5575, filed by him and moved its adoption:

H—5633

- 1 Amend amendment H—5575 to Senate File 2265, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 17, line 47 through page 18,
- 5 line 6, and inserting the following:
- 6 "Sec. _____. This Act, being deemed of immediate
- 7 importance, takes effect from and after its
- 8 publication in The Sioux City Journal, a newspaper
- 9 published in Sioux City, Iowa, and in the Ad-Express
- 10 and Daily Iowegian and Citizen, a newspaper published
- 11 in Centerville, Iowa, and unless otherwise
- 12 specifically provided, applies to all cases filed on
- 13 or after July 1, 1986."

Amendment H—5633 was adopted.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—5757, to the committee amendment H—5575, filed by him and Jay of Appanoose on April 8, 1986.

Blanshan of Greene in the chair at 5:12 p.m.

Connors of Polk in the chair at 5:15 p.m.

Haverland of Polk offered the following amendment H—5770, to the committee amendment H—5575, filed by him from the floor:

H—5770

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. By striking page 5, lines 42 through 50, and
- 6 inserting the following:
- 7 "Sec. _____. Section 25A.14, Code 1985, is amended
- 8 by adding the following new subsection:

9 NEW SUBSECTION. 11. Any claim for financial loss
10 based upon an act or omission in financial regulation,
11 including but not limited to examinations,
12 inspections, audits, or other financial oversight
13 responsibilities, pursuant to titles XIX through
14 XXIII. This subsection does not apply to acts or
15 omissions which constitute gross negligence amounting
16 to a willful and wanton disregard for the rights or
17 safety of others. However, an act or omission shall
18 not be deemed to constitute gross negligence amounting
19 to a willful and wanton disregard for the rights or
20 safety of others if the state has made all reasonable
21 efforts to meet its policy or level of service for
22 such financial regulation, considering the
23 availability or unavailability of fiscal or personnel
24 resources. The state entity responsible for financial
25 regulation, pursuant to titles XIX through XXIII,
26 shall take all reasonable measures to inform all
27 persons who may rely upon such regulation of the
28 immunity for negligent acts or omissions for such
29 regulation bestowed upon the entity pursuant to this
30 subsection."

Chapman of Linn rose on a point of order that amendment H—5770 was not in order.

The Speaker ruled the point well taken and amendment H—5770 not in order.

Haverland of Polk offered the following amendment H—5774, to the committee amendment H—5575, filed by him from the floor and moved its adoption:

H—5774

1 Amend the Committee on Judiciary and Law
2 Enforcement amendment, H—5575, to Senate File 2265, as
3 amended, passed, and reprinted by the Senate as
4 follows:
5 1. Page 6, by inserting after line 6, the
6 following:
7 "The state entity responsible for financial
8 regulation, pursuant to titles XIX through XXIII,
9 shall take all reasonable measures to inform all
10 persons who may rely upon such regulation of the
11 immunity for negligent acts or omissions relating to
12 such regulation bestowed upon the entity pursuant to
13 this subsection."

A non-record roll call was requested.

The ayes were 14, nays 49.

Amendment H—5774 lost.

O'Kane of Woodbury offered the following amendment H—5763, to the committee amendment H—5575, filed from the floor by O'Kane, Jay, Swartz and Carpenter and moved its adoption:

H—5763

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265, as
- 3 amended, passed, and reprinted by the Senate, as
- 4 follows:
- 5 1. Page 12, by inserting after line 12, the
- 6 following:
- 7 "Sec. _____. Section 613A.12, Code 1985, is amended
- 8 to read as follows:
- 9 613A.12 OFFICERS AND EMPLOYEES — PERSONAL
- 10 LIABILITY.
- 11 All officers and employees of municipalities are
- 12 not personally liable for any claim claims which is
- 13 are exempted under section 613A.4, except a claim
- 14 claims for punitive damages, and actions permitted
- 15 under section 85.20. An officer or employee of a
- 16 municipality is not liable for punitive damages as a
- 17 result of acts in the performance of a law enforcement
- 18 or emergency duty, unless actual malice or willful,
- 19 wanton and reckless misconduct is proven."

Amendment H—5763 was adopted.

Speaker Avenson in the chair at 5:30 p.m.

Swartz of Marshall offered the following amendment H—5756, to the committee amendment H—5575, filed by him and moved its adoption:

H—5756

- 1 Amend H—5575 to Senate File 2265 as amended,
- 2 passed, and reprinted by the Senate as follows:
- 3 1. Page 8, line 35, by inserting after the figure
- 4 "523C." the following: "However, those self-insurance
- 5 plans regulated pursuant to section 509A.14 shall

- 6 remain subject to the requirements of section 509A.14
7 and rules adopted pursuant to that section."
8 2. Page 8, line 47, by inserting after the figure
9 "523C." the following: "However, those self-insurance
10 plans regulated pursuant to section 509A.14 shall
11 remain subject to the requirements of section 509A.14
12 and rules adopted pursuant to that section."
13 3. Page 9, line 39, by inserting after the figure
14 "523C." the following: "However, those self-insurance
15 plans regulated pursuant to section 509A.14 shall
16 remain subject to the requirements of section 509A.14
17 and rules adopted pursuant to that section."

Amendment H—5756 was adopted.

The Speaker announced that amendment H—5765, to the committee amendment H—5575, filed by Shoultz of Black Hawk from the floor was out of order.

Van Camp of Scott offered amendment H—5776, to the committee amendment H—5575, filed by him from the floor and requested division as follows:

H—5776

- 1 Amend the Committee on Judiciary and Law
2 Enforcement amendment, H—5575, to Senate File 2265, as
3 amended, passed, and reprinted by the Senate, as
4 follows:

H—5776A

- 5 1. Page 16, line 4, by striking the word "twelve"
6 and inserting the word "eighteen".

H—5776B

- 7 2. Page 16, line 11, by striking the word "Two"
8 and inserting the word "Three".
9 3. Page 16, line 13, by striking the word "Two"
10 and inserting the word "Three".

Van Camp of Scott asked and received unanimous consent to temporarily defer action on amendment H—5776A.

On motion by Van Camp of Scott, amendment H—5776B, to the committee amendment H—5575, lost.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—5776A.

Bennett of Ida offered the following amendment H—5780, to the committee amendment H—5575, filed from the floor by Bennett, Jay, Teaford, Rosenberg and Swartz and moved its adoption:

H—5780

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H—5575, to Senate File 2265, as
- 3 amended, passed and reprinted by the Senate, as
- 4 follows:
- 5 1. Page 17, by inserting after line 36, the
- 6 following:
- 7 "Sec._____. The supreme court shall, by January 1,
- 8 1987, develop and convey to the Seventy-second General
- 9 Assembly a system of mandatory arbitration, and may
- 10 develop and convey a system of mandatory mediation,
- 11 for actions brought pursuant to chapter 668, as the
- 12 court deems appropriate in order to expedite in a less
- 13 costly manner any action wherein a party asserts a
- 14 claim not exceeding fifteen thousand dollars, or a
- 15 judge of the district court at a pretrial conference
- 16 determines that no greater amount is genuinely in
- 17 controversy. The court shall include an estimate of
- 18 fiscal and personnel resources necessary for the
- 19 implementation of any system developed.
- 20 The court may, prior to January 1, 1987, begin
- 21 implementation of any arbitration or mediation system
- 22 developed pursuant to this section."

Amendment H—5780 was adopted.

The House resumed consideration of amendment H—5669, temporarily deferred, to the committee amendment H—5575, (found on pages 1347 and 1348 of the House Journal).

Bennett of Ida asked and received unanimous consent to withdraw amendment H—5669, to the committee amendment H—5575.

The House resumed consideration of amendment H—5692A (found on page 1335 of the House Journal), to the committee amendment H—5575.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—5692A.

The House resumed consideration of amendment H—5707B (found on page 1304 of the House Journal), to the committee amendment H—5575, temporarily deferred.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5707B.

Doderer of Johnson asked and received unanimous consent to withdraw the motion to reconsider amendment H—5707A filed by her on April 8, 1986.

Koenigs of Mitchell called up for consideration the motion to reconsider amendment H—5623 (to page 10 of the committee amendment H—5575), filed by him on April 8, 1986.

Halvorson of Clayton moved to reconsider the vote by which amendment H—5623 (found on page 1315 of the House Journal) failed to be adopted by the House on April 8, 1986.

A non-record roll call was requested.

The ayes were 43, nays 43.

The motion to reconsider lost.

Connors of Polk in the chair at 6:07 p.m.

Peterson of Carroll called up for consideration the motion to reconsider amendment H—5747, (to page 11 of the committee amendment H—5575) filed by him on April 8, 1986 and moved to reconsider the vote by which amendment H—5747 (found on pages 1316 and 1317 of the House Journal) was adopted by the House on April 8, 1986.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 49.

The motion to reconsider lost.

Jay of Appanoose offered the following amendment H—5782, to the committee amendment H—5575, filed by him from the floor and moved its adoption:

H-5782

- 1 Amend the Committee on Judiciary and Law
- 2 Enforcement amendment, H-5575, to Senate File 2265 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 5, by inserting after line 50 the
- 6 following:
- 7 "This subsection does not apply to acts or
- 8 omissions which constitute gross negligence amounting
- 9 to a willful and wanton disregard for the rights or
- 10 safety of others. However, an act or omission shall
- 11 not be deemed to constitute gross negligence amounting
- 12 to a willful and wanton disregard for the rights or
- 13 safety of others if the state has made all reasonable
- 14 efforts to meet its policy or level of service for
- 15 such financial regulation, considering the
- 16 availability or unavailability of fiscal or personnel
- 17 resources."

A non-record roll call was requested.

The ayes were 44, nays 50.

Amendment H-5782 lost.

Speaker Avenson in the chair at 6:37 p.m.

Rosenberg of Story called up for consideration the motion to reconsider amendment H-5745, (to page 13 of the committee amendment H-5575) filed by him from the floor, and moved to reconsider the vote by which amendment H-5745 (found on pages 1330 through 1333 of the House Journal) was adopted by the House on April 9, 1986.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 48.

The motion to reconsider lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for the remainder of the evening, on request of Varn of Johnson.

Koenigs of Mitchell called up for consideration the motion to reconsider amendment H—5760, (to page 15 of the committee amendment H—5575) filed by him from the floor and moved to reconsider the vote by which amendment H—5760 (found on pages 1348 and 1349 of the House Journal) was adopted by the House on April 9, 1986.

A non-record roll call was requested.

The ayes were 33, nays 46.

The motion to reconsider lost.

On motion by Brammer of Linn, the committee amendment H—5575, as amended, was adopted placing out of order the following amendments:

H—5628 filed by Shoning, et al., on April 1, 1986.

H—5651 filed by Bennett of Ida on April 2, 1986.

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

On the question "Shall the bill pass?" (S.F. 2265)

The ayes were, 82:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Carl	Carpenter	Carter	Chapman
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hatch	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Shoning	Siegrist	Skow	Spear

Stromer
Tabor
Woods

Stueland
Van Camp
Mr. Speaker

Swartz
Van Maanen

Swearingen
Varn

The nays were, 12:

Buhr
Jochum
Sherzan

Doderer
Lloyd-Jones
Shoultz

Hammond
Loneragan
Sturgeon

Haverland
Pavich
Teaford

Absent or not voting, 6:

Clark
Welden

Groth
Zimmerman

Peick

Sullivan

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

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 9th day of April, 1986: House Files 710, 2026, 2082, 2189, 2204, 2222, 2297, 2347, 2352 and 2389.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 9, 1986. Had I been present, I would have voted "aye" on amendment H-5692B (to the committee amendment H-5575) to Senate File 2265.

COREY of Louisa

I was necessarily absent from the House chamber on April 7 and 8, 1986. Had I been present, I would have voted "aye" on House Files 732, 2380, 2471, 2472, 2473, 2475, 2477; Senate Files 2268, 2277; amendments H-5734, H-5747, H-5623 and H-5611, to committee amendment H-5575, to Senate File 2265; "nay" on amendment H-5656, to amendment H-5560, to Senate File 2268; and amend-

ments H—5602, H—5707A, H—5668 and H—5708, to amendment H—5575, to Senate File 2265.

VAN CAMP of Scott

PRESENTATION OF VISITORS

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

Fifty twelfth grade students from Highland High School, Riverside, accompanied by Chris Samuelsen. By Corey of Lousia.

Seven gifted and talented students from Black Hawk County, accompanied by Robert Shirk. By Diemer of Black Hawk.

Fifty-three sixth grade students from Milford Junior High School, Milford, accompanied by Mrs. Anderson and Mrs. Hagedorn. By Gruhn of Dickinson.

Twenty-one twelfth grade students from Murray Junior Senior High School, Murray, accompanied by Paul Skinner. By Hughes of Union.

Sixty fifth grade students from Jefferson Elementary School, Creston, accompanied by Mrs. Anderson and Ms. Gonnerman. By Hughes of Union.

Thirty-six high school students from Notre Dame School, Cresco, accompanied by Jim Zajicek. By Koenigs of Mitchell.

Seventeen eighth grade students from Bayard Junior Senior High School, Bayard, accompanied by Kevin Neal. By Skow of Guthrie.

Seventy-five eighth grade students from Grimes Junior High School, Grimes, accompanied by Bill Wineland. By Zimmerman of Dallas and Haverland of Polk.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 566), relating to the exemption from the use tax on transactions subject to the sales tax.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1986.

Committee Bill (Formerly Study Bill 793), relating to the state individual income tax by altering the tax rates, increasing the standard deduction, eliminating the deduction for federal income taxes paid, except under certain circumstances, and making other coordinating amendments and making provisions retroactive.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 8, 1986.

AMENDMENTS FILED

H-5764	H.F.	2280	Senate Amendment
H-5767	H.F.	2167	Senate Amendment
H-5772	H.F.	2472	Daggett of Taylor
H-5773	H.F.	2479	Daggett of Taylor
H-5775	H.F.	2479	De Groot of Lyon
H-5777	H.F.	2479	Schnekloth of Scott
H-5778	H.F.	2479	Bennett of Ida
H-5779	H.F.	2479	Schnekloth of Scott
H-5781	S.F.	19	Swartz of Marshall
H-5783	H.F.	2479	Schnekloth of Scott
H-5784	H.F.	2476	Halvorson of Webster
			Halvorson of Clayton
			Running of Linn
H-5785	S.F.	19	Muhlbauer of Crawford

On motion by Norland of Worth, the House adjourned at 7:07 p.m., until 9:00 a.m., Thursday, April 10, 1986.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day — Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 10, 1986

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

Prayer was offered by the Honorable Art Ollie, state representative from Clinton County.

The Journal of Wednesday, April 9, 1986 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 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 392, a bill for an act relating to the establishment of a business license center, an economic policy for small business and a data base of vendors to state agencies.

Also: That the Senate has on April 8, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2032, a bill for an act relating to combined hunting, fishing, and fur harvesting licenses.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2164, a bill for an act to provide for a public policy research foundation.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2226, a bill for an act relating to the licenses issued to landowners or tenants for the taking of deer and wild turkey.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2330, a bill for an act to allow the registration of trailers and semitrailers for a period of six registration years.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2344, a bill for an act relating to the toxic cleanup days pilot program and providing an effective date.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2348, a bill for an act relating to water sold in sealed containers for human consumption and making penalties applicable.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2363, a bill for an act amending the juvenile justice code.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2387, a bill for an act relating to energy management by school districts and merged area schools, requiring periodic energy audits, providing financial and technical assistance for energy conservation for school districts and merged area schools.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2405, a bill for an act relating to the administration of the local police and fire retirement systems.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2414, a bill for an act relating to hunting and fishing.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2452, a bill for an act relating to the health data commission.

Also: That the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2463, a bill for an act relating to commercial fishing and providing penalties.

K. MARIE THAYER, Secretary

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 11:43 a.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baxter of Des Moines, for the remainder of the day, on request of Haverland of Polk.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2083)

Hughes of Union asked and received unanimous consent to withdraw the motion to reconsider Senate File 2083, a bill for an act repealing the energy conservation improvement pilot programs and providing an effective date, filed by him on April 4, 1986.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 2288, a bill for an act striking a special provision relating to the apportionment of net income of a farm corporation for purposes of the corporate income tax, striking a provision prohibiting a sales, services, and use tax refund or claim for taxes voluntarily paid based upon an alleged mistake of law, and providing effective dates, was taken up for consideration.

Brammer of Linn offered the following amendment H-5526 filed by him and moved its adoption:

H-5526

- 1 Amend House File 2288 as follows:
- 2 1. Page 1, by inserting after line 15 the
- 3 following:
- 4 "Sec. _____. Section 422.63, unnumbered paragraph 2, .
- 5 Code 1985, is amended by striking the paragraph."
- 6 2. Title page, line 3, by striking the words "a
- 7 provision prohibiting a" and inserting the following:
- 8 "provisions prohibiting a franchise tax refund or
- 9 claim and a".
- 10 3. By renumbering as necessary.

Amendment H—5526 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2288)

The ayes were, 91:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Chapman	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Peterson, M. K.	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Baxter	Branstad	Carter	Clark
Diemer	Hummel	Petersen, D. F.	Platt
Welden			

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

HOUSE FILE 2396 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2396 be deferred and that the bill retain its place on the calendar.

Senate File 557, a bill for an act relating to the filing of claims for the homestead credit, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 557)

The ayes were, 91:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Cochran
Connors	Cooper	Corey	Daggett
De Groot	Doderer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hester	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Peterson, M. K.	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Baxter	Carter	Clark	Connolly
Diemer	Hermann	Hummel	Petersen, D. F.
Platt			

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

On motion by Norland of Worth, the House was recessed at 11:53 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Arnould of Scott in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-seven members present, forty-three absent.

SENATE AMENDMENTS CONSIDERED

Stueland of Clinton called up for consideration **House File 497**, a bill for an act relating to procedures for the establishment of priorities for property tax exemptions for wetland, recreational lakes, forest covers, rivers and streams, river and stream banks, and open prairies, amended by the Senate, and moved that the House concur in the following Senate amendment H—5084:

H—5084

- 1 Amend House File 497, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 24 the
- 4 following:
- 5 "Sec. 2. Section 427.1, subsection 36, Code
- 6 Supplement 1985, is amended by adding the following
- 7 new unnumbered paragraph:
- 8 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding other
- 9 requirements under this subsection, the owner of any
- 10 property lying between a river or stream and a dike
- 11 which is required to be set back three hundred feet or
- 12 less from the river or stream shall automatically be
- 13 granted an exemption for that property upon submission
- 14 of an application accompanied by an affidavit signed
- 15 by the applicant that if the exemption is granted the
- 16 property will not be used for economic gain during the
- 17 period of exemption. The exemption shall continue
- 18 from year to year for as long as the property
- 19 qualifies and is not used for economic gain, without
- 20 need for filing additional applications or affidavits.
- 21 Property exempted pursuant to this paragraph is in
- 22 addition to the maximum acreage applicable to other
- 23 exemptions under this subsection."

The motion prevailed and the House concurred in the Senate amendment H—5084.

Stueland of Clinton 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. 497)

The ayes were, 93:

Avenson	Beatty	Bennett	Black
Blanshan	Branstad	Buhr	Carl
Carpenter	Clark	Cochran	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poney	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker (Arnould)			

The nays were, none.

Absent or not voting, 7:

Baxter	Brammer	Carter	Chapman
Connolly	Connors	Welden	

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

Knapp of Dubuque called up for consideration **House File 166**, a bill for an act requiring the Iowa development commission to collect information regarding farm tourism, amended by the Senate, and moved that the House concur in the following Senate amendment H—5573:

H—5573

- 1 Amend House File 166, as amended and passed by the
- 2 House as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "tourism" the following: ", to the extent that funds
- 5 are available".

The motion prevailed and the House concurred in the Senate amendment H—5573.

Knapp 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. 166)

The ayes were, 96:

Avenson	Beatty	Bennett	Black
Blanshan	Branstad	Buhr	Carl
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs.
Kremer	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen

Tabor
Varn

Teaford
Woods

Van Camp
Zimmerman

Van Maanen
Mr. Speaker
(Arnould)

The nays were, none.

Absent or not voting, 4:

Baxter

Brammer

Carter

Welden

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

Grandia of Marion called up for consideration **House File 2078**, a bill for an act relating to navigation near a diving flag and subjecting violators to a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—5593:

H—5593

- 1 Amend House File 2078 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "commission" the words "adopted under chapter 17A".

The motion prevailed and the House concurred in the Senate amendment H—5593.

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

On the question "Shall the bill pass?" (H.F. 2078)

The ayes were, 96:

Avenson
Blanshan
Garpenter
Connolly
Daggett
Fey
Groth
Hammond
Hatch
Holveck
Jochum

Beatty
Branstad
Chapman
Connors
De Groot
Fogarty
Gruhn
Handorf
Haverland
Hughes
Johnson

Bennett
Buhr
Clark
Cooper
Diemer
Grandia
Halvorson, R. A.
Hanson
Hermann
Hummel
Knapp

Black
Carl
Cochran
Corey
Doderer
Groninga
Halvorson, R. N.
Harbor
Hester
Jay
Koenigs

Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker (Arnould)

The nays were, none.

Absent or not voting, 4:

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

Rosenberg of Story called up for consideration **House File 2455**, a bill for an act relating to tax sales and redemptions, by revising provisions governing notice and other procedures, amended by the Senate, and moved that the House concur in the following Senate amendment H—5705:

H—5705

- 1 Amend House File 2455 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 15, by striking the word "five"
- 4 and inserting the word "ten".
- 5 2. Page 3, line 32, by striking the word "five"
- 6 and inserting the word "ten".

The motion prevailed and the House concurred in the Senate amendment H—5705.

Connors of Polk in the chair at 1:30 p.m.

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

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

The ayes were, 91:

Arnould	Avenson	Beatty	Bennett
Black	Blanshan	Buhr	Carl
Carpenter	Chapman	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Loneragan	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker (Connors)	

The nays were, 4:

Branstad	Grandia	Maulsby	Renken
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Absent or not voting, 5:

Baxter	Brammer	Carter	Handorf
Welden			

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

- Peterson of Carroll called up for consideration **House File 2460**, a bill for an act relating to the disposition of seizable and forfeitable property, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—5739:

H—5739

1 Amend House File 2460 as amended, passed, and

2 reprinted by the House as follows:

- 3 1. Page 4, line 2 by inserting after the word
 4 "mail" the following: " , if the value of the property
 5 is less than fifty dollars, or certified mail, if the
 6 value of the property is equal to or greater than
 7 fifty dollars,".
 8 2. Page 6, by striking lines 26 through 28, and
 9 inserting the following: "The written application
 10 shall be specific and amendments to the application
 11 shall be liberally permitted, including an amendment
 12 to conform to proof at the close of all evidence. The
 13 fact that the".

The motion prevailed and the House concurred in the Senate amendment H—5739.

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

On the question "Shall the bill pass?" (H.F. 2460)

The ayes were, 97:

Arnould	Avenson	Beatty	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connolly	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			
(Connors)			

The nays were, none.

Absent or not voting, 3:

Baxter

Brammer

Carter

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

Kremer of Buchanan called up for consideration **House File 2417**, a bill for an act relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H—5706:

H—5706

- 1 Amend House File 2417 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, line 18, by striking the words "of a"
- 4 and inserting in lieu thereof a period.
- 5 2. Page 1, by striking lines 19 and 20.

The motion prevailed and the House concurred in the Senate amendment H—5706.

Kremer of Buchanan 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. 2417)

The ayes were, 97:

Arnould	Avenson	Beatty	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connolly	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan

Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 3:

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

O'Kane of Woodbury called up for consideration **House File 2370**, a bill for an act relating to county officers by providing for the combining of county offices and removing salary restrictions for the combined offices under section 331.323, by amending the duties of certain elected county officers, and by making the Act effective upon publication, amended by the Senate, and moved that the House concur in the following Senate amendment H-5700:

H-5700

- 1 Amend House File 2370, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 18 through 20 and
- 4 inserting the following: "of supervisors, by the
- 5 treasurer, auditor, and recorder. In the event that
- 6 any of these offices have been abolished through
- 7 consolidation, the county attorney shall serve on this
- 8 committee."
- 9 2. Page 1, by striking line 23 and inserting the
- 10 following: "paragraph and inserting in lieu thereof
- 11 the following:
- 12 When the duties of an officer or employee are
- 13 assigned to one or more elected officers, the board
- 14 shall set the initial salary for each elected officer
- 15 which shall not exceed the recommendation of the

16 county compensation board. The county auditor shall
 17 call a special meeting of the county compensation
 18 board for this purpose and the county compensation
 19 board shall make a recommendation within thirty days
 20 of the call. The board may reduce the salary
 21 recommendation but not below the existing salary of
 22 the affected elective officer. Thereafter, the salary
 23 shall be determined as provided in section 381.907."

The motion prevailed and the House concurred in the Senate amendment H—5700.

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

On the question "Shall the bill pass?" (H.F. 2370)

The ayes were, 81:

Arnould	Avenson	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Chapman	Cochran
Connolly	Cooper	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	McIntee	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Royer	Running	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Taber	Teaford	Van Camp
Varn	Welden	Woods	Zimmerman
Mr. Speaker			
(Connors)			

The nays were, 15:

Branstad	Corey	Daggett	De Groot
Grandia	Handorf	Harbor	Maulsby
McKean	Pellett	Renken	Rensink
Schnekloth	Skow	Van Maanen	

Absent or not voting, 4:

Baxter

Carter

Clark

Sherzan

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

Appropriations Calendar

House File 2476, a bill for an act relating to public financing of political campaigns and providing penalties, was taken up for consideration.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—5752.

Halvorson of Webster offered the following amendment H—5784 filed by Halvorson, et al.:

H—5784

1 Amend House File 2476 as follows:

2 1. Page 1, line 16, by striking the words

3 "qualified electors in" and inserting the words

4 "number of qualified electors at the time of".

5 2. Page 1, line 22, by inserting after the word

6 "if" the words "at least two and".

7 3. Page 1, line 33, by striking the word "person"

8 and inserting the word "individual".

9 4. Page 2, line 8, by striking the word "person"

10 and inserting the word "individual".

11 5. Page 2, line 20, by striking the word "person"

12 and inserting the word "individual".

13 6. Page 2, line 30, by striking the word "person"

14 and inserting the word "individual".

15 7. Page 3, line 5, by striking the word "person"

16 and inserting the word "individual".

17 8. Page 3, by striking line 8 and inserting the

18 following:

19 "4. If a restricted campaign comes into being, the
20 limitations of".

21 9. Page 5, by inserting after line 3 the

22 following:

23 "7. If a candidate receives a grant under this

24 section or if a restricted campaign exists, the

25 candidate's committee shall expend funds only for

26 proper campaign expenses as defined by the rules of

27 the commission. Such proper campaign expenses

28 include, but are not limited to billboards, pamphlets,

29 bumper stickers, purchase of advertising time and
30 space, employment of staff, the lease or purchase of
31 equipment used predominantly for campaign purposes,
32 the purchase of professional and technical services,
33 rental of office space, payment of personal expenses
34 directly incurred as a result of campaigning, and
35 other similar expenses."

36 10. Page 5, by inserting after line 25 the
37 following:

38 "9. If a candidate's committee has a positive
39 balance at the conclusion of the period covered by the
40 restricted campaign and has received a grant under
41 this section, the candidate's committee shall remit to
42 the commission for deposit in the political
43 candidate's fund that proportional amount of the
44 positive balance which the grant amount was to the
45 total amount of contributions. The funds shall be
46 remitted with the January disclosure report for a
47 candidate at the general election and by thirty days
48 after the conclusion of the restricted campaign for a
49 candidate at the special election."

Buhr of Polk in the chair at 2:15 p.m.

Connors of Polk in the chair at 2:42 p.m.

On motion by Halvorson of Webster amendment H—5784 was adopted placing out of order amendment H—5752 filed by Spear of Lee on April 8, 1986.

Speaker Avenson in the chair at 3:21 p.m.

Hanson of Delaware in the chair at 3:29 p.m.

Speaker Avenson in the chair at 3:54 p.m.

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

On the question "Shall the bill pass?" (H.F. 2476)

The ayes were, 66:

Arnould
Brammer
Chapman

Beatty
Buhr
Clark

Black
Carl
Cochran

Blanshan
Carpenter
Connolly

Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Hatch	Haverland	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Lloyd-Jones	Loneragan
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Teaford	Van Camp	Varn
Zimmerman	Mr. Speaker		

The nays were, 32:

Bennett	Branstad	Corey	Daggett
De Groot	Diemer	Grandia	Handorf
Harbor	Hermann	Hummel	Kremer
Lageschulte	Maulsby	McIntee	Metcalf
Paulin	Pavich	Pellett	Petersen, D. F.
Renken	Rensink	Royer	Schneklloth
Shoning	Siegrist	Stromer	Stueland
Swearingen	Van Maanen	Welden	Woods

Absent or not voting, 2:

Baxter Carter

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 178, a bill for an act relating to the handling and preservation of assessment rolls and assessment information, with report of committee recommending passage was taken up for consideration.

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. 178)

The ayes were, 96:

Arnould	Beatty	Bennett	Black
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Blanshan	Branstad	Buhr	Carl
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poney
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning \	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 1:

Hummel

Absent or not voting, 3:

Baxter

Brammer

Carter

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

SENATE AMENDMENTS CONSIDERED

House Refuses To Concur

Platt of Muscatine called up for consideration **House File 2035**, a bill for an act relating to the appointment of chiefs of the police department and chiefs of the fire department in cities under civil service, amended by the Senate, and moved that the House concur in the following Senate amendment H—5702:

H—5702

- 1 Amend House File 2035, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 9 and

4 inserting the following: "the chief of the police
5 department. In cities under the city manager plan the
6 city manager shall make such appointments with the
7 approval of the city council, and in all other cities
8 such the".

The motion lost and the House refused to concur in the Senate amendment H—5702.

House Refuses To Concur

Gruhn of Dickinson called up for consideration **House File 2245**, a bill for an act relating to the confidentiality of archaeological sites or resource information and subjecting violators to civil and criminal penalties, amended by the Senate amendment H—5721:

H—5721

1 Amend House File 2245, as passed by the House, as
2 follows:
3 1. Page 1, line 2, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 1, by inserting after line 11 the
7 following:
8 "NEW SUBSECTION. 22. Information concerning the
9 nature and location of any ecologically sensitive
10 resource or site if, in the opinion of the state
11 ecologist, disclosure of the information will result
12 in unreasonable risk of damage to or loss of the
13 resource or site where the resource is located. This
14 subsection shall not be construed to interfere with
15 the responsibilities of the federal government or the
16 state ecologist pertaining to access, disclosure, and
17 use of the ecologically sensitive site records."
18 3. Page 1, by inserting after line 20 the
19 following:
20 "Sec. _____. **NEW SECTION. 111B.14 CONFIDENTIALITY**
21 **OF ECOLOGICALLY SENSITIVE SITES AND INFORMATION.**
22 The state ecologist shall comply with the
23 requirements of section 22.7, subsection 22, regarding
24 information pertaining to the nature and location of
25 ecologically sensitive resources or sites. The state
26 ecologist shall consult with other public officers
27 serving as lawful custodians of ecologically sensitive
28 information to determine whether the information
29 should be confidential or be released."

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—5730, to the Senate amendment H—5721, filed by her on April 7, 1986.

On motion by Gruhn of Dickinson, the House refused to concur in the Senate amendment H—5721.

SENATE AMENDMENTS CONSIDERED

Johnson of Winneshiek called up for consideration **House File 2301**, a bill for an act relating to sanitary disposal projects, amended by the Senate, and moved that the House concur in the following Senate amendment H—5574:

H—5574

- 1 Amend House File 2301 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 29 the
- 4 following:
- 5 “NEW UNNUMBERED PARAGRAPH. The commission shall
- 6 adopt rules which may require the installation of
- 7 shafts to relieve the accumulation of gas in a
- 8 sanitary disposal project.”

The motion prevailed and the House concurred in the Senate amendment H—5574.

Johnson of Winneshiek 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. 2301)

The ayes were, 89:

Arnould	Beatty	Black	Blanshan
Brammer	Buhr	Carl	Carpenter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Handorf	Hanson
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer

Lageschulte	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rensink	Rosenberg	Royer	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 6:

Bennett	Branstad	Grandia	Harbor
Renken	Schnekloth		

Absent or not voting, 5:

Baxter	Carter	Hammond	Hughes
Lloyd-Jones			

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

O'Kane of Woodbury called up for consideration **House File 724**, a bill for an act requiring a separate award of real estate taxes, personal property taxes and special assessments to the county treasurer by the compensation commission as damages in condemnation, amended by the Senate, and moved that the House concur in the following Senate amendment H-5701:

H-5701

- 1 Amend House File 724 as passed by the House as
- 2 follows:
- 3 1. By striking all after the enacting clause and
- 4 inserting the following:
- 5 "Section 1. Section 427.2, Code 1985, is amended
- 6 to read as follows:
- 7 **427.2 ROADS AND DRAINAGE RIGHTS OF WAY TAXABLE**
- 8 **PROPERTY ACQUIRED THROUGH EMINENT DOMAIN.**
- 9 Real estate occupied as a public road, and rights
- 10 of way for established public levees and rights of way
- 11 for established, open, public drainage improvements
- 12 shall not be taxed.
- 13 When land or rights in land are acquired in
- 14 connection with ~~the establishment or maintenance or~~

15 improvement of a public road or for public use or
16 public purposes, the acquiring authority shall assist
17 in the collection of property taxes and special
18 assessments. However, assistance in the collection of
19 the property taxes and special assessments does not
20 require the payment of property taxes and special
21 assessments on the property acquired which exceed the
22 amount of just compensation offered as required by
23 section 472.45 for the acquisition of the property.

24 The property owner shall pay all property taxes and
25 special assessments which are due and payable when the
26 property owner surrenders possession of the property
27 acquired and also those which become due and payable
28 for the fiscal year the property is acquired in an
29 amount equal to one-twelfth of the taxes and
30 assessments due and payable on the property acquired
31 for the preceding fiscal year multiplied by the number
32 of months in the fiscal year in which the property was
33 acquired which elapsed prior to the month in which the
34 property owner surrenders possession, and including
35 that month if the surrender of possession occurs after
36 the fifteenth day of a month. For purposes of
37 computing the payments, the property owner has
38 surrendered possession of property acquired by eminent
39 domain proceedings when the acquiring authority has
40 the right to obtain possession of the acquired
41 property by authority of section 472.26 as authorized
42 by law. When part but not all of the property is
43 acquired for public use or public road purposes,
44 taxing authorities may collect property taxes and
45 special assessments which the property owner is
46 obligated to pay, in accordance with chapter 446, from
47 that part of the property which is not acquired. The
48 county treasurer shall collect and accept the payment
49 received on property acquired for road public use or
50 public purposes as full and final payment of all

Page 2

1 property tax and special assessments on the property
2 and apportion the payment on the basis of the levy in
3 effect in the fiscal year in which the property is
4 acquired.

5 For that portion of the prorated year for which the
6 acquiring authority has possession of the property or
7 part of the property acquired in connection with the
8 establishment or improvement or maintenance of a
9 public road or for public use or public purposes, all
10 taxes and special assessments shall be canceled.

11 Upon sale of the acquired property by the acquiring
12 authority to a new owner, the new owner shall pay all
13 special assessments and property taxes which become

14 due and payable or would have become due and payable
 15 but for the acquisition by the acquiring authority for
 16 the fiscal year the property is acquired by the new
 17 owner in an amount equal to one-twelfth of such taxes
 18 and assessments multiplied by the number of months in
 19 the fiscal year in which the new owner acquired the
 20 property which occurred after the month in which the
 21 new owner acquired the property. Thereafter, special
 22 assessments or installments of them which would have
 23 become due and payable after the date of the
 24 acquisition of the property by the new owner but for
 25 the acquisition of the property by the acquiring
 26 authority and this section, shall be reinstituted by
 27 the county treasurer and shall be collectible as
 28 provided by law."

29 2. Title page, by striking lines 1 through 4 and
 30 inserting the following: "An Act relating to the
 31 payment of property taxes and special assessments on
 32 property acquired by condemnation for public use or
 33 public purposes."

The motion prevailed and the House concurred in the Senate amendment H—5701.

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

On the question "Shall the bill pass?" (H.F. 724)

The ayes were, 91:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink

Rosenberg	Royer	Running	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 5:

Branstad	Grandia	Hummel	Schnekloth
Van Maanen			

Absent or not voting, 4:

Baxter	Carter	Hammond	Lloyd-Jones
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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.

Johnson of Winneshiek called up for consideration **House File 2221**, a bill for an act providing for modifications of the authority of the department of water, air and waste management over water pollution, flood plain construction, and water use, amended by the Senate, and moved that the House concur in the following Senate amendment H—5671:

H—5671

- 1 Amend House File 2221 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 7, by striking the words "point
- 4 or nonpoint".
- 5 2. Page 1, by striking lines 17 through 21.
- 6 3. Renumber as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5671.

Johnson of Winneshiek 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. 2221)

The ayes were, 95:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneran	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Baxter	Carter	Grandia	Hammond
Lloyd-Jones			

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

Shoultz of Black Hawk called up for consideration **House File 2376**, a bill for an act establishing liability of persons responsible for hazardous conditions for reasonable costs incurred by the department of water, air and waste management in responding to the conditions, and providing for the credit of recoveries for the liabilities, amended by the Senate, and moved that the House concur in the following Senate amendment H—5742:

H—5742 .

- 1 Amend House File 2376 as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 14 through line 16
- 4 and inserting the following:
- 5 "NEW LETTERED PARAGRAPH. d. The excessive and
- 6 extraordinary cost, excluding salaries, incurred by
- 7 the department in responding at and to the scene of a
- 8 hazardous condition caused by that person."

The motion prevailed and the House concurred in the Senate amendment H—5742.

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

On the question "Shall the bill pass?" (H.F. 2376)

The ayes were, 74:

Arnould	Beatty	Black	Blanshan
Brammer	Buhr	Carl	Carpenter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson
Hatch	Haverland	Hermann	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	McIntee	McKean
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 22:

Bennett	Branstad	Corey	Daggett
De Groot	Grandia	Handorf	Harbor
Hester	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Rensink
Royer	Schneklath	Stromer	Swearingen
Van Maanen	Welden		

Absent or not voting, 4:

Baxter

Carter

Hammond

Lloyd-Jones

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

Connors of Polk called up for consideration **House File 2403**, a bill for an act relating to the operation of city civil service commissions, amended by the Senate, and moved that the House concur in the following Senate amendment H—5740:

H—5740

- 1 Amend House File 2403 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by striking lines 6 through 21.
- 4 2. Page 5, line 22, by striking the word "a" and
- 5 inserting the following: "a one".
- 6 3. Page 5, by striking line 24 and inserting the
- 7 following: "length of service in each classification
- 8 or grade of the classifications or grades from".
- 9 4. Page 5, line 26, by striking the words ", and
- 10 the" and inserting the following: "and the. The
- 11 certificate shall also list each classification or
- 12 grade in which the person was previously employed.
- 13 The".

The motion prevailed and the House concurred in the Senate amendment H—5740.

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

On the question "Shall the bill pass?" (H.F. 2403)

The ayes were, 95:

Arnould
Blanshan
Carl
Cochran
Corey
Doderer
Groninga

Beatty
Brammer
Carpenter
Connolly
Daggett
Fey
Groth

Bennett
Branstad
Chapman
Connors
De Groot
Fogarty
Halvorson, R. A.

Black
Buhr
Clark
Cooper
Diemer
Grandia
Halvorson, R. N.

Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Baxter	Carter	Gruhn	Hammond
Lloyd-Jones			

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

Kremer of Buchanan called up for consideration **Senate File 2044**, a bill for an act relating to the admissibility of the reports and findings of the criminalistics laboratory in forfeiture proceedings, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5282 to the House amendment:

H—5282

- 1 Amend amendment S—5230 to Senate File 2044 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, by inserting after line 6 the
- 4 following:
- 5 "3. Page 1, line 20, by striking the words
- 6 "before a jury or to the court" and inserting the
- 7 following: "before a jury or to the court or the
- 8 adverse agency of the state".
- 9 4. Page 1, line 21, by inserting after the word
- 10 "attorney" the following: ", or in the case of an
- 11 administrative proceeding the adverse agency."
- 12 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5282 to the House amendment.

Kremer of Buchanan 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. 2044)

The ayes were, 95:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Groth	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Loneragan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Baxter	Carter	Gruhn	Hammond
Lloyd-Jones			

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

MOTION TO RECONSIDER PREVAILED
(Senate File 2268)

Harbor of Mills called up for consideration the motion to reconsider Senate File 2268, filed on April 7, 1986, and moved to reconsider the vote by which Senate File 2268, a bill for an act relating to the industrial loan thrift guaranty corporation of Iowa, passed the House and was placed on its last reading on April 7, 1986.

A non-record roll call was requested.

The ayes were 53, nays 4.

The motion prevailed and the House reconsidered Senate File 2268.

Skow of Guthrie moved to reconsider the vote by which the committee amendment H—5560 (found on pages 1267 and 1268 of the House Journal) was adopted, as amended, on April 7, 1986, which motion prevailed and the House reconsidered the committee amendment H—5560.

Harbor of Mills offered the following amendment H—5736, to the committee amendment H—5560, filed by him and Skow of Guthrie and moved its adoption:

H—5736

- 1 Amend the amendment H—5560 to Senate File 2268 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, line 23, by inserting after the figure
- 4 "1988." the following: "However, any noncallable
- 5 thrift certificate issued by a member prior to January
- 6 1, 1986 for a term up to five years shall be
- 7 guaranteed by the guaranty corporation until the
- 8 expiration of the certificate."
- 9 2. Page 1, line 27, by striking the figure "1987"
- 10 and inserting the following: "1988".
- 11 3. Page 1, line 38, by striking the word "All"
- 12 and inserting the following: "Except as provided in
- 13 subsection 1, all".

Amendment H—5736 was adopted.

On motion by Skow of Guthrie, the committee amendment H—5560, as amended, was adopted.

Skow 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. 2268)

The ayes were, 87:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Schneklath	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 6:

Chapman	Loneragan	O'Kane	Oxley
Running	Welden		

Absent or not voting, 7:

Baxter	Carter	Connors	Groth
Lloyd-Jones	McIntee	Parker	

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

AMENDMENT WITHDRAWN (Amendment H—5772 to House File 2472)

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—5772 to House File 2472 filed by him on April 9, 1986.

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules for the immediate consideration of House File 2479.

Objection was raised.

Norland of Worth moved that the rules be suspended for the immediate consideration of House File 2479.

Roll call was requested by Stromer of Hancock and Skow of Guthrie.

On the question "Shall the rules be suspended to consider House File 2479?"

The ayes were, 57:

Arnould	Beatty	Black	Blanshan
Buhr	Carl	Chapman	Cochran
Connolly	Connors	Cooper	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Lonergan	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 39:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schneklath	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

Absent or not voting, 4:

Baxter

Brammer

Carter

McIntee

The motion prevailed and the rules were suspended.

Ways and Means Calendar

House File 2479, a bill for an act relating to the state individual income tax by altering the tax rates, increasing the standard deduction, eliminating the deduction for federal income taxes paid, except under certain circumstances, and making other coordinating amendments and making provisions retroactive, was taken up for consideration.

Schnekloth of Scott offered the following amendment H—5783 filed by him:

H—5783

1 Amend House File 2479 as follows:

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

4 "Section 1. Section 8.55, subsection 1, Code 1985,
5 is amended to read as follows:

6 1. The Iowa economic emergency fund is created.
7 The fund shall be separate from the general fund of
8 the state and the balance in the fund shall not be
9 considered part of the balance of the general fund of
10 the state, except for purposes of determining the
11 annual inflation factor under section 422.4,
12 subsection 17, the balance in the fund shall be
13 considered part of the general fund of the state. The
14 moneys in the fund shall not revert to the general
15 fund, notwithstanding section 8.33, unless and to the
16 extent the fund exceeds the maximum balance.

17 Sec. 2. Section 422.4, subsection 1, Code 1985, is
18 amended to read as follows:

19 1. The words "taxable income" mean the net income
20 as defined in section 422.7 minus the deductions
21 allowed by section 422.9, in the case of individuals;
22 in. In the case of estates or trusts, the words
23 "taxable income" ~~mean~~ means the taxable income
24 (without a deduction for personal exemption), as
25 computed for federal income tax purposes under the
26 Internal Revenue Code of 1954, but with the
27 adjustments specified in section 422.7 ~~plus the Iowa~~
28 ~~income tax deducted in computing said taxable income~~

29 and minus federal income taxes as provided in section
30 422.9.

31 Sec. 3. Section 422.4, subsection 17, Code 1985,
32 is amended by striking the subsection.

33 Sec. 4. Section 422.5, subsection 1, Code
34 Supplement 1985, is amended by striking the subsection
35 and inserting in lieu thereof the following:

36 1. A tax is imposed upon every resident and
37 nonresident individual or estate and trust which tax
38 is levied, collected, and paid annually upon and with
39 respect to the taxable income at the rate of three and
40 one-half percent.

41 Sec. 5. Section 422.5, subsection 7, Code
42 Supplement 1985, is amended by striking the
43 subsection.

44 Sec. 6. Section 422.7, Code Supplement 1985, is
45 amended by striking the section and inserting in lieu
46 thereof the following:

47 422.7 "NET INCOME" — HOW COMPUTED.

48 1. For individuals, "net income" means the ad-
49 justed gross income as properly computed for federal
50 income tax purposes under the Internal Revenue Code of

Page 2

1 1954 with the adjustments made in paragraphs "a" and
2 "b".

3 a. The adjusted gross income is adjusted by adding
4 the sum of the following:

5 (1) The amounts paid or accrued to the taxpayer as
6 interest or dividends during the tax year to the
7 extent excluded, except the amount of stock dividends
8 of qualified public utilities described in section
9 305(e) of the Internal Revenue Code of 1954.

10 (2) The amount of the deduction allowed under
11 section 1202 of the Internal Revenue Code of 1954 to
12 the extent deducted.

13 (3) The amount of tax imposed under this division
14 to the extent deducted for the tax year.

15 b. The adjusted gross income is adjusted by
16 subtracting the sum of the following:

17 (1) The amounts included in respect of
18 compensation, including but not limited to,
19 compensation paid or accrued to a serviceperson while
20 a prisoner of war or missing in action, paid to a
21 resident by reason of being on active duty in the
22 armed forces of the United States, paid or accrued to
23 a resident who as a governmental employee was a
24 prisoner of war or missing in action, and paid to a
25 resident in 1971 or thereafter for annual training
26 performed pursuant to sections 502 and 503, Title 32,

27 United States Code as a member of the Iowa national
28 guard.

29 (2) The amounts included pursuant to sections
30 402(a), 402(c), 402(d), 403(a), 403(b), 405(d),
31 406(a), 407(a), 408, and 409 of the Internal Revenue
32 Code of 1954, or included as distributions under any
33 retirement or disability plan for employees of a
34 governmental agency or unit, or retirement payments to
35 retired partners, which payments are excluded in
36 computing net earnings from self employment by section
37 1402 of the Internal Revenue Code of 1954 and
38 regulations adopted pursuant thereto.

39 (3) The amount of tax imposed under this division
40 which was refunded to the extent included for the tax
41 year.

42 (4) The amount included pursuant to section 111 of
43 the Internal Revenue Code of 1954 as a recovery of
44 items previously deducted from adjusted gross income
45 in computing taxable income.

46 (5) The amount of social security benefits and
47 railroad retirement benefits, included pursuant to
48 sections 72(r) and 86 of the Internal Revenue Code of
49 1954.

50 (6) The sum of the amounts disallowed as

Page 3

1 deductions by sections 171(a)(2) and 265(2) of the
2 Internal Revenue Code of 1954 and the amounts of
3 expenses allocable to interest and disallowed as
4 deductions by section 265(1) of the Internal Revenue
5 Code of 1954.

6 (7) The valuation limitation amount as computed
7 under subsection 3.

8 2. For estates and trusts, "net income" means the
9 taxable income as properly computed for federal income
10 tax purposes under the Internal Revenue Code of 1954
11 with the adjustments made in paragraphs "a" and "b",
12 subject to paragraph "c".

13 a. The taxable income is adjusted by adding the
14 sum of the following:

15 (1) The amounts paid or accrued to the taxpayer as
16 interest or dividends during the tax year to the
17 extent excluded.

18 (2) The amount of the deduction allowed under
19 section 1202 of the Internal Revenue Code of 1954 to
20 the extent deducted.

21 (3) Six hundred dollars for an estate, three
22 hundred dollars for a trust which under its governing
23 instrument is required to distribute all of its income
24 currently, or one hundred dollars for all other

25 trusts. However, the amount added is only to the
26 extent deducted.

27 (4) The amount of tax imposed under this division
28 to the extent deducted for the tax year.

29 b. The taxable income is adjusted by subtracting
30 the sum of the following:

31 (1) The amounts included pursuant to sections
32 402(a), 402(c), 402(d), 403(a), 403(b), 405(d),
33 406(a), 407(a), 408, and 409 of the Internal Revenue
34 Code of 1954 or included as distributions under any
35 retirement or disability plan for employees of a
36 governmental agency or unit, or retirement payments to
37 retired partners which payments are excluded in com-
38 puting net earnings from self employment by section
39 1402 of the Internal Revenue Code of 1954 and
40 regulations adopted pursuant thereto.

41 (2) The amount of tax imposed under this division
42 which was refunded to the taxpayer to the extent
43 included for the tax year.

44 (3) The amounts included in taxable income as
45 adjusted by paragraph "a" which are exempt from
46 taxation by this state either by reason of its
47 constitution or by reason of the constitution,
48 treaties, or statutes of the United States.

49 (4) The amounts disallowed as deductions by
50 sections 171(a)(2) and 265(2) of the Internal Revenue

Page 4

1 Code of 1954 and the amounts of expenses allocable to
2 interest and disallowed as deductions by section
3 265(1) of the Internal Revenue Code of 1954.

4 (5) The valuation limitation amount as computed
5 under subsection 3.

6 c. The amount of any adjustment otherwise required
7 under this subsection shall be adjusted, under
8 regulations prescribed by the department, by any
9 amounts included which were properly paid, credited,
10 or required to be distributed for the tax year.

11 3. a. The valuation limitation amount referred to
12 in subsections 1 and 2 is equal to the sum of the
13 following:

14 (1) The pre-effective date appreciation amounts,
15 to the extent consisting of gain reportable under
16 section 1245 or 1250 of the Internal Revenue Code of
17 1954, for all property in respect of which the gain
18 was reported for the tax year.

19 (2) The lesser of the pre-effective date
20 appreciation amounts, to the extent consisting of
21 capital gain, for all property in respect of which the
22 gain was reported for federal income tax purposes for

23 the tax year, or the net capital gain for the tax
24 year, reduced in either case by any amount of the gain
25 included in the amount determined under subsection 1,
26 paragraph "b", subparagraph (2) or subsection 2,
27 paragraph "b", subparagraph (1).

28 b. (1) If the fair market value of property
29 referred to in paragraph "a" was readily ascertainable
30 on the effective date, the pre-effective date
31 appreciation amount for the property is the lesser of
32 the excess of fair market value over the taxpayer's
33 basis for determining gain for the property on that
34 date, determined under the Internal Revenue Code of
35 1954 as in effect on that date, or the total gain
36 realized and reportable for federal income tax
37 purposes in respect of the sale, exchange, or other
38 disposition of the property.

39 (2) If the fair market value of property referred
40 to in paragraph "a" was not readily ascertainable on
41 the effective date, the pre-effective date
42 appreciation amount for the property is that amount
43 which bears the same ratio to the total gain reported
44 in respect of the property for federal income tax
45 purposes for the tax year, as the number of full
46 calendar months in that part of the taxpayer's holding
47 period for the property ending immediately before the
48 effective date bears to the number of full calendar
49 months in the taxpayer's entire holding period for the
50 property.

Page 5

1 (3) The department shall adopt rules as necessary
2 to carry out the purposes of this lettered paragraph.

3 Sec. 7. Section 422.8, subsection 2, Code
4 Supplement 1985, is amended to read as follows:

5 2. Nonresident's net income allocated to Iowa is
6 the net income, or portion thereof of net income,
7 which is derived from a business, trade, profession,
8 or occupation carried on within this state or income
9 from any property, trust, estate, or other source
10 within Iowa. If any business, trade, profession, or
11 occupation is carried on partly within and partly
12 without the state, only the portion of the net income
13 which is fairly and equitably attributable to that
14 part of the business, trade, profession, or occupation
15 carried on within the state is allocated to Iowa for
16 purposes of section 422.5, subsection 1, paragraph "n"
17 and section 422.13 and income from any property,
18 trust, estate, or other source partly within and
19 partly without the state is allocated to Iowa in the
20 same manner, except that annuities, interest on bank

21 deposits and interest-bearing obligations, and
22 dividends are allocated to Iowa only to the extent to
23 which they are derived from a business, trade,
24 profession, or occupation carried on within the state.
25 However, income received by an individual who is a
26 resident of another state is not allocated to Iowa if
27 the income is subject to an income tax imposed by the
28 state where the individual resides, and if the state
29 of residence allows a similar exclusion for income
30 received in that state by residents of Iowa. In order
31 to implement the exclusions, the director shall
32 designate by rule the states which allow a similar
33 exclusion for income received by residents of Iowa,
34 and may enter into agreements with other states to
35 provide that similar exclusions will be allowed, and
36 to provide suitable withholding requirements in each
37 state.

38 Sec. 8. Section 422.8, subsection 4, Code
39 Supplement 1985, is amended by striking the
40 subsection.

41 Sec. 9. Section 422.9, Code 1985, is amended by
42 striking the section and inserting in lieu thereof the
43 following:

44 **422.9 TAXABLE INCOME — STANDARD DEDUCTION.**

45 1. In computing taxable income of an individual,
46 there is deducted from net income the standard
47 deduction as determined under subsection 2, or in the
48 case of a nonresident, there is deducted from net
49 income the product of the standard deduction as
50 determined under subsection 2 times a fraction of

Page 6

1 which the nonresident's net income allocated to Iowa,
2 as determined in section 422.8, subsection 2, is the
3 numerator and the nonresident's total net income
4 computed under section 422.7 is the denominator.

5 2. The standard deduction is equal to the product
6 of one thousand dollars times the number of exemptions
7 allowable to the taxpayer for the tax year under
8 section 151 of the Internal Revenue Code of 1954.

9 Sec. 10. Section 422.21, unnumbered paragraph 4,
10 Code Supplement 1985, is amended by striking the
11 paragraph.

12 Sec. 11. This Act is effective January 1 following
13 enactment for tax years beginning on or after that
14 date."

15 2. Title page, line 3, by striking the words
16 "except under".

17 3. Title page, by striking lines 4 and 5 and
18 inserting the following: "and providing an effective
19 date."

Tabor of Jackson in the chair at 5:05 p.m.

Schnekloth of Scott moved the adoption of amendment H — 5783.

Roll call was requested by Sturgeon of Woodbury and Holveck of Polk.

On the question "Shall amendment H — 5783 be adopted?"

The ayes were, 32:

Bennett	Branstad	Corey	Daggett
De Groot	Diemer	Grandia	Halvorson, R. A.
Handorf	Harbor	Hermann	Hester
Hummel	Kremer	Maulsby	Metcalf
Miller	Muhlbauer	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Stromer
Stueland	Swearingen	Van Maanen	Welden

The nays were, 65:

Arnould	Avenson	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Hanson	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	McKean	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Siegrist	Skow	Spear
Sturgeon	Sullivan	Swartz	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker (Tabor)			

Absent or not voting, 3:

Baxter	McIntee	Shoultz
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Amendment H — 5783 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoultz of Black Hawk, for the remainder of the day, on request of Teafor of Black Hawk.

Speaker Avenson in the chair at 5:29 p.m.

Stromer of Hancock offered the following amendment H—5797 filed by him from the floor and moved its adoption:

H—5797

- 1 Amend House File 2479 as follows:
- 2 1. Page 4, line 1, by inserting after the word
- 3 "denominator." the following: "A nonresident's net
- 4 income allocated to Iowa includes distributions from
- 5 an individual retirement account to the extent that
- 6 contributions to the account were derived from sources
- 7 in Iowa."

Roll call was requested by Arnould of Scott and Osterberg of Linn.

On the question "Shall amendment H—5797 be adopted?"

The ayes were, 39:

Bennett	Branstad	Carpenter	Clark
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

The nays were, 57:

Arnould	Beatty	Black	Brammer
Buhr	Carl	Carter	Chapman
Cochran	Connolly	Connors	Cooper
Corey	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson

Knapp	Koenigs	Lloyd-Jones	Loneragan
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 4:

Baxter	Blanshan	McIntee	Shoultz
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Amendment H—5797 lost.

HOUSE FILE 2479 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2479 be deferred and that the bill retain its place on the calendar.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9, 1986, he approved and transmitted to the Secretary of State the following bills:

Senate File 108, an act relating to information regarding medicare supplement insurance coverage.

Senate File 2003, an act relating to the establishment of a drainage subdistrict.

Senate File 2029, an act relating to the sending, or causing to be sent, of a minor to a place of prostitution or to become a prostitute, and providing penalties.

Senate File 2214, an act relating to fiduciary security transfers by increasing the duration of a certificate evidencing the appointment or incumbency of a fiduciary.

Senate File 2221, an act allowing persons providing consent for the issuance of a motor vehicle license to a minor to withdraw the consent and require cancellation of the minor's license.

Senate File 2222, an act relating to agencies authorized to receive information pertaining to arson investigations.

Senate File 2232, an act to legalize and validate the proceedings of the city council of the city of Ankeny, Iowa, authorizing and providing for the issuance, sale and delivery of general obligation bonds, providing for the levy of taxes for the payment of the bonds and declaring the bonds to be enforceable obligations of the city of Ankeny, Iowa.

Also: That on April 10, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 710, an act relating to the establishment and the regulation of vehicular traffic within rural residence districts, making penalties applicable.

House File 2082, an act relating to the exchange of territory between a benefited fire district and a township to provide fire protection services.

House File 2352, an act authorizing the temporary transfer of funds between the primary road fund and the farm-to-market road fund.

House File 2389, an act relating to the population of cities in which substandard housing and related buildings are subject to abatement under chapter 657A.

Senate File 2133, an act relating to gambling devices by permitting the manufacture of certain devices in the state and providing that the Iowa lottery agency shall give preference in contracts for lottery machines to persons who manufacture the machines in the state and in contracts for servicing machines to persons who have their principal place of business in the state.

Senate File 2155, an act relating to the powers of the administrator of the Department of Credit Unions in taking over the management of credit unions.

Senate File 2193, an act to remove the notice requirements to the Department of Revenue relating to the discharge of a personal representative and making the act retroactive.

Senate File 2213, an act relating to the criminal penalty for the fraudulent use of registration.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 10, 1986. Had I been present, I would have voted "aye" on House File 2476.

CARTER of Henry

PRESENTATION OF VISITORS

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

Forty-two fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Mrs. Renaud and Mrs. Cronin. By Carpenter of Polk.

Twenty-five twelfth grade students from Newell-Providense Junior-Senior High School, Newell, accompanied by Phillip Casey. By Groth of Buena Vista.

Thirty fifth grade students from Nodaway Elementary School, Nodaway, accompanied by Mrs. Jensen and Mrs. Guffey. By Harbor of Mills.

Sixty-five sixth grade students from East Elementary School, Ankeny, accompanied by Joyce Anderson. By Haverland of Polk.

Thirty-two seventh and eighth grade students from Crestland Junior-Senior High School, Early, accompanied by Mary Nehring. By Maulsby of Calhoun.

Twenty-two sixth grade students from Gilmore Elementary School, Gilmore City, accompanied by Harold Troyer. By Mullins of Kossuth.

Thirty twelfth grade students from Wilton High School, Wilton, accompanied by Brenda Grunder. By Peterson of Carroll.

AMENDMENTS FILED

H-5786	H.F.	2164	Senate Amendment
H-5787	H.F.	2226	Senate Amendment
H-5788	H.F.	2330	Senate Amendment
H-5789	H.F.	2344	Senate Amendment
H-5790	H.F.	2479	Maulsby of Calhoun
H-5791	H.F.	2479	Carpenter of Polk
H-5792	H.F.	2463	Senate Amendment
H-5793	H.F.	392	Senate Amendment
H-5794	H.F.	2479	Rensink of Sioux
H-5795	H.F.	2405	Senate Amendment
H-5796	H.F.	2452	Senate Amendment
H-5798	H.F.	2414	Senate Amendment
H-5799	S.F.	19	Muhlbauer of Crawford
H-5800	H.F.	2363	Senate Amendment
H-5801	H.F.	2348	Senate Amendment
H-5802	H.F.	2387	Senate Amendment

On motion by Norland of Worth, the House adjourned at 5:44 p.m., until 9:00 a.m., Friday, April 11, 1986.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day — Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 11, 1986

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

Prayer was offered by Reverend Henry Riegel, pastor of the Maple Grove United Methodist Church, Waukee.

The Journal of Thursday, April 10, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, until his arrival, on request of Lonergan of Boone; Hester of Pottawattamie on request of Miller of Cherokee; Branstad of Winnebago on request of Maulsby of Calhoun.

INTRODUCTION OF BILL

House Joint Resolution 2006, by Running of Linn, a joint resolution to nullify an administrative rule of the department of job service relating to claimants being required to report to the department to maintain eligibility for benefits.

Read first time and referred to committee on **labor and industrial relations**.

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 9, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2378, a bill for an act providing for referendums to terminate the collection of the beef and soybean assessments.

Also: That the Senate has on April 9, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2423, a bill for an act relating to the monetary penalties for violation of the health care facilities' licensing law.

Also: That the Senate has on April 9, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2443, a bill for an act to establish the Iowa conservation corps and making an appropriation.

Also: That the Senate has on April 9, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 245, a bill for an act relating to jurors, jury commissions and juror selection and providing penalties.

Also: That the Senate has on April 9, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 444, a bill for an act relating to the time in which a defendant may waive the defendant's right to a jury trial.

Also: That the Senate has on April 9, 1986, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 477, a bill for an act relating to the search of students or protected student areas.

Also: That the Senate has on April 9, 1986, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2049, a bill for an act relating to the purchases of American made products and purchases from American based businesses.

Also: That the Senate has on April 9, 1986, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2052, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date.

Also: That the Senate has on April 9, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2088, a bill for an act relating to access to the results of energy audits.

Also: That the Senate has on April 9, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2100, a bill for an act relating to public defenders.

Also: That the Senate has on April 9, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2108, a bill for an act relating to the reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship of a person convicted of a criminal offense.

Also: That the Senate has on April 9, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2123, a bill for an act relating to the judgeship formula for the apportionment of district judges.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS Ways and Means Calendar

The House resumed consideration of **House File 2479**, a bill for an act relating to the state individual income tax by altering the tax rates, increasing the standard deduction, eliminating the deduction for federal income taxes paid, except under certain circumstances, and making other coordinating amendments and making provisions retroactive, deferred April 10, 1986.

Schnekloth of Scott offered the following amendment H—5779 filed by him and moved its adoption:

H—5779

- 1 Amend House File 2479 as follows:
- 2 1. Page 5, line 26, by inserting after the word
- 3 "exclusion." the following: "For tax years beginning
- 4 on or after January 1, 1986, an individual shall not
- 5 exclude any amount received from the United States
- 6 civil service retirement and disability trust fund
- 7 under this subsection and the amount received from
- 8 such trust fund shall be taxed in the same manner and
- 9 to the same extent as the state taxes social security
- 10 benefits."

A non-record roll call was requested.

The ayes were 34, nays 41.

Amendment H—5779 lost.

Buhr of Polk in the chair at 9:32 a.m.

Daggett of Taylor offered the following amendment H—5773 filed by him:

H—5773

- 1 Amend House File 2479 as follows:
- 2 1. Page 6, by inserting after line 1 the
- 3 following:
- 4 "Sec. _____. Section 422.7, Code Supplement 1985, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 21. Subtract the gain resulting
- 7 from depreciation taken in prior tax years on
- 8 agricultural machinery or breeding livestock where the
- 9 agricultural machinery or breeding livestock is
- 10 transferred to a creditor in cancellation of a debt or
- 11 is sold or exchanged as a result of a forced
- 12 liquidation, foreclosure, or bankruptcy."

Arnould of Scott rose on a point of order that amendment H—5773 was not germane.

The Speaker ruled the point well taken and amendment H—5773 not germane.

Stromer of Hancock moved that the rules be suspended to consider amendment H—5773.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5773?"

The ayes were, 52:

Bennett	Black	Blanshan	Carpenter
Clark	Cochran	Cooper	Corey
Daggett	De Groot	Diemer	Fogarty
Grandia	Gruhn	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hummel
Jay	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	McIntee	McKean
Metcalf	Miller	Muhlbauer	Mullins
Oxley	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Shoning	Siegrist	Skow

Stromer
Van Camp

Stueland
Van Maanen

Sullivan
Welden

Swearingen
Zimmerman

The nays were, 42:

Arnould
Brammer
Connolly
Hammond
Hughes
Lonergan
Osterberg
Peterson, M. K.
Running
Sturgeon
Varn

Avenson
Carl
Doderer
Hatch
Jochum
Norland
Parker
Poncy
Sherzan
Swartz
Madam Speaker
(Buhr)

Baxter
Carter
Fey
Haverland
Johnson
O'Kane
Pavich
Renaud
Shoultz
Tabor

Beatty
Chapman
Groninga
Holveck
Lloyd-Jones
Ollie
Peick
Rosenberg
Spear
Teaford

Absent or not voting, 6:

Branstad
Hester

Connors
Woods

Groth

Halvorson, R. N.

The motion prevailed and the rules were suspended.

The House stood at ease at 9:46 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5773 to House File 2479 at 10:35 a.m., Connors of Polk in the chair.

Bennett of Ida asked for unanimous consent to defer action on amendment H—5773.

Objection was raised.

Corey of Louisa asked for unanimous consent to defer action on amendment H—5773.

Objection was raised.

Daggett of Taylor asked and received unanimous consent to temporarily defer action on amendment H—5773.

Bennett of Ida asked and received unanimous consent to temporarily defer action on amendment H—5778.

Maulsby of Calhoun offered the following amendment H—5790 filed by him:

H—5790

- 1 Amend House File 2479 as follows:
- 2 1. Page 6, by inserting after line 1 the
- 3 following:
- 4 "Sec. _____. Section 422.7, Code Supplement 1985, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 21. Subtract to the extent
- 7 included the amount of local deferred patronage
- 8 dividends and deferred patronage dividends declared
- 9 under chapter 499 which have not been paid during the
- 10 tax year and add to the extent excluded under this
- 11 subsection for a previous tax year such dividends paid
- 12 during the tax year."
- 13 2. Page 8, by inserting after line 4 the
- 14 following:
- 15 "Sec. _____. NEW SECTION. 422.11C PATRONAGE
- 16 DIVIDEND CREDIT.
- 17 The taxes imposed under this division shall be
- 18 reduced by a patronage dividend credit equal to the
- 19 amount of Iowa income taxes paid on local deferred
- 20 patronage dividends and deferred patronage dividends
- 21 declared under chapter 499 which have not been paid by
- 22 a date five years after the allocation of the
- 23 dividends. Any credit in excess of the tax liability
- 24 may be credited to the tax liability for the following
- 25 ten years or until depleted, whichever is the earlier.
- 26 If a taxpayer receives payment on a dividend after
- 27 receiving a credit under this section, the taxes
- 28 imposed under this division shall be increased by the
- 29 amount of credit received for that payment."

Arnould of Scott rose on a point of order that amendment H—5790 was not germane.

The Speaker ruled the point well taken and amendment H—5790 not germane.

Maulsby of Calhoun asked for unanimous consent to consider amendment H—5790.

Objection was raised.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5791 filed by her on April 10, 1986.

Carpenter offered the following amendment H—5803 filed by her from the floor and moved its adoption:

H—5803

1 Amend House File 2479 as follows:

2 1. Page 6, by striking line 35 and inserting the
3 following: "net income after deduction of federal
4 income tax adjusted as provided under subsection 2,
5 paragraph "b", subparagraph (2), not to".

6 2. Page 7, by striking line 11 and inserting the
7 following: "net income after deduction of federal
8 income tax adjusted as provided under subsection 2,
9 paragraph "b", subparagraph (2), not to".

10 3. By striking page 7, line 19 through page 8,
11 line 4 and inserting the following:

12 "Sec. 9. Section 422.9, subsection 2, paragraph
13 b, Code 1985, is amended to read as follows:

14 b. (1) Add the amount of federal income taxes
15 paid or accrued as the case may be, during the tax
16 year, adjusted by any federal income tax refunds and
17 as provided under subparagraph (2). Provided,
18 however, that where married persons, who have filed a
19 joint federal income tax return, file separately, such
20 total shall be divided between them according to the
21 portion thereof paid or accrued, as the case may be,
22 by each.

23 (2) The federal income tax to be deducted under
24 subsection 1 and the federal income tax to be added
25 under subparagraph (1) are to be adjusted for the
26 federal income taxes attributable to those items
27 deductible from federal adjusted gross income under
28 section 422.7, subsections 1 and 16. The federal
29 income taxes attributable to such items is that
30 proportion of the total federal income taxes paid or
31 accrued during the tax year equal to the ratio of the
32 sum of the amounts subtracted from the federal
33 adjusted gross income under section 422.7, subsections
34 1 and 16 to the total federal adjusted gross income.

35 Sec. _____. Section 422.9, subsection 2, Code 1985,
36 is amended by adding the following new lettered
37 paragraph:

38 **NEW LETTERED PARAGRAPH. g.** Deduct the amount of
39 interest expense associated with investments the
40 income from which is exempt from taxation under
41 section 422.7."

42 4. Title page, line 2, by striking the word
43 "eliminating" and inserting the following:
44 "adjusting".

45 5. Title page, lines 3 and 4, by striking the
46 words "except under certain circumstances,".

A non-record roll call was requested.

The ayes were 34, nays 52.

Amendment H—5803 lost.

De Groot of Lyon offered the following amendment H—5775 filed by him and moved its adoption:

H—5775

- 1 Amend House File 2479 as follows:
- 2 1. Page 7, line 26, by inserting after the word
- 3 "year." the following: "For tax years beginning on or
- 4 after January 1, 1986 but before January 1, 1987, add
- 5 the amount of federal income tax paid in the tax year
- 6 which is attributable to the income from transactions
- 7 occurring under a contract entered into before April
- 8 1, 1986. The amount of federal income tax which is
- 9 attributable to such income is that proportion of the
- 10 total federal income tax paid that is equal to the
- 11 ratio of such income to the federal adjusted gross
- 12 income."

A non-record roll call was requested.

The ayes were 34, nays 49.

Amendment H—5775 lost.

Schnekloth of Scott offered the following amendment H—5777 filed by him and moved its adoption:

H—5777

- 1 Amend House File 2479 as follows:
- 2 1. Page 7, line 26, by inserting after the word
- 3 "year." the following: "However, if the amount of
- 4 federal income tax paid which is added results in the
- 5 adjustments in this subsection exceeding the net
- 6 income, this excess federal income tax paid may be
- 7 carried forward up to fifteen tax years."

Amendment H—5777 lost.

Rensink of Sioux offered the following amendment H—5794 filed by him:

H—5794

1 Amend House File 2479 as follows:

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

4 "Sec._____. Section 422.9, subsection 2, Code 1985,
5 is amended by adding the following new lettered
6 paragraph:

7 NEW LETTERED PARAGRAPH. Add the amount the
8 taxpayer has paid to others, not to exceed seven
9 hundred fifty dollars for each dependent in grades
10 kindergarten through 12, for tuition, textbooks and
11 transportation of each dependent in attending an
12 elementary or secondary school situated in Iowa, which
13 school is approved under section 257.25. As used in
14 this paragraph, "textbooks" means books and other
15 instructional materials and equipment used in
16 elementary and secondary schools in teaching only
17 those subjects legally and commonly taught in public
18 elementary and secondary schools in this state and
19 does not include instructional books and materials
20 used in the teaching of religious tenets, doctrines,
21 or worship, the purpose of which is to inculcate those
22 tenets, doctrines, or worship, and does not include
23 books or materials for, or transportation to,
24 extracurricular activities including sporting events,
25 musical or dramatic events, speech activities,
26 driver's education, or programs of a similar nature."

Arnould of Scott rose on a point of order that amendment
H—5794 was not germane.

The Speaker ruled the point well taken and amendment
H—5794 not germane.

Rensink of Sioux asked for unanimous consent to suspend the
rules to consider amendment H—5794.

Objection was raised.

The House resumed consideration of amendment H—5773, tem-
porarily deferred.

Corey of Louisa offered the following amendment H—5808, to
amendment H—5773, filed from the floor by Corey, Van Maanen and
Maulsby and moved its adoption:

H—5808

- 1 Amend the amendment, H—5773, to House File 2479 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "livestock" the following: "or taken in prior tax
- 5 years on machinery and equipment used in a small
- 6 business, as defined in section 220.1, subsection
- 7 28,".
- 8 2. Page 1, line 9, by striking the words "or
- 9 breeding livestock" and inserting the following: ",
- 10 breeding livestock, or machinery and equipment".

Amendment H—5808 was adopted.

Daggett of Taylor offered the following amendment H—5807, to amendment H—5773, filed by him from the floor and moved its adoption:

H—5807

- 1 Amend the amendment, H—5773, to House File 2479 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word "is".
- 4 2. Page 1, by striking line 10.

Amendment H—5807 was adopted.

Daggett of Taylor moved the adoption of amendment H—5773, as amended.

Roll call was requested by Daggett of Taylor and Stueland of Clinton.

On the question "Shall amendment H—5773, as amended, be adopted?"

The ayes were, 38:

Bennett	Carpenter	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hummel	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Welden		

The nays were, 57:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Connolly
Cooper	Doderer	Fey	Fogarty
Gronipga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Loneragan	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Teaford	Varn	Woods
Mr. Speaker (Connors)			

Absent or not voting, 5:

Branstad	Cochran	Hester	Lloyd-Jones
Zimmerman			

Amendment H—5773, as amended, lost.

Van Camp of Scott offered the following amendment H—5804 filed by him from the floor:

H—5804

- 1 Amend House File 2479 as follows:
- 2 1. Page 8, by inserting after line 4 the
- 3 following:
- 4 "Sec. _____. Section 422.12, subsection 1, paragraph
- 5 c, Code 1985, is amended to read as follows:
- 6 c. For each dependent, an additional ten dollars.
- 7 As used in this section, the term "dependent" shall
- 8 have the same meaning as provided by the Internal
- 9 Revenue Code of 1954. For tax years beginning on or
- 10 after January 1, 1986, the credit for a dependent 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 is forty-five dollars."

Hughes of Union rose on a point of order that amendment H—5804 was not germane.

The Speaker ruled the point well taken and amendment H—5804 not germane.

Van Camp of Scott asked for unanimous consent to suspend the rules to consider amendment H—5804.

Objection was raised.

Van Camp of Scott moved that the rules be suspended to consider amendment H—5804.

Doderer of Johnson rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Bennett of Ida moved that the rules be suspended to consider amendment H—5804.

Roll call was requested by Van Camp of Scott and Halvorson of Clayton.

On the question "Shall the rules be suspended to consider amendment H—5804?"

The ayes were, 38:

Bennett	Carpenter	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hummel	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schneklloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Welden		

The nays were, 58:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Cochran
Connolly	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Loneragan
Muhlbauer	Norland	O'Kane	Ollie

Osterberg	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Varn
Woods	Mr. Speaker (Connors)		

Absent or not voting, 4:

Branstad	Hester	Lloyd-Jones	Zimmerman
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The motion lost.

The House resumed consideration of amendment H—5778, temporarily deferred.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—5778 filed by him on April 9, 1986.

Speaker Avenson in the chair at 12:22 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hummel of Benton, for the remainder of the day, on request of Halvorson of Clayton.

Arnould 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?" (H.F. 2479)

The ayes were, 60:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lloyd-Jones	Loneragan	McKean	Muhlbauer
Norland	O'Kane	Ollie	Osterberg

Parker	Pavich	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Siegrist	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Zimmerman	Mr. Speaker

The nays were, 36:

Bennett	Carpenter	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Lageschulte	Maulsby	McIntee
Metcalf	Miller	Mullins	Oxley
Paulin	Peick	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Shoning	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	Welden

Absent or not voting, 4:

Branstad	Hester	Hummel	Woods
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2480, by Norland and Stromer, a bill for an act relating to membership sales, by exempting cooperatives organized under chapter 499.

Read first time and referred to committee on **small business and commerce**.

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 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2128, a bill for an act relating to the residency of a township clerk.,

Also: That the Senate has on April 9, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2407, a bill for an act relating to the sale, lease, or disposal of property of a school corporation.

Also: That the Senate has on April 1, 1986, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 447, a bill for an act to license operators of radiation emitting equipment.

K. MARIE THAYER, Secretary

MOTION TO RECONSIDER
(House File 2479)

I move to reconsider the vote by which House File 2479 passed the House on April 11, 1986.

KREMER of Buchanan

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, 1986: House Files 2097, 2113, 2293, 2395, 2416, 2435 and 2451.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 11, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 2026, an act related to the appointment of county deputies, assistants, and clerks.

House File 2189, an act relating to the appointment of citizen members to the board of directors of a judicial district department of correctional services.

House File 2204, an act relating to the placement of appropriate highway signs and other highway information devices along primary roads and interstate highways to guide traffic to tourist attractions by the State Department of Transportation.

House File 2222, an act relating to the number of state officers or employees required to request payroll deduction for purposes of purchasing insurance.

House File 2297, an act relating to the meetings of the State Conservation Commission.

House File 2347, an act relating to the definition of the term "felony" for purposes of the law relating to possession of weapons, and affecting penalties.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 10, 1986. Had I been present, I would have voted "aye" on House Files 166, 497, 724, 2078, 2221, 2288, 2301, 2370, 2376, 2403, 2417, 2455, 2460, 2476, motion to consider House File 2479; "nay" on Senate Files 178, 2044, 2268, and amendments H—5783, H—5797 to House File 2479.

BAXTER of Des Moines

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

Senate File 2116, a bill for an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date.

PRESENTATION OF VISITORS

Doderer of Johnson presented to the House the Honorable Loren Schmit, Nebraska State Senator.

Hanson of Delaware presented to the House the Honorable Maurice Hennessey, former member of the House representing Delaware County.

The Speaker announced that the following visitors were present in the House chamber:

Ninety-four fifth and sixth grade students from St. Charles Elementary School, St. Charles, accompanied by Richard Gray. By Beatty of Warren and Skow of Guthrie.

Twenty-five seventh and eighth grade students from Ocheyedan Christian School, Ocheyedan, accompanied by Duane Starkenburg. By De Groot of Lyon.

Eight seventh and eighth grade students from Jefferson Junior High School, Dubuque, accompanied by Barb Besch, Gary Kruse and Tom Beschen. By Jochum of Dubuque.

Sixteen high school students from Grace Baptist Church, Waverly, accompanied by Steve and Deb Mummelthel and Steve and Linda Palmquist. By Lageschulte of Bremer.

Sixty 4-H members from Carroll and Calhoun Counties, accompanied by Julie Almquist. By Maulsby of Calhoun.

One hundred thirty-five fifth grade students from Denison Elementary School, Denison, accompanied by Fred Worrell. By Muhlbauer of Crawford.

Twenty-five seventh through twelfth grade students from Greene Junior-Senior High School, Greene, accompanied by Pam Fuchf. By Renken of Grundy.

Forty-three fifth grade students from Madison Elementary School, Des Moines, accompanied by Karen Warren and Karen Norris. By Sherzan of Polk.

SUBCOMMITTEE ASSIGNMENT

Senate File 2097

Appropriations: Blanshan, Chair; Maulsby and Muhlbauer.

AMENDMENTS FILED

H—5805	S.F.	2052	Senate Amendment
H—5806	H.F.	2405	O'Kane of Woodbury
H—5809	S.F.	2049	Senate Amendment
H—5810	S.F.	477	Senate Amendment
H—5811	H.F.	2423	Senate Amendment
H—5812	H.F.	2443	Senate Amendment
H—5813	H.F.	2407	Senate Amendment
H—5814	H.F.	2378	Senate Amendment

On motion by Norland of Worth, the House adjourned at 1:50 p.m., until 10:00 a.m., Monday, April 14, 1986.