State of Iowa

1986

JOURNAL OF THE HOUSE

1986

REGULAR SESSION

SEVENTY-FIRST

GENERAL ASSEMBLY

Convened January 13, 1986
Adjourned May 2, 1986

Volume II
April 14 - May 2

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

JOURNAL OF THE HOUSE

Ninety-second Calendar Day—Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 14, 1986

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

Prayer was offered by Father Paul Weis, pastor of the St. Athanasius Catholic Church, Jesup.

The Journal of Friday, April 11, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carl of Poweshiek on request of Sullivan of Van Buren; Shoultz of Black Hawk on request of Teaford of Black Hawk, both until their arrival.

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.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2246**, a bill for an act relating to suspensions or restrictions on water use under the state priority allocation plan, deferred and placed on the unfinished business calendar April 4, 1986.

Osterberg of Linn asked and received unanimous consent to withdraw amendment H—5500 filed by him on March 20, 1986.

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. 2246)

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	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
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	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:

Carl	Jay	McIntee	Royer
Shoultz			

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

Ways and Means Calendar

House File 2478, a bill for an act relating to the exemption from the use tax of transactions subject to the sales tax, 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. 2478)

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	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	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	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:

Carl	Jay	McIntee	Pellett
Sherzan	Shoultz		

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 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, and amendment H–5027 (found on page 1225 of the House Journal), to the committee amendment H–3069, (found on pages 1223 and 1224 of the House Journal) deferred and placed on the unfinished business calendar April 4, 1986.

Carter of Henry asked and received unanimous consent to withdraw amendment H–5027.

The following amendments, to the committee amendment H–3069, were withdrawn by unanimous consent:

H–5046 filed by Fey of Scott on January 24, 1986.

H–3198 filed by Blanshan of Greene on February 21, 1985 and found on page 2403 of the 1985 House Journal.

H–5007 filed by Lageschulte, et al., on January 15, 1986.

H–5012 filed by Carter of Henry on January 16, 1986.

H–5045 filed by Fey of Scott on January 24, 1986.

H–5018 filed by Carter of Henry and McKean of Jones on January 20, 1986.

H–3156 filed by Hummel of Benton on February 20, 1985 and found on pages 2397 and 2398 of the 1985 House Journal.

H–3157 filed by Hummel of Benton on February 20, 1985 and found on pages 2398 and 2399 of the 1985 House Journal.

H–5699 filed by Swartz of Marshall on April 4, 1986.

H–5719 filed by Chapman of Linn on April 7, 1986.

Swartz of Marshall offered the following amendment H–5781, to the committee amendment H–3069, filed by him:

H–5781

Amend the Committee on Transportation amendment, H–3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting before line 5 the

following:

"Sec._____. Section 321.1, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 87. "Liability insurance coverage" means any of the following:

a. An owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in this state to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle within the United States of America or the Dominion of Canada, but subject to minimum limits, exclusive of interest and costs, in the amounts specified in section 321A.21. However, if another provision of the Code requires a person to have liability insurance coverage which exceeds the minimum requirements of this subsection, that provision of the Code supersedes the minimum requirements of this subsection.

b. A valid certificate of self-insurance issued by the director pursuant to section 321A.34.

c. A bond filed with the director pursuant to section 321A.24.

d. A valid certificate of deposit of money or security issued by the treasurer of state pursuant to section 321A.25.

NEW SUBSECTION. 88. "Proof of insurance card" means either a liability insurance card issued under section 321.20A, bond insurance card issued under section 321A.24, security insurance card issued under section 321A.25, or self-insurance card issued under section 321A.34.

Sec._____. NEW SECTION. 321.20A PROOF OF SECURITY AGAINST LIABILITY.

1. Notwithstanding chapter 321A, as it pertains to who is required to maintain proof of financial responsibility, a person shall not drive a motor vehicle which is registered in this state on the highways of this state unless liability insurance coverage as defined in section 321.1, subsection 87, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of insurance

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card issued for the motor vehicle.

2. An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a liability insurance card for each registered motor vehicle insured. The liability insurance card shall be in accordance with rules adopted by the commissioner of insurance pursuant to chapter 17A after consultation with the state department of transportation. Each liability insurance card shall identify the registration number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The liability insurance card shall also contain the name and address of the insured and insurer.

3. An owner or driver of a motor vehicle who is charged with violating subsection 1 shall not be convicted if the person produces in court, within a reasonable time, proof that the motor vehicle had liability insurance coverage at the time of the person's arrest.

4. The requirements of this section do not apply to insured owners of motor vehicles required to maintain minimum limits of liability coverage as required in sections 325.26, 327.15, 327A.5, 327B.1, and 327B.6.

Sec._____. Section 321.54, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Nonresident owners of foreign vehicles operated within this state for the intrastate transportation of persons or property for compensation or for the intrastate transportation of merchandise shall register and maintain liability insurance coverage for each ~~such~~ vehicle and pay the same fees ~~therefor as is~~ required ~~with reference to~~ for like vehicles owned by residents of this state.

Sec._____. Section 321.55, Code 1985, is amended to read as follows:

321.55 REGISTRATION REQUIRED FOR CERTAIN VEHICLES OWNED OR OPERATED BY NONRESIDENTS.

A nonresident owner or operator engaged in remunerative employment within the state or carrying on business within the state and owning or operating a motor vehicle, trailer, or semitrailer within the state shall register and maintain liability insurance coverage for each such vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, this paragraph does not apply to a person commuting from the person's residence in another state or whose employment is

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seasonal or temporary, not exceeding ninety days.

A nonresident owner of a motor vehicle operated within the state by a resident of the state shall register the vehicle and shall maintain liability insurance coverage for the vehicle. The nonresident owner shall pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, registration under this paragraph ~~does not apply to~~ is not required for vehicles being operated by residents temporarily, not exceeding ninety days. It is unlawful for a resident to operate within the state an unregistered motor vehicle required to be registered under this paragraph.

Sec._____. Section 321.57, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A dealer owning any vehicle of a type otherwise required to be registered ~~hereunder~~ under this chapter may operate or move the ~~same~~ vehicle upon the highways solely for purposes of transporting, testing, demonstrating or selling the ~~same~~ vehicle without registering ~~each such~~ the vehicle upon condition that ~~any such~~ the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to ~~such~~ the owner as provided in sections 321.58 to 321.62. ~~In addition to the foregoing, a~~ However, if the vehicle is a motor vehicle the dealer shall maintain liability insurance coverage for the motor vehicle as required under section 321.20A. A new car dealer or a used car dealer may operate or move upon the highways any new or used car or trailer owned by the dealer for either private or business purposes without registering ~~the same~~ it providing, ~~(1) such~~ the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and ~~(2)~~ there is displayed ~~thereon~~ on it a special plate issued to ~~such~~ the dealer as provided in sections 321.58 to 321.62."

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

"Sec._____. Section 321.492, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license, to require exhibition of the proof of insurance card issued for the vehicle if the vehicle is a motor vehicle registered in this state, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment,

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tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle."

3. Page 2, by inserting after line 24, the following:

"Sec._____. Section 321A.24, subsection 1, Code 1985, is amended to read as follows:

1. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge or clerk of a court of record, which ~~said~~ bond shall be conditioned for payment of the amounts specified in section 321A.1, subsection 10. ~~Such~~ The bond shall be filed with the director and shall not be cancelable except after ten days' written notice to the director. ~~Such~~ The director shall issue to the person filing the bond, a bond insurance card for each motor vehicle registered by the person in the state. The bond insurance card shall state the name and address of the person and the motor vehicle registration number of the vehicle for which the card is issued. The bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed ~~such~~ the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use ~~thereof~~ of the property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after ~~such~~ the bond was filed, upon the filing of notice to that effect by the director in the office of the proper clerk of court of the county where ~~such~~ the real estate ~~shall be~~ is located. ~~Any~~ An individual surety ~~so~~ scheduling real estate security shall furnish satisfactory evidence of title ~~thereto~~ to the property and the nature and extent of all encumbrances ~~thereon~~ on the property and the value of the surety's interest ~~therein~~ in the property, in ~~such~~ the manner ~~as~~ the judge or clerk of the court of record approving the bond ~~may require~~ requires. The notice filed by the director shall, in addition to any other matters deemed by the director to be pertinent, contain a legal description of the real estate ~~so~~ scheduled, the

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name of the holder of the record title, the amount for which it stands as security, and the name of the person in whose behalf proof is ~~so~~ being made. Upon the filing of ~~such~~ the notice the clerk of the court of such county shall retain the ~~same~~ notice as part of the records of ~~such~~ the court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the description of the real estate, and the further notation that a lien is charged on ~~such~~ the real estate pursuant to the filed notice ~~filed hereunder~~. From and after the entry of the ~~foregoing~~ notice upon the encumbrance book all persons ~~whomsoever shall be~~ are charged with notice ~~thereof~~ of it.

Sec._____. Section 321A.25, subsection 1, Code 1985, is amended to read as follows:

1. ~~With respect to accidents occurring on or after January 1, 1981, and before January 1, 1983, proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named in the certificate has deposited with the treasurer forty thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of forty thousand dollars; and with respect to accidents occurring on or after January 1, 1983, proof~~ Proof of financial responsibility may be evidenced by the certificate of the ~~state~~ treasurer of state that the person named in the certificate has deposited with the treasurer of state fifty-five thousand dollars in cash, or securities ~~such as~~ which may legally be purchased by a state bank or ~~for~~ trust funds of a market value of fifty-five thousand dollars. The treasurer of state shall promptly notify the director of transportation of the name and address of the person who has been issued the certificate. Upon receipt of the notification, the director of transportation shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The ~~state~~ treasurer of state shall not accept a deposit and issue a certificate for it and the director shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Sec._____. Section 321A.34, subsections 2 and 3, Code 1985, are amended to read as follows:

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2. The director may, in the director's discretion, upon the application of such a person, issue a certificate of self-insurance when the director is satisfied that ~~such~~ the person is possessed and will continue to be possessed of ability to pay judgments obtained against ~~such~~ the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the person. However, a certificate of self-insurance shall not be issued unless the person files a bond under section 321A.24 or cash or securities under section 321A.25. The director shall issue to each person who has in effect a valid certificate of self-insurance, a self-insurance card for each motor vehicle registered in this state by the person. The card shall state the name and address of the person and shall state the registration number of the motor vehicle for which the card was issued.

3. Upon not less than five days' notice and a hearing pursuant to such notice, the director may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the self-insurer within thirty days after ~~such~~ the judgment ~~shall have become~~ becomes final ~~shall constitute~~ constitutes a reasonable ground for the cancellation of a certificate of self-insurance. Upon the cancellation of a certificate of self-insurance, the person who was issued the certificate shall surrender to the director all self-insurance cards issued to the person.

Sec. _____. Section 516A.1, Code 1985, is amended to read as follows:

516A.1 COVERAGE INCLUDED IN EVERY LIABILITY POLICY — ~~REJECTION BY INSURED~~.

~~No~~ An automobile liability or motor vehicle liability insurance policy insuring against liability for bodily injury or death arising out of the ownership, maintenance, or use of a motor vehicle shall not be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided in ~~such~~ the policy or supplemental ~~thereto~~ to the policy, for the protection of persons insured under ~~such~~ the policy who are legally entitled to recover damages from the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle or an underinsured motor vehicle because of bodily injury, sickness, or disease, including death resulting therefrom, caused by accident and arising

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out of the ownership, maintenance, or use of ~~such~~ the uninsured or underinsured motor vehicle, or arising out of physical contact of ~~such~~ the hit-and-run motor vehicle with the person insured or with a motor vehicle which the person insured is occupying at the time of the accident. Both the uninsured motor vehicle or hit-and-run motor vehicle coverage, and the underinsured motor vehicle coverage shall include limits for bodily injury or death at least equal to those ~~stated in section 321A.1, subsection 10~~ provided in the automobile or motor vehicle liability coverage of the policy. The form and provisions of ~~such~~ the coverage shall be examined and approved by the commissioner of insurance.

~~However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle or hit-and-run motor vehicle coverage, or reject the underinsured motor vehicle coverage, by written rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.~~

Sec._____. NEW SECTION. 516B.3 PROHIBITION AGAINST POLICY RATE INCREASES SOLELY BECAUSE OF CLAIM FILED FOR ACCIDENTS INVOLVING UNINSURED OR UNDERINSURED MOTORISTS.

The rate for an insured's automobile insurance or motor vehicle insurance policy insuring against injury or damages arising out of use of a motor vehicle registered in this state delivered or issued for delivery in this state shall not be increased solely because a claim or claims against the policy were made due to injury or damages sustained caused by accident and arising out of the use of an uninsured or underinsured motor vehicle.

Sec._____. NEW SECTION. 516B.4 APPLICATION.

Section 516B.3 applies only to accidents in which the driver of the uninsured or underinsured motor vehicle is charged with violating section 321.20A. The section also applies only in accidents where the insured was not at fault in the accident. The commissioner of insurance shall adopt rules pursuant to chapter 17A determining the reasonable percentage of fault at which the insured shall be deemed to be not at fault in an accident, however, the rules

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adopted shall require that the percentage of fault be less than fifty percent.

Sec._____. NEW SECTION. 516C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the insurance department of Iowa.

2. "Commissioner" means the commissioner of insurance or the commissioner's designee.

3. "Victim" means a person who suffers personal injury or death as a result of an accident arising out of the ownership, maintenance, or use of an uninsured motor vehicle in the state and who is not the owner of the uninsured motor vehicle.

4. "Dependent" means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim's death.

5. "Reparation" means compensation awarded by the commissioner as authorized by this chapter.

Sec._____. NEW SECTION. 516C.2 AWARD OF REPARATION.

The commissioner shall award reparations authorized by this chapter if the commissioner is satisfied that the requirements for reparation have been met.

Sec._____. NEW SECTION. 516C.3 DUTIES OF COMMISSIONER.

The commissioner shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the uninsured motorists' victim reparation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.

2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.

3. Publicize through the department, state department of transportation, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the uninsured motorists' victim reparation program, including the procedures for obtaining reparation under the program.

4. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if reparation is made. The department shall be responsible for the cost of the medical examination from moneys deposited in the uninsured motorists' victim reparation fund if reparation is not made to the victim unless the cost

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of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.

Sec._____. NEW SECTION. 516C.4 APPLICATION FOR REPARATION.

1. To claim a reparation under the uninsured motorists' victim reparation program, a person shall apply in writing on a form prescribed by the commissioner and file the application with the commissioner within one hundred eighty days after the date of the accident or within one hundred twenty days after the date of death of the victim.

2. A person is not eligible for reparation unless the accident was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. However, if the accident cannot reasonably be reported within that time period, the accident shall have been reported within seventy-two hours of the time a report can reasonably be made.

Sec._____. NEW SECTION. 516C.5 REPARATIONS PAYABLE.

On or after July 1, 1987, the commissioner may order the payment of reparation:

1. To or for the benefit of the person filing the claim.

2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.

3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to a reparation, the reparation may be apportioned by the commissioner as the commissioner determines to be fair and equitable among the dependents.

Sec._____. NEW SECTION. 516C.6 COMPUTATION OF REPARATION.

The commissioner shall make reparation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed ten thousand dollars.

2. Loss of income from work the victim would have performed and for which the victim would have received compensation if the victim had not been injured not to exceed two thousand dollars.

3. Reasonable funeral and burial expenses not to exceed two thousand five hundred dollars.

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4. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed two thousand dollars per dependent or a total of six thousand dollars.

Sec._____. NEW SECTION. 516C.7 REDUCTIONS AND DISQUALIFICATIONS.

Reparations are subject to reduction and disqualification as follows:

1. A reparation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death:

a. From or on behalf of, the owner or driver of the uninsured motor vehicle.

b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.

c. From public funds.

d. As an emergency award under section 516C.11.

2. A person is disqualified from receiving a reparation if the victim has not cooperated with an appropriate law enforcement agency in the investigation or prosecution of the accident relating to the claim, or has not cooperated with the department in the administration of the uninsured motorists' victim reparation program.

Sec._____. NEW SECTION. 516C.8 REPARATION WHEN MONEY INSUFFICIENT.

Notwithstanding this chapter a victim otherwise qualified for a reparation under the uninsured motorists' victim reparation program, is not entitled to the reparation when there is insufficient money in the uninsured motorists' victim reparation fund to pay the reparation.

Sec._____. NEW SECTION. 516C.9 ERRONEOUS OR FRAUDULENT PAYMENT — PENALTY.

1. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the reparation. The commissioner may waive, decrease, or adjust the amount of the repayment of the reparation. However, if the commissioner does not notify the recipient of the erroneous payment or overpayment within one year of the date the reparation was made, the recipient is not liable for the repayment of the reparation.

2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is

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liable for repayment of the reparation.

Sec._____. NEW SECTION. 516C.10 RELEASE OF INFORMATION.

A person in possession or control of investigative or other information pertaining to an uninsured motorists' accident or a victim filing for a reparation shall allow the inspection and reproduction of the information by the commissioner upon the request of the commissioner, to be used only in the administration and enforcement of the uninsured motorists' victim reparation program. Information and records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the commissioner as required under this section.

Sec._____. NEW SECTION. 516C.11 EMERGENCY PAYMENT REPARATION.

If the commissioner determines that reparation may be made and that undue hardship may result to the person if partial immediate payment is not made, the commissioner may order an emergency reparation to be made to the person, not to exceed five hundred dollars.

Sec._____. NEW SECTION. 516C.12 RIGHT OF ACTION AGAINST PERPETRATOR – SUBROGATION.

A right of legal action by the victim against the owner or driver of an uninsured motor vehicle is not lost as a consequence of a person receiving reparation under the uninsured motorists' victim reparation program. If a person receiving reparation under the program seeks indemnification which would reduce the reparation under section 516C.7, subsection 1, the commissioner is subrogated to the recovery to the extent of payments by the commissioner to or on behalf of the person. The commissioner has a right of legal action against the owner or operator of an uninsured motor vehicle involved in an accident resulting in payment of reparation by the department to the extent of the reparation payment. However, legal action by the commissioner does not affect the right of a person to seek further relief in other legal actions.

Sec._____. NEW SECTION. 516C.13 UNINSURED MOTORISTS' VICTIM REPARATION FUND.

The uninsured motorists' victim reparation fund is created. Notwithstanding section 602.8106, all fines from violations of section 321.20A, subsection 1, received by the treasurer of state shall be deposited

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in the uninsured motorists' victim reparation fund. The state comptroller shall report monthly to the commissioner an account of all credits and disbursements from the fund. The state comptroller shall issue warrants for disbursements from the fund upon proper certification by the commissioner.

Sec._____. Section 805.6, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person who has been stopped by a peace officer pursuant to section 321.492 and who exhibited to the peace officer a proof of insurance card as defined under section 321.1, subsection 88, issued for the driven motor vehicle which, upon subsequent investigation by the peace officer, is found to be invalid, may be issued a uniform citation and complaint for a violation of section 321.20A, subsection 1, without the need of obtaining the signature of the person to whom the uniform citation and complaint is issued. The uniform citation and complaint shall be served in the manner of an original notice by R.C.P. 56.1, paragraph "a" or by certified mail addressed to the person at the address shown by the records of the state department of transportation. Return acknowledgement is required to prove the latter service.

Sec._____. Section 805.8, subsection 2, Code Supplement 1985, is amended by adding the following new paragraph:

NEW PARAGRAPH. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20A, subsection 1, the scheduled fine is five hundred dollars, otherwise the scheduled fine for violations of section 321.20A, subsection 1 is one hundred dollars.

Sec._____. Section 516A.2, Code 1985, is repealed.

Sec._____. This Act takes effect January 1, 1987. In order to implement this Act, the insurance department of Iowa and the state department of transportation shall adopt rules as required under this Act by October 1, 1986. The treasurer of state shall notify the director of transportation of the names and addresses of persons who are issued valid certificates under section 321A.25, subsection 1, by November 1, 1986, and after that date the treasurer of state shall notify the director of transportation as required under section 321A.25, subsection 1, as amended by this Act. Insurance carriers authorized to do business in this state and the director of transportation shall distribute proof of insurance cards as required under this Act by December 1, 1986."

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4. Page 2, line 27, by inserting after the word "to" the following: "motor vehicle law including insurance coverage requirements for motor vehicles in this state, creating the uninsured motorists' victim reparation fund, and providing provisions relating to".

5. Page 2, line 28, by inserting after the word "limit" the following: "and providing a penalty and effective dates".

6. By renumbering as necessary.

Halvorson of Clayton rose on a point of order that amendment H—5781 was not germane.

The Speaker ruled the point well taken and amendment H—5781 not germane.

Norland of Worth asked for unanimous consent to consider amendment H—5781.

Objection was raised.

Norland of Worth moved that the rules be suspended to consider amendment H—5781.

Roll call was requested by Hummel of Benton and Halvorson of Clayton.

On the question "Shall the rules be suspended to consider amendment H—5781?"

The ayes were, 57:

Arnould	Baxter	Beatty	Black
Brammer	Buhr	Carter	Chapman
Cochran	Connolly	Connors	Cooper
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Hanson	Hatch	Haverland	Holveck
Hughes	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Lonergan	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Spear

Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 37:

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

Absent or not voting, 6:

Blanshan	Carl	Hermann	Jay
McIntee	Shoultz		

The motion prevailed and the rules were suspended.

Haverland of Polk in the chair at 10:57 a.m.

Division of amendment H—5781 was requested as follows:

H—5781A — page 1, lines 4 through 50; all of page 2; page 3, lines 1 through 37; page 4, lines 4 through 50; and all of pages 5 through 13.

H—5781B — page 3, lines 38 through 50 and page 4, lines 1 through 3.

On motion by Swartz of Marshall, amendment H—5781A was adopted.

Mulhlbauer of Crawford offered the following amendment H—5799, to the committee amendment H—3069 filed by him:

H—5799

Amend the Committee on Transportation amendment, H—3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. By striking page 1, line 5 through page 2, line 16, and inserting the following:

" "Sec._____. Section 321.178, subsection 2,

paragraph b, Code 1985, is amended to read as follows:

b. The department may suspend a restricted license issued under this section upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways, other than parking violations as defined in section 321.210. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the suspension or revocation of a restricted license under this paragraph, but this treatment shall only be afforded for up to two violations within a twelve-month period. After revoking a license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the person attains the age of eighteen whichever is the longer period.

Sec. _____. Section 321.189, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. A motorized bicycle license shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the cancellation of a motorized bicycle license under this paragraph, but this treatment shall only be afforded for up to two violations within a twelve-month period. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section 321A.17, unless the conviction would otherwise result in a suspension or

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revocation of a person's operator's license.

Sec. _____. Section 321.194, unnumbered paragraph 3, Code 1985, is amended to read as follows:

A school license issued under this section is subject to suspension or revocation in like manner as

any other license or permit issued under a law of this state. The department may also suspend a school license upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a school license ~~issued under this section~~ upon receiving a record of the licensee's conviction for one violation and shall revoke the school license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the suspension or revocation of a school license under this section, but this treatment shall only be afforded for up to two violations within a twelve-month period. After revoking a school license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the licensee's sixteenth birthday whichever is the longer period.

Sec._____. Section 321.210, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to a motor vehicle license suspension under this section, but this treatment shall only be afforded for up to two violations within a twelve-month period.

Sec._____. Section 321.215, subsection 3, Code 1985, is amended to read as follows:

3. A temporary restricted permit is valid only if the department is in receipt of records required by this section. The permit shall be canceled upon

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conviction of a moving traffic violation or upon a violation of a term of the permit. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except

that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the cancellation of a temporary restricted permit under this subsection, but this treatment shall only be afforded for up to two violations within a twelve-month period. A "moving traffic violation" does not include a parking violation as defined in section 321.210.

Sec._____. Section 321.283, subsection 13, Code 1985, is amended to read as follows:

13. FEE FOR TEMPORARY DRIVING PERMIT — POSSESSION REQUIRED. The fee for a temporary driving permit under subsection 6 is three dollars. The temporary driving permit must be in the permittee's immediate possession while operating a motor vehicle and becomes invalid when the permittee is issued a drivers license. The temporary driving permit shall be canceled upon conviction for a moving traffic violation. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the cancellation of a temporary driving permit under this subsection, but this treatment shall only be afforded for up to two violations within a twelve-month period. A "moving traffic violation" does not include a parking violation as defined in section 321.210." "

2. Page 2, by striking lines 17 through 24.

(Amendment H—5799, to the committee amendment H—3069, pending at recess.)

On motion by Norland of Worth, the House was recessed at 11:53 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 10, 1986, passed the following bill in which the concurrence of the Senate was asked:

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 and providing an appropriation.

Also: That the Senate has on April 10, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 10, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2433, a bill for an act relating to domestic abuse, and providing penalties.

Also: That the Senate has on April 10, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2458, a bill for an act relating to victims and witnesses of criminal offenses, and providing penalties.

K. MARIE THAYER, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fey of Scott, for the remainder of the day, on request of Arnould of Scott.

BUSINESS PENDING AT RECESS

The House resumed consideration of **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, and amendment H—5799, to the committee amendment H—3069, pending at recess.

Buhr of Polk in the chair at 1:42 p.m.

Muhlbauer of Crawford moved the adoption of amendment H—5799 (found on pages 1443 through 1446 of the House Journal), to the committee amendment H—3069.

Roll call was requested by Sherzan of Polk and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall amendment H—5799 be adopted?"

The ayes were, 40:

Avenson	Blanshan	Branstad	Carter
Cochran	Cooper	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. N.	Hatch
Haverland	Hester	Jay	Knapp
Koenigs	Kremer	Lageschulte	Muhlbauer
Norland	O'Kane	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Running	Skow	Spear	Stueland
Sullivan	Swartz	Tabor	Van Camp
Varn	Welden	Woods	Zimmerman

The nays were, 55:

Arnould	Beatty	Bennett	Black
Brammer	Carpenter	Chapman	Clark
Connolly	Connors	Corey	Daggett
De Groot	Diemer	Doderer	Grandia
Groth	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Holveck	Hughes
Hummel	Jochum	Johnson	Lonergan
Maulsby	McKean	Metcalf	Miller
Mullins	Ollie	Osterberg	Oxley
Paulin	Pellett	Petersen, D. F.	Platt
Renken	Rensink	Rosenberg	Royer
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Stromer	Sturgeon	Swearingen
Teaford	Van Maanen	Madam Speaker (Buhr)	

Absent or not voting, 5:

Baxter Carl Hammond Lloyd-Jones McIntee

Amendment H—5799 lost.

The House resumed consideration of amendment H—5781B, to the committee amendment H—3069.

Swartz of Marshall moved the adoption of amendment H—5781B, to the committee amendment H—3069.

A non-record roll call was requested.

The ayes were 41, nays 33.

Amendment H—5781B was adopted.

Stromer of Hancock offered the following amendment H—5815, to the committee amendment H—3069 filed by him from the floor:

H—5815

Amend the Committee on Transportation amendment, H—3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 24 the following:

"Sec._____. NEW SECTION. 624.42 LIMITATION ON NONECONOMIC DAMAGES.

In a civil action for recovery of damages for death of or injury to person or property, the court shall not award an amount exceeding two hundred thousand dollars for noneconomic damages to or on behalf of any one person."

2. Page 2, line 27, by inserting after the word "to" the following: "civil and criminal actions by placing a limitation on noneconomic damages in a civil action and by including provisions relating to".

Doderer of Johnson rose on a point of order that amendment H—5815 was not germane.

The Speaker ruled the point well taken and amendment H—5815 not germane.

Halvorson of Clayton offered the following amendment H—5816, to the committee amendment H—3069, filed by him from the floor:

H—5816

Amend the Committee on Transportation amendment, H—3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 24 the following:

"Sec._____. NEW SECTION. 668.13 REDUCTIONS FOR COLLATERAL SOURCE PAYMENTS.

In an action brought pursuant to this chapter, the recovery awarded pursuant to section 668.3 shall be reduced by the amount, and in proportion to the percentages of assigned fault, of any losses replaced by insurance or benefit programs, other than insurance or benefit programs procured by self-contribution, or any other source except the claimant's assets and family."

2. Page 2, line 27, by inserting after the word "to" the words "civil and criminal actions by providing for reductions in recovery awards for collateral source payments and by including provisions relating to".

Groninga Cerro Gordo rose on a point of order that amendment H—5816 was not germane.

The Speaker ruled the point well taken and amendment H—5816 not germane.

Miller of Cherokee offered the following amendment H—5817, to the committee amendment H—3069, filed by him from the floor:

H—5817

Amend the Committee on Transportation amendment, H—3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 24 the following:

"Sec._____. NEW SECTION. 668.15 ATTORNEY FEES.

1. In an action under this chapter, an attorney representing a party pursuant to a contingent fee arrangement is entitled to a reasonable fee as determined by the court. However, the fee shall not exceed the following:

a. For the amount of the judgment not exceeding one hundred thousand dollars, thirty-five percent of the amount.

b. For the amount of a judgment exceeding one hundred thousand dollars but not exceeding five hundred thousand dollars, twenty percent of the amount.

c. For the amount of the judgment exceeding five hundred thousand dollars but not exceeding one million dollars, ten percent of the amount.

d. For the amount of the judgment exceeding one million dollars, five percent of the amount.

2. Notwithstanding subsection 1, an attorney fee may exceed an applicable maximum if either of the following is true:

a. The court determines that extraordinary expenses or services were provided by the attorney.

b. Appeal is taken and heard. However, any additional fees allowed under this paragraph shall not exceed the applicable maximum by more than twenty percent.

Any fee allowed pursuant to this subsection shall be a reasonable fee as determined by the court."

2. Page 2, line 27, by inserting after the word "to" the words "civil and criminal actions by placing a limitation on attorney contingency fees and by including provisions relating to".

Groninga of Cerro Gordo rose on a point of order that amendment H—5817 was not germane.

The Speaker ruled the point well taken and amendment H—5817 not germane.

Shoultz of Black Hawk offered the following amendment H—5823, to the committee amendment H—3069, filed by him from the floor:

H—5823

Amend the Committee on Transportation amendment, H—3069, to Senate File 19 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 22, by inserting after the figure "1985" the following: ", for speeding violations in which the driver was not also charged with being in violation of section 321.445, subsection 2, at the time of issuance of the speeding citations".

2. Page 1, line 36, by striking the words "a record of conviction for a" and inserting the

following: "if a driver is not also charged with being in violation of section 321.445, subsection 2, at the time of the issuance of a speeding violation the record of the conviction for a".

3. Page 1, line 47, by inserting after the word "section" the following: "for speeding violations in which the driver was not also charged with being in violation of section 321.445, subsection 2, at the time of issuance of the speeding citations".

4. Page 2, line 11, by striking the word "an" and inserting the following: ", if a driver is not also charged with being in violation of section 321.445, subsection 2, at the time of the issuance of a speeding violation the".

5. Page 2, line 24, by inserting after the figure "1985" the following: ", for speeding violations in which the driver was not also charged with being in violation of section 321.445, subsection 2 at the time of issuance of the speeding citations".

Woods of Polk rose on a point of order that amendment H—5823 was not germane.

The Speaker ruled the point not well taken and amendment H—5823 germane.

Shoultz of Black Hawk moved the adoption of amendment H—5823, to the committee amendment H—3069.

A non-record roll call was requested.

The ayes were 22, nays 49.

Amendment H—5823 lost.

Connors of Polk in the chair at 2:42 p.m.

Carter of Henry offered the following amendment H—5824, to the committee amendment H—3069, filed from the floor by him and Muhlbauer of Crawford and moved its adoption:

H—5824

Amend the Committee amendment, H—3069, to Senate File 19, as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 20, by striking the word "of" and inserting the following: "which occur outside city

corporate limits and which are".

2. Page 1, line 37, by striking the word "of" and inserting the words "which occurs outside city corporate limits and which is".

3. Page 1, line 45, by striking the word "of" and inserting the words "which occur outside city corporate limits and which are".

4. Page 2, line 13, by striking the word "of" and inserting the words "which occur outside city corporate limits and which are".

5. Page 2, line 22, by striking the word "of" and inserting the words "which occur outside city corporate limits and which are".

6. Page 2, line 27, by inserting after the word "to" the word "certain".

Roll call was requested by Stromer of Hancock and De Groot of Lyon.

Rule 75 was invoked.

On the question "Shall amendment H—5824, to the committee amendment H—3069, be adopted?"

The ayes were, 51:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Carter
Cochran	Connolly	Cooper	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Lonergan	Metcalf
Muhlbauer	Norland	Ollie	Osterberg
Parker	Pavich	Peick	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Shoultz	Siegrist	Skow	Spear
Sullivan	Swartz	Tabor	Teaford
Varn	Woods	Mr. Speaker (Connors)	

The nays were, 45:

Bennett	Branstad	Buhr	Carpenter
Chapman	Clark	Corey	Daggett
De Groot	Diemer	Doderer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hester	Hughes	Hummel
Kremer	Lageschulte	Maulsby	McKean

Miller	Mullins	Oxley	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Sherzan
Shoning	Stromer	Stueland	Sturgeon
Swearingen	Van Camp	Van Maanen	Welden
Zimmerman			

Absent or not voting, 4:

Carl	Fey	McIntee	O'Kane

Amendment H—5824 was adopted.

Bennett of Ida offered the following amendment H—5825, to the committee amendment H—3069, filed by him from the floor:

H—5825

Amend the Committee on Transportation amendment, H—3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 24 the following:

"Sec._____. NEW SECTION. 624.42 LIMITATION ON NONECONOMIC DAMAGES.

In a civil action for recovery of damages for death of or injury to person or property which involves insurance required pursuant to Chapter 321, the court shall not award an amount exceeding two hundred thousand dollars for noneconomic damages to or on behalf of any one person."

2. Page 2, line 27, by inserting after the word "to" the following: "civil and criminal actions by placing a limitation on noneconomic damages in a civil action and by including provisions relating to".

Woods of Polk rose on a point of order that amendment H—5825 was not germane.

The Speaker ruled the point well taken and amendment H—5825 not germane.

Metcalf of Polk offered the following amendment H—5826, to the committee amendment H—3069, filed by her from the floor and moved its adoption:

H—5826

Amend the Committee on Transportation amendment, H—3069, to Senate File 19 as amended, passed and

reprinted by the Senate as follows:

1. Page 1, line 18, by inserting after the word "However," the following: "except for speeding violations in a school district,".

2. Page 1, line 39, by inserting after the word "except" the following: "for the violations in a school district or".

3. Page 1, line 47, by inserting after the word "section" the following: ", except for violations in a school district".

4. Page 2, line 14, by inserting after the word "except" the following: "for violations in a school district or".

5. Page 2, line 20, by striking the word "The" and inserting the following: "Except for speeding violations in a school district, the".

Amendment H—5826 was adopted.

Halvorson of Clayton rose on a point of order that the committee amendment H—3069, as amended, was not germane.

The Speaker ruled the point not well taken and the committee amendment H—3069, as amended, germane.

Muhlbauer of Crawford moved the adoption of the committee amendment H—3069, as amended.

Roll call was requested by Hummel of Benton and Halvorson of Clayton.

On the question "Shall the committee amendment H—3069, as amended, be adopted?"

The ayes were, 45:

Arnould	Avenson	Blanshan	Brammer
Branstad	Carter	Cochran	Connolly
Cooper	Doderer	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Hatch	Hester	Holveck	Jay
Jochum	Knapp	Koenigs	Lageschulte
Muhlbauer	Norland	O'Kane	Osterberg
Parker	Pavich	Peick	Pellett
Peterson, M. K.	Poncy	Renaud	Running
Skow	Spear	Sullivan	Swartz
Tabor	Van Camp	Varn	Woods
Zimmerman			

The nays were, 51:

Baxter	Beatty	Bennett	Black
Buhr	Carpenter	Chapman	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Haverland	Hermann	Hughes
Hummel	Johnson	Lloyd-Jones	Lonergan
Maulsby	McKean	Metcalf	Miller
Mullins	Ollie	Oxley	Paulin
Petersen, D. F.	Platt	Renken	Rensink
Rosenberg	Royer	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Stromer
Stueland	Sturgeon	Swearingen	Teaford
Van Maanen	Welden	Mr. Speaker (Connors)	

Absent or not voting, 4:

Carl	Fey	Kremer	McIntee

The committee amendment H—3069, as amended, lost.

Norland of Worth asked and received unanimous consent that Senate File 19 be deferred and that the bill retain its place on the calendar.

Speaker Avenson in the chair at 3:35 p.m.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 115

Doderer of Johnson called up for consideration House Concurrent Resolution 115, urging Congress to address the adverse effects of the federal Social Security program which discriminates against certain persons due to their birth dates, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENTS CONSIDERED

Chapman of Linn called up for consideration **House File 2067**, a bill for an act relating to the use of financial instruments and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—5594:

H–5594

Amend House File 2067 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 1 through 17.

2. Title page, line 1, by inserting after the word "the" the word "false".

3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H–5594.

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

On the question "Shall the bill pass?" (H.F. 2067)

The ayes were, 96:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	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	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	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	Fey	Lloyd-Jones	McIntee

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

Baxter of Des Moines called up for consideration **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, amended by the Senate amendment H–5592:

H–5592

Amend House File 2178 as amended, passed and reprinted by the House as follows:

1. Page 1, lines 11 and 12, by striking the words "with an individual retail value of more than fifty (50) dollars" and inserting the following: "which is one of a kind or is available in a limited issue or series".

2. Page 1, lines 14 and 15, by striking the words "with an individual retail value of more than fifty (50) dollars" and inserting the following: "which is one of a kind or is available in a limited issue or series".

3. Page 3, by striking lines 25 and 26.

Paulin of Plymouth offered the following amendment H–5753, to the Senate amendment H–5592, filed by him and moved its adoption:

H–5753

Amend the Senate amendment H–5592 to House File 2178 as amended, passed, and reprinted by the House as follows:

1. Page 1, by inserting after line 12, the following:

" . Page 1, by striking lines 17 and 18, and inserting the following: "selling works of fine art, in a shop or gallery devoted in the majority to works of fine art, other than a person engaged in the business of selling goods of general merchandise or at a public auction." "

Amendment H–5753 was adopted.

On motion by Baxter of Des Moines, the House concurred in the Senate amendment H—5592, as amended.

Baxter of Des Moines 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. 2178)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	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	Lonergan
Maulsby	McKean	Metcalf	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:

Carpenter	Fey	Lloyd-Jones	McIntee
Miller			

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

Johnson of Winneshiek called up for consideration **House File 2397**, a bill for an act relating to sanitary landfills, amended by the Senate, and moved that the House concur in the following Senate amendment H–5704:

H–5704

Amend House File 2397 as amended, passed, and reprinted by the House as follows:

1. Page 2, by striking lines 5 and 6 and inserting the following: "taken to begin implementing".

2. Page 2, line 13, by striking the words "that the" and inserting the following: "that".

3. Page 2, line 15, by striking the word "fully".

4. Page 2, by striking lines 16 through 19 and inserting the following: "filed pursuant to section 455B.306. However, the executive director may issue a".

5. Page 3, line 20, by striking the word "both" and inserting the following: "all".

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

"c. The expected environmental impact of alternative solid waste disposal methods, including the use of sanitary landfills.

d. A specific plan and schedule for implementing technically and economically feasible solid waste disposal methods that will result in minimal environmental impact."

7. Page 3, by striking lines 27 through 31.

8. Page 3, line 34, by striking the word "twenty-five" and inserting the following: "fifty".

9. Page 4, line 18, by inserting after the word "director" the following: ", with the approval of the commission,".

10. By striking page 4, line 33 through page 5, line 3 and inserting the following: "the work as set forth in the grant application. Grants for less than a county-wide planning area shall be limited to twenty-five percent state funds, for a single-county planning area the state funds shall be limited to fifty percent, and for a two-county planning area the state funds shall be limited to seventy-five percent. For each additional county above a two-county planning area, the maximum allowable state funds shall be increased by an additional five percent, up to a maximum of ninety percent state funds."

11. Page 5, line 7, by inserting after the word "director" the following: ", with the approval of the

commission,".

12. Page 5, line 10, by striking the word "requested," and inserting the following: "requested or".

13. Page 5, by striking lines 12 through 15 and inserting the following: "disposal project."

14. By renumbering, relettering, or redesignating

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and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5704.

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. 2397)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	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	Lonergan
Maulsby	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	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:

Carpenter	Fey	Lloyd-Jones	McIntee
Petersen, D. F.	Shoultz	Stromer	

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

Carter of Henry called up for consideration **House File 2401,** a bill for an act establishing a state management training program and a management training revolving fund, amended by the Senate, and moved that the House concur in the following Senate amendment H–5741:

H–5741

Amend House File 2401 as amended, passed and reprinted by the House as follows:

1. Page 1, line 7, by striking the word "necessary".

The motion prevailed and the House concurred in the Senate amendment H–5741.

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

On the question "Shall the bill pass?" (H.F. 2401)

The ayes were, 88:

Baxter	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	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	Lonergan
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
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 7:

Grandia	Hummel	Lageschulte	McKean
Renken	Van Maanen	Welden	

Absent or not voting, 5:

Arnould	Carpenter	Fey	Lloyd-Jones
McIntee			

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 2280,** a bill for an act relating to violations of child custody orders and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H–5764:

H–5764

Amend House File 2280 as passed by the House as follows:

1. Page 1, by striking line 11 and inserting the following: "conceals that child or causes that child's whereabouts to be unknown to a parent with visitation rights or parental time in".

The motion prevailed and the House concurred in the Senate amendment H–5764.

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. 2280)

The ayes were, 84:

Arnould	Baxter	Beatty	Bennett
Black	Buhr	Carl	Chapman
Cochran	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lonergan
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	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, 9:

Brammer	Branstad	Carter	Clark
Doderer	Mullins	Pavich	Renken
Rensink			

Absent or not voting, 7:

Blanshan	Carpenter	Fey	Hammond
Harbor	Lloyd-Jones	McIntee	

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

Carter of Henry called up for consideration **House File 2164**, a bill for an act to provide for a public policy research foundation, amended by the Senate, and moved that the House concur in the following Senate amendment H–5786:

H–5786

Amend House File 2164 as amended, passed and reprinted by the House as follows:

1. Page 1, line 25, by striking the word "three" and inserting in lieu thereof the following: "four".

2. Page 2, line 2, by inserting after the word

"gender" the following: "or of the same political party".

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5786.

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

On the question "Shall the bill pass?" (H.F. 2164)

The ayes were, 79:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Daggett	Diemer	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lonergan
McKean	Metcalf	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	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, 17:

Bennett	Corey	De Groot	Doderer
Grandia	Harbor	Hummel	Lageschulte
Maulsby	Miller	Pellett	Renken
Rensink	Royer	Schnekloth	Van Maanen
Welden			

Absent or not voting, 4:

Carpenter	Fey	Lloyd-Jones	McIntee

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

Hatch of Polk called up for consideration **House File 2348**, a bill for an act relating to water sold in sealed containers for human consumption and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H–5801:

H–5801

Amend House File 2348 as amended, passed and reprinted by the House as follows:

1. By striking page 1, line 31 through page 2, line 11 and inserting the following: "water sold in this state shall have the words "Meets all F.D.A. standards" printed clearly and conspicuously on its label."

2. Page 2, by inserting after line 27 the following:

"g. The provisions of paragraphs a, b, c, and e shall not apply to ice produced from a public water supply as defined and regulated in chapter 455B. Ice sold in sealed containers shall be labeled or tagged with the name and location of the ice maker and whether it is produced from a public water supply. The department shall adopt rules relating to the packaging and handling of ice sold in sealed containers.".

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H–5801.

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

On the question "Shall the bill pass?" (H.F. 2348)

The ayes were, 85:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fogarty	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	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
Rensink	Rosenberg	Royer	Running
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 8:

Bennett	Grandia	Maulsby	Renken
Schnekloth	Swearingen	Van Maanen	Welden

Absent or not voting, 7:

Carpenter	Carter	Fey	Groth
Lloyd-Jones	McIntee	Sherzan	

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

Hughes of Union called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H–5802:

H–5802

Amend House File 2387, as amended, passed, and reprinted by the House as follows:

1. By striking page 1, line 14 through page 2, line 13 and inserting in lieu thereof the following:

"This section takes effect only if funds have been made available to a school district or area school to pay the costs of the energy audit.

Sec. 2. NEW SECTION. 93.19 ENERGY BANK PROGRAM.

The energy bank program is established by the energy policy council. The energy bank program consists of the following forms of assistance for school districts and merged area schools:

1. Providing moneys from the petroleum overcharge fund for conducting energy audits under section

279.44.

2. Providing loans, leases, and other methods of alternative financing from the energy loan fund established in section 93.20 for school districts and area schools to implement energy conservation measures.

3. Serving as a source of technical support for energy conservation management.

4. Providing assistance for obtaining insurance on the energy savings expected to be realized from the implementation of energy conservation measures.

For the purpose of this section and section 93.20, "energy conservation measure" means construction, rehabilitation, acquisition, or modification of an installation in a building which is intended to reduce energy consumption, or energy costs, or both, or allow the use of an alternative energy source, which may contain integral control and measurement devices.

Sec. 3. NEW SECTION. 93.20 ENERGY LOAN FUND.

An energy loan fund is established in the office of the treasurer of state to be administered by the energy policy council. The energy policy council may make loans to school districts and area schools for implementation of energy conservation measures identified in a comprehensive engineering analysis. Loans shall not be made for energy conservation measures that require more than an average of six years for the school district as an entity to recoup the actual or projected cost of construction and acquisition of the improvements; cost of the engineering analysis, plans, and specifications; and cost of the surety bonds securing the operation of the energy conservation measure. For a school district or merged area school to receive a loan from the fund, the energy policy council shall require completion of an energy management plan including an energy audit

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and a comprehensive engineering analysis. The energy policy council shall approve loans made under this section.

School districts shall repay the loans from moneys in either their general fund or schoolhouse fund. Area schools shall repay the loans from their general fund.

The energy policy council may accept gifts, federal funds, state appropriations, and other moneys for deposit in the energy loan fund.

For the purpose of this section, "loans" means loans, leases, or alternative financing arrangements.

Sec. 4. Section 93.15, Code 1985, is amended to read as follows:

93.15 PETROLEUM OVERCHARGE FUND.

There is created as a separate account in the state treasury a petroleum overcharge fund. Notwithstanding section 453.7, interest and earnings on investments from the funds in the petroleum overcharge fund shall be credited to the petroleum overcharge fund. The state of Iowa acting on behalf of itself, its citizens, and its political subdivisions accepts any funds awarded or allocated to it, its citizens, and political subdivisions as a result of petroleum overcharge cases. The funds shall be deposited in the petroleum overcharge fund and shall be expended only upon appropriation of the general assembly for programs which will benefit citizens who may have suffered economic penalties resulting from the alleged petroleum overcharges. However, petroleum overcharge case funds received pursuant to claims filed on behalf of the state, its institutions, departments, agencies, or any political subdivision shall be deposited in the general fund of the state to be disbursed directly to the appropriate claimants in accordance with federal guidelines and subject to the approval of the attorney general and the executive council. Attorneys' fees and expenses incurred by the state to obtain these funds to be deposited in the petroleum overcharge fund shall be paid by the state comptroller from the petroleum overcharge fund subject to the approval of the attorney general and the executive council.

Moneys in the fund may also be used for payments to school districts and area schools for the cost of energy audits under section 279.44."

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

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

On the question "Shall the bill pass?" (H.F. 2387)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter

Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	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	Lonergan	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
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:

Grandia	Handorf	Renken

Absent or not voting, 5:

Doderer	Fey	Lloyd-Jones	McIntee
Platt			

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

Zimmerman of Dallas called up for consideration **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 care data, amended by the Senate, and moved that the House concur in the following Senate amendment H–5796:

H–5796

Amend House File 2452 as passed by the House as follows:

1. Page 1, by striking lines 17 through 24.

2. Page 1, by striking lines 27 through 30 and inserting the following:

"NEW LETTERED PARAGRAPH. j. The commissioner of insurance and the commissioner of public health shall require a pilot project which will collect billing information on surgical procedures commonly performed by health care providers licensed under chapters 148, 149, 150 and 150A, as specified by the health data commission. The pilot project shall be completed by July 1, 1988."

The motion prevailed and the House concurred in the Senate amendment H—5796.

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. 2452)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	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	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	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 Fey Lloyd-Jones McIntee Welden

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

Groth of Buena Vista called up for consideration **House File 2463**, a bill for an act relating to commercial fishing and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—5792:

H—5792

Amend House File 2463 as amended, passed and reprinted by the House as follows:

1. Page 5, line 1, by inserting after the word "use." the following: "Notwithstanding the fee rates for gear tags of subsection 7, the minimum fee for a gear tag is five dollars."

2. Page 5, line 14, by striking the figure "100.00" and inserting the figure "30.00".

3. Page 5, line 15, by striking the figure "1500.00" and inserting the figure "400.00".

4. Page 5, line 16, by striking the figure "500.00" and inserting the figure "300.00".

5. Page 10, by striking lines 11 through 21 and inserting the following:

"3. Whenever and so long as the states of Minnesota, Wisconsin, Illinois, or Missouri confer upon the commercial clamming licensees of this state reciprocal rights, privileges and immunities, any commercial clamming license issued by such other state shall entitle the licensee to all the rights, privileges and immunities, in and upon the boundary waters between Illinois and this state and between Wisconsin and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities and liabilities imposed on its own licensees by the laws of this state."

6. Page 11, by inserting after line 20 the following:

"Sec. 20. Section 4, subsection 6, paragraph "g" through "j" and section 13, subsection 3 of this Act, being deemed of immediate importance, shall take effect from and after the Act's publication in the Muscatine Journal, a newspaper published in Muscatine,

Iowa and in the North Iowa Times, a newspaper published in McGregor, Iowa."

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

The motion prevailed and the House concurred in the Senate amendment H–5792.

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

On the question "Shall the bill pass?" (H.F. 2463)

The ayes were, 93:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	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
Lageschulte	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	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, 1:

Baxter

Absent or not voting, 6:

Carter	Fey	Kremer	Lloyd-Jones
McIntee	Sherzan		

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 14, 1986, adopted the conference committee report and passed 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

MOTION TO RECONSIDER
(House File 2067)

I move to reconsider the vote by which House File 2067 passed the House on April 14, 1986.

VARN of Johnson

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 April, 1986: House Files 2098, 2191, 2230, 2239, 2252, 2384 and 2426.

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 14, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 2097, an act to exempt authorized emergency vehicles from the child restraint law.

House File 2113, an act relating to the liability for actions to allow or facilitate the use of land contiguous to highways or roadways.

House File 2293, an act relating to the definition of a transporter.

House File 2395, an act authorizing a city or county hospital to establish and operate facilities, programs, and services which provide health benefits to persons.

House File 2416, 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.

House File 2435, an act providing the right to a chemical test upon arrest on a charge of public intoxication.

House File 2451, an act relating to the provision of grants intended to facilitate the establishment of businesses within this state.

Senate File 2093, an act extending the sunset provision for the Iowa Advisory Commission on Intergovernmental Relations.

Senate File 2104, an act relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law.

Senate File 2143, 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.

Senate File 2150, an act relating to the assessment on porcine animals.

PRESENTATION OF VISITORS

Halvorson of Webster presented to the House a Rotary International Group Study Exchange Team from Scotland with team leader Jack Cornwall; team members John Stewart, Neil Patterson, Mike Forsyth, Duncan Jenkins and Gordon Mackenzie. They were accompanied by Clarence Rice and Dick Hammans.

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

Thirteen 4-H members from Columbus Junction and Wapello, accompanied by Shirley Werner, Gen Humphreys and Joyce Kerr. By Corey of Louisa.

Thirty-eight twelfth grade students from Twin Cedars High School, Bussey, accompanied by Eileen Farner. By Grandia of Marion.

Forty-two eighth grade students from Pekin Middle School, Packwood, accompanied by Mr. Bill Anderson. By Swearingen of Keokuk.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

1986-14 The Denison High School Academic Decathlon Team — Finished sixth among the forty-one states participating in the 1986 U.S. Academic Decathlon.

JOSEPH O'HERN
Chief Clerk of the House

AMENDMENTS FILED

H—5818	S.F.	97	Stromer of Hancock
Maulsby of Calhoun			Welden of Hardin
Halvorson of Clayton			Harbor of Mills
McIntee of Black Hawk			Branstad of Winnebago
De Groot of Lyon			Clark of Cerro Gordo
H—5819	H.F.	2433	Senate Amendment
H—5820	H.F.	2458	Senate Amendment
H—5821	H.F.	2300	Senate Amendment
H—5822	H.F.	2066	Senate Amendment
H—5827	H.F.	2344	Osterberg of Linn

On motion by Norland of Worth, the House adjourned at 4:34 p.m., until 9:00 a.m., Tuesday, April 15, 1986.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day—Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 15, 1986

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

Prayer was offered by Reverend John Poe, pastor of the Calvary United Methodist Church, Arnolds Park.

The Journal of Monday, April 14, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Avenson of Fayette, from three hundred citizens favoring Senate File 97, raising the legal drinking age to 21 in Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan on request of Swearingen of Keokuk; Diemer of Black Hawk, until his arrival, on request of Renken of Grundy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 113, endorsing "Iowa Homecoming '86".

Also: That the Senate has on April 11, 1986, passed the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2003, a resolution to nullify an administrative rule on required permit application for certain feedlots.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 505, a bill for an act relating to the regulation of motor carriers and making penalties applicable.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 508, a bill for an act relating to the forcible entry or detention of real property.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2037, a bill for an act relating to the labeling of fuel sold as kerosene.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2043, a bill for an act relating to qualification of nonprofit corporations as conservators.

Also: That the Senate has on April 11, 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 2050, a bill for an act relating to the security interest in farm products and providing an effective date.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2207, a bill for an act excluding residential care facilities from certificate-of-need reviews for two fiscal years.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2234, a bill for an act relating to 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 April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2253, a bill for an act relating to municipally owned utilities.

Also: That the Senate has on April 11, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 11, 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 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 conpensation rate for certain expanding employers, and making the expanding employer rate retroactive and conditional.

Also: That the Senate has on April 11, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 116, designating July, 1986, as "Buy America" month.

Also: That the Senate has on April 11, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 117, relating to the 1986 Farm Progress Show.

Also: That the Senate has on April 11, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 118, extending support of the erection and dedication for the Black Hawk County Viet Nam Veterans Memorial.

K. MARIE THAYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2116)

Koenigs of Mitchell called up for consideration the report of the conference committee on Senate File 2116 as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2116

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 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, respectfully make the following report:

1. That the House recede from its amendment.

2. That Senate File 2116 as amended, passed, and reprinted by the Senate be amended as follows:

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

"Section 1. Section 542.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Grain dealer" means a person who buys during any calendar month five hundred bushels of grain or more from the producers of the grain for purposes of resale, milling, or processing. However, "grain dealer" does not include a producer of grain who is buying grain for the producer's own use as seed or feed; a person solely engaged in buying grain future contracts on the board of trade; a person who purchases grain only for sale in a registered feed; a person who purchases grain for sale in a nonregistered customer-formula feed regulated by chapter 198, who purchases less than a total of fifty thousand bushels of grain annually, and who is also exempt as an incidental warehouse operator under chapter 543; a person engaged in the business of selling agricultural seeds regulated by chapter 199; a person buying grain only as a farm manager; an executor, administrator, trustee, guardian, or conservator of an estate; a bargaining agent as defined in section 542A.1; or a custom livestock feeder."

2. Page 1, by striking lines 11 and 12, and inserting the following:

"a. The grain dealer shall have and maintain a net worth of at least".

3. Page 1, by striking lines 16 through 21, and inserting the following: "net worth deficiency. However a person".

4. By striking page 1, line 35 through page 2, line 7, and inserting the following: "commission. The grain dealer may elect, however, to submit a financial statement

~~satisfying the requirements of subsection 5, paragraph "b,"~~ that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a grain dealer who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period. If a grain dealer making the election engages in credit sale contracts, the grain dealer shall also comply with the provisions of section 542.15, subsection 8."

5. Page 2, by striking lines 8 and 9, and inserting the following:

"c. The grain dealer shall have and maintain current assets equal to at",

6. By striking page 2, line 29, through page 3, line 15.

7. Page 4, line 5, by inserting after the word "commission." the following: "The grain dealer may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a grain dealer who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period. If a grain dealer making the election engages in credit sale contracts, the grain dealer shall also comply with the provisions of section 542.15, subsection 8."

8. Page 5, by inserting after line 7 the following:

"Sec. _____. Section 542.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A deficiency bond or irrevocable letter of credit filed with the commission pursuant to this section shall not be canceled by the issuer on less than ninety days' notice by certified mail to the commissioner and the principal."

9. Page 7, by inserting after line 9 the following:

"Sec. _____. Section 542.15, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A licensed grain dealer purchasing grain by credit sale contract and who does not submit a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state shall at all times maintain grain, rights in grain, proceeds from the sale of grain, or a combination thereof totaling at least ninety percent of the

dealer's obligation for grain purchased by credit sale contract. The required amount shall be evidenced or represented by one or more of the following:

a. Grain actually held by the dealer in licensed storage facilities.

b. Rights in grain evidenced or represented by one or more of the following:

(1) A warehouse receipt issued by a warehouse licensed under chapter 543 or under the United States Warehouse Act, or by other documentation acceptable as evidence of inventory under the United States Warehouse Act.

(2) Evidence of grain forwarded to another warehouse under provisions of 543.39.

c. Sufficient proceeds from and of the grain evidenced or represented by one or more of the following:

(1) Cash on hand or cash held on account in federally or state chartered financial institutions.

(2) Short term investments held in time accounts with federally or state chartered financial institutions.

(3) Balances on grain margin accounts.

(4) Credit sales contracts for grain shipped to a processor, terminal, or recognized grain merchandising entity, less any payment or advance that has been received provided that the price term of the contract remains open.

(5) Other evidence or proceeds from or of grain acceptable to the commission, including an irrevocable letter of credit.

For the purpose of computing the dollar value of inventories and credit sale obligations, the value of grain shall be figured at the then current market.

A grain dealer shall keep records of credit sale obligations and evidence of grain, rights in grain and the proceeds from or of grain so as to clearly indicate compliance with the requirements of this subsection."

10. Page 8, by inserting after line 9 the following:

"Sec. _____. Section 543.1, subsection 8, Code 1985, is amended to read as follows:

8. "Warehouse operator" means ~~any~~ a person engaged in the business of operating or controlling a warehouse for the storing, shipping, handling or processing of agricultural products, but does not include an incidental warehouse operator.

Sec. _____. Section 543.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 23. "Incidental warehouse operator" means a person regulated under chapter 198 whose grain storage capacity does not exceed twenty-five thousand bushels which is used exclusively for grain owned or grain which will be

returned to the depositor for use in a feeding operation or as an ingredient in a customer-formula feed, as defined in section 198.1."

11. Page 8, line 18, by striking the word "The" and inserting the following: "~~The~~ Except as provided in section 543.6, the".

12. Page 12, by striking lines 26 through 32 and inserting the following: "commission. The warehouse operator may elect, however, to submit a financial statement ~~satisfying the requirements of subsection 5, paragraph "b,"~~ that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a warehouse operator makes this election the commission shall cause the warehouse ~~operator~~ to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 543.2. In addition, the commission shall cause a warehouse operator who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period."

13. Page 13, line 20, by inserting after the word "commission." the following: "The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a warehouse operator makes this election the commission shall cause the warehouse to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 543.2. In addition, the commission shall cause a warehouse operator who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period."

14. Page 13, by inserting after line 20 the following:

"Sec. _____. Section 543.6, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A deficiency bond or irrevocable letter of credit filed with the commission pursuant to this section shall not be canceled by the issuer on less than one hundred twenty days' notice by certified mail to the commission and the principal."

15. Page 13, line 23, by inserting before the word "When" the figure "1."

16. Page 14, line 15, by striking the word "section" and inserting the words "~~section~~ subsection".

17. Page 14, line 19, by inserting before the word "If" the figure "2."

18. Page 14, line 24, by striking the word "sixty" and inserting the word "thirty".

19. Page 14, line 26, by striking the word "sixty-day" and inserting the word "thirty-day".

20. Page 14, line 27, by striking the word "ninety" and inserting the word "sixty".

21. Page 15, line 3, by striking the word "section" and inserting the word "subsection".

22. Page 15, by inserting after line 5 the following:

"3. When the commission receives notice that a deficiency bond or irrevocable letter of credit is being canceled by the issuer, and determines that upon the cancellation the warehouse operation will not be in compliance with section 543.6, the commission shall suspend the warehouse operator's license if a new deficiency bond or irrevocable letter of credit is not received by the commission within sixty days of receipt by the commission of the notice of cancellation. If a new deficiency bond or irrevocable letter of credit is not received by the commission within thirty days following suspension, the warehouse operator's license shall be revoked. When a license is revoked, the commission shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the revocation, and shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following revocation. The notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection."

23. Page 15, by striking lines 17 through 20 and inserting the following:

"1. A warehouse operator who stores only agricultural products other than bulk grain shall have and maintain a net worth of at least ten percent of the value of the warehouse capacity, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be eligible for a license to store only agricultural products other than bulk grain if the person has a net worth of less than ten thousand dollars."

24. Page 15, by striking lines 21 and 22 and inserting the following:

"3. A bond, deficiency bond, or irrevocable letter of credit on agricultural products other than bulk grain shall not be canceled by the issuer on less than one hundred twenty days' notice by certified mail to the commission and the principal. When the commission receives notice from an issuer that it has canceled the bond, deficiency bond, or irrevocable letter of credit on agricultural".

25. Page 15, line 26, by inserting after the word "bond" the words ", deficiency bond,".

26. Page 15, line 31, by inserting after the word "bond" the words ", deficiency bond,".

27. Page 16, line 34, by inserting after the word "and" the words ", if the claim relates to bulk grain,".

28. Page 17, line 2, by inserting before the word "the" the words ", if the claim relates to bulk grain,".

29. Page 18, by inserting after line 22 the following:

"Sec. _____. Section 543.18, subsection 3, Code 1985, is amended to read as follows:

3. A statement that the receipt is issued subject to the Iowa ~~bonded~~ warehouse Act and the rules and regulations prescribed ~~thereunder~~ pursuant to the Act."

30. Page 19, by inserting after line 12 the following:

"1. "Board" means the Iowa grain indemnity fund board created in section 543A.4."

31. Page 19, by striking line 23 and inserting the words "but does not include agricultural products other than bulk grain."

32. Page 19, by inserting after line 23 the following:

"4A. "Grain bank" means grain which is deposited in a warehouse until removed for the personal use of the depositor.

4B. "Grain sold" means grain which crosses the scales of a grain dealer or warehouse operator other than for grain bank storage, and other grain purchased by a grain dealer. "Grain sold" includes the pledge or other encumbrance of grain as security for a loan extended under a federal price support loan program. The date of sale of grain which is security for a loan extended under a federal price support loan program is the date the grain is delivered to the warehouse operator. The purchase price of the grain is the principal amount of the loan extended and the purchase invoice for the grain is the documentation required for extension of the loan."

33. Page 19, by inserting after line 28 the following:

"6A. "Loss" means the amount of a claim held by a seller or depositor against a grain dealer or warehouse operator which has not been recovered through other legal and equitable remedies including the liquidation of assets."

34. By striking page 20, line 16 through page 21, line 12 and inserting the following: "depositors and sellers indemnity fund under section 543A.6. The fund consists of a per-bushel fee on grain sold remitted by licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses; an annual fee charged to and remitted by licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses; sums collected by the commission by legal action on behalf of the fund; and interest, property, or securities acquired through the use of moneys in the fund. The moneys collected under this section and deposited in the fund shall be used exclusively to indemnify depositors and sellers as provided in section 543A.6 and to pay the administrative costs of this chapter.

2. The grain dealer, warehouse operator, or participating federally licensed warehouse 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 grain dealer, warehouse operator, or participating federally licensed warehouse is subject to an

interest penalty for each day the grain dealer, warehouse operator, or participating federally licensed warehouse fails to forward the fee. Interest shall be simple interest, and shall be the maximum lawful rate of interest for the month the payment was due. If the per-bushel fee has not been forwarded to the commission within thirty days after the payment was due, the grain dealer's or warehouse operator's license or the participating warehouse operator's cooperative agreement shall be suspended. 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 or fraction thereof in excess of seventy thousand bushels.

b. Payment of the required amount shall be made before the grain dealer's or warehouse operator's license is renewed, or before the participating federal licensee's agreement with the commission is ratified.

4. A person who applies for a grain dealer's or warehouse operator's license or a federal licensee who elects to participate in the fund who has not previously paid the full fee required by subsection 3, shall pay that amount before the license is issued or the agreement is ratified.

5. All disbursements from the fund shall be paid by the treasurer of state pursuant to vouchers authorized by the commission.

6. The administrative costs of this chapter shall be paid from the fund after approval of the costs by the board.

Sec. 4. NEW SECTION. 543A.4 INDEMNITY FUND BOARD.

The Iowa grain indemnity fund board is established to advise the commission on matters relating to the fund and to perform the duties provided it in this chapter. The board is composed of the secretary of the department of agriculture or a designee who shall serve as president; the director of the department of insurance or a designee who shall serve as secretary; the state treasurer or a designee who shall serve as treasurer; and two representatives of the grain industry appointed by the governor, subject to confirmation by the senate, one of whom shall be a representative of grain depositors and sellers and one of whom shall be a representative of grain dealers and warehouse operators, each of whom shall be selected from a list of three nominations made by the secretary of agriculture. The term of membership of the grain industry representatives is three years, and the representatives are eligible for reappointment. The grain industry representatives are entitled to forty dollars per diem for each day spent in the performance of the duties of the board, plus actual expenses incurred in the performance of those duties. Three members of the board constitute a quorum, and the affirmative vote of three members is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all the rights and perform all the duties of the board."

35. Page 21, line 13, by striking the figure "543A.4" and inserting the figure "543A.5".

36. Page 21, line 14, by striking the word "commission" and inserting the word "board".

37. Page 21, by striking lines 17 through 29 and inserting the following: "the per-bushel fee required under section 543A.3, subsection 2, and the dealer-warehouse fee required under section 543A.3, subsection 3 that are necessary to maintain the fund within the limits established under this section. Not later than the first day of May of each year, the board shall determine the proposed amount of the per-bushel fee based on the expected volume of grain on which the fee is to be collected and that is likely to be handled under this chapter. The per-bushel fee and the dealer-warehouse fee shall be adjusted on a pro rata basis. The board shall make any changes in the previous year's fees in accordance with chapter 17A. Changes in the fees shall become effective on the following first day of July. The per-bushel fee shall not exceed one-quarter cent per bushel on all grains on which the fee is to be paid. Until the per-bushel fee is adjusted or waived as provided in this section, the per-bushel fee is one-quarter cent on all other grains on which the fee is paid."

38. Page 21, line 31, by striking the word "eight" and inserting the word "six".

39. Page 21, line 32, by inserting before the word "fee" the word "per-bushel".

40. Page 21, by striking line 33 and inserting the following: "under section 543A.3, subsection 2, and the dealer-warehouse fee required under section 543A.3, subsection 3, shall be waived until the board reinstates the fees on a pro rata basis."

41. Page 21, line 34, by striking the words "the commission" and inserting the words "The board".

42. Page 22, line 1, by striking the word "six" and inserting the word "three".

43. Page 22, line 2, by striking the figure "543A.5" and inserting the figure "543A.6".

44. Page 22, line 13, by striking the word "commission" and inserting the word "board".

45. Page 22, line 26, by striking the word "commission" and inserting the word "board".

46. Page 22, line 33, by striking the words "moneys that the depositor" and inserting the following: "a claim which arises on or after the effective date of this Act".

47. Page 22, by striking lines 34 and 35 and inserting the following: "for ninety percent of the loss, as determined under".

48. Page 23, line 1, by inserting after the figure "1" the words ", but not more than one hundred fifty thousand dollars per claimant".

49. Page 23, line 2, by striking the word "eighty" and inserting the word "ninety".

50. Page 23, line 4, by striking the word "eighty" and inserting the word "ninety".

51. Page 23, line 6, by striking the word "eighty" and inserting the word "ninety".

52. Page 23, line 8, by striking the word "commission" and inserting the word "board".

53. Page 23, line 18, by striking the word "commission" and inserting the word "board".

54. Page 24, line 11, by striking the figure "543A.6" and inserting the figure "543A.7".

55. Page 24, line 31, by striking the word "June" and inserting the word "September".

56. By striking page 24, line 35 through page 25, line 1, and inserting the following: "the indemnity fund is liable for claims which arise on or after the effective date of this Act but before October 1, 1986 only if the".

57. Page 25, line 8, by striking the word "July" and inserting the word "October".

58. Title page, line 3, by inserting after the word "fund" the following: "providing a penalty,".

ON THE PART OF THE HOUSE:

DEO A. KOENIGS, Chair
LOUIS J. MUHLBAUER
WENDELL C. PELLETT
BOB SKOW

ON THE PART OF THE SENATE:

EMIL J. HUSAK, Chair
EUGENE FRAISE
ARTHUR L. GRATIAS
ALVIN V. MILLER
JOHN E. SOORHOLTZ

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Lonergan of Boone; Fey of Scott on request of Sturgeon of Woodbury, both until their arrival.

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session and consideration of the conference committee report on Senate File 2116 at 10:34 a.m., Running of Linn in the chair.

Speaker Avenson in the chair at 11:55 a.m.

Koenigs of Mitchell moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Skow of Guthrie and Stromer of Hancock.

On the question "Shall the conference committee report be adopted?"

The ayes were, 64:

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

The nays were, 31:

Bennett	Branstad	Carpenter	Corey
Daggett	De Groot	Grandia	Halvorson, R. A.

Hanson	Haverland	Hermann	Jochum
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Petersen, D. F.	Platt
Renken	Rensink	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

Absent or not voting, 5:

Chapman	Connors	Diemer	Kremer
McIntee			

The motion prevailed and the conference committee report was adopted.

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, 65:

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

The nays were, 30:

Bennett	Branstad	Carpenter	Corey
Daggett	De Groot	Grandia	Halvorson, R. A.
Hanson	Haverland	Hermann	Jochum
Maulsby	Metcalf	Miller	Mullins
Paulin	Petersen, D. F.	Platt	Renken
Rensink	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Welden		

Absent or not voting, 5:

Chapman Connors Diemer Kremer McIntee

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

SENATE MESSAGE CONSIDERED

Senate Joint Resolution 2003, by Waldstein, a joint resolution to nullify an administrative rule on required permit application for certain feedlots.

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

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 10, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2303, a bill for an act to require a one-time, extensive test for water contaminants in certain public water supplies.

K. MARIE THAYER, Secretary

SPECIAL PRESENTATION

Muhlbauer of Crawford presented to the House Tom McGrane, coach of the Denison High School Academic Decathlon Team from Denison, Iowa.

Coach McGrane introduced the following members who represented Iowa in the 1986 U.S. Academic Decathlon, finishing sixth among the forty-one states participating: Mark Boeck, Eric Carlyle, Kwan Choi, Jim Penn, Crystal Winey and Rollie Woodward.

A Certificate of Recognition was presented to the Denison High School Academic Team in appreciation for the accomplishments they have made in education the past year.

The House rose and expressed its appreciation.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of April, 1986: House Files 2001, 2208, 2220, 2313, 2345, 2379, 2390, 2446 and 2456.

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 15, 1986, he approved and transmitted to the Secretary of State the following bills:

Senate File 2151, 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.

Senate File 2212, an act relating to the use of trust assets received under the Federal Bankhead-Jones Farm Tenant Act for guaranteeing operating loans for farmers.

Senate File 2227, an act to authorize direct payment of county auditors' transfer fees to county treasurers by county recorders.

Senate File 2247, an act relating to the disclosure of mental health information and providing an effective date.

Senate File 2262, an act relating to the approval of legal descriptions of parcels of land.

Senate File 2275, an act to require lenders or secured parties to provide debtors with copies of documents relating to the debt.

COMMUNICATION RECEIVED

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

DEPARTMENT OF JOB SERVICE

The "Actuarial Report of the Iowa Job Insurance System as of December 31, 1985," pursuant to Sec. 96.35, Code of Iowa.

PRESENTATION OF VISITORS

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

Thirty-six eighth grade students from West Central Junior-Senior High School, Maynard, accompanied by Ron Rushe. By Avenson of Fayette.

Twenty-one sixth grade students from Decatur Elementary School, Decatur, accompanied by Michelle Griffieon. By Daggett of Taylor.

Sixty fourth grade students from Northwest Elementary School, Ankeny, accompanied by Mrs. Crawford. By Haverland of Polk.

One hundred twenty senior students from Johnston High School, Johnston, accompanied by David Pitz and Cindy Johnson. By Haverland of Polk.

Sixty fifth grade students from Clive Elementary School, Windsor Heights, accompanied by Joan Strentz and Bill Gift. By Metcalf of Polk.

One hundred thirteen eighth grade students from Winterset Middle School, Winterset, accompanied by Mr. Messer. By Skow of Guthrie.

SUBCOMMITTEE ASSIGNMENT

Senate File 2288

Appropriations: Blanshan, Chair; Jochum and Maulsby.

RESOLUTIONS FILED

HCR 128, by Fey, Clark, Sturgeon, Baxter, Haverland, Brammer, Arnould, Doderer, McKean, Buhr, Johnson, Hatch, Holveck and Carpenter, a concurrent resolution relating to the Iowa General Assembly urging support of the Civil Rights Restoration Act of 1985.

Laid over under **Rule 25.**

SCR 116, by Wells, a concurrent resolution to designate July, 1986 as "Buy America" month.

Laid over under **Rule 25.**

SCR 117, by Riordan and Drake, a concurrent resolution relating to the 1986 Farm Progress Show.

Laid over under **Rule 25.**

SCR 118, by Lind and Corning, 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–5828	S.F.	2050	Senate Amendment
H–5829	S.F.	2283	Senate Amendment
H–5830	H.F.	2303	Senate Amendment
H–5831	S.F.	2084	Sherzan of Polk Sullivan of Van Buren Pavich of Pottawattamie
H–5832	H.F.	123	Van Camp of Scott

On motion by Norland of Worth, the House adjourned at 12:05 p.m., until 9:00 a.m., Wednesday, April 16, 1986.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day—Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 16, 1986

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

Prayer was offered Reverend William Morley, pastor of the St. Timothy's Episcopal Church, West Des Moines.

The Journal of Tuesday April 15, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lonergan of Boone, for April 16 and 17, 1986, on request of Arnould of Scott.

PETITION FILED

The following petition was received and placed on file:

By Muhlbauer of Crawford from four thousand five hundred Iowans favoring raising the nation's speed limits to: primary and secondary roads, 65 mph.; turnpikes and interstates, 70 mph.; or a lesser degree of penalty for less than 10 miles per hour over the limit violations.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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.

K. MARIE THAYER, Secretary

SENATE AMENDMENTS CONSIDERED

Ollie of Clinton called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H–5821:

H–5821

Amend House File 2300, as amended, passed and reprinted by the House as follows:
1. Page 1, by striking lines 13 and 14.

The motion prevailed and the House concurred in the Senate amendment H–5821.

Ollie 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. 2300)

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
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	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, 1:

Hummel

Absent or not voting, 5:

Groth	Lonergan	Running	Welden
Zimmerman			

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 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, amended by the Senate, and moved that the House concur in the following Senate amendment H–5720:

H–5720

Amend House File 2388 as amended, passed, and reprinted by the House as follows:

1. Page 2, by inserting after line 25 the following:

"Sec._____. Section 496A.130, unnumbered paragraph 6, Code 1985, is amended to read as follows:

If the certificate of incorporation of a corporation has been canceled by the secretary of state as provided in this section for failure to file an annual report, or failure to pay fees or penalties, ~~such~~ the corporation shall be reinstated by the secretary of state at any time within ~~five~~ ten years following the date of the issuance by the secretary of state of the certificate of cancellation upon:".

2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H–5720.

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. 2388)

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	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	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, none.

Absent or not voting, 6:

Blanshan	Groth	Lonergan	McIntee
Running	Welden		

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

HOUSE REFUSED TO CONCUR

Black of Jasper called up for consideration **House File 2414,** a bill for an act relating to hunting and fishing, amended by the Senate amendment H—5798 as follows:

H—5798

Amend House File 2414 as amended, passed, and reprinted by the House as follows:

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

"Section 1. Section 109.38, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The commission may allow residents to purchase a second deer or wild turkey license issued under this section at the regular fee in addition to the first license issued under this section or section 110.24. Owners and tenants eligible for a license under section 110.24 shall be provided a preference over residents generally in the eligibility for or issuance of the second licenses. The second license authorizes the taking of a second deer or wild turkey. If the first license is issued under section 110.24 or subsection 3 of this section, the second license shall be issued for the hunting zone requested.

Sec. 2. Section 109.38, subsections 2 and 3, Code 1985, are amended to read as follows:

2. If following an investigation the commission finds that the number of hunters licensed to take deer or wild turkey should be limited, further regulated, or expanded, the commission shall conduct a drawing to determine which applicants receive a license. If further deer depopulation is warranted in localized areas, the commission shall consider additional hunting days and additional any-sex, antlered or antlerless deer licenses shall be issued for those areas. Applications for licenses shall be received and accepted during a forty-five day period established by the commission. At the end of the period the drawing shall be conducted. If the quota has not been filled, licenses shall be issued in the order in which applications are received and shall continue to be issued until the quota has been met or until a date fifteen days prior to the opening day of the season, whichever first occurs. If an applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with the license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this priority. ~~Persons~~ Except as provided in subsection 4, persons purchasing a deer license for the gun season under this section and under section 110.1 are not eligible for a gun

Page 2

deer-hunting license under section 110.24. This subsection does not apply to the hunting of wild turkey on game breeding and shooting preserves licensed under chapter 110A.

3. The commission shall issue a special turkey hunting license to either the owner or the tenant of a farm unit or a member of the owner's or tenant's immediate family if the person makes a written application to the commission and pays the fee provided for the regular turkey hunting license. The special license is valid only for hunting on the farm unit of the owner or tenant. Only one special license may be issued for a farm unit. The application must contain the consent of the owner if the tenant or tenant's family member applies for the license. A Except as provided in subsection 4, a person purchasing a regular turkey hunting license is not eligible to purchase a special license under this subsection. Applications for the special turkey licenses must be received by the commission at least thirty days prior to the opening of the turkey hunting season. The special turkey hunting licensees are subject to all other laws regarding the hunting of turkeys."

2. Page 1, by striking lines 6 through 12.

3. By striking page 1, line 35 through page 2, line 4.

4. Page 2, by striking lines 18 through 21.

5. Page 2, line 29, by inserting after the word "contiguous" the words "but located in the county of residence or an adjoining county".

6. Page 3, by striking line 12 and inserting the following: "commission, one of the ~~following~~ persons in each of the following categories who resides upon the".

7. Page 3, by striking lines 15 through 19 and inserting the following:

"1. The owner of a farm unit; or member of the owner's family.

~~2. One member of the family of the farm owner; or~~

~~3.~~ 2. The tenant ~~residing on the farm unit;~~ or member of the tenant's family.

~~4. One member of the family of the tenant, who resides on the farm unit.~~"

8. Page 4, by striking lines 8 through 21.

9. By striking page 4, line 35 through page 5, line 6.

Hanson of Delaware in the chair at 9:46 a.m.

On motion by Black of Jasper, the House refused to concur in the Senate amendment H–5798.

SENATE AMENDMENTS CONSIDERED

Groninga of Cerro Gordo called up for consideration **House File 392**, a bill for an act related to the establishment of a business license center, an economic policy for small business and a data base of vendors to state agencies, amended by the Senate, and moved that the House concur in the following Senate amendment H–5793:

H–5793

Amend House File 392 as amended, passed, and reprinted by the House, as follows:

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

"Section 1. The director of the Iowa development commission or the director's designee shall prepare and submit, by January 15, 1987, a report to the general assembly outlining the feasibility of and costs associated with establishing a one-stop business license center. The report shall include an examination of the following factors:

(1) Identification of licenses which are needed to begin most types of businesses in the state.

(2) Recommendations of procedures for establishing a system which would include a list of license requirements for major categories of business and industry, formulation of a schedule for implementing the long-range goals of a business license information center, and examination of the possibility of developing a master license system capable of providing common license renewal dates, and a system for the uniform registration of trade names in accordance with recommendations of the secretary of state and county recorders.

Sec. 2. The director of the Iowa development commission or the director's designee shall prepare and submit, by January 15, 1987, a report to the general assembly outlining the feasibility of and costs associated with establishing and developing a data base on vendors which shall be administered so that a vendor can be placed in the data base by submitting an application to the department or to the state board of regents, the department of transportation, or the commission for the blind, for the use of all agencies having purchasing authority."

The motion prevailed and the House concurred in the Senate amendment H–5793.

Groninga of Cerro Gordo 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. 392)

The ayes were, 90:

Arnould	Avenson	Baxter	Beatty
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
Harbor	Hatch	Haverland	Hermann
Hester	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	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	Rensink
Rosenberg	Royer	Running	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker (Hanson)		

The nays were, 6:

Bennett	Grandia	Maulsby	Renken
Schnekloth	Van Maanen		

Absent or not voting, 4:

Holveck	Lonergan	Peick	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 9:55 a.m.

Black of Jasper called up for consideration **House File 2443**, a bill for an act to establish the Iowa conservation corps and making an appropriation, amended by the Senate, and moved that the House concur in the following Senate amendment H–5812:

H–5812

Amend House File 2443 as passed by the House as follows:

1. Page 4, line 22, by striking the words "subsequently adopt rules" and inserting the words "adopt rules under chapter 17A".

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

"Sec. 10. If one million (1,000,000) dollars are appropriated to the Iowa conservation corps account for the fiscal year beginning July 1, 1986 pursuant to enactment of section 7, paragraph "b", and section 9 of House File 2412, as amended, passed, and reprinted by the House, then the appropriations made pursuant to sections 8 and 9 of this Act shall apply only to the fiscal years beginning on July 1, 1987, July 1, 1988, and July 1, 1989."

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H–5812.

Black 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. 2443)

The ayes were, 79:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Clark	Connolly
Connors	Cooper	Daggett	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	McKean	Muhlbauer

Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rensink	Rosenberg
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 17:

Bennett	Branstad	Corey	De Groot
Grandia	Handorf	Maulsby	Metcalf
Miller	Paulin	Pellett	Renken
Royer	Schnekloth	Van Camp	Van Maanen
Welden			

Absent or not voting, 4:

Carpenter	Cochran	Lonergan	McIntee

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

Muhlbauer of Crawford called up for consideration **House File 2330,** a bill for an act to allow the registration of trailers and semitrailers for a period of six registration years, amended by the Senate, and moved that the House concur in the following Senate amendment H—5788:

H—5788

Amend House File 2330 as amended, passed and reprinted by the House as follows:

1. Page 1, lines 21 and 22, by striking the words "period of five subsequent registration years" and inserting the words "six-year period".

2. Page 1, by inserting after line 23 the following new section:

"Sec._____. Section 321.456, Code 1985, is amended to read as follows:

321.456 HEIGHT OF VEHICLES.

~~No~~ A vehicle unladen or with load shall not exceed a height of thirteen feet, six inches, except by permit as provided in this section. ~~Nothing herein contained~~ This section shall not be construed to require any railroad or public authorities to provide sufficient vertical clearance to permit the operation

of such vehicle upon the highways of this state. Any damage to highways, highway or railroad structures or underpasses caused by the height of any vehicle provided for by this section shall be borne by the operator or owner of ~~such~~ the vehicle. Vehicles unladen or with load exceeding a height of thirteen feet, six inches but not exceeding fourteen feet may be operated with a permit issued by the department or jurisdictional local authorities. The permits shall be issued annually for a fee of twenty-five dollars and subject to rules adopted by the department. The state or a political subdivision shall not be liable for damage to any vehicle or its cargo if changes in vertical clearance of a structure are made subsequent to the issuance of a permit during the term of the permit."

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5788.

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

On the question "Shall the bill pass?" (H.F. 2330)

The ayes were, 81:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Cochran
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
McIntee	Metcalf	Muhlbauer	Norland
O'Kane	Ollie	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	Woods	Zimmerman
Mr. Speaker			

The nays were, 17:

Beatty	Chapman	Clark	Doderer
Grandia	Groth	Halvorson, R. N.	Hammond
Holveck	Hummel	Maulsby	McKean
Miller	Mullins	Osterberg	Oxley
Van Maanen			

Absent or not voting, 2:

Lonergan	Welden

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

Peick of Linn called up for consideration **House File 2423,** a bill for an act relating to the monetary penalties for violation of the health care facilities' licensing law, amended by the Senate, and moved that the House concur in the following Senate amendment H–5811:

H–5811

Amend House File 2423 as passed by the House as follows:

1. Page 1, line 1, by striking the words and figures "subsections 1 and 2" and inserting in lieu thereof the word and figure "subsection 1".

2. By striking page 1, line 15 through page 2, line 3.

A non-record roll call was requested.

The ayes were 43, nays 13.

The motion prevailed and the House concurred in the Senate amendment H–5811.

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

On the question "Shall the bill pass?" (H.F. 2423)

The ayes were, 86:

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

The nays were, 10:

Bennett	Handorf	Hermann	Metcalf
Petersen, D. F.	Renken	Schnekloth	Swearingen
Van Camp	Welden		

Absent or not voting, 4:

Doderer	Grandia	Kremer	Lonergan

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

Osterberg of Linn called up for consideration **House File 2344**, a bill for an act relating to the toxic cleanup days pilot program and providing an effective date, amended by the Senate amendment H—5789 as follows:

H—5789

Amend House File 2344 as amended, passed and reprinted by the House, as follows:

1. Page 1, line 4, by striking the words "in at

least" and inserting in lieu thereof the words "~~in at least~~".

2. Page 1, line 5, by striking the words "one county designated by the department" and inserting in lieu thereof the words "~~designated by the department~~".

3. Page 1, line 8, by striking the word "family".

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

"Sec._____. NEW SECTION. 266.8 HAZARDOUS WASTE RESEARCH PROGRAM.

A hazardous waste research program is created within the civil engineering department at Iowa state university of science and technology to concentrate on the cleanup of industrial hazardous waste in the state with special emphasis upon new waste disposal techniques and applications. The program shall also give first priority to the cleanup of those hazardous waste sites with particular hazard to the public and hazardous waste sites which impair the future economic development of a particular area including, but not limited to, the development of infrastructure, highways, sewers, industrial sites, educational facilities, and other assets essential for the development of a city. The program may seek, and is encouraged to seek, funds from private foundations and companies, the federal government, municipalities, counties, and departments of the state that have funds for economic development and hazardous waste sites. The program is also encouraged to reclaim valuable wastes so as to recover costs and achieve a continued level of support for research related to hazardous waste.

The center for industrial research and service at Iowa state university will administer the funds of the program and report to the general assembly on the progress and results of the program. Particular emphasis in the reporting shall be on site specifics and indicate actual results of efforts to clean up waste sites, the use of new techniques and processes, the use of private contractors, economic benefits derived, and evidence of cooperation with state and federal environmental groups and other agencies."

5. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to the cleanup of hazardous waste."

6. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Osterberg of Linn offered the following amendment H—5835, to the Senate amendment H—5789, filed by him from the floor and moved its adoption:

H—5835

Amend the amendment H—5789 to House File 2344 as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 14 through 45 and inserting the following:

1. A hazardous waste technical research and assistance program is created at Iowa state university of science and technology. The program shall be administered by the center for industrial research and service which shall coordinate with and use the services of the civil engineering department or other university departments at Iowa state university for the purposes set forth in this section.

2. The center for industrial research and service may seek and receive grants, donations, gifts, bequests, or other moneys from public and private sources to be used for the purposes set forth in this section.

3. The hazardous waste technical research and assistance program is created specifically for and authorized to do all of the following, upon the request of a business, firm, or corporation located within Iowa or the state or a political subdivision of the state:

a. Conduct research into new techniques, methods, and applications for the proper and safe treatment or disposal of hazardous wastes.

b. Provide advice and consultation on the proper, safe, and cost effective methods, techniques, and applications for the treatment, storage, or disposal of hazardous wastes.

c. Provide other technical or financial assistance to aid in the proper, safe, and cost effective treatment or disposal of hazardous wastes.

4. In carrying out its responsibilities under this section, the hazardous waste technical research and assistance program shall give priority to providing research and assistance on hazardous waste sites which impair the future economic development of a particular area including but not limited to the development of infrastructure, highways, sewers, industrial sites, educational facilities, and other assets essential for the development of a city.

5. The center for industrial research and service shall report to the general assembly annually on receipt and disbursement of funds and activities conducted by the hazardous waste technical research and assistance program pursuant to this section.

6. This section shall not be construed to do any of the following:

Page 2

a. Relieve any person receiving assistance under this section of any duties or liabilities otherwise created or imposed upon the person by law.

b. Transfer to the state, Iowa state university of science and technology, or any employee of the state or the university, any duty or liability otherwise imposed by law on a person receiving assistance under this section.

c. Create any liability to the state, Iowa state university of science and technology, or any employee of the state or the university for any act or omission arising from the providing of assistance or advice in cleaning up, handling, or disposal of hazardous waste. However, an individual may be liable if the act or omission results from intentional wrong doing or gross negligence."

Amendment H—5835 was adopted, placing out of order amendment H—5827 filed by Osterberg of Linn on April 14, 1986.

On motion by Osterberg of Linn, the House concurred in the Senate amendment H—5789, as amended.

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

On the question "Shall the bill pass?" (H.F. 2344)

The ayes were, 89:

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	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	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 7:

Grandia	Paulin	Pellett	Rensink
Schnekloth	Van Maanen	Welden	

Absent or not voting, 4:

Carter	Lonergan	Royer	Sherzan

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

Connors of Polk called up for consideration **House File 2405**, a bill for an act relating to the administration of the local police and fire retirement systems, amended by the Senate amendment. H—5795 as follows:

H—5795

Amend House File 2405 as follows:

1. Page 1, by inserting after line 12 the following:

"Sec._____. Section 411.5, subsection 8, Code 1985, is amended to read as follows:

8. LEGAL ADVISER. The city attorney or solicitor of a city shall serve as the legal adviser of the board of trustees at the request of the board or the board of trustees may employ or retain an attorney. The costs of an attorney employed or retained by the board of trustees shall be paid from the expense fund created in section 411.8."

2. Page 1, by striking lines 13 and 14.

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

O'Kane of Woodbury offered the following amendment H—5806, to the Senate amendment H—5795, filed by him and moved its adoption:

H–5806

Amend the Senate amendment, H–5795, to House File 2405, as passed by the House, as follows:

1. Page 1, line 9, by striking the word "attorney." and inserting the following: "attorney on a per diem basis to represent the board of trustees when, in the opinion of the board of trustees, there is a conflict of interest between the board of trustees and the city council."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 55, nays 43.

Amendment H–5806 was adopted.

On motion by Connors of Polk, the House concurred in the Senate amendment H–5795, as amended.

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

On the question "Shall the bill pass?" (H.F. 2405)

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	Haverland
Hermann	Hester	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
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Sullivan	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Doderer	Lageschulte	Lonergan	Poncy
Shoultz	Sturgeon	Swartz	

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

Hammond of Story called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—5703:

H—5703

Amend House File 2216 as passed by the House as follows:

1. Page 1, line 11, by inserting after the figure "1," the following: "conservancy districts as defined in section 467D.2, subsection 1,".

2. Page 1, by inserting after line 14 the following:

"Sec. 2. Section 613A.1, subsection 1, Code 1985, is amended to read as follows:

1. "Municipality" means city, county, township, school district, and any other unit of local government except a soil conservation ~~district~~ districts as defined in section 467A.3, subsection 1 and conservancy districts as defined in section 467D.2, subsection 1."

3. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to the inclusion or exclusion of certain entities under tort claims acts."

The motion prevailed and the House concurred in the Senate amendment H—5703.

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

On the question "Shall the bill pass?" (H.F. 2216)

The ayes were, 92:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carter	Clark
Cochran	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	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
Schnekloth	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, none.

Absent or not voting, 8:

Carpenter	Chapman	Connolly	Doderer
Groth	Lonergan	Swartz	Welden

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

Blanshan of Greene called up for consideration **Senate File 2052**, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date, amended by the House and further amended by the Senate amendment H—5805, to the House amendment.

Norland of Worth asked and received unanimous consent that Senate File 2052 be deferred and that the bill retain its place on the calendar.

Rosenberg of Story called up for consideration **Senate File 477,** a bill for an act relating to the search of students or protected student areas, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5810 to the House amendment:

H—5810

Amend the House amendment, S—5558, to Senate File 477, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking line 3 and inserting the following:

"_____. Page 1, by striking line 22, and inserting the following: "is permitted to lock. School officials may conduct periodic inspections of all school lockers. However, the school district shall provide notice to the students, at least twenty-four hours prior to the inspection, of the date and time of the inspection." "

The motion prevailed and the House concurred in the Senate amendment H—5810.

Rosenberg of Story 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. 477)

The ayes were, 79:

Arnould	Baxter	Beatty	Black
Brammer	Branstad	Buhr	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Connors	Cooper	Corey
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Harbor	Hatch	Haverland	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	McIntee	McKean

Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Varn	Zimmerman	Mr. Speaker	

The nays were, 15:

Bennett	Daggett	Grandia	Handorf
Hermann	Hester	Maulsby	Pellett
Platt	Renken	Rensink	Stromer
Van Camp	Van Maanen	Welden	

Absent or not voting, 6:

Blanshan	Carl	Lonergan	Running
Sullivan	Woods		

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

HOUSE REFUSED TO CONCUR

Carter of Henry called up for consideration **House File 2378**, a bill for an act providing for referendums to terminate the collection of the beef and soybean assessments, amended by the Senate, and moved that the House concur in the following Senate amendment H–5814:

H–5814

Amend House File 2378 as passed by the House as follows:

1. Page 1, line 22, by inserting after the word "date." the following: "If the secretary determines that extension of the assessment is favored by a majority of the producers voting in the referendum, an additional referendum on the extension of the assessment shall not be conducted earlier than thirty days before the next four-year anniversary date."

2. Page 2, line 22, by striking the word "two" and inserting the word "one".

3. Page 2, line 27, by inserting after the word "date." the following: "If the secretary determines that extension of the assessment is favored by a majority of the producers voting in the referendum, an

additional referendum on the extension of the assessment shall not be conducted earlier than thirty days before the next four-year anniversary date."

4. Page 2, line 35, by striking the word "two" and inserting the word "one".

The motion lost and the House refused to concur in the Senate amendment H—5814.

Chapman of Linn called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—5800:

H—5800

Amend House File 2363 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 27 through 32.

2. Page 3, line 24, by striking the words "legitimate wishes" and inserting in lieu thereof the following: "legal interests".

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5800.

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

On the question "Shall the bill pass?" (H.F. 2363)

The ayes were, 95:

Arnould	Baxter	Beatty	Bennett
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.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hatch	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
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, 5:

Black	Carpenter	Haverland	Lonergan
Sullivan			

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

Spear of Lee called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H–5723:

H–5723

1 Amend House File 2350 as amended, passed and

reprinted by the House as follows:

1. By striking page 1, line 31 through page 2, line 2.

2. By striking page 2, line 3 through page 3, line 3.

3. Title page, by striking lines 2 through 5 and inserting the following: "defining a newspaper and by establishing fees for the publication of official notices."

4. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5723.

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

On the question "Shall the bill pass?" (H.F. 2350)

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	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
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
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Carl Haverland Lonergan Platt Sullivan

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

Carter of Henry called up for consideration **House File 2407**, a bill for an act relating to the sale, lease, or disposal of property of a school corporation, amended by the Senate amendment H—5813 as follows:

H—5813

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

1. Page 2, line 1, by inserting after the word "building." the following: "A school corporation shall pay out of the revenue from such lease, when the lease is to a private entity except a nonprofit corporation, to the state of Iowa and to the city, school district and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the tax rate of the taxing district to the assessed value of the portion of the building leased, which the state, county, city, school district, or other political subdivision would receive if the portion of the building leased were owned by a private person or corporation."

Carter of Henry offered the following amendment H—5834, to the Senate amendment H—5813, filed by him from the floor and moved its adoption:

H—5834

Amend amendment H—5813 to House File 2407 as amended, passed and reprinted by the House, as follows:

1. Page 1, by striking lines 5 through 15 and inserting the following: "shall pay out of the revenue from a lease to the state of Iowa, and to the city, school district and any other political subdivision authorized to levy taxes, an amount as determined by this section. The amount shall be determined by applying the annual tax rate of the taxing district to the assessed value of the portion of the building leased, prorated for the term of the

lease during the appropriate taxing period. The provisions of this section relating to the payment of property tax because of leases shall only apply to leases to private, for-profit, entities which lease a portion of a school building for a period of thirty or more consecutive days." "

Amendment H—5834 was adopted.

On motion by Carter of Henry, the House concurred in the Senate amendment H—5813, as amended.

Carter of Henry 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. 2407)

The ayes were, 91:

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	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	Paulin	Pavich	Peick
Pellett	Peterson, M. K.	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swearingen
Tabor	Teaford	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 2:

Petersen, D. F.	Van Camp

Absent or not voting, 7:

Blanshan	Haverland	Lonergan	Platt
Sullivan	Swartz	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 April 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2219, a bill for an act providing for optional payment by corporations subject to chapters 509, 514, and 514B for services performed by chiropractors, making corporations organized by chiropractors for establishing, maintaining, and operating a health care 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.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 11:45 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

BILLS 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 Joint Resolution 2002, House Files 2396 and 2410 and Senate File 2270.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar April 3, 1986.

Jay of Appanoose asked and received unanimous consent to temporarily defer action on the committee amendment H–5352.

Sherzan of Polk offered the following amendment H–5831 filed by Sherzan, et al.:

H–5831

Amend Senate File 2084, as amended, passed, and reprinted by the Senate, as follows:

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

"Section 1. NEW SECTION. 551.12 PRICE DISCRIMINATION – SALE OR LEASE OF MOTOR VEHICLES.

1. A manufacturer, distributor, or wholesaler of motor vehicles shall not discriminate in price by selling or leasing a new motor vehicle to any dealer licensed pursuant to chapter 322 or other person except to employees, retirees, officers or directors of the manufacturer, distributor, or wholesaler or their affiliated companies, to any unit of government, to any charitable organization, or for any driver education program, at a price lower than the lowest price at which the manufacturer, distributor, or wholesaler offers to sell or lease any new motor vehicle of the same make, model, and equipment to any motor vehicle dealer. Provided, this section shall not be construed to prohibit a manufacturer, distributor, or wholesaler from offering its dealers marketing or incentive programs or other discounts as long as such marketing or incentive programs or discounts are available to all dealers of the same line make on a nondiscriminatory basis. A manufacturer, distributor, or wholesaler shall not knowingly make such incentives or other discounts available with respect to any motor vehicle that is to be sold to a fleet operator for the purpose of entering into a retail lease of such vehicle unless the same or equivalent incentives or other discounts are available to dealers for retail sales transactions; provided, however, that a manufacturer, distributor or wholesaler may make fleet incentives available to dealers or dealer affiliated leasing companies in connection with their retail leases without having to grant equivalent incentives to dealers for retail sales. For purposes of this section, "motor vehicle" means a motor vehicle subject to registration with a gross vehicle weight rating as defined in 49 C.F.R. 567.4(g)(3) of less than five thousand pounds manufactured for use in the transportation of not more than ten persons, but does

not include a motor vehicle which is not a completed motor vehicle as defined in section 322.2, subsection 21, a motor vehicle which is defined as a motor home in section 321.1, subsection 68, paragraph "d", or a motor vehicle chassis, either of which is sold to a person licensed as a manufacturer pursuant to chapter 322.

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2. As used in this section, unless the context otherwise requires:

a. "Fleet operator" means any person purchasing and registering or leasing ten or more new motor vehicles during any twelve-month period for use in the person's business by the person, including for lease or rental to another person.

b. "Retail lease" means a contract or other agreement or any renewal for the use of a new motor vehicle by any end user, other than a fleet operator for use in its business, for a term other than a daily, weekly, or other nonrenewable short-term period in exchange for money or other valuable consideration.

c. "Retail sale" means a sale of a new motor vehicle to any person other than a fleet operator.

3. If the attorney general determines that a person has engaged in, is engaging in, or is about to engage in any practice in violation of this section, the attorney general may:

a. Require the person to file on forms as the attorney general may prescribe a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning prohibited practices by the person, and any other information the attorney general may deem necessary.

b. Examine under oath any person in connection with the prohibited activity.

c. Examine any record, book, document, account, paper, or motor vehicles as the attorney general may deem necessary.

d. Pursuant to an order of a district court, impound any record, book, document, account, paper, or motor vehicle that is produced in accordance with this section, and retain possession of same until completion of all proceedings in connection with which the same are produced.

4. a. To accomplish the objectives and to carry out the duties prescribed by this section, the attorney general, in addition to other powers conferred, may issue subpoenas to any person,

administer an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, prescribe forms and adopt rules as may be necessary.

b. Information or evidence provided the attorney general by a person pursuant to subsections 3 and 4 shall not be admitted in evidence, or used in any criminal prosecution. If a criminal prosecution under this section is initiated in a state court against a person who has provided information pursuant to

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subsections 4 and 5, the state shall have the burden of proof that the information so provided was not used in any manner to further the criminal investigation or prosecution.

c. In any civil action brought under this section, the attorney general shall have the right to require any defendant to give testimony, and no criminal prosecution based upon transactions or acts about which the defendant is questioned and required to give testimony shall be brought against the defendant.

5. Service by the attorney general of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made personally within this state, but if it cannot be obtained, substituted service may be made in the following manner:

a. Personal service outside this state.

b. The mailing by registered mail to the last known place of business, residence, or abode within or without this state of the person for whom the same is intended.

c. As to any person other than a natural person, in the manner provided in the rules of civil procedure as if a petition had been filed.

d. The service as a district court may direct in lieu of personal service within this state.

6. If any person fails or refuses to file any statement or report, or obey any subpoena issued by the attorney general, the attorney general may, after notice, apply to a district court and, after hearing and upon meeting customary legal standards for obtaining such relief, request an order:

a. Granting injunctive relief, restraining the sale of any motor vehicle by the person.

b. Dissolving a corporation created by or under the laws of this state, or revoking or suspending the certificate of authority to do business in this state of a foreign corporation, or revoking or suspending any other licenses, permits, or certificates issued

pursuant to law to such person which are used to further the allegedly unlawful practice.

c. Granting any other relief as may be required until the person files the statement or report, or obeys the subpoena.

7. Whenever it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in any practice declared to be unlawful by this section, and the proceedings would be in the public interest, the attorney general may seek and obtain in an action in a district court an

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injunction prohibiting the person from continuing the practices or engaging in or doing any such unlawful acts upon meeting customary legal standards for obtaining such relief.

8. In any action brought under this section, the attorney general is entitled to recover costs for the use of this state.

9. This section shall not bar any claim of a person who suffers damages as a result of violations of this Act against such person committing or inducing the violations. The court in its discretion may award actual damages or any other relief the court deems proper. In any action brought by a person under this section, the court may award reasonable attorneys' fees and costs to the prevailing party. However, the state may not recover any attorneys' fees."

The House stood at ease at 2:05 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5831 to Senate File 2084 at 3:27 p.m., Speaker Avenson in the chair.

Sherzan of Polk offered the following amendment H—5839, to amendment H—5831, filed by him from the floor and moved its adoption:

H—5839

Amend the Sherzan et al amendment, H—5831, to Senate File 2084, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, line 29, by striking the word "vehicles" and inserting the word "vehicle".

2. Page 3, line 1, by striking the word and figures "4 and 5" and inserting the word and figures "3 and 4".

Amendment H—5839 was adopted.

Brammer of Linn moved to table amendment H—5831, as amended.

A non-record roll call was requested.

The ayes were 33, nays 41.

The motion to table lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Platt of Muscatine on request of Petersen of Muscatine; Carl of Poweshiek on request of Zimmerman of Dallas, both for the remainder of the day; Corey of Louisa, until his return, on request of Royer of Page; Black of Jasper on request of Skow of Guthrie, for the remainder of the day.

Sherzan of Polk moved the adoption of amendment H—5831, as amended.

Roll call was requested by Jay of Appanoose and Chapman of Linn.

Rule 75 was invoked.

On the question "Shall amendment H—5831, as amended, be adopted?"

The ayes were, 43:

Arnould	Baxter	Beatty	Bennett
Brammer	Buhr	Cochran	Connolly
Connors	Fey	Grandia	Groninga
Groth	Hatch	Haverland	Holveck
Hughes	Kremer	Lloyd-Jones	Metcalf
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Pellett
Peterson, M. K.	Renaud	Running	Schnekloth
Sherzan	Shoultz	Siegrist	Spear
Sullivan	Swartz	Teaford	Van Maanen
Varn	Woods	Zimmerman	

The nays were, 52:

Blanshan	Branstad	Carpenter	Carter
Chapman	Clark	Cooper	Daggett
De Groot	Diemer	Doderer	Fogarty
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hermann
Hester	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	O'Kane	Paulin
Petersen, D. F.	Poncy	Renken	Rensink
Rosenberg	Royer	Shoning	Skow
Stromer	Stueland	Sturgeon	Swearingen
Tabor	Van Camp	Welden	Mr. Speaker

Absent or not voting, 5:

Black	Carl	Corey	Lonergan
Platt			

Amendment H—5831, as amended, lost.

Jay of Appanoose offered the following amendment H—5833 filed by him from the floor and moved its adoption:

H—5833

Amend Senate File 2084, as amended, passed, and reprinted by the Senate, as follows:

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

"Section 1. NEW SECTION. 551.12 PRICE DISCRIMINATION — SALE OR LEASE OF MOTOR VEHICLES.

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

a. "Motor vehicle" means a motor vehicle subject to registration under chapter 321 with a gross vehicle weight rating as defined in 49 C.F.R. 567.4(g)(3) of less than nine thousand pounds, but does not include a motor vehicle which is not a completed motor vehicle as defined in section 322.2, subsection 21, or a motor vehicle chassis, either of which is sold to a manufacturer and does not include a motor vehicle which is defined as a motor home in section 321.1, subsection 68, paragraph "d".

b. "Fleet buyer" means any person, except a rental company, which purchases and registers or leases ten or more new motor vehicles during any twelve-month period for use in the person's business.

c. "Rental company" means any person, except a

dealer or dealer affiliated leasing company, in the primary business of the rental, retail lease or retail sale of motor vehicles.

d. "Retail buyer" means a person who buys a motor vehicle but does not include a fleet buyer, a rental company, or a dealer.

e. "Retail lease" means a contract for the use of a motor vehicle by any person for a term of more than sixty days but does not include sales or leases to a fleet buyer.

f. "Rental" means a contract for the use of a motor vehicle by any person for a period of sixty days or less.

g. "Dealer" means a motor vehicle dealer licensed under chapter 322.

h. "Manufacturer" means a manufacturer, distributor, or wholesaler licensed under chapter 322.

i. "Incentive" means a discount, rebate, interest assistance, option, assistance pass through, and any other benefit provided to a dealer with respect to the acquisition, sale, or lease of a motor vehicle or to a motor vehicle purchaser by a manufacturer.

j. "Price" means the dollar purchase price of a motor vehicle, including incentives.

2. A manufacturer shall not knowingly discriminate in price against Iowa purchasers or lessees of motor vehicles by selling or leasing a new motor vehicle to

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any dealer at a price lower than the lowest price at which the manufacturer offers to sell or lease any new motor vehicle of the same make and model similarly equipped to any other dealer.

This section does not apply to sales by manufacturers to dealers for resale to employees, retirees, officers or directors of a manufacturer or its affiliated companies, to any unit of government, to any charitable organization, or for any driver education program.

This section shall not be construed to prohibit a manufacturer from offering incentives to its dealers, dealer-affiliated leasing companies, fleet buyers or to retail buyers so long as the same or equivalent incentives are available to all dealers of the same line make on a nondiscriminatory basis. If the manufacturer makes any incentive available to a dealer for resale or re-lease to a rental company, the same or equivalent incentive must be made available to dealers for resale to retail buyers.

3. A person shall not knowingly provide, induce or receive a discrimination in price which is prohibited

by this section.

4. If the attorney general determines that a person has engaged in, is engaging in, or is about to engage in any practice in violation of this section, the attorney general may:

a. Require the person to file on forms as the attorney general may prescribe a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning prohibited practices by the person, and any other information the attorney general may deem necessary.

b. Examine under oath any person in connection with the prohibited activity.

c. Examine any record, book, document, account, or paper or motor vehicle as the attorney general may deem necessary.

d. Pursuant to an order of a district court, impound any record, book, document, account, paper, or motor vehicle that is produced in accordance with this section, and retain possession of same until completion of all proceedings in connection with which the same are produced.

5. a. To accomplish the objectives and to carry out the duties prescribed by this section, the attorney general, in addition to other powers conferred, may issue subpoenas to any person, administer an oath or affirmation to any person, conduct hearings in aid of any investigation or

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inquiry, prescribe forms and adopt rules as may be necessary.

b. Information or evidence provided the attorney general by a person pursuant to subsections 3 and 4 shall not be admitted in evidence, or used in any criminal prosecution. If a criminal prosecution under this section is initiated in a state court against a person who has provided information pursuant to subsections 4 and 5, the state shall have the burden of proof that the information so provided was not used in any manner to further the criminal investigation or prosecution.

c. In any civil action brought under this section, the attorney general shall have the right to require any defendant to give testimony, and no criminal prosecution based upon transactions or acts about which the defendant is questioned and required to give testimony shall be brought against the defendant.

6. Service by the attorney general of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made

personally within this state, but if it cannot be obtained, substituted service may be made in the following manner:

a. Personal service outside this state.

b. The mailing by registered mail to the last known place of business, residence, or abode within or without this state of the person for whom the same is intended.

c. As to any person other than a natural person, in the manner provided in the rules of civil procedure as if a petition had been filed.

d. The service as a district court may direct in lieu of personal service within this state.

7. If any person fails or refuses to file any statement or report, or obey any subpoena issued by the attorney general, the attorney general may, after notice, apply to a district court and, after hearing, and upon meeting customary legal standards for obtaining relief, request an order:

a. Granting injunctive relief, restraining the sale of any motor vehicle by the person.

b. Dissolving a corporation created by or under the laws of this state or revoking or suspending the certificate of authority to do business in this state of a foreign corporation or revoking or suspending any other licenses, permits, or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice.

c. Granting any other relief as may be required

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until the person files the statement or report, or obeys the subpoena.

8. Whenever it appears to the attorney general that a person has engaged in, is engaging in or is about to engage in any practice declared to be unlawful by this section, and the proceedings would be in the public interest, the attorney general may seek and obtain in an action in a district court an injunction prohibiting the person from continuing the practices or engaging in or doing any unlawful acts upon meeting customary legal standards for obtaining relief.

9. In any action brought under this section, the attorney general is entitled to recover costs for the use of this state.

10. A person who is injured or threatened with injury by conduct prohibited under this section may bring suit to:

a. Prevent or restrain the conduct and remove the conduct's effect by injunction or other equitable

relief.

b. Recover actual damages resulting from the conduct.

c. Recover, at the court's discretion, exemplary damages which do not exceed twice the actual damages awarded under paragraph "b" of this subsection if the trier of fact determines that the prohibited conduct is willful or flagrant.

d. Recover the necessary costs of bringing suit, including a reasonable attorney fee."

Amendment H—5833 was adopted, placing out of order amendment H—5352, previously deferred, filed by the committee on transportation on March 17, 1986.

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. 2084)

The ayes were, 62:

Blanshan	Brammer	Branstad	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fogarty
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Hermann
Hester	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Maulsby	McIntee	McKean
Miller	Muhlbauer	Mullins	O'Kane
Ollie	Oxley	Peick	Petersen, D. F.
Peterson, M. K.	Poncy	Renken	Rensink
Royer	Sherzan	Shoning	Siegrist
Skow	Stromer	Stueland	Sturgeon
Swearingen	Tabor	Van Camp	Welden
Woods	Mr. Speaker		

The nays were, 33:

Arnould	Baxter	Beatty	Bennett
Buhr	Connors	Fey	Grandia
Groninga	Hammond	Hatch	Haverland
Holveck	Lloyd-Jones	Metcalf	Norland
Osterberg	Parker	Paulin	Pavich
Pellett	Renaud	Rosenberg	Running
Schnekloth	Shoultz	Spear	Sullivan
Swartz	Teaford	Van Maanen	Varn
Zimmerman			

Absent or not voting, 5:

Black Carl Kremer Lonergan
Platt

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 2084)

I move to reconsider the vote by which Senate File 2084 passed the House on April 16, 1986.

PEICK of Linn

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 16, 1986, he approved and transmitted to the Secretary of State the following bills:

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

House File 2191, an act relating to the disclosure of suggested price information by the retail seller of certain motor vehicles, and providing a penalty.

House File 2230, an act relating to the disclosure of information regarding open-end credit accounts, credit cards, and financial services.

House File 2252, an act relating to the proving of paternity for purposes of inheritance.

House File 2384, an act relating to the registration of a mark which has become distinctive of the applicant's goods or services.

House File 2426, an act relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty.

Senate File 476, an act to prohibit the relinquishment of prior seniority rights as a condition of employment.

Senate File 2015, an act relating to court costs and attorney fees in actions brought under provisions on new motor vehicle warranties.

Senate File 2228, 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.

Senate File 2239, an act to legalize the purchase of certain property by the Hardin County Conservation Board.

Senate File 2276, 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.

Senate File 2277, an act to clarify the intended effective date of portions of chapter 239, 1985 Iowa 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.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 15, 1986 and is on file in the office of the Chief Clerk:

April 15, 1986

Joseph O'Hern
Chief Clerk
House of Representatives
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 5 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

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
G85-0203	Danny K. Danielson Council Bluffs, Iowa (Use Tax Refund)	$ 140.00	Denied
G85-0360	Allen D. Hunt Council Bluffs, Iowa (Sales Tax Refund)	160.00	Denied
G86-0089	Kroblin Refrigerated Xpress, Inc. Tulsa, Oklahoma (Outdated Invoice)	27,601.07	Denied
G86-0171	Paul & Mildred Hufferd Adel, Iowa (License Fee Refund)	59.00	Denied
G86-0177	Lawrence A. Arkfeld Omaha, Nebraska (License Fee Refund)	73.00	Denied

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 794 Ways and Means

Relating to the exemption from the state sales, services, and use tax of the gross receipts from the sale of tires or rendering of tire repair services to a contract carrier for use in interstate commerce.

PRESENTATION OF VISITORS

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

Valley High School students from Elgin, accompanied by Lynda and Bob Fedeler. By Avenson of Fayette.

Forty twelfth grade students from Nora Springs-Rock Falls Junior-Senior High School, Nora Springs, accompanied by Frank Altman. By Clark of Cerro Gordo.

Fifteen senior students from Central Webster Schools, Burnside, accompanied by Jim Ainslie. By Cochran of Webster.

Twenty-three students from Lenox High School, Lenox, accompanied by Carl Peterson. By Daggett of Taylor.

Forty fifth grade students from Beaman-Conrad-Liscomb Elementary School, Conrad, accompanied by John Ehn. By Handorf of Marshall and Renken of Grundy.

Five Current Affairs students from Missouri Valley High School, Missouri Valley, accompanied by Mr. Joe Cathcart. By Hester and Siegrist of Pottawattamie.

Seventy-five seventh and eighth grade students from Sumner Junior High School, Sumner, accompanied by Berle Smothers. By Lageschulte of Bremer.

Fifty students from Guthrie Center High School, Guthrie Center. By Skow of Guthrie.

Twenty fifth grade students from Holy Family-St. Peter Attendance Center, Des Moines, accompanied by Suellyn Tritz. By Connors of Polk.

Eleven eighth grade students from Sioux City, accompanied by R. V. Lemmermann. By O'Kane of Woodbury.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2097, a bill for an act relating to agricultural economic diversification by making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5840** April 15, 1986.

AMENDMENTS FILED

H—5837	S.F.	97	Jay of Appanoose
H—5838	H.F.	2454	Senate Amendment

H—5840	S.F.	2097	Committee on Appropriations
H—5841	S.F.	97	Hammond of Story Holveck of Polk Running of Linn Carl of Poweshiek Lageschulte of Bremer
H—5843	H.F.	2219	Senate Amendment
H—5844	H.F.	2480	Kremer of Buchanan

On motion by Norland of Worth, the House adjourned at 3:58 p.m., until 9:00 a.m., Thursday, April 17, 1986.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day—Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 17, 1986

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

Prayer was offered by Reverend Allen Ricks, pastor of the United Methodist Church, Hudson.

The Journal of Wednesday, April 16, 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 15, 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 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 April 15, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on April 15, 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 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 Senate has on April 15, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 166, a bill for an act to authorize the setting of seasons for pigeons.

Also: That the Senate has on April 15, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2101, a bill for an act relating to Martin Luther King, Jr.'s birthday and Veterans Day as paid state holidays and providing an effective date.

Also: That the Senate has on April 15, 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 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.

K. MARIE THAYER, Secretary

SENATE AMENDMENTS CONSIDERED

Renaud of Polk called up for consideration **Senate File 2049,** a bill for an act relating to the purchases of American made products and purchases from American based businesses, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H–5809 to the House amendment:

H–5809

Amend the House amendment S–5560 to Senate File 2049 as passed by the Senate as follows:

1. Page 1, by striking lines 3 through 5.

The motion prevailed and the House concurred in the Senate amendment H–5809, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2049)

The ayes were, 59:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Cochran	Connolly	Connors
Cooper	Daggett	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hatch	Haverland
Holveck	Hughes	Jay	Jochum

Knapp	Kremer	Lageschulte	McIntee
McKean	Muhlbauer	Norland	Ollie
Osterberg	Oxley	Pavich	Peick
Pellett	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Teaford	Van Camp
Woods	Zimmerman	Mr. Speaker	

The nays were, 33:

Bennett	Branstad	Carpenter	Clark
Corey	De Groot	Diemer	Grandia
Halvorson, R. A.	Hanson	Harbor	Hester
Hummel	Johnson	Koenigs	Maulsby
Metcalf	Miller	Mullins	Paulin
Petersen, D. F.	Peterson, M. K.	Platt	Renken
Rensink	Royer	Schnekloth	Siegrist
Stromer	Swearingen	Van Maanen	Varn
Welden			

Absent or not voting, 8:

Chapman	Groth	Hermann	Lloyd-Jones
Lonergan	O'Kane	Parker	Tabor

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:

Kremer of Buchanan, until his return, on request of Swearingen of Keokuk; Chapman of Linn, for April 17 and 18, 1986, on request of Mullins of Kossuth.

Fogarty of Palo Alto called up for consideration **Senate File 2050,** a bill for an act relating to the security interest in farm 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–5828 to the House amendment:

H–5828

Amend S–5608 to Senate File 2050 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, line 7, by striking the word and figure "subsection 4" and inserting the following: "~~subsection~~ 4 the federal Food Security Act of 1985,

Public Law 99-198, section 1324".

2. By striking page 1, line 21 through page 2, line 19 and inserting the following:

"4. A secured party may request the buyer to issue any check for payment or partial payment of a good subject to a security interest jointly in the name of both the seller and the secured party only if the secured party has included in the documents creating the security interest a written provision that a joint check would be requested or required and if the provision has been specifically signed and dated by the person granting the security interest."

3. Page 2, line 20, by striking the word and figure "subsection 1,".

4. Page 2, by striking lines 23 through 46.

5. Page 2, by striking lines 49 and 50 and inserting the following: "pursuant to subsection 4 and meet the requirements of subsection 4, the debtor is engaged in farming".

6. Page 3, line 47, by striking the words "federal law" and inserting the following: "Public Law 99-198, section 1324".

7. Page 3, line 48, by striking the words "federal law" and inserting the following: "Public Law 99-198, section 1324".

8. Page 4, line 6, by striking the word "One" and inserting the following: "Two".

9. Page 4, line 8, by inserting after the word "notified" the following: "pursuant to Public Law 99-198, section 1324".

10. Page 4, lines 18 and 19, by striking the words "this section" and inserting the following: "Public Law 99-198, section 1324".

11. Page 4, line 20, by striking the word "buyer" and inserting the following: "buyer."

12. Page 4, by striking line 21.

13. Page 4, by striking lines 30 through 40 and inserting the following: "receives a written notice pursuant to Public Law 99-198, section 1324, shall not publicly display or disseminate the written notice or information based upon the written notice."

14. Page 4, lines 42 and 43, by striking the words "one thousand" and inserting the following: "two hundred".

15. Page 5, lines 13 and 14, by striking the

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words "this subsection" and inserting the following: "Public Law 99-198, section 1324, and this section".

16. By striking page 5, line 21 through page 6, line 10.

17. Renumber and change internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5828.

Fogarty of Palo Alto 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. 2050)

The ayes were, 82:

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

The nays were, 15:

Branstad	De Groot	Doderer	Grandia
Hermann	Hummel	Jay	Maulsby
Miller	Renken	Royer	Schnekloth
Stueland	Van Maanen	Zimmerman	

Absent or not voting, 3:

Chapman	Lonergan	Welden

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

Ollie of Clinton called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H–5829 to the House amendment:

H–5829

Amend the House amendment, S–5593, to Senate File 2283 as passed by the Senate, as follows:

1. Page 2, by striking lines 12 through 28.

2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H–5829.

Ollie of Clinton 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. 2283)

The ayes were, 95:

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	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	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, 5:

Chapman	Groninga	Groth	Lonergan
Tabor			

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

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Grandia of Marion presented to the House LeAnn Vander Hart from Pella, Queen of the 1986 Pella Tulip Festival.

Queen LeAnn, a student at Pella Christian High School, introduced her attendants Christy Blom, Jodi Den Adel, Kendra Van Dalen and Kim Duven, students at Pella High School. She invited everyone to attend the festival to be held in Pella May 8, 9 and 10.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies.

The House rose and expressed its welcome and appreciation.

The House stood at ease at 10:15 a.m., until the fall of the gavel.

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

MOTION TO RECONSIDER LOST
(House File 2479)

Kremer of Buchanan called up for consideration the motion to reconsider House File 2479 filed by him on April 11, 1986.

Mullins of Kossuth in the chair at 10:53 a.m.

Connors of Polk in the chair at 11:24 a.m.

Kremer of Buchanan moved to reconsider the vote by which **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, passed the House and was placed on its last reading on April 11, 1986.

A non-record roll call was requested.

The ayes were 39, nays 55.

The motion lost.

INTRODUCTION OF BILLS

House File 2481, by committee on ways and means, a bill for an act relating to the size of a board of review for property tax assessments.

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

House File 2482, by Norland and Stromer, a bill for an act relating to interstate adoption assistance agreements and providing a penalty.

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

REMOVED FROM REGULAR CALENDAR

Norland of Worth asked and received unanimous consent to remove the following bills from the regular calendar: Senate Files 35, 297, 2057, 2119, 2240 and 2269.

MOTION TO RECONSIDER
(Senate File 2084)

I move to reconsider the vote by which Senate File 2084 passed the House on April 16, 1986.

SHERZAN of Polk

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 10, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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.

K. MARIE THAYER, Secretary

GOVERNOR'S VETO MESSAGE

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

April 17, 1986

The Honorable Robert T. Anderson
President of the Senate
State Capitol Building
L O C A L

Dear Governor Anderson:

Senate File 249, an act relating to workers' compensation benefits for persons domiciled in this state but injured outside the state, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 249 would extend coverage of the Iowa Workers' Compensation Act to Iowa residents even though they work for an employer outside the territorial limits of the state. It should be made clear that this Act does not address the eligibility of workers for workers' compensation benefits, but rather seeks to provide certain classes of workers with the ability to choose between the coverage of the state in which they work, and the state in which they live.

Our present state's workers' compensation statutes are uncompetitive. For example, our maximum benefit of 200 percent of the average weekly wage is the highest in the contiguous United States. The current system is costing Iowa jobs.

This bill would make matters worse for job seeking Iowans. Indeed, this bill would reduce the likelihood of further business location or expansion in Iowa, and would also lead to the curtailment of the hiring of Iowans in other states.

Last spring I established a bi-partisan task force to review the competitiveness of

Iowa's workers' compensation law with similar laws in other states. The primary objective of this review was to aid in the improvement of Iowa's business climate by identifying and making recommendations to modify provisions in the Iowa Workers' Compensation Law that discourage existing Iowa businesses from increasing employment and new business from locating in our state.

This task force gathered testimony from dozens of individuals, held public hearings across the state, and transmitted comprehensive recommendations in early November. Despite these efforts and the increasing complaints and litigation over increases in the workers' compensation rates for Iowa employers, this General Assembly has failed to take meaningful action to reduce employer costs and improve the competitiveness of our state's workers' compensation law. I continue to urge positive action during this General Assembly to help attract and retain Iowa jobs.

This bill would add another impediment to our state's job creation and economic development efforts. This legislation would unnecessarily increase state costs and result in expensive and time-consuming litigation.

Therefore, for the above reasons, I hereby respectfully disapprove of Senate File 249.

Sincerely,
Terry E. Branstad
Governor

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 2239, an act relating to criminal offenses committed against or with children and to court testimony by children.

Senate File 2159, an act relating to the reduction of recommended salary increases by the board of supervisors.

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 17th day of April, 1986: House Files 497, 717, 2032, 2120, 2128, 2336, 2369, 2372, 2402, 2409, 2442 and 2465.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Thirty-five sixth grade students from Logan-Magnolia Elementary School, Logan, accompanied by Lowell Arps. By Hester of Pottawattamie.

Forty eighth grade students from West Harrison High School, Mondamin, accompanied by Darlene Hime. By Hester of Pottawattamie.

Fifty twelfth grade students from Belle Plaine High School, Belle Plaine, accompanied by Larry L. Lawter. By Hummel of Benton.

Twenty-two students from Urbana Community Schools, Urbana, accompanied by Sharyl Stulken and Harlan Bell. By Hummel of Benton.

Fifty-five seventh and eighth grade students from Walnut Ridge Baptist Academy, Waterloo, accompanied by Mr. Thompson. By McIntee, Shoultz and Teaford, all of Black Hawk.

Twenty-four fifth grade students from Manilla Elementary School, Manilla, accompanied by Kathy Jergenson. By Muhlbauer of Crawford.

Twenty-five sixth grade students from Allison Elementary School, Allison, accompanied by Mark Randall. By Renken of Grundy.

Forty-seven Camp Fire members from the Iowana Council, Cedar Rapids, accompanied by Cheryl Stramel, Lynn Nixon, Diane Yanda, Kathy Bowers, Linda Wilkinson, Barb McInerney, Dawn Lorenzen, Barb Campell, Pat Fritz and Mary Barons. By Osterberg, Peick and Running, all of Linn.

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

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 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.

SUBCOMMITTEE ASSIGNMENTS

Senate File 106

Ways and Means: Chapman, Chair; Groninga and Siegrist.

Senate File 2284

Ways and Means: Connolly, Chair; Arnould and Bennett.

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 2480, a bill for an act relating to membership sales, by exempting cooperatives organized under chapter 499.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1986.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 788), relating to the size of a board of review for property tax assessments.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1986.

RESOLUTION FILED

HCR 129, by Peick, a concurrent resolution relating to recognition of medical clerks and medical secretaries.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–5845	S.F.	2084	Sherzan of Polk Peick of Linn Running of Linn Shoultz of Black Hawk Teaford of Black Hawk
H–5846	S.F.	2242	Senate Amendment
H–5847	H.F.	2060	Senate Amendment
H–5848	H.F.	2339	Senate Amendment
H–5849	H.F.	2480	Kremer of Buchanan
H–5850	H.F.	2349	Pavich of Pottawattamie

On motion by Norland of Worth, the House adjourned at 12:12 p.m., until 9:00 a.m., Friday, April 18, 1986.

JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day—Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 18, 1986

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

Prayer was offered by Reverend John Davis, pastor of the St. John Lutheran Church, Melcher, and the St. Paul Lutheran Church, Lacona.

The Journal of Thursday, April 17, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Parker of Jasper, until his arrival, on request of Swartz of Marshall.

INTRODUCTION OF BILL

House File 2483, by Norland and Stromer, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation.

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 April 16, 1986, receded from the Senate amendment to, and passed the following bill:

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

House File 2354, a bill for an act relating to the Iowa insurance guaranty association.

Also: That the Senate has on April 17, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 16, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2457, a bill for an act relating to elections.

Also: That the Senate has on April 17, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2462, a bill for an act relating to educational cost efficiencies including the reduction of administrative costs of area education agencies and school districts, 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.

Also: That the Senate has on April 16, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2069, a bill for an act relating to the issuance of temporary certificates for chiropractors.

Also: That the Senate has on April 16, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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

SENATE AMENDMENTS CONSIDERED

Brammer of Linn called up for consideration **House File 2433**, a bill for an act relating to domestic abuse, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—5819:

H—5819

Amend House File 2433 as amended, passed and reprinted by the House as follows:

1. Page 1, line 27, by striking the words "without malice" and inserting the following: "~~without malice~~ such acts do not constitute a willful and wanton disregard for the rights or safety of another".

2. Page 1, line 33, by striking the word "reasonable" and inserting the word "probable".

3. Page 2, line 17, by inserting after the word "child" the following: "other children, or a parent".

4. Page 2, by striking lines 19 through 28, and inserting in lieu thereof the following: "and responsibilities of raising the child. The court shall consider the denial by".

5. By renumbering, relettering, or redesignating and correcting internal references as necessary.

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

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

On the question "Shall the bill pass?" (H.F. 2433)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	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	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	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carter	Chapman	Groth	Holveck
O'Kane	Parker		

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

Carl of Poweshiek called up for consideration **House File 2458**, a bill for an act relating to victims and witnesses of criminal offenses, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H–5820:

H–5820

Amend House File 2458 as amended, passed and reprinted by the House as follows:

1. Page 2, by striking lines 21 through 26 and inserting the following:

"Any person, who in good faith and without compensation, renders reasonable aid or assistance to another against whom a crime is being committed or, if rendered at the scene of the crime, to another against whom a crime has been committed is not liable for any civil damages for acts or omissions resulting from the aid or assistance and is eligible to file a claim for reimbursement as a victim pursuant to section 912.1."

2. Page 4, by striking lines 10 through 12 and inserting the following:

"2. The offender's final release from local custody."

3. Page 4, by striking lines 21 through 26 and inserting the following:

"1. The date on which the offender is expected to be released from custody on work release, and whether the offender is expected to return to the community where the registered victim resides.

2. The date on which the offender is expected to be temporarily released from custody on furlough, and whether the offender is expected to return to the community where the registered victim resides."

4. By striking page 5, line 15, through page 6, line 24.

5. Page 8, lines 12 and 13, by striking the words "three years" and inserting the words "one year".

6. Page 8, by striking line 24, and inserting the following: "misdemeanor, and an employee shall be entitled to recover damages. Damages recoverable under this section include but are not limited to, actual damages, court costs, and reasonable attorney fees. The employee may also petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment."

7. By striking page 8, line 34 through page 9, line 2, and inserting the following: "guardians."

8. Page 9, line 19, by inserting after the word "damages." the following: "This section does not apply to acts or omissions which constitute a willful and wanton disregard for the rights or safety of another."

The motion prevailed and the House concurred in the Senate amendment H—5820.

Carl of Poweshiek 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. 2458)

The ayes were, 95:

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	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
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	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Chapman	Groth	Gruhn	O'Kane
Parker			

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

Sullivan of Van Buren in the chair at 9:38 a.m.

ADOPTION OF SENATE CONCURRENT RESOLUTION 110

Cochran of Webster called up for consideration Senate Concurrent Resolution 110, regarding the federal government's policy of requiring a minimum interest rate of nine percent on farm contract sales, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 127

Fey of Scott called up for consideration House Concurrent Resolution 127, urging the Congress not to reduce federal funding of the Job Training Partnership Act, and moved its adoption.

The motion prevailed and the resolution was adopted.

Speaker Avenson in the chair at 9:52 a.m.

CONSIDERATION OF BILL
Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar on April 3, 1986.

Blanshan of Greene offered the following amendment H–5604 filed by the committee on agriculture:

H–5604

Amend Senate File 2270 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 32, by inserting after the figure

"654.6" the following: "after a foreclosure against agricultural land".

2. Page 1, line 35, by striking the words "unnumbered paragraph:" and inserting the following: "subsections, and numbering the existing unnumbered paragraph:".

3. Page 2, line 1, by striking the words "UNNUMBERED PARAGRAPH." and inserting the following: "SUBSECTION. 2."

4. Page 2, line 3, by striking the word "land" and inserting the following: "mortgagor or other property of the mortgagor".

5. Page 2, by inserting after line 3 the following: "deficiency which exceeds one hundred seventy-five percent of the value of forty acres, based on the per acre average valuation for agricultural land in the county in which the land is located for the year in which the foreclosure sale was held, and the portion of the".

6. Page 2, line 5, by inserting after the word "mortgagor." the following: "However, after a foreclosure on agricultural land, the future earnings and wages of the mortgagor shall not be subject to execution or garnishment under a deficiency judgment on that foreclosure."

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

"NEW SUBSECTION. 3. No deficiency judgment or general execution shall be issued against the mortgagor or other property of the mortgagor upon the foreclosure of a mortgage on agriculture land which secures an obligation entered into on or after July 1, 1988."

8. Title page, lines 1 and 2, by striking the words "providing for the payment of property tax installments," and inserting the following: "providing requirements for the waiver of the homestead exemption, reducing the redemption periods and limiting or eliminating deficiency judgments under certain foreclosures on agricultural land,".

Hummel of Benton asked and received unanimous consent to temporarily defer action on amendment H—5696.

Osterberg of Linn asked and received unanimous consent to temporarily defer action on amendment H—5655.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—5695, to the committee amendment H—5604, filed by him on April 4, 1986.

Osterberg of Linn asked and received unanimous consent to temporarily defer action on amendment H—5654.

The House stood at ease at 10:05 a.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—5604 to Senate File 2270 at 11:46 a.m., Connors of Polk in the chair.

Norland of Worth asked and received unanimous consent that Senate File 2270 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—5604 pending.)

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.

MOTION TO RECONSIDER PREVAILED
(Senate File 293)

Beatty of Warren called up for consideration the motion to reconsider Senate File 293, filed on April 1, 1986, and moved to reconsider the vote by which Senate File 293, a bill for an act creating a fire service institute, passed the House and was placed on its last reading on April 1, 1986.

A non-record roll call was requested.

The ayes were 57, nays 18.

The motion prevailed and the House reconsidered Senate File 293, placing out of order the motion to reconsider filed by Doderer of Johnson on April 1, 1986.

Jochum of Dubuque offered the following amendment H—5635 filed by him and moved its adoption:

H—5635

Amend Senate File 293 as amended, passed, and reprinted by the Senate as follows:

1. Page 3, by striking lines 12 through 18.

Amendment H—5635 was adopted, placing out of order lines 7 through 9 of the committee amendment H—5540, previously adopted on April 1, 1986 and found of page 1107 of the House Journal.

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, 73:

Arnould	Baxter	Beatty	Black
Brammer	Branstad	Buhr	Carl
Carter	Clark	Cochran	Connolly
Cooper	Corey	Daggett	Diemer
Doderer	Fey	Fogarty	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hatch
Haverland	Hermann	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
McIntee	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker (Connors)			

The nays were, 21:

Bennett	Carpenter	Grandia	Groninga
Handorf	Hanson	Hester	Hummel
Kremer	Maulsby	McKean	Metcalf
Miller	Petersen, D. F.	Renken	Rensink
Schnekloth	Sherzan	Sullivan	Van Maanen
Welden			

Absent or not voting, 6:

Avenson	Blanshan	Chapman	De Groot
Groth	Harbor		

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

SENATE AMENDMENTS CONSIDERED

Osterberg of Linn called up for consideration **House File 2303,** a bill for an act to require a one-time, extensive test for water contaminants in certain public water supplies, amended by the Senate, and moved that the House concur in the following Senate amendment H—5830:

H–5830

Amend House File 2303 as amended, passed and reprinted by the House as follows:

1. Page 1, line 9, by striking the words "rules governing" and inserting the words "rules under chapter 17A governing".

2. Page 1, line 10, by inserting after the word "procedures" the following: "and months".

3. Page 1, by striking lines 17 through 20 and inserting the following: "the testing not later than January 1, 1988. All of the tests shall be conducted by a single laboratory. The laboratory shall be selected by the department on the basis of competitive bids, however, the laboratory selected shall not charge more than three hundred thirty dollars for the initial test required by this Act. The laboratory selected".

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

"Sec. 2. Section 455B.309, subsection 2, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. Grants to public water supply systems to abate or eliminate threats to public health and safety resulting from contamination of the water supply source.

Sec. 3. Section 455B.309, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An amount equal to twenty-five percent of the moneys received from the tonnage fee imposed under section 455B.310 in each fiscal year shall be reserved for the purpose of providing grants to public water supply systems to abate or eliminate threats to public health and safety resulting from contamination of the water supply source. However, a public water supply shall not receive a grant for more than ten percent of the moneys available for those purposes in any given year. Any moneys not expended under this subsection at the end of each fiscal year shall be available for any of the uses authorized in subsection 2."

5. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to the contamination of public water supply systems by providing for a testing program, authorizing the use of ground water funds for grants to eliminate or abate contamination, and dedicating part of the ground water fund to such grants."

6. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5830.

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

On the question "Shall the bill pass?" (H.F. 2303)

The ayes were, 95:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Cochran	Connolly	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	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, 5:

Blanshan	Chapman	Clark	Groth
Harbor			

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

Clark of Cerro Gordo called up for consideration **House File 2060**, a bill for an act relating to assignments of income in delinquent support cases and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H–5847:

H–5847

Amend House File 2060, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 9 through 14 and inserting the following: "payment for one month, ~~the clerk of~~ upon application of a person entitled to receive the support payments, the child support recovery unit or the district court ~~or the child support recovery unit~~ may enter an ex parte order notifying the person, whose income is to be assigned, of the delinquent amount, of the amount of income or wages to be withheld, and of the procedure to file a motion to quash the order of assignment, and shall order an assignment of income and notify an".

2. Page 1, by striking lines 32 and 33 and inserting the following: "enforced. The ~~clerk of the~~ child support recovery unit or the district court ~~or the child support recovery unit~~, upon the application of any party, by ex parte order, may modify the assignment of income on".

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

"Sec._____. Section 252D.2, subsection 1, Code 1985, is amended to read as follows:

1. A petitioner under section 252D.1, subsection 3 may move to quash the order of assignment at any time by asserting that the delinquency did not occur or has been paid. A person whose income has been assigned under section 252D.1 may move to quash the order of assignment by filing the motion to quash and notice of the motion to quash with the court within ten days after the ~~employer, trustee, or other payor delivers a copy of the order of assignment to the person under section 252D.4, subsection 1~~ entering of the court order of assignment under section 252D.1, subsection 3 or at any time upon a showing of a mistake of fact relating to the delinquency. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing."

4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5847.

Clark of Cerro Gordo 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. 2060)

The ayes were, 95:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Clark	Cochran	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	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	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, 5:

Blanshan	Chapman	Groth	Harbor
Parker			

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

Lonergan of Boone called up for consideration **House File 2219**, a bill for an act providing for optional payment by corporations subject to chapters 509, 514, and 514B for services performed by chiropractors, making corporations organized by chiropractors for establishing, maintaining, and operating a health care 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, amended by the Senate, and moved that the House concur in the following Senate amendment H–5843:

H–5843

Amend House File 2219 as amended, passed and reprinted by the House as follows:

1. Page 6, by inserting after line 8 the following:

"Sec._____. Section 514B.7, Code 1985, is amended to read as follows:

514B.7 GOVERNING BODY.

The governing body of ~~any~~ a health maintenance organization ~~shall be a legal entity separate from the governing body of any other legal entity and~~ may include providers, other individuals, or both, but it shall establish a mechanism to allow a reasonable representation of enrollees to participate in matters of policy and operation ~~as members of the governing body~~. The commissioner shall establish guidelines to implement this section."

2. Page 6, by inserting after line 18 the following:

"Sec._____. Chapter 514B, Code 1985, is amended by adding the following new sections:

NEW SECTION. 514B.33 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

The boards of examiners under chapters 148, 150, 150A, 151, and 153 shall establish utilization and cost control review committees of licensees under the respective chapters, selected from licensees who have practiced in Iowa for at least the previous five years, or shall accredit and designate other utilization and cost control organizations as utilization and cost control committees under this section, for the purposes of utilization review of the appropriateness of levels of treatment and of giving opinions as to the reasonableness of charges for diagnostic or treatment services of licensees. Persons governed by the various chapters of Title XX of the Code and self-insurers for health care benefits

to employees may utilize the services of the utilization and cost control review committees upon the payment of a reasonable fee for the services, to be determined by the respective boards of examiners. The respective boards of examiners under chapters 148, 150, 151, and 153 shall adopt rules necessary and proper for the implementation of this section pursuant to chapter 17A. It is the intent of this general assembly that conduct of the utilization and cost control review committees authorized under this section shall be exempt from challenge under federal or state antitrust laws or other similar laws in regulation of trade or commerce.

NEW SECTION. 514B.34 UTILIZATION AND COST

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CONTROL.

Nothing contained in the chapters of Title XX of the Code shall be construed to prohibit or discourage insurers, nonprofit service corporations, health maintenance organizations, or self insurers for health care benefits to employees from providing payments of benefits or providing care and treatment under capitated payment systems, prospective reimbursement rate systems, utilization control systems, incentive systems for the use of least restrictive and least costly levels of care, preferred provider contracts limiting choice of specific provider, or other systems, methods or organizations designed to contain costs without sacrificing care or treatment outcome, provided these systems do not limit or make optional payment or reimbursement for health care services on a basis solely related to the license under or the practices authorized by chapter 151 or on a basis that is dependent upon a method of classification, categorization, or description based upon differences in terminology used by different licensees under the chapters of Title VIII of the Code in describing human ailments or their diagnosis or treatment."

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5843.

Lonergan of Boone 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. 2219)

The ayes were, 72:

Arnould	Avenson	Baxter	Beatty
Black	Brammer	Branstad	Buhr
Carl	Carter	Clark	Cochran
Connolly	Cooper	Corey	Daggett
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson
Hatch	Haverland	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Pavich	Peick
Pellett	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Sherzan	Shoning	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman (Connors)	Mr. Speaker

The nays were, 22:

Bennett	Carpenter	De Groot	Diemer
Doderer	Hammond	Handorf	Hermann
Lageschulte	Metcalf	Miller	Mullins
Paulin	Petersen, D. F.	Rensink	Schnekloth
Siegrist	Stromer	Stueland	Swearingen
Van Maanen	Welden		

Absent or not voting, 6:

Blanshan	Chapman	Groth	Harbor
Hummel	Parker		

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

Ollie of Clinton called up for consideration **House File 2400**, a bill for an act relating to the Iowa community development loan program, amended by the Senate, and moved that the House concur in the following Senate amendment H–5722:

H–5722

1 Amend House File 2400 as passed by the House as
2 follows:

1. Page 1, line 29, by inserting after the word "corporations" the following: "or as provided in subsection six".

2. Page 2, by inserting after line 2 the following:

"6. If the Iowa development commission or successor department determines that sufficient funds exist in the special account provided in subsection 5 for the purposes provided in subsection 5, up to twenty-five percent of the loan repayments for the fiscal year received by the Iowa development commission or successor department may be deposited in the revolving loan fund to operate the self-employment loan program as both were established in section 15.241 as enacted by Senate File 2175 of the Seventy-first General Assembly under the department of economic development. Funds in this revolving loan fund shall not revert to the state general fund at the end of any fiscal year. Loan repayments from the self-employment loan program shall be deposited in the revolving loan fund. Deposits of funds under this subsection may occur for the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989."

The motion prevailed and the House concurred in the Senate amendment H—5722.

Ollie 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. 2400)

The ayes were, 89:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Clark	Cochran	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	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
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
Sherzan	Shoning	Siegrist	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Teaford	Van Camp
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 11:

Blanshan	Chapman	Groth	Harbor
Haverland	Lloyd-Jones	Parker	Shoultz
Skow	Tabor	Welden	

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 12:13 p.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 665, a bill for an act relating to the operation of motorboats.

Also: That the Senate has, on April 16, 1986, insisted on its amendment to 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, and the members of the conference committee, on the part of the Senate, appointed April 18, 1986, are: The Senator from Woodbury, Senator Doyle, Chair; the Senator from Floyd, Senator Gratias; the Senator from Jones, Senator Hannon; the Senator from Monroe, Senator Peterson; and the Senator from Jefferson, Senator Schwengels.

Also: That the Senate has on April 10, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2393, a bill for an act authorizing cities and counties to establish civil penalties for violations of ordinances.

Also: That the Senate has on April 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

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.

K. MARIE THAYER, Secretary

QUORUM CALL

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

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **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, and the committee amendment H—5604 (found on pages 1556 and 1557 of the House Journal) temporarily deferred.

Blanshan of Greene offered the following amendment H—5853, to the committee amendment H-5604 filed from the floor by Blanshan, Hummel, Branstad and Cochran and moved its adoption:

H–5853

Amend amendment H–5604, to Senate File 2270 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 3 through 43, and inserting the following:

"_____. Page 1, by inserting before line 1 the following:

"Section 1. LEGISLATIVE FINDINGS.

The general assembly finds and declares as follows:

1. The state of Iowa is suffering from a financial crisis in agriculture that affects the entire economic health of this state.

2. This financial crisis has grown to include the business communities which, together with the agricultural producers, form the core of the state's economy.

3. A large number of producers and farm families are being forced to leave farming and make a new start.

4. It is deemed to be in the best interest of the state to protect the business communities and the dislocated farm families affected by the financial crisis in agriculture."

_____. Page 1, by striking lines 29 through 33.

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

"NEW UNNUMBERED PARAGRAPH. However, if the property is agricultural land, if the mortgagor does not exercise the exemptions provided under section 627.6, subsections 11 and 12, and if the mortgagor is actively engaged in farming the agricultural land upon the commencement of an action for the foreclosure of a first mortgage on the agricultural land or for the enforcement of an obligation secured by a first mortgage on the agricultural land, a deficiency judgment or general execution issued against the mortgagor shall not be enforceable until July 1, 1991. The running of time periods affecting the enforceability of the deficiency judgment or general execution is suspended until July 1, 1991. Assets of the mortgagor sufficient to satisfy the deficiency judgment shall be held by the mortgagor during the period of delay provided in this paragraph. The court shall determine which assets shall be held, and a sale, disposition, or further encumbrance of these assets is not permitted without the consent of the court. The delay may not be waived before the issuance of the deficiency judgment. After the issuance of the deficiency judgment, the mortgagor may waive the delay by filing a waiver signed by the

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mortgagor with the court. This paragraph applies to actions pending on the effective date of this Act and actions commenced on or after the effective date of this Act but before July 1, 1991. No prejudgment or post-judgment interest shall accrue with respect to the deficiency."

_____. Page 2, by inserting before line 6 the following:

"Sec. 100. Section 627.6, subsection 5, Code 1985, is amended by striking the subsection.

Sec. 101. Section 627.6, subsection 10, paragraph d, Code 1985, is amended by striking the paragraph:

Sec. 102. Section 627.6, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 11. If the debtor is engaged in farming and does not exercise the homestead exemption under section 561.16 or the delay of the enforceability of a deficiency judgment or general execution under section 654.6, any combination of the following, not to exceed a value of twenty thousand dollars in the aggregate:

a. Implements and equipment reasonably related to a normal farming operation. This exemption is in addition to a motor vehicle held exempt under subsection 10.

b. Livestock and feed for the livestock reasonably related to a normal farming operation.

c. Agricultural land used for farming by the debtor.

NEW SUBSECTION. 12. If the debtor is engaged in farming the agricultural land upon the commencement of an action for the foreclosure of a mortgage on the agricultural land or for the enforcement of an obligation secured by a mortgage on the agricultural land, if a deficiency judgment is issued against the debtor, and if the debtor does not exercise the delay of the enforceability of the deficiency judgment or general execution under section 654.6, the disposable earnings of the debtor are exempt from garnishment to enforce the deficiency judgment after two years from the entry of the deficiency judgment, sections 642.21 and 642.22 notwithstanding."

_____. Page 5, by inserting after line 28 the following:

"Sec._____. Section 4 of this Act is repealed effective July 1, 1991."

_____. Page 5, by inserting before line 29 the following:

"Sec._____. Sections 100, 101, and 102 apply to all actions pending on the effective date of this Act and

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to all actions commenced on and after the effective date of this Act.

Sec._____. If section 4 of this Act is determined by the court to be unconstitutional, the provisions of section 4 are null and void. However, a judgment rendered before the court determination shall remain valid if the judgment did not involve the issue determined to be unconstitutional.

Sec._____. If section 4 of this Act is determined by the court to be inapplicable to institutions of the farm credit system, the provisions of section 4 are null and void."

_____. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to the enforcement of certain debts and obligations, by establishing requirements for the waiver of the homestead exemption, delaying the enforceability of delinquency judgments or general executions under certain foreclosures on agricultural land, providing for certain exemptions from execution and garnishment, the eligibility of certain types of".

_____. Title page, line 4, by striking the words "and the" and inserting the word ", the".

Amendment H—5853 was adopted, placing out of order the following amendments (previously deferred), to the committee amendment H—5604.

H—5654 filed by Osterberg of Linn on April 2, 1986.
H—5655 filed by Osterberg of Linn on April 2, 1986.
H—5696 filed by Hummel of Benton on April 4, 1986.

On motion by Blanshan of Greene the committee amendment H—5604, as amended, was adopted.

Blanshan of Greene offered the following amendment H—5851 filed by him from the floor and moved its adoption:

H—5851

Amend Senate File 2270 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 1 through 28.
2. Page 5, by striking lines 2 through 20.
3. Title page, lines 6 and 7, by striking the words "the separate sale of a homestead under a foreclosure on agricultural land,".

Amendment H—5851 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doderer of Johnson on request of Pavich of Pottawattamie; Oxley of Linn on request of Cochran of Webster, both for the remainder of the day.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2270)

The ayes were, 44:

Arnould	Beatty	Black	Blanshan
Branstad	Carl	Carter	Cochran
Fey	Fogarty	Gruhn	Halvorson, R. N.
Hammond	Hanson	Hatch	Hester
Holveck	Hughes	Hummel	Jochum
Johnson	Koenigs	Kremer	Lloyd-Jones
Lonergan	Maulsby	McKean	Muhlbauer
Norland	Ollie	Osterberg	Parker
Pavich	Peick	Peterson, M. K.	Rosenberg
Skow	Spear	Stromer	Sturgeon
Teaford	Varn	Zimmerman	Mr. Speaker

The nays were, 45:

Baxter	Bennett	Brammer	Buhr
Carpenter	Clark	Cooper	Corey
De Groot	Diemer	Grandia	Groninga
Halvorson, R. A.	Handorf	Haverland	Hermann
Jay	Knapp	Lageschulte	McIntee
Metcalf	Miller	Mullins	O'Kane
Paulin	Pellett	Petersen, D. F.	Platt
Poncy	Renaud	Renken	Rensink
Royer	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Stueland	Sullivan
Swartz	Tabor	Van Camp	Van Maanen
Welden			

Absent or not voting, 11:

Chapman	Connolly	Connors	Daggett
Doderer	Groth	Harbor	Oxley
Running	Swearingen	Woods	

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

CONFERENCE COMMITTEE APPOINTED
(House File 2245)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2245: Black of Jasper, Chair; Gruhn of Dickinson, Johnson of Winneshiek, Diemer of Black Hawk and Paulin of Plymouth.

The House stood at ease at 1:53 p.m., until the fall of the gavel.

The House resumed session at 3:58 p.m., Swartz of Marshall in the chair.

INTRODUCTION OF BILL

House File 2484, by committee on appropriations, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

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

MOTIONS TO RECONSIDER
(Senate File 2270)

I move to reconsider the vote by which Senate File 2270 failed to pass the House on April 18, 1986.

SWARTZ of Marshall

(Senate File 2270)

I move to reconsider the vote by which Senate File 2270 failed to pass the House on April 18, 1986.

TABOR of Jackson

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 18, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 2001, an act relating to the length of exposure in the last employment to the hazards of pneumoconiosis under the workers' compensation law.

House File 2208, 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.

House File 2220, an act relating to the power of a city council over variances granted by a board of adjustment.

House File 2313, 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, providing for penalties, providing for a repeal, and providing for an effective date.

House File 2345, an act relating to drainage districts.

House File 2379, an act relating to commodity boards, by providing for their membership, the collection of their assessments, and the appropriation of their funds.

House File 2390, an act relating to the regulation of insurance holding companies and providing for penalties.

House File 2446, an act relating to the insurance and tariff provisions for bonded warehouses for agricultural products.

House File 2456, an act relating to workers' compensation benefits for persons receiving employment training or employment evaluations.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 795 Ways and Means

Relating to agreements entered into under the jobs training Acts.

PRESENTATION OF VISITORS

Doderer of Johnson presented to the House the Honorable Harold Fischer, former member of the House representing Grundy County.

The Speaker announced that on April 17, 1986 the following visitors were present in the House chamber:

Forty-eight sixth grade students from Armstrong-Ringsted Middle School, Ringsted. By Gruhn of Dickinson.

The Speaker announced that on April 18, 1986 the following visitors were present in the House chamber:

Secondary Special Education Work Experience students from North Fayette Community Schools, West Union, accompanied by Bonnie Schmalle and Virgil Lansing. By Avenson of Fayette.

Fifteen students from Fredericksburg Elementary School, Fredericksburg, accompanied by Lind Lindler. By Avenson of Fayette.

Thirty sixth grade students from Battle Creek Middle School, Battle Creek, accompanied by Steve Brown. By Bennett of Ida.

Twenty-one eighth grade students from St. Patrick School, Cedar Falls, accompanied by Julie Rakes. By Diemer of Black Hawk.

Sixteen high school students from Estherville High School, Estherville, accompanied by Carol Johnson. By Gruhn of Dickinson.

Fifty students from Earlham High School, Earlham, accompanied by Ron Myers. By Skow of Guthrie.

Forty third, fourth and fifth grade students from Hedrick Elementary School, Hedrick, accompanied by Jack Sapp. By Van Maanen of Mahaska.

Fifty eighth grade students from Williamsburg Junior High School, Williamsburg, accompanied by Jim Bruck and Carroll Scott. By Varn of Johnson.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly Study Bill), relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for the fiscal year beginning July 1, 1986 and ending June 30, 1987.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 17, 1986.

RESOLUTION FILED

HCR 130, by Hughes, Clark, Osterberg, Daggett, Skow, Diemer, Peterson of Carroll, Petersen of Muscatine, Holveck, McIntee, Rosenberg, Handorf, Groninga, Peick, Koenigs, Black, Beatty, Shoultz, Swartz, Ollie, Lloyd-Jones, Carter, Hummel, Buhr, Shoning, Miller, Arnould, Platt, Mullins, Spear, Teaford, McKean, Johnson, Cooper, Hammond, Sturgeon, Haverland, Brammer and Siegrist, a concurrent resolution relating to refugees of the civil war in El Salvador.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—5852	S.F.	2284	Schnekloth of Scott
H—5854	H.F.	2354	Senate Amendment
H—5855	H.F.	2457	Senate Amendment
H—5856	H.F.	2412	Senate Amendment
H—5857	H.F.	2393	Senate Amendment
H—5858	H.F.	2481	Schnekloth of Scott
H—5859	H.F.	665	Senate Amendment
H—5860	H.F.	2462	Senate Amendment
H—5861	H.F.	123	Gruhn of Dickinson
H—5862	H.F.	2349	Pavich of Pottawattamie

On motion by Norland of Worth, the House adjourned at 3:59 p.m., until 10:00 a.m., Monday, April 21, 1986.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day — Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 21, 1986

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

Prayer was offered by the Honorable Beverly Hannon, state senator from Jones County.

The Journal of Friday, April 18, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan on request of Swearingen of Keokuk and Shoultz of Black Hawk on request of Running of Linn, both until their arrival.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1986, passed the following bill in which the concurrence of the Senate was asked:

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.

K. MARIE THAYER, Secretary

INTRODUCTION OF BILL

House File 2485, by Norland and Stromer, a bill for an act to legalize the proceedings of the city council of Bloomfield, Iowa, to transfer certain moneys to the general fund of the city.

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2480, a bill for an act relating to membership sales, by exempting cooperatives organized under chapter 499, was taken up for consideration.

Blanshan of Greene asked and received unanimous consent that House File 2480 be temporarily deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

House File 2481, a bill for an act relating to the size of a board of review for property tax assessments, was taken up for consideration.

Schnekloth of Scott offered the following amendment H–5858 filed by him and moved its adoption:

H–5858

Amend House File 2481 as follows:
1. Page 1, line 9, by inserting after the words "of members." the following: "Of these two additional emergency members, one shall be a farmer and one shall be a licensed real estate broker."

Amendment H–5858 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. 2481)

The ayes were, 90:

Arnould	Baxter	Beatty	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	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	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	Metcalf
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
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, 10:

Blanshan	Carter	Clark	Cochran
Jay	Kremer	McKean	Miller
O'Kane	Shoultz		

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

SENATE AMENDMENTS CONSIDERED

Brammer of Linn called up for consideration **House File 2354,** a bill for an act relating to the Iowa insurance guaranty association, amended by the Senate, and moved that the House concur in the following Senate amendment H—5854:

H—5854

Amend House File 2354 as passed by the House as follows:

1. Page 1, line 5, by inserting after the figure "515B.10" the following: ", subsection 1, paragraph "a", subparagraph (2)".

2. Page 4, line 25, by inserting after the figure "1" the following: ", paragraph "a", subparagraph (2),".

The motion prevailed and the House concurred in the Senate amendment H—5854.

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

On the question "Shall the bill pass?" (H.F. 2354)

The ayes were, 90:

Arnould	Baxter	Beatty	Bennett
Black	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	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Metcalf	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Blanshan	Cochran	Jay	Kremer
Miller	O'Kane	Platt	Shoultz
Tabor	Welden		

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

HOUSE REFUSED TO CONCUR

Paulin of Plymouth called up for consideration **House File 665**, a bill for an act relating to the operation of motorboats, amended by the Senate, and moved that the House concur in the following Senate amendment H–5859:

H–5859

Amend House File 665 as amended, passed, and reprinted by the House as follows:

1. Page 1, lines 7 and 8, by striking the words ", except for Big Creek lake and lake Macbride".

The motion lost and the House refused to concur in the Senate amendment H—5859.

Connolly of Dubuque called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—5856:

H—5856

Amend House File 2412 as amended, passed and reprinted by the House as follows:

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

"Section 1. 1985 Iowa Acts, chapter 33, section 301, subsection 1, paragraphs a and b, are amended to read as follows:

a. The first ~~eleven~~ five million ~~ninety-two~~ one hundred forty-two thousand dollars to the "Jobs Now Capitals" account.

b. After the allotment in paragraph "a", ten million dollars to the "Community Economic Betterment" account, ~~eight~~ six million ~~five hundred thousand~~ dollars to the "Jobs Now" account, and ~~twelve~~ eleven million ~~five~~ seven hundred thousand dollars to the "Education and Agriculture Research and Development" account.

Sec. 2. 1985 Iowa Acts, chapter 33, section 301, subsection 2, is amended by adding after paragraph e the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Funds for guaranteeing business loans by local development corporations as described in section 28.29.

Sec. 3. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph a, is amended to read as follows:

a. To the state conservation commission the sum of ~~two~~ one million ~~five hundred thousand~~ ~~(2,500,000)~~ (1,000,000) dollars for the development of parks, recreation areas, forest, fish and wildlife areas, and natural areas, and for related technical services for carrying out these projects. Not more than five hundred thousand (500,000) dollars shall be set aside to match private funds available for the acquisition of natural areas with unique or unusual features. Not more than four hundred thousand (400,000) dollars shall be set aside for the acquisition of land for expansion or development of state forests and state fish and wildlife areas. Not more than seven hundred fifty thousand (750,000) dollars shall be set aside

for use in providing grants-in-aid to county conservation boards for carrying out acquisition land development projects as provided in chapter 111A. Any of the above funds can be matched with any available federal funds or with any available federal or local funds in the case of grants-in-aid to county conservation boards.

Sec. 4. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph d, is amended by striking the paragraph.

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Sec. 5. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph f is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) Foreign trade.

Sec. 6. 1985 Iowa Acts, chapter 33, section 301, subsection 4, paragraph a, is amended by striking the paragraph.

Sec. 7. 1985 Iowa Acts, chapter 33, section 301, subsection 4, paragraphs d and e, are amended to read as follows:

d. To the Iowa development commission the sum of ten million (10,000,000) dollars to be allocated by the Iowa development commission for economic development and research and development purposes at an institution of higher education under the control of the state board of regents or at an independent college or university of the state. The Iowa development commission shall allocate for the fiscal year beginning July 1, 1985 the first one million (1,000,000) dollars, for the fiscal year beginning July 1, 1986, the first four million (4,000,000) dollars, and for the fiscal year beginning July 1, 1987 and for each succeeding fiscal year the first five million (5,000,000) dollars to the Iowa state university of science and technology for agricultural biotechnology research and development. The institutions under control of the state board of regents may present proposals to the state board of regents for the use of the funds. The proposals may include, but are not limited to, endowing faculty chairs, conducting studies and research, establishing centers, purchasing equipment, and constructing facilities in the areas of entrepreneurial studies, foreign language translation and interpretation, management development, genetics, molecular biology, laser science and engineering, biotechnology, third crop development, and value-added projects. The proposals shall include certification from the institution, college or university that it will receive from other sources an amount equal to the amount requested in the proposal. The state board of

regents shall, for institutions under its control, determine the specific proposals for which it requests funding and submit them to the Iowa development commission. An independent college or university shall submit requests directly to the Iowa development commission. The Iowa development commission shall disburse to the regents' institutions or an independent college or university the moneys for the various proposals requested unless the Iowa

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development commission disapproves of a specific proposal as inconsistent with the plan for economic development for this state. The applicants may submit additional proposals for those not approved by the Iowa development commission. Those funds allocated by the Iowa development commission under this paragraph that are not expended by the institution of higher education shall not revert to the commission. The Iowa development commission shall consult with the Iowa high technology council in making grants under this paragraph.

e. To the state board of regents the sum of ~~two hundred thousand (200,000)~~ zero dollars to be used by Iowa state university for the establishment of Iowa farm management program. The cooperative extension service shall administer the program with provisions for cooperation and assistance through the department of public instruction. The program may be offered in conjunction with programs offered at the merged area schools and at school districts. The cooperative extension service may allocate moneys appropriated in this section for the program to area schools and school districts participating in the program. The cooperative extension service may accept gifts from other sources to supplement moneys appropriated in this section.

Sec. 8. 1985 Iowa Acts, chapter 33, section 301, subsection 4, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. h. To the Iowa development commission the sum of one hundred thousand (100,000) dollars for the promotion of foreign trade in conjunction with the farm progress show.

NEW LETTERED PARAGRAPH. i. To the legislative council for the use of the world trade advisory committee for the period beginning on the effective date of this Act and ending June 30, 1986, the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, to pay expenses of the members of the

committee and other expenses approved by the committee. Any moneys expended by the committee which were paid from the general fund of the state during the period beginning on January 1, 1986 and ending on the effective date of this Act shall be repaid to the general fund of the state not later than June 30, 1986, from this appropriation.

Sec. 9. 1985 Iowa Acts, chapter 33, section 301, subsection 5, paragraph a, is amended by striking the paragraph.

Sec. 10. 1985 Iowa Acts, chapter 33, section 301,

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subsection 5, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. f. To the Iowa family farm development authority the sum of three million (3,000,000) dollars for the agricultural loan assistance program provided in House File 2353 of the Seventy-first General Assembly. If House File 2353 is not enacted or the full appropriation under this paragraph is not committed for grants as provided in House File 2353, the funds appropriated or the funds not committed, whichever is appropriate, shall be transferred from the jobs now capitals account to the accounts specified in subsection 1, paragraph "b". The funds so transferred are considered as allotments made to those other accounts for the fiscal year beginning July 1, 1985.

NEW LETTERED PARAGRAPH. g. To the Iowa state university of science and technology the sum of three hundred thousand (300,000) dollars for allocation to the center for industrial research and service for a hazardous waste research program and a solar energy conversion program. The hazardous waste research program shall be created within the civil engineering department. This research program shall concentrate its efforts in the cleanup of industrial hazardous waste in the state with special emphasis upon new waste disposal techniques and applications. The center for industrial research and service shall administer the research funds and report to the general assembly on the program's progress and result.

Sec. 11. 1985 Iowa Acts, chapter 33, section 301, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The appropriations from the allocation made to the education and agriculture research and development account for the fiscal year beginning July 1, 1985 under subsection 4, paragraphs "a", "b", and "c" shall not be spent. The funds that

would have been available and spent, but for this subsection, under section 4, paragraphs "a", "b", and "c" shall be transferred from the education and agriculture research and development account to the accounts specified in subsection 1, paragraph "b". The funds so transferred are considered as allotments made to those accounts for the fiscal year beginning July 1, 1985. However, the funds resulting from this reallotment to the education and agriculture research and development account shall not be appropriated under subsection 4, paragraphs "a", "b", and "c".

Sec. 12. 1985 Iowa Acts, chapter 33, section 302, subsection 1, paragraphs a and b, are amended to read

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as follows:

a. In ~~each of~~ the fiscal ~~years~~ year beginning July 1, 1986 ~~and~~ the first three million two hundred fifty thousand dollars, in the fiscal year beginning July 1, 1987 the first ~~ten~~ one million ~~two hundred fifty thousand~~ dollars, in the fiscal year beginning July 1, 1988 the first ~~three~~ one million ~~two hundred fifty thousand~~ dollars and in the fiscal year beginning July 1, 1989 the first one million dollars to the jobs now capitals account.

b. In each of the four fiscal years after the allotment in paragraph "a", ten million dollars to the community economic betterment account, eight million five hundred thousand dollars to the jobs now account, and twelve million five hundred thousand dollars to the education and agriculture research and development account. However, the allotment to the jobs now account for the fiscal year beginning July 1, 1986 shall be seven million fifty thousand dollars and the allotment to the education and agriculture research and development account for the fiscal year beginning July 1, 1986 shall be eleven million eight hundred thousand dollars.

Sec. 13. 1985 Iowa Acts, chapter 33, section 302, subsection 2, is amended by adding after paragraph e the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Funds for guaranteeing business loans by local development corporations as described in section 28.29.

Sec. 14. 1985 Iowa Acts, chapter 33, section 302, subsection 3, paragraphs a and c, are amended to read as follows:

a. To the state conservation commission for the purposes designated in section 301, subsection 3, paragraph "a" of this Act. For the fiscal year

beginning July 1, 1986, the amount appropriated is two million (2,000,000) dollars.

c. To the office for planning and programming for the purposes designated in section 301, subsection 3, ~~paragraphs "d" and~~ paragraph "e" of this Act.

Sec. 15. 1985 Iowa Acts, chapter 33, section 302, subsection 3, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. For the fiscal year beginning July 1, 1986 only, the sum of two hundred thousand (200,000) dollars for the targeted small business loan guarantee program established pursuant to Senate File 2175 of the Seventy-first General Assembly.

Sec. 16. 1985 Iowa Acts, chapter 33, section 302,

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subsection 4, paragraphs a, b, and c, are amended to read as follows:

a. ~~To~~ Except for the fiscal year beginning July 1, 1986, to the Iowa college aid commission for the forgivable loan program established in division VII of this Act.

b. To the Iowa development commission for the purposes and under the conditions specified in section 301, subsection 4, ~~paragraphs "b" and~~ paragraph "d" of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated for the purposes designated in section 301, subsection 4, paragraph "d" of this Act is ten million seven hundred fifty thousand (10,750,000) dollars.

c. ~~To~~ Except for the fiscal year beginning July 1, 1986, to the state board of regents for the purposes and under the conditions specified in section 301, subsection 4, paragraph "e" of this Act.

Sec. 17. 1985 Iowa Acts, chapter 33, section 302, subsection 4, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. For each of the fiscal years beginning July 1, 1986 and July 1, 1987 to the legislative council for the use of the world trade advisory committee the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, to pay expenses of the members of the committee and other expenses approved by the committee.

Sec. 18. 1985 Iowa Acts, chapter 33, section 302, subsection 5, paragraph a, is amended by striking the paragraph.

Sec. 19. 1985 Iowa Acts, chapter 33, section 302, subsection 5, is amended by adding the following new

lettered paragraphs:

NEW LETTERED PARAGRAPH. c. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of public safety for the acquisition and interface with a fingerprint computer the sum of five hundred thousand (500,000) dollars. There is established an automated fingerprint computer committee (AFIS). This committee shall have the authority to prepare and implement guidelines, rules, and regulations pertaining to the placement, use, and access to the AFIS computer and any remote terminal designed to interface with the main computer located at the department of public safety. The AFIS committee will be chosen for two-year terms with four sheriffs chosen by the Iowa state sheriffs and deputies association and four chiefs of

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police chosen by the Iowa police executive forum. The commissioner of public safety, or the designee, will be chairperson of the AFIS committee.

After the initial committee is selected effective July 1, 1986, new members will serve staggered terms of two years. Beginning July 1, 1988, the Iowa state sheriffs and deputies association and the Iowa police executive forum will each choose two new members, who will make up the nine member AFIS committee. Thereafter, the staggered terms will take effect between the sheriffs' representatives and the police chiefs' representatives. Nothing herein shall limit the number of terms any one person may serve.

NEW LETTERED PARAGRAPH. d. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the Iowa state university of science and technology for funding for the small business development centers the sum of seven hundred thousand (700,000) dollars.

NEW LETTERED PARAGRAPH. e. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the Iowa state university of science and technology the sum of two hundred fifty thousand (250,000) dollars for allocation to the center for industrial research and service for the hazardous waste research program and the solar energy conversion program.

NEW LETTERED PARAGRAPH. f. There is appropriated from the allotment made to the jobs now capitals

account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of human services the sum of four hundred fifty thousand (450,000) dollars for the purchase of computer equipment for establishing a child support recovery central clearinghouse.

NEW LETTERED PARAGRAPH. g. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of justice the sum of three hundred fifty thousand (350,000) dollars for office automation and related personnel costs. The moneys appropriated under this paragraph which have not been expended by the end of the fiscal year shall not revert under section 8.33 or any other provision of law.

Sec. 20. 1985 Iowa Acts, chapter 33, section 303, as amended by 1985 Iowa Acts, chapter 256, section 12, is amended by adding the following new unnumbered

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paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this section, the amount appropriated for each of the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, from the allotments to be made to the community economic betterment account, jobs now account, and the education and agriculture research and development account to each of the funds, agencies, boards, or commissions for the purposes specified in subsections 2, 3, and 4 of section 302 of this Act shall be the amounts appropriated to each of those funds, agencies, boards, or commissions for the fiscal year beginning July 1, 1985 for those purposes in subsections 2, 3, and 4 of section 301 of this Act, except where a different amount is specified by the general assembly for that fiscal year.

Sec. 21. Section 99E.10, subsection 1, paragraph a, Code Supplement 1985, is amended to read as follows:

a. An amount equal to one-half of one percent of the gross lottery revenue shall be deposited in a gamblers assistance fund in the office of the treasurer of state. The money shall be deposited on a monthly basis. Moneys in the fund shall be administered by the commissioner of human services and used to provide assistance and counseling to individuals and families experiencing difficulty as a result of gambling losses and to promote awareness of

gamblers anonymous and similar assistance programs.

Sec. 22. Section 99E.10, subsection 1, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

The Iowa plan fund for economic development, also to be known as the Iowa plan fund, is created in the office of the treasurer of state. Lottery revenue remaining after expenses are determined shall be transferred to the Iowa plan fund on a ~~quarterly~~ monthly basis. Revenues transferred to the Iowa plan fund during July of a fiscal year shall be considered revenues transferred during the previous fiscal year for purposes of the allotments made to and appropriations made from the separate accounts in the Iowa plan fund for that previous fiscal year. However, upon the request of the commissioner and subject to approval by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery revenue. Prior to the ~~quarterly~~ monthly transfer to

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the Iowa plan fund, the commissioner may direct that lottery revenue shall be deposited in the lottery fund and in interest bearing accounts designated by the treasurer of state in the financial institutions of this state or invested in the manner provided in section 452.10. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the Iowa plan fund in the same manner as other lottery revenue. Money in the Iowa plan fund shall be deposited in interest bearing accounts in financial institutions in this state or invested in the manner provided in section 452.10. The interest or earnings on the deposits or investments shall be considered part of the Iowa plan fund and shall be retained in the fund unless appropriated by the general assembly.

Sec. 23. This Act, being deemed of immediate importance, takes effect from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Forest City Summit, a newspaper published in Forest City, Iowa."

The motion lost and the House refused to concur in the Senate amendment H—5856.

Appropriations Calendar

Senate File 2097, a bill for an act relating to agricultural economic diversification by making an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Hughes of Union in the chair at 10:52 a.m.

Cochran of Webster offered the following amendment H–5840 filed by the committee on appropriations and moved its adoption:

H–5840

Amend Senate File 2097 as passed by the Senate as follows:

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

"Section 1. It is the intent of the General Assembly that the position of farmers market manager, who would work on organizing, developing, and operating a full-time metropolitan farmers market in Iowa, and the position of farmers market specialist, who would provide assistance in areas around the state which desire to upgrade or develop a local farmers market, be established, and that support staff be provided for a farmers market development program within the horticulture division of the department of agriculture. Any funds available to the program may also be utilized to obtain matching federal grants.

It is the intent of the General Assembly that two agricultural economic development specialist positions, who would work within the community structure in developing and coordinating the overall local centralized facilities plan, assist in pulling together financing mechanisms for the capital investments necessary for centralized facility development, and work with localized grower groups to establish and expand their markets, be established, and that support staff be provided for a centralized facilities development program within the horticulture division of the department of agriculture. Any funds available to the program may be utilized to obtain matching federal grants.

It is the intent of the General Assembly that the position of horticultural market specialist be retained and the electronic marketing program in the horticulture division of the department of agriculture be continued and expanded to develop working

relationships with contacts at regional terminal markets, to integrate in-state market trading prices, to develop hook-ups at centralized marketing facilities within Iowa, and to update and expand the existing data base on buyers, growers, and market prices. Any funds available to the program may be utilized to obtain matching federal grants.

It is the intent of the General Assembly that the position of agricultural diversification administrator and the alternative agricultural products market evaluation program be maintained in the horticulture division of the department of agriculture and that the administrator work with other departments of agriculture, other state departments, universities, and individual entrepreneurs in order to identify

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market outlets, market demand, and potential areas for future economic growth, and to identify constraints that need to be overcome in order for Iowa producers to participate in the market. Any funds available to the program may be utilized to obtain matching federal grants.

It is the intent of the General Assembly that the horticulture division of the department of agriculture undertake a marketing promotions program to work with other state departments and with businesses and producers on promotional and consumer awareness activities, encouraging the purchase of Iowa grown products encompassed in the agricultural diversification program. Any funds available to the program may be utilized to obtain matching federal grants."

2. Title page, lines 1 and 2, by striking the words "by making an appropriation".

The committee amendment H—5840 was adopted.

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?" (S.F. 2097)

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	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	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	Woods	Zimmerman	Mr. Speaker (Hughes)

The nays were, none.

Absent or not voting, 4:

Jay	Miller	O'Kane	Welden

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

IMMEDIATE MESSAGES
(House Files 665 and 2412)

Norland of Worth asked and received unanimous consent that House Files 665 and 2412 be immediately messaged to the Senate.

Regular Calendar

The House resumed consideration of **House File 2480**, a bill for an act relating to membership sales, by exempting cooperatives organized under chapter 499, temporarily deferred.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H–5844 filed by him on April 16, 1986.

Kremer of Buchanan offered the following amendment H—5849 filed by him and moved its adoption:

H—5849

Amend House File 2480 as follows:

1. Page 1, line 5, by inserting after the word "associations," the following: "mutual or cooperative telephone companies organized under chapter 491 which have been determined to be exempt from taxation under section 501(c)(12) of the Internal Revenue Code of 1954,".

2. Title page, line 2, by inserting after the figure "499" the following: "and certain mutual or cooperative telephone companies organized under chapter 491".

Amendment H—5849 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2480)

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	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	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	Woods	Zimmerman	Mr. Speaker (Hughes)

The nays were, none.

Absent or not voting, 4:

Jay	Miller	O'Kane	Welden

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

SENATE AMENDMENT CONSIDERED
House Refused to Concur

Carter of Henry called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5846 to the House amendment:

H—5846

Amend the House amendment S—5683 to Senate File 2242, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by striking lines 11 through 23 and inserting the following: "chapter 97B or chapter 294. A governing".

A non-record roll call was requested.

The ayes were 36, nays 51.

The motion lost and the House refused to concur in the Senate amendment H—5846, to the House amendment.

Speaker Avenson in the chair at 11:27 a.m.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 129

Peick of Linn called up for consideration House Concurrent Resolution 129, relating to recognition of medical clerks and medical secretaries, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Norland of Worth, the House was recessed at 11:29 a.m., until 2:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE AMENDMENT CONSIDERED

Jay of Appanoose called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—5848:

H–5848

Amend House File 2339 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 17 the following:

"6. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle in this state, including but not limited to an operator, chauffeur, or motorized bicycle license and an instruction or temporary permit."

2. Page 1, by striking lines 30 through 34 and inserting the following:

"7. "Serious injury" means a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily organ or major bodily member, or which causes the loss of any bodily member."

3. Page 2, lines 11 and 12, by striking the words ", upon conviction,".

4. Page 3, by striking lines 10 and 11, and inserting the following: "section shall be counted as previous offenses. The courts shall".

5. Page 4, by inserting after line 20 the following:

"9. In any prosecution under this section, the results of a chemical test may not be used to prove a violation of paragraph "b" of subsection 1 if the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal an alcohol concentration of .10 or more."

6. By striking page 4, line 23 through page 5, line 19 and inserting the following:

"1. On a conviction for a violation of section 321J.2, the court may order the defendant to attend a course for drinking drivers under section 321J.23. If the defendant submitted to a chemical test on arrest for the violation of section 321J.2 and the test indicated an alcohol concentration of .20 or higher, the court shall order the defendant, on conviction, to undergo a substance abuse evaluation and the court may order the defendant to follow the recommendations proposed in the substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86. If a defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility shall report to the

Page 2

court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the area school conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. A defendant who fails to carry out the order of the court or who fails to successfully complete or attend a course for drinking drivers or an ordered substance abuse treatment program shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court."

7. Page 6, lines 4 and 5, by striking the words "LICENSE OR PERMIT" and inserting the words "MOTOR VEHICLE LICENSE".

8. Page 6, line 7, by striking the words "license or permit to drive" and inserting the words "motor vehicle license".

9. Page 6, line 11, by striking the words "license or permit to drive" and inserting the words "motor vehicle license".

10. Page 6, line 11, by striking the word "operation" and inserting the word "operating".

11. Page 6, lines 20 and 21, by striking the words "license or permit to drive" and inserting the words "motor vehicle license".

12. Page 6, line 23, by striking the words "license or permit to drive" and inserting the words "motor vehicle license".

13. Page 6, lines 32 and 33, by striking the words "license or permit to drive" and inserting the words "motor vehicle license".

14. Page 7, lines 5 and 6, by striking the words

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"license or permit to operate motor vehicles" and inserting the words "motor vehicle license".

15. Page 7, line 26, by striking the words "license or permit" and inserting the words "motor vehicle license".

16. Page 8, lines 4 and 5, by striking the words "license or permit to drive" and inserting the words "motor vehicle license".

17. Page 8, line 17, by striking the words "license or permit to drive" and inserting the words "motor vehicle license".

18. Page 8, by striking lines 22 through 26.

19. Page 9, lines 30 and 31, by striking the words "ten one hundredths" and inserting the figure ".10".

20. Page 11, line 9, by inserting after the word "certification" the following: ", subject to penalty for perjury,".

21. Page 11, lines 14 and 15, by striking the words "license or permit to drive and any" and inserting the words "motor vehicle license or".

22. Page 11, line 35, by striking the words "an affidavit" and inserting the words "the officer's certificate".

23. Page 15, line 19, by inserting after the word "officer" the following: ", subject to penalty for perjury,".

24. Page 15, line 27, by striking the words "license or permit to drive" and inserting the words "motor vehicle license".

25. Page 16, by inserting after line 11 the following:

"The results of a chemical test may not be used as the basis for a revocation of a person's motor vehicle license or nonresident operating privilege if the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal an alcohol concentration of .10 or more."

26. Page 16, lines 13 and 14, by striking the words "privilege to drive" and inserting the words "motor vehicle license or operating privilege".

27. Page 16, line 18, by striking the words "within ten days of" and inserting the words "not later than ten days after".

28. Page 16, lines 19 and 20, by striking the words "driving privileges or the issuance of a temporary license" and inserting the words "the motor vehicle license or operating privilege".

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29. Page 16, line 23, by inserting after the word "county" the words ", or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing".

30. Page 17, line 28, by striking the words "license or permit or" and inserting the words "motor vehicle license or nonresident".

31. Page 18, lines 2 and 3, by striking the words "license or permit or privilege to drive" and inserting the words "motor vehicle license or nonresident operating privilege".

32. Page 18, by striking lines 22 and 23 and inserting the following:

"1. The department may, on".

33. By striking page 18, line 25 through page 19, line 13 and inserting the following: "whose motor vehicle license is revoked under this chapter allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, health, education, treatment, and court-ordered community service responsibilities if the person's motor vehicle license has not been revoked under 321J.4, 321J.9, or 321J.12 within the previous six years and if any of the following apply:

a. The person's motor vehicle license is revoked under section 321J.4, subsection 1, 2, 4, or 6.

b. The person's motor vehicle license is revoked under section 321J.9 and the person has entered a plea of guilty on a charge of a violation of section 321J.2 which arose from the same set of circumstances which resulted in the person's motor vehicle license revocation under section 321J.9 and the guilty plea is not withdrawn at the time of or after application for the temporary restricted license.

c. The person's motor vehicle license is revoked under section 321J.12.

However, a temporary restricted license may be issued if the person's motor vehicle license is revoked under section 321J.9, and the revocation is a second revocation under this chapter, and the first three hundred and sixty days of the revocation have expired."

34. Page 19, by striking lines 21 through 32.

35. Page 19, line 35, by striking the words "license or driving" and inserting the words "motor vehicle license or nonresident operating".

36. Page 20, by inserting after line 9 the following:

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"Sec._____. NEW SECTION. 321J.22 EFFECT OF CRIMINAL COURT PROCEEDING ON LICENSE REVOCATION.

1. If the department has revoked or denied a person's privilege to drive under section 321J.12, the department shall rescind the revocation or denial if the department receives notice that:

a. There have been no criminal charges filed for a violation of section 321J.2 based on the same circumstances which resulted in the revocation or denial of the person's driving privilege for any reason other than as a part of a deferred prosecution program.

b. The criminal action on a charge of a violation of section 321J.2 filed as a result of the same circumstances which resulted in the revocation or denial of the person's driving privilege has been dismissed for any reason other than under section 907.3, subsection 1, or as a part of a deferred prosecution program.

c. The criminal action on a charge of a violation of section 321J.2 filed as a result of the same circumstances which resulted in the revocation or denial of the person's driving privilege has resulted in a verdict of not guilty on the charge.

2. If the department has rescinded the revocation or denial of a person's privilege to drive under paragraph "a" or "b" of subsection 1 and a charge of a violation of section 321J.2 is subsequently filed or reinstated on the same circumstances which resulted in initial revocation or denial of the person's privilege to drive, the department shall revoke or deny the person's privilege to drive effective twenty days after the department has mailed notice of revocation or denial to the person by certified mail. The period of revocation or denial is the same as the period under the initial revocation or denial less any time the initial revocation or denial was effective. The revocation or denial remains subject to paragraph "b" or "c" of subsection 1.

3. If the person whose privilege to drive has been revoked or denied had a hearing under section 321J.13 for the initial revocation or denial, the person does not have a right to another hearing under section 321J.13 if the rescinded revocation or denial is reinstated under subsection 2."

37. Page 20, by inserting after line 9 the following:

"Sec._____. NEW SECTION. 321J.23 COURT-ORDERED DRINKING DRIVERS COURSE.

1. As used in this section, unless the context

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otherwise requires:

a. "Course for drinking drivers" means an approved course designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives.

b. "Satisfactory completion of a course" means receiving at the completion of a course a grade from the course instructor of "C" or "2.0," or better.

2. After a conviction for, or a plea of guilty of, a violation of section 321J.2, the court in addition to its power to commit the defendant for treatment of alcoholism under section 321J.3, may order the defendant, at the defendant's own expense, to enroll in, attend, and successfully complete a course for drinking drivers. The court may alternatively or additionally require the defendant to seek evaluation, treatment or rehabilitation services under section 125.33 at the defendant's expense and to furnish evidence of successful completion. A copy of the order shall be forwarded to the department.

3. The course provided in this section shall be offered on a regular basis at each area school as defined in section 280A.2. Enrollment in the courses is not limited to persons ordered to enroll, attend and successfully complete the course under subsection 2, and any person convicted of a violation of section 321J.2 who was not ordered to enroll in a course may enroll in and attend a course for drinking drivers. The course required by this section shall be taught by the area schools under the department of public instruction and approved by the department. The department of public instruction shall establish reasonable fees to defray the expense of obtaining classroom space, instructor salaries, and class materials. A person shall not be denied enrollment in a course by reason of the person's indigency.

4. An employer shall not discharge a person from employment solely for the reason of work absence to attend a course required by this section. Any employer who violates this section is liable for damages which include but are not limited to actual damages, court costs, and reasonable attorney fees. The person may also petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment.

5. The department of public instruction shall prepare a list of the locations of the courses taught under this section, the dates and times taught, the

procedure for enrollment, and the schedule of course fees. The list shall be kept current and a copy of the list shall be sent to each court having jurisdiction over offenses provided in this chapter.

6. The department of public instruction shall maintain enrollment, attendance, successful and nonsuccessful completion data on the persons ordered to enroll, attend and successfully complete a course for drinking drivers. This data shall be forwarded to the court.

Sec._____. NEW SECTION. ROADBLOCKS CONDUCTED BY LAW ENFORCEMENT AGENCIES.

The law enforcement agencies of this state may conduct routine vehicle roadblocks, except roadblocks which are conducted in response to an immediate threat to the health, safety, or welfare of the public, only to determine compliance with the law regarding the licensing of operators of motor vehicles, the registration of motor vehicles, and the safety equipment of motor vehicles, and to enforce compliance with the law prohibiting the operation of a motor vehicle by a person under the influence of alcohol or a drug. Any roadblock operated under this section shall meet the following requirements:

1. The location of the roadblock, the time during which the roadblock will be conducted, and the procedure to be used while conducting the roadblock, shall be determined by policymaking administrative officers of the law enforcement agency.

2. The roadblock location shall be selected for its safety and visibility to oncoming motorists, and adequate advance warning signs, illuminated at night or under conditions of poor visibility, shall be erected to provide timely information to approaching motorists of the roadblock and its nature.

3. There shall be uniformed officers and official vehicles of the law enforcement agency or agencies involved, in sufficient quantity and visibility to demonstrate the official nature of the roadblock.

4. The selection of motor vehicles to be stopped shall not be arbitrary.

5. The roadblock shall be conducted to assure the safety of and to minimize the inconvenience of the motorists involved.

Sec._____. NEW SECTION. 123.151 POSTING NOTICE ON DRUNK DRIVING LAWS REQUIRED.

State liquor stores and holders of liquor control licenses, wine permits, or beer permits shall post in a prominent place in the state liquor stores or licensed premises notice explaining the operation of

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and penalties of the laws which prohibit the operation of a motor vehicle by a person who is intoxicated. The size, print size, location, and content of the notice shall be established by rule of the department."

38. Page 20, by striking line 15 and inserting the following: "or section ~~321.281, 321.283,~~ ~~subsection 3,~~ 321J.3 or".

39. Page 20, by inserting after line 29 the following:

"Sec._____. Section 321.178, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

An approved driver education course as programmed by the department of public instruction shall consist of at least thirty clock hours of classroom instruction, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. An approved course shall include a minimum of two hours of classroom instruction concerning substance abuse as part of its curriculum. After the student has completed three clock hours of street or highway driving and has demonstrated to the instructor an ability to properly operate a motor vehicle and upon written request of a parent or guardian, the instructor may waive the remaining required laboratory instruction."

40. Page 21, by inserting after line 6 the following:

"Sec._____. Section 321.196, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Prior to the renewal of a license pursuant to this section, the department shall issue to each applicant information on the law relating to the operation of a motor vehicle while intoxicated and statistical information relating to the number of injuries and fatalities occurring as a result of the operation of motor vehicles while intoxicated."

41. Page 22, line 25, by striking the words "section 321.277 ~~and sections 321.280~~" and inserting the following: "~~section~~ sections 321.277 and ~~sections~~ 321.280".

42. By striking page 23, line 33, through page 24, line 16.

43. Page 24, by inserting after line 30 the following:

"Sec._____. Section 902.3, Code 1985, is amended to

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read as follows:

902.3 INDETERMINATE SENTENCE.

When a judgment of conviction of a felony, other than a class "A" felony is entered against a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the Iowa department of corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 707.3 or section 902.9 nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided. However, the court may sentence a person convicted of a class "D" felony to imprisonment for up to one year in a county jail under section 902.9, subsection 4, and the person shall not be under the custody of the director of the Iowa department of corrections.

Sec._____. Section 902.9, subsection 4, Code 1985, is amended to read as follows:

4. A class "D" felon, not an habitual offender, may be sentenced to imprisonment for up to one year in the county jail or shall be confined for no more than five years, and in addition may be sentenced to a fine of not more than seven thousand five hundred dollars."

44. Page 25, by inserting after line 31 the following:

"Sec._____. This Act applies to any judicial or administrative action which arises due to violation of a section of this Act or an implementing rule, and which occurs after the effective date of this Act. This Act also applies to any judicial or administrative action which arose prior to the effective date of this Act due to a violation of a preceding Code section or implementing rule which was the same or substantially similar to a section in this Act, or an implementing rule if the defendant or defendant's counsel requests that the action proceed under this Act."

45. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5848.

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 at 8:30 a.m., Tuesday, April 22, 1986.

MOTIONS TO RECONSIDER
(House File 2481)

I move to reconsider the vote by which House File 2481 passed the House on April 21, 1986.

DODERER of Johnson

(House File 2481)

I move to reconsider the vote by which House File 2481 passed the House on April 21, 1986.

GRONINGA of Cerro Gordo

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 497, 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.

House File 717, an act relating to the purchase of motor fuel by a regional transit system, providing for a tax refund, and providing penalties.

House File 2032, an act relating to combined hunting, fishing, and fur harvesting licenses.

House File 2120, an act relating to the care of neglected or estray animals.

House File 2128, an act relating to the residency of a township clerk.

House File 2336, an act relating to the authority of the Department of Water, Air and Waste Management over hazardous substances and hazardous conditions.

House File 2369, an act relating to public employee grievance procedures.

House File 2372, 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.

House File 2402, an act relating to the election of judicial nominating commissioners and county magistrate appointing commissioners.

House File 2409, an act relating to the visitation rights of grandparents.

House File 2442, an act providing a statute of limitations for certain actions arising out of improvements to real property.

House File 2465, an act relating to the continuation of and conversion of accident or health insurance benefits and providing an effective date.

PROOF OF PUBLICATION
(House File 2485)

Published copy of House File 2485 and verified proof of publication of said bill in the Davis County Republican, a weekly newspaper printed and published in Bloomfield, Davis County, Iowa, on April 15, 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

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

Twenty-nine eighth grade students from Glidden-Ralston Junior-Senior High School, Glidden, accompanied by Larry Littlefield and Denny Ploeger. By Blanshan of Greene.

Six Talented and Gifted students from Dysart-Geneseo School, Dysart, accompanied by Marlys Mitchell. By Handorf of Marshall and Hummel of Benton.

Forty-six eighth grade students from St. Lawrence School, Carroll, accompanied by Father John Perdue, Mr. and Mrs. Ely Evangelista, Mrs. Casey Sexton and Steve Kaiser. By Peterson of Carroll.

Twenty fifth grade students from Cambridge Elementary School, Cambridge, accompanied by Joanne Larson. By Rosenberg of Story.

Seventy-five eleventh and twelfth grade students from Interstate 35 High School, Truro, accompanied by Joe Pelisek. By Skow of Guthrie.

COMMUNICATION RECEIVED

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

PROFESSIONAL AND OCCUPATIONAL REGULATION COMMISSION

The Annual Report of the Professional and Occupational Regulation Commission, pursuant to Chapter 2B.3, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

1986-15 The City of Craig, Iowa — Celebrating its seventy-fifth anniversary June 7th, 1986.

1986-16 The City of Camanche, Iowa — Celebrating its Sesquicentennial anniversary August 7th through August 10th, 1986.

JOSEPH O'HERN
Chief Clerk of the House

AMENDMENTS FILED

H—5863	H.F.	2484	Teaford of Black Hawk Diemer of Black Hawk
H—5864	H.F.	2454	Sturgeon of Woodbury
H—5865	H.F.	2484	Van Maanen of Mahaska Harbor of Mills
H—5866	H.F.	2484	Schnekloth of Scott
H—5867	H.F.	2484	Van Maanen of Mahaska Harbor of Mills Halvorson of Clayton Maulsby of Calhoun
H—5868	H.F.	2483	Running of Linn
H—5869	H.F.	2484	Schnekloth of Scott
H—5870	H.F.	2484	Hammond of Story Lloyd-Jones of Johnson Groninga of Cerro Gordo
H—5871	H.F.	2484	Zimmerman of Dallas
H—5872	H.F.	2349	Pavich of Pottawattamie

On motion by Norland of Worth, the House adjourned at 3:58 p.m., until 9:00 a.m., Tuesday, April 22, 1986.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day—Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 22, 1986

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

Prayer was offered by Father Ernest Engler, pastor of the St. Patrick Catholic Church, Tama.

The Journal of Monday, April 21, 1986 was approved.

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 21, 1986, insisted on its amendment to House File 2414, a bill for an act relating to hunting and fishing, and the members of the conference committee, on the part of the Senate, are: The Senator from Linn, Senator Hall, Chair; the Senator from Jones, Senator Hannon; the Senator from Pottawattamie, Senator Hester; the Senator from Monroe, Senator Peterson; and the Senator from Clayton, Senator Tieden.

K. MARIE THAYER, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 130

Hughes of Union called up for consideration House Concurrent Resolution 130, relating to refugees of the civil war in El Salvador, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 124

Shoultz of Black Hawk called up for consideration House Concurrent Resolution 124, extending support for the erection and dedication for the Black Hawk County Viet Nam Veterans Memorial.

SENATE CONCURRENT RESOLUTION 118 SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 124 AND ADOPTED

Shoultz of Black Hawk asked and received unanimous consent to substitute Senate Concurrent Resolution 118 for House Concurrent Resolution 124.

Senate Concurrent Resolution 118, extending support for the erection and dedication for the Black Hawk County Viet Nam Veterans Memorial, was taken up for consideration.

On motion by Shoultz of Black Hawk, Senate Concurrent Resolution 118 was adopted.

The House stood at ease at 9:35 a.m., until the fall of the gavel.

The House resumed session at 12:05 p.m., Running of Linn in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 21, 1986, insisted on its amendment to House File 2378, a bill for an act providing for referendums to terminate the collection of the beef and soybean assessments, and the members of the conference committee, appointed April 22, 1986, on the part of the Senate are: The Senator from Cerro Gordo, Senator Miller, Chair; the Senator from Webster, Senator Coleman; the Senator from Polk, Senator Palmer; the Senator from Marshall, Senator Soorholtz; and the Senator from Buena Vista, Senator Waldstein.

Also: That the Senate has, on April 22, 1986, insisted on its amendment 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, and the members of the conference committee, on the part of the Senate, are: The Senator from Johnson, Senator Small, Chair; the Senator from Story, Senator Bruner; the Senator from Sioux, Senator Ritsema; the Senator from Clayton, Senator Tieden; and the Senator from Dubuque, Senator Welsh.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 12:06 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

The House stood at ease at 1:39 p.m., until the fall of the gavel.

The House resumed session at 2:44 p.m., Speaker Avenson in the chair.

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules for the immediate consideration of House File 2484.

Objection was raised.

Norland of Worth moved to suspend the rules for the immediate consideration of House File 2484.

A non-record roll call was requested.

The ayes were 51, nays 33.

The motion prevailed and the rules were suspended.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 2484, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive, was taken up for consideration.

Blanshan of Greene in the chair at 2:53 p.m.

McIntee of Black Hawk asked and received unanimous consent to temporarily defer action on amendment H—5906.

Koenigs of Mitchell offered the following amendment H—5878 filed from the floor by Koenigs, Swearingen, Poncy and Daggett:

H—5878

Amend House File 2484 as follows:
1. By striking page 9, line 28 through page 10, line 15.
2. By striking page 10, line 32 through page 11, line 28.

3. Renumber sections and correct internal references as necessary in accordance with this amendment.

Varn of Johnson asked and received unanimous consent to defer action on amendment H—5878.

Norland of Worth asked and received unanimous consent that House File 2484 be temporarily deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGE
(House File 2339)

Norland of Worth asked and received unanimous consent that House File 2339 be immediately messaged to the Senate.

The House resumed consideration of **House File 2484**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive, temporarily deferred.

Daggett of Taylor offered the following amendment H—5898 filed by him from the floor and moved its adoption:

H—5898

Amend House File 2484 as follows:
1. Page 16, line 30, by striking the figure "4,148,910" and inserting the following: "4,048,910".
2. Page 16, by striking lines 33 and 34 and inserting the following: "appropriated in this paragraph, at least four hundred thousand (400,000) *dollars to be used by the department to provide*".
3. Page 18, line 34, by striking the figure "10,000" and inserting the following: "110,000".

Amendment H—5898 lost.

Running of Linn offered the following amendment H—5899 filed by him and Sherzan of Polk from the floor, and moved its adoption:

H—5899

Amend House File 2484 as follows:
1. Page 17, by inserting after line 34 the following:

"It is the intent of the general assembly that the state board of education provide an opportunity for input from representatives from appropriate labor groups for vocational education programs that could lead to apprenticeships."

Amendment H—5899 was adopted.

Poncy of Wapello offered the following amendment H—5901 filed by him from the floor and moved its adoption:

H—5901

Amend House File 2484 as follows:

1. Page 23, by striking line 6 and inserting the following:

"dollars per day ..... $ 411,336".

2. Page 24, by striking line 24 and inserting the following:

"of diabetes mellitus ..... $ 117,840,274".

3. Page 24, by striking lines 25 and 26.

4. Page 25, line 8, by striking the figure "23,410,941" and inserting the following: "23,070,941".

Amendment H—5901 was adopted.

Varn of Johnson offered the following amendment H—5900 filed by him from the floor and moved its adoption:

H—5900

Amend House File 2484 as follows:

1. Page 23, by inserting after line 29 the following:

"The state board of regents shall refund and refinance selected academic revenue bonds under section 262A.5, if substantial savings can be expected, in order to reduce the shortfall in tuition replacement appropriations made in this paragraph. The board shall analyze the conditions prevalent in the tax exempt bond market, the overall potential savings, the possibility of restructuring debt service to lessen future tuition replacement costs, the potential impacts upon the owners of state board of regents' bonds, and the potential impacts upon future sales of state board of regents' bonds.

In determining the amount of the shortfall, the state board of regents shall not include tuition or

fee increases approved by the state board of regents after May 1, 1986."

2. Page 37, by striking lines 7 through 14.

3. By striking page 37, line 30, through page 38, line 1, and inserting the following: "circulation in said state. The provisions of chapter 75 shall not apply to bonds issued under authority contained in this chapter, but such bonds shall be sold upon terms of not less than par plus accured interest. Bonds issued to refund other bonds issued under the provisions of this chapter may either be sold in the manner hereinbefore specified and the proceeds thereof applied to".

4. Page 38, by striking lines 19 through 32.

5. By renumbering sections as necessary.

Amendment H—5900 was adopted.

Poncy of Wapello offered the following amendment H—5907 filed by him from the floor and moved its adoption:

H—5907

Amend House File 2484 as follows:

1. Page 25, by striking lines 31 through 34 and inserting the following: "would qualify for medical assistance or the medically-needy program without the spend-down provision under chapter 249A. If the applicant qualifies, then the patient shall be certified for medical".

2. Page 56, lines 1 and 2, by striking the words and figures "the base year commencing July 1, 1985" and inserting the following: "a base year".

3. Page 56, lines 12 and 13, by striking the words and figures "the base year beginning July 1, 1985" and inserting the following: "a base year".

4. Page 56, line 15, by inserting after the word "and" the following: "each".

5. Page 56, line 16, by striking the word "years" and inserting the word "year".

Amendment H—5907 was adopted.

Mullins of Kossuth offered the following amendment H—5911 filed by her from the floor and moved its adoption:

H—5911

Amend House File 2484 as follows:

1. Page 26, by striking lines 1 through 4 and

inserting the following:

"It is the policy of this state that the expenditure of public funds to perform experimental medical procedures on poor Iowans has a valuable public purpose. Consistent with this policy, moneys appropriated for the medical and surgical treatment of indigent patients as provided in chapter 255 may be expended for purposes of human organ transplant research, including procedures which are deemed experimental by federal Medicare designation, in order that the university of Iowa hospitals and clinics may attain recognized status as a transplant center for those procedures and qualify for reimbursement for those procedures by major medical insurance carriers. As a condition of the appropriation made in paragraph "b", subparagraph (1), poor Iowans participating in experimental human organ transplant procedures must give informed consent and must meet the recipient criteria".

Roll call was requested by Mullins of Kossuth and Jochum of Dubuque.

On the question "Shall amendment H—5911 be adopted?"

The ayes were, 23:

Bennett	Branstad	Carter	Corey
De Groot	Grandia	Halvorson, R. A.	Halvorson, R. N.
Hanson	Harbor	Hester	Maulsby
McKean	Metcalf	Paulin	Petersen, D. F.
Renken	Rensink	Royer	Schnekloth
Stromer	Van Maanen	Welden	

The nays were, 71:

Arnould	Baxter	Beatty	Black
Brammer	Buhr	Carpenter	Chapman
Clark	Cochran	Connolly	Cooper
Daggett	Diemer	Doderer	Fey
Fogarty	Groninga	Gruhn	Hammond
Handorf	Hatch	Haverland	Hermann
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoning

Shoultz	Siegrist	Skow	Spear
Stueland	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Woods	Zimmerman	Mr. Speaker (Blanshan)	

Absent or not voting, 6:

Avenson	Carl	Connors	Groth
McIntee	Sturgeon		

Amendment H–5911 lost.

Mullins of Kossuth offered the following amendment H–5880 filed from the floor by her and Zimmerman of Dallas and moved its adoption:

H–5880

Amend House File 2484 as follows:

1. Page 26, by striking lines 1 through 8 and inserting the following:

"Prior to the use of any funds, appropriated for the medical and surgical treatment of indigent patients as provided in chapter 255, for organ transplantations, a study to develop a process for the review and approval of organ transplantations shall be conducted. The legislative council shall establish an eight-member organ transplantation study committee, composed of four senators and four representatives, four of whom are members of the human resources standing committees and four of whom are members of the joint education appropriations subcommittee. The study committee shall investigate the transplantation experience of other states and review the report of the governor's task force on organ transplantations. The study committee shall develop a process for the disbursement of medical assistance funds and chapter 255 indigent patient program funds for organ transplantations, and report its findings to the legislative council by January 1, 1987. Until the general assembly enacts a process for the review and approval of organ transplantations, the costs of which will be paid for, in whole or in part, from chapter 255 indigent patient program funds, chapter 255 indigent patient program funds shall not be used to pay for the cost of organ transplantations. Until the general assembly enacts a process for the review and approval of organ transplantations, the costs of which will be paid for, in whole or in part, from medical

assistance funds, medical assistance funds shall only be used to pay for the cost of organ transplantations in accordance with administrative rules adopted by the department of human services and in effect on January 1, 1986."

Roll call was requested by Jochum of Dubuque and Varn of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H—5880 be adopted?"

The ayes were, 50:

Beatty	Bennett	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Corey	Daggett	De Groot	Doderer
Grandia	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hester	Holveck	Hummel	Johnson
Kremer	Lageschulte	Lonergan	Maulsby
McKean	Metcalf	Miller	Mullins
Osterberg	Paulin	Peick	Pellett
Petersen, D. F.	Renken	Rensink	Rosenberg
Royer	Schnekloth	Shoning	Shoultz
Stromer	Stueland	Teaford	Van Maanen
Welden	Zimmerman		

The nays were, 46:

Arnould	Baxter	Black	Cochran
Connolly	Connors	Cooper	Diemer
Fey	Fogarty	Groninga	Groth
Hatch	Haverland	Hermann	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	McIntee	Muhlbauer	Norland
O'Kane	Ollie	Oxley	Parker
Pavich	Peterson, M. K.	Platt	Poncy
Renaud	Running	Sherzan	Siegrist
Skow	Spear	Sullivan	Swartz
Swearingen	Tabor	Van Camp	Varn
Woods	Mr. Speaker (Blanshan)		

Absent or not voting, 4:

Avenson	Carl	Carter	Sturgeon

Amendment H—5880 was adopted.

Poncy of Wapello offered the following amendment H—5904 filed by him from the floor and moved its adoption:

H—5904

Amend House File 2484 as follows:
1. Page 28, line 17, by striking the word "five" and inserting the following: "up to seven".

A non-record roll call was requested.

The ayes were 60, nays 29.

Amendment H—5904 was adopted.

Groninga of Cerro Gordo offered the following amendment H—5876 filed by him from the floor and moved its adoption:

H—5876

Amend House File 2484 as follows:
1. Page 28, by inserting after line 17 the following:
"As a condition of the appropriation in this subparagraph, the state comptroller shall withhold three million three hundred sixty thousand twenty-one (3,360,021) dollars until the cooperative extension service in agriculture and home economics certifies to the state comptroller that it has signed an agreement under chapter 28E with the department of economic development that provides a procedure for the department of economic development to approve economic development activities conducted by the cooperative extension service."

Roll call was requested by Groninga of Cerro Gordo and Stueland of Clinton.

On the question "Shall amendment H—5876 be adopted?"

The ayes were, 57:

Arnould	Baxter	Beatty	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Connolly	Connors	Cooper
De Groot	Diemer	Fey	Groninga
Groth	Halvorson, R. N.	Handorf	Hanson
Hatch	Hermann	Hummel	Jochum

Koenigs	Kremer	Lonergan	McIntee
Metcalf	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Parker
Paulin	Pavich	Peick	Peterson, M. K.
Renaud	Renken	Rensink	Running
Schnekloth	Shoning	Shoultz	Siegrist
Stueland	Swartz	Teaford	Van Camp
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Blanshan)			

The nays were, 40:

Bennett	Black	Brammer	Carl
Cochran	Corey	Daggett	Doderer
Fogarty	Grandia	Gruhn	Halvorson, R. A.
Hammond	Harbor	Haverland	Hester
Holveck	Hughes	Jay	Johnson
Knapp	Lageschulte	Lloyd-Jones	Maulsby
McKean	Osterberg	Oxley	Pellett
Petersen, D. F.	Platt	Poncy	Rosenberg
Royer	Skow	Spear	Stromer
Sullivan	Swearingen	Tabor	Van Maanen

Absent or not voting, 3:

Avenson	Sherzan	Sturgeon

Amendment H—5876 was adopted.

Speaker Avenson in the chair at 5:09 p.m.

Shoultz of Black Hawk offered the following amendment H—5915 filed by him and Peterson of Carroll from the floor, and moved its adoption:

H—5915

Amend House File 2484 as follows:
1. Page 28, by striking lines 20 and 21.
2. Page 94, by striking lines 7 through 12.
3. Page 98, by inserting after line 34 the following:
"6. For payment of grants to dispute resolution programs under the prosecuting attorney training program ..... $ 49,976".

A non-record roll call was requested.

The ayes were 30, nays 43.

Amendment H—5915 lost.

Varn of Johnson asked and received unanimous consent to temporarily defer action on amendment H–5886.

Zimmerman of Dallas asked and received unanimous consent to temporarily defer action on amendment H–5871.

Carl of Poweshiek in the chair at 5:33 p.m.

Hammond of Story offered the following amendment H–5879 filed from the floor by Hammond, Johnson, Buhr, Haverland, Osterberg, Teaford, Mullins, Carpenter, Renken and De Groot:

H–5879

Amend House File 2484 as follows:

1. By striking page 29, line 2 through page 33, line 4 and inserting the following:

"Sec. 111. INDIGENT OBSTETRICAL PATIENT QUOTAS.

1. The statewide indigent patient care program shall continue the nonquota system for indigent obstetrical and orthopedic patients and shall maintain the current county quota system for other indigent patients. In addition, commencing October 1, 1986, under the statewide indigent patient care program each county shall be allocated an indigent obstetrical patient quota equal to the lesser of sixty patients or a total number equal to four percent of the average number of live births per year in the county, calculated for the 1983, 1984, and 1985 calendar years, minus the number of obstetrical patients from the county who delivered at the university of Iowa hospitals and clinics under the statewide indigent patient care program in the fiscal year beginning July 1, 1985. However, each county shall be allocated a minimum indigent obstetrical patient quota of four. The department of public health shall provide for the reassignment of an unused county obstetrical quota allotment to other counties on April 1, 1986. The reassignment shall only be taken from a county which has an unused obstetrical patient quota for the portion of the fiscal period ending March 31, 1986, and the reassignment shall not affect the county's portion of the quota for the calendar quarter ending June 30, 1986. The reassignments shall be made to other counties on a first-come, first-served basis. A newborn infant who is born locally to an indigent woman under a county's indigent obstetrical patient quota may be transferred to the university of Iowa hospitals and clinics and receive care as a nonquota

indigent patient. A county may use its obstetrical quota to provide services to indigent obstetrical patients and their newborns under the county's general relief program to hospitals licensed in this state and to physicians licensed and practicing in this state. All providers of services to quota and nonquota obstetrical and newborn patients shall agree to accept as full payment the reimbursements allowable under the medical assistance program established pursuant to chapter 249A, adjusted for intensity of care. However, the total reimbursement from the obstetrical patient care fund to providers for residents of a county is limited to that county's indigent obstetrical patient quota multiplied by one thousand four hundred dollars. The university of Iowa

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hospitals and clinics and other hospitals shall submit their billings on the UB 82, uniform hospital billing form, and physicians shall submit their billings on the HCFA 1500. University hospital billings shall be submitted directly to the department of public health and other billings shall be submitted through the county general relief directors to the department of public health.

2. The department of public health, in collaboration with the department of human services and in consultation with the Iowa state association of counties, shall adopt rules, pursuant to chapter 17A, establishing minimum standards for eligibility for obstetrical and newborn care, including physician examination, medical testing, and inpatient transportation costs, for indigent obstetrical and newborn care provided by the university of Iowa hospitals and clinics and by other hospitals licensed in this state and physicians licensing and practicing in this state. The minimum standards for eligibility shall provide eligibility for persons with incomes at or below one hundred fifty percent of the annual revision of the poverty income guidelines published by the United States department of health and human services, and shall provide, but shall not be limited to providing, eligibility for uninsured and underinsured persons financially unable to pay for necessary obstetrical and newborn care. The minimum standards may include a spend-down provision. The resource standards shall be set at or above the resource standards under the federal supplemental security income program. The resource exclusions allowed under the federal supplemental security income program shall be allowed and shall include resources

necessary for self-employment. The department of public health shall adopt administrative rules to implement the statewide indigent obstetrical patient quota system under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b" and the rules shall become effective no later than October 1, 1986.

3. The department of public health shall establish procedures for payment to other hospitals licensed in this state, and physicians licensed and practicing in this state.

4. A county shall not be held responsible for the costs of providing obstetrical and newborn care, including physician examination, medical testing, and transportation costs, to pregnant women and their newborn infants who meet the eligibility requirements

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adopted by the department of public health.

5. A person desiring obstetrical and newborn care, the cost of which is payable under the obstetrical patient care program, or the parent or guardian of a minor desiring or in need of such care, may apply to the general relief director of the person's county of residence to have the cost of such care paid from the obstetrical patient care fund. The applicant shall attest to the accuracy of the information contained on the application. The county general relief director shall first ascertain from the local office of the department of human services if the applicant would be eligible for medical assistance or for assistance under the medically needy program without any spend-down requirement, pursuant to chapter 249A. The county general relief director shall also assure that any local obligations under the federal Hill-Burton program for free care, as well as any other nonpublic programs for care, are fully utilized. If the applicant is eligible for assistance pursuant to chapter 249A, if the applicant is eligible for maternal and child health care services covered by a maternal and child health program, or if the applicant is eligible for Hill-Burton care or other nonpublic programs, the obstetrical patient care program shall not provide such assistance, care, or covered services provided under other programs.

6. The legislative fiscal bureau and the state health data commission shall study the operation of the obstetrical patient care program for the fiscal period beginning July 1, 1986, and ending June 30, 1988, shall identify the levels of medical care provided and the location of the care provided under

the program, and the costs of the care provided by all hospitals under this section, and shall report its preliminary findings to the governor and the general assembly convening in 1987 and its final determinations to the governor and the general assembly convening in 1988.

7. There is appropriated from the general fund of the state to a special account in the state treasury to be known as the obstetrical patient care fund, for the fiscal year beginning July 1, 1986, and ending June 30, 1987, one million one hundred thousand (1,100,000) dollars, or so much thereof as is necessary, for the development and operation, commencing October 1, 1986, of a statewide obstetrical patient care program as provided in this section. The department of public health shall be the administrator of the fund.

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If moneys appropriated to the obstetrical patient care fund by this section remain unobligated and unencumbered on June 30, 1987, the moneys shall not revert to the general fund of the state but shall be transferred to the indigent patient care fund established pursuant to chapter 255.

8. It is the intent of the general assembly that commencing July 1, 1987 under the statewide indigent patient care program established pursuant to chapter 255, each county shall be allocated an indigent obstetrical and newborn patient quota equal to the lesser of seventy patients or a total number equal to six percent of the average number of live births per year in the county, calculated for the 1984, 1985, and 1986 calendar years, minus the number of obstetrical patients from the county who delivered at the university of Iowa hospitals and clinics under the statewide indigent patient care program in the fiscal year beginning July 1, 1986, with each county being allocated a minimum quota of four.

It is the intent of the general asembly that the portion of the indigent patient care program established pursuant to chapter 255 serving indigent obstetrical and newborn patients be completely decentralized to all counties by July 1, 1988 so as to allow reimbursement for care locally as well as at the university of Iowa hospitals and clinics. It is the intent of the general assembly that persons certified for obstetrical and newborn care under the decentralized program be entitled to reimbursement only to the extent of moneys appropriated to the program. It is further the intent of the general

assembly that the amount appropriated for obstetrical and newborn care under the decentralized program be equal to the amount that would otherwise have been appropriated for obstetrical and newborn patients under the indigent patient care program established pursuant to chapter 255."

Speaker Avenson in the chair at 6:04 p.m.

Hammond of Story moved the adoption of amendment H—5879.

A non-record roll call was requested.

The ayes were 65, nays 19.

Amendment H—5879 was adopted placing out of order the following amendments:

H—5871 filed by Zimmerman of Dallas on April 21, 1986 (previously deferred).

H—5886 filed by Varn of Johnson from the floor (previously deferred).

Norland of Worth asked and received unanimous consent that House File 2484 be temporarily deferred and that the bill retain its place 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 April 22, 1986, insisted on its amendment to House File 665, a bill for an act relating to the operation of motorboats, and the members of the conference committee, on the part of the Senate, are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Polk, Senator Gentleman; the Senator from Tama, Senator Husak; the Senator from Dallas, Senator Riordan; and the Senator from Jefferson, Senator Schwengels.

K. MARIE THAYER, Secretary

CONFERENCE COMMITTEES APPOINTED
(House File 665)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 665: Black of Jasper, Chair; Haverland of Polk, Varn of Johnson, Diemer of Black Hawk and Paulin of Plymouth.

(House File 2378)

The Speaker announced the appointment of the conference committee to consider the differences between the House and the Senate concerning House File 2378: Carter of Henry, Chair; Cochran of Webster, Muhlbauer of Crawford, Pellett of Cass and Stueland of Clinton.

(House File 2412)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2412: Connolly of Dubuque, Chair; Groninga of Cerro Gordo, Parker of Jasper, Branstad of Winnebago and Kremer of Buchanan.

(House File 2414)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2414: Black of Jasper, Chair; Johnson of Winneshiek, Sullivan of Van Buren, Diemer of Black Hawk and Rensink of Sioux.

INTRODUCTION OF BILL

House File 2486, by Norland and Stromer, a bill for an act allowing sixteen and seventeen year old persons no longer in attendance at school to obtain operator licenses if they have been issued high school equivalency diplomas.

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

CONSIDERATION OF BILL

The House resumed consideration of **House File 2484,** a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

(House File 2484 pending at adjournment.)

CONFERENCE COMMITTEE REPORT FILED

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

JOSEPH O'HERN
Chief Clerk of the House

House File 2245, a bill for an act relating to the confidentiality of archaeological sites and resource information and subjecting violators to civil and criminal penalties.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 1986, he approved and transmitted to the Secretary of State the following bills:

Senate File 178, an act relating to the handling and preservation of assessment rolls and assessment information.

Senate File 245, an act relating to jurors, jury commissions and juror selection and providing penalties.

Senate File 557, an act relating to the filing of claims for the homestead credit.

Senate File 2088, an act relating to access to the results of energy audits.

Senate File 2100, an act relating to public defenders.

Also: That on April 22, 1986, he approved and transmitted to the Secretary of State the following bills:

Senate File 444, an act relating to the time in which a defendant may waive the defendant's right to a jury trial.

Senate File 2108, 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.

PRESENTATION OF VISITORS

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

Sixteen eighth grade students from Thompson Junior High School, Thompson, accompanied by Larry Hill. By Branstad of Winnebago.

Four students from Webster City Junior High School, Webster City, accompanied by Miss Echenbarger. By Cochran of Webster.

Seventeen eighth grade students from Lutheran Interparish School, Williamsburg, accompanied by Duane Miller. By Varn of Johnson.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 794

Ways and Means: Chapman, Chair; Fey and De Groot.

Study Bill 795

Ways and Means: Groninga, Chair; Brammer and Daggett.

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 Joint Resolution 2003, a joint resolution to nullify an administrative rule on required permit application for certain feedlots.

Fiscal Note is not required.

Recommended **Do Pass** April 22, 1986.

COMMITTEE ON STATE GOVERNMENT

House File 2483, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H–5887** April 21, 1986.

Pursuant to Rule 31.7, House File 2483 was referred to the committee on appropriations.

COMMITTEE ON WAYS AND MEANS

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.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 1986.

RESOLUTION FILED

HCR 131, by McIntee, a concurrent resolution requesting an interim study on residential heating and electrical services.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–5866 **(Corrected)**	H.F.	2484	Schnekloth of Scott Van Camp of Scott Petersen of Muscatine Carpenter of Polk Metcalf of Polk
H–5873	H.F.	2484	Running of Linn Schnekloth of Scott Woods of Polk Peick of Linn Petersen of Muscatine McIntee of Black Hawk Hummel of Benton Skow of Guthrie Siegrist of Pottawattamie Ollie of Clinton
H–5874	H.F.	2484	Hatch of Polk
H–5875	H.F.	2484	Spear of Lee
H–5877	H.F.	2484	Pavich of Pottawattamie Siegrist of Pottawattamie
H–5881	H.F.	2484	Hammond of Story Peterson of Carroll Cochran of Webster
H–5882	H.F.	2484	Jochum of Dubuque
H–5883	H.F.	2484	Spear of Lee
H–5884	H.F.	2457	Arnould of Scott
H–5885	H.F.	2484	Spear of Lee
H–5887	H.F.	2483	Committee on State Government
H–5888	H.F.	2484	Stromer of Hancock

H–5889	H.F.	2484	O'Kane of Woodbury
			Platt of Muscatine
			Cooper of Lucas
			Welden of Hardin
			Muhlbauer of Crawford
H–5890	H.F.	2484	Petersen of Muscatine
Schnekloth of Scott			Osterberg of Linn
Peick of Linn			Van Camp of Scott
Cooper of Lucas			Royer of Page
Oxley of Linn			Shoning of Woodbury
			Paulin of Plymouth
H–5891	H.F.	2484	Pellett of Cass
			Paulin of Plymouth
H–5892	H.F.	2484	Groth of Buena Vista
H–5893	H.F.	2484	Halvorson of Clayton
H–5894	H.F.	2484	Swartz of Marshall
H–5895	H.F.	2484	Osterberg of Linn
H–5896	H.F.	2484	Hanson of Delaware
H–5897	H.F.	2484	Tabor of Jackson
H–5903	H.F.	2484	Jochum of Dubuque
H–5905	H.F.	2484	Poncy of Wapello
H–5906	H.F.	2484	McIntee of Black Hawk
Lageschulte of Bremer			Diemer of Black Hawk
Shoultz of Black Hawk			Teaford of Black Hawk
			Kremer of Buchanan
H–5908	H.F.	2484	Varn of Johnson
H–5909	H.F.	2484	Carpenter of Polk
H–5910	H.F.	2484	Varn of Johnson
H–5912	H.F.	2484	Daggett of Taylor
H–5913	H.F.	2484	Daggett of Taylor
H–5914	H.F.	2484	Varn of Johnson
H–5916	H.F.	2484	Poncy of Wapello
H–5917	H.F.	2484	Stromer of Hancock
H–5918	H.F.	2484	Hermann of Scott
H–5919	H.F.	2484	Lonergan of Boone
H–5920	H.F.	2484	Haverland of Polk
Woods of Polk			Buhr of Polk
Blanshan of Greene			Peterson of Carroll
Lonergan of Boone			Renaud of Polk
Hammond of Story			Beatty of Warren
Rosenberg of Story			Carpenter of Polk
Metcalf of Polk			Holveck of Polk
H–5921	H.F.	2484	Rensink of Sioux
			Van Maanen of Mahaska

H—5922 H.F. 2484
Hester of Pottawattamie
Clark of Cerro Gordo
McKean of Jones
Maulsby of Calhoun
Stromer of Hancock
Hanson of Delaware
Paulin of Plymouth
Shoning of Woodbury
Pellett of Cass
Petersen of Muscatine
McIntee of Black Hawk
Rensink of Sioux
Royer of Page
Stueland of Clinton
De Groot of Lyon

H—5923 H.F. 2484

H—5924 H.F. 2484
H—5925 H.F. 2484
H—5926 H.F. 2484
Osterberg of Linn
Clark of Cerro Gordo
Branstad of Winnebago

H—5927 H.F. 2484
H—5928 H.F. 2484
H—5929 H.F. 2484

H—5930 H.F. 2484

H—5931 H.F. 2484

H—5932 H.F. 2484
H—5933 H.F. 2484
H—5934 H.F. 2484
Van Maanen of Mahaska
Kremer of Buchanan

Van Maanen of Mahaska
Kremer of Buchanan
Hermann of Scott
Handorf of Marshall
Bennett of Ida
Halvorson of Clayton
Daggett of Taylor
Mullins of Kossuth
Branstad of Winnebago
Van Camp of Scott
Siegrist of Pottawattamie
Platt of Muscatine
Grandia of Marion
Miller of Cherokee
Schnekloth of Scott
Renken of Grundy
Swearingen of Keokuk
Holveck of Polk
Clark of Cerro Gordo
Hammond of Story
McKean of Jones
Halvorson of Webster
Rensink of Sioux
O'Kane of Woodbury
Halvorson of Webster
De Groot of Lyon
Holveck of Polk
Hanson of Delaware
Haverland of Polk
Spear of Lee
Daggett of Taylor
Daggett of Taylor
Black of Jasper
Pellett of Cass
O'Kane of Woodbury
Platt of Muscatine
Rensink of Sioux
Maulsby of Calhoun
Varn of Johnson
Maulsby of Calhoun
Welden of Hardin
Hermann of Scott
Hester of Pottawattamie
Handorf of Marshall

H—5935	H.F.	2484	Koenigs of Mitchell Swearingen of Keokuk Poncy of Wapello Daggett of Taylor
H—5936	H.F.	2484	Sherzan of Polk
H—5937	H.F.	2484	Spear of Lee
H—5938	H.F.	2484	Jochum of Dubuque
H—5939	H.F.	2484	Daggett of Taylor Fogarty of Palo Alto
H—5940	H.F.	2484	Carpenter of Polk
H—5941	H.F.	2484	Hatch of Polk Varn of Johnson Hanson of Delaware Welden of Hardin
H—5942	H.F.	2484	Groth of Buena Vista
H—5943	H.F.	2484	Osterberg of Linn Carl of Poweshiek De Groot of Lyon
H—5944	H.F.	2484	Stromer of Hancock Lloyd-Jones of Johnson Rosenberg of Story Doderer of Johnson
H—5945	H.F.	2484	Jochum of Dubuque
H—5946	H.F.	2484	Ollie of Clinton
H—5947	H.F.	2462	Haverland of Polk
H—5948	H.F.	2462	Haverland of Polk
H—5949	H.F.	2462	Haverland of Polk
H—5950	H.F.	2484	Spear of Lee
H—5951	H.F.	2484	Spear of Lee
H—5952	H.F.	2484	Welden of Hardin
H—5953 Peterson of Carroll Osterberg of Linn Halvorson of Webster Jochum of Dubuque	S.F.	97	Varn of Johnson Jay of Appanoose Doderer of Johnson Lloyd-Jones of Johnson Woods of Polk
H—5954	H.F.	2484	Halvorson of Clayton Harbor of Mills Sherzan of Polk Haverland of Polk Petersen of Muscatine

H—5955 H.F. 2484
Diemer of Black Hawk
Black of Jasper
Stueland of Clinton
Rensink of Sioux
Groninga of Cerro Gordo
Varn of Johnson
Sullivan of Van Buren
Pellett of Cass
Handorf of Marshall
O'Kane of Woodbury
Baxter of Des Moines
Arnould of Scott

On motion by Norland of Worth, the House adjourned at 6:21 p.m., until 8:00 a.m., Wednesday, April 23, 1986.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day — Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 23, 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 Tuesday, April 22, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carter of Henry on request of Gruhn of Dickinson and Sturgeon of Woodbury on request of Arnould of Scott, both until their arrival.

PETITIONS FILED

The following petitions were received and placed on file:

By Norland of Worth, from one thousand twelve students at our state universities opposing Senate File 97, an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

By Teaford and Shoultz of Black Hawk, from one hundred seventy-two citizens of northeast Iowa opposing a budget freeze for local school districts.

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 21, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2158, a bill for an act to make the birthday of Dr. Martin Luther King, Jr. a legal public holiday.

Also: That the Senate has on April 21, 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 2178, a bill for an act to establish a consignment relationship between artists and art dealers for the sale of the artist's works.

Also: That the Senate has on April 21, 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 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 21, 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 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 21, 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 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 22, 1986, amended and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 122, requesting a report to be provided to the Legislative Council from the investigation team going to Honduras to investigate the circumstances of Iowa National Guard units going to Honduras on training missions.

Also: That the Senate has on April 22, 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 2265, a bill for an act relating to civil liability by modifying statutory language relating to civil liability.

Also: That the Senate has on April 21, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2292, a bill for an act 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.

Also: That the Senate has on April 22, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2294, a bill for an act relating to the state individual and corporate income tax by limiting, modifying, eliminating, and changing certain deductions and credits in computing the tax liability, and providing an effective date.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2484,** a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive, pending at adjournment.

Poncy of Wapello offered the following amendment H—5905 filed by him and moved its adoption:

H—5905

Amend House File 2484 as follows:
1. Page 33, line 22, by striking the words "department of public instruction" and inserting the following: "legislative fiscal bureau".
2. Page 33, lines 31 and 32, by striking the words "department of public instruction" and inserting the following: "legislative fiscal bureau".
3. Page 33, line 32, by striking the word "department" and inserting the following: "legislative fiscal bureau".

Amendment H—5905 was adopted.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—5896 filed by him on April 22, 1986.

Varn of Johnson asked and received unanimous consent to withdraw amendment H—5908 filed by him on April 22, 1986.

Daggett of Taylor offered the following amendment H—5939 filed by him and Fogarty of Palo Alto and moved its adoption:

H—5939

Amend House File 2484 as follows:
1. Page 34, by inserting after line 6, the following:
"Sec._____. Notwithstanding section 442.2, for the school year beginning July 1, 1987, each school district shall cause to be levied, for the school general fund, a foundation property tax of five dollars and twenty-five cents per thousand dollars of assessed valuation on all taxable property.
Notwithstanding section 442.3, for the school year beginning July 1, 1987, the state foundation base is

eighty and seventy-five hundredths percent of the state cost per pupil."

2. Page 48, by striking lines 12 through 25.

Roll call was requested by Daggett of Taylor and Lageschulte of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H—5939 be adopted?"

The ayes were, 43:

Bennett	Blanshan	Branstad	Carpenter
Clark	Cochran	Corey	Daggett
De Groot	Fogarty	Grandia	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Oxley	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Skow	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

The nays were, 53:

Arnould	Baxter	Beatty	Black
Brammer	Buhr	Carl	Chapman
Connolly	Connors	Cooper	Diemer
Doderer	Fey	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Lloyd-Jones
Lonergan	Muhlbauer	Norland	Ollie
Osterberg	Parker	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Siegrist
Spear	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 4:

Carter	Groth	O'Kane	Sturgeon

Amendment H—5939 lost.

Rensink of Sioux offered the following amendment H—5931 filed by him and Maulsby of Calhoun and moved its adoption:

H–5931

Amend House File 2484 as follows:

1. Page 34, by striking lines 24 through 31 and inserting the following:

"Sec._____. Section 8.6, subsection 9, Code Supplement 1985, as amended by House File 2225 enacted by the Seventy-first General Assembly, 1986 Session, is amended to read as follows:

9. APPORTIONMENT OF INTEREST. To apportion the interest of the permanent school fund on the first Monday of March of each year, among the area education agencies of this state in proportion to the number of persons between five and twenty-one years of age in each, as shown by the last report filed with the state comptroller by the commissioner of public instruction as provided in section 302.13, except for the appropriation to the first in the nation in education, an education foundation."

2. Page 35, by inserting after line 32 the following:

"Sec._____. NEW SECTION. 257A.8 APPROPRIATION.

Commencing with the fiscal year beginning July 1, 1986, from the annual apportionment of interest of the permanent school fund, there is appropriated annually to the first in the nation in education, an education foundation, the sum of one hundred thousand (100,000) dollars for salaries, support, education research, and miscellaneous purposes."

3. Page 47, by inserting after line 8 the following:

"Sec._____. Section 292.1, Code 1985, is amended to read as follows:

292.1 LIBRARY FUND.

~~The~~ Except as provided in section 257A.8, the state comptroller annually shall transmit the money received from the annual apportionment of the interest of the permanent school fund to the area education agencies in the manner specified in section 302.13. The area education agencies shall use the money only for the purchase of books and materials for the area media centers. The area education agency administrator shall keep a record of the books and materials in the area media center."

4. By striking page 47, line 15, through page 48, line 11, and inserting the following:

"Sec._____. Section 302.13, Code Supplement 1985, as amended by House File 2225, enacted by the Seventy-first General Assembly, 1986 Session, is amended to read as follows:

302.13 APPORTIONMENT OF INTEREST.

~~On~~ Except as provided in section 257A.8, on the

Page 2

first Monday of March annually, the state comptroller shall apportion the interest of the permanent school fund among the area education agencies in this state, in proportion to the number of resident pupils who were enrolled in local school districts and approved nonpublic schools in each area education agency, on the second Friday of September of the budget year as provided in sections 442.4 and 442.27."

5. Page 49, by striking lines 19 through 27.

6. Page 59, by striking line 27 and inserting the following: "1985, are repealed."

Roll call was requested by Bennett of Ida and Rensink of Sioux.

Rule 75 was invoked.

On the question "Shall amendment H—5931 be adopted?"

The ayes were, 43:

Bennett	Black	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Fogarty	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
Skow	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Welden	

The nays were, 55:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Chapman
Cochran	Connolly	Connors	Cooper
Doderer	Fey	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	Spear	Sullivan
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 2:

Carter	Sturgeon

Amendment H—5931 lost.

Hammond of Story offered the following amendment H—5870 filed by Hammond, et al., and moved its adoption:

H—5870

Amend House File 2484 as follows:

1. Page 36, by inserting after line 13, the following:

"Sec._____. Section 262.9, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Provide that residents of Yamanashi, Japan; Yucatan, Mexico; and Hebei, China, who enroll in its institutions of higher education are eligible for resident student status and resident student tuition. The named locations are Iowa's sister states."

Amendment H—5870 was adopted.

Hatch of Polk offered the following amendment H—5941 filed by Hatch, et al., and moved its adoption:

H—5941

Amend House File 2484 as follows:

1. Page 37, by inserting after line 6 the following:

"Sec._____. NEW SECTION. 262.64A REPORTS TO GENERAL ASSEMBLY.

The state board of regents shall determine, in consultation with the legislative fiscal bureau, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The state board of regents shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

1. Identification of both undercharges and overcharges for line items of projects.

2. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.

3. Identification of complaints received by an institution regarding the construction of a project.

If the state board of regents approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate,

while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review."

2. Page 38, by inserting after line 32 the following:

"Sec._____. NEW SECTION. 262A.12A REPORTS TO GENERAL ASSEMBLY.

The state board of regents shall determine, in consultation with the legislative fiscal bureau, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The state board of regents shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

1. Identification of both undercharges and overcharges for line items of projects.

2. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.

3. Identification of complaints received by an institution regarding the construction of a project.

Page 2

If the state board of regents approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review."

3. Page 38, by inserting before line 33 the following:

"Sec._____. NEW SECTION. 263A.10A REPORTS TO GENERAL ASSEMBLY.

The state board of regents shall determine, in consultation with the legislative fiscal bureau, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The state board of regents shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

1. Identification of both undercharges and overcharges for line items of projects.

2. Identification of contracts in which any line item for a project exceeds the adopted budget for that

line item by ten percent or more.

3. Identification of complaints received by an institution regarding the construction of a project.

If the state board of regents approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review."

4. By numbering and renumbering sections as necessary.

Amendment H—5941 was adopted.

Pavich of Pottawattamie offered the following amendment H—5877 filed by him and Siegrist of Pottawattamie and moved its adoption:

H—5877

Amend House File 2484 as follows:

1. Page 38, by inserting after line 32 the following:

"Sec._____. Section 270.9, subsection 2, Code 1985, is amended to read as follows:

2. Transportation reimbursement at a rate established annually by the state board of regents to the parents or guardians for ~~not more than eleven trips per year~~ transportation from the institution to the residence of the parent or guardian and return to the institution for children who reside in the institution."

Amendment H—5877 was adopted.

Varn of Johnson asked and received unanimous consent to withdraw amendment H—5910 filed by him on April 22, 1986.

Rensink of Sioux offered the following amendment H—5924 filed by him and moved its adoption:

H—5924

Amend House File 2484 as follows:

1. Page 40, by inserting after line 31 the following:

"Sec._____. Section 280A.23, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 12. During the second week of August of each year, publish by one insertion in at least one newspaper published in the merged area a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds of the area school for the preceding fiscal year. The statement of disbursements shall show the names of the persons, firms, or corporations, and the total amount paid to each during the fiscal year. The board is not required to make the publications and notices required under sections 279.34, 279.35, and 279.36."

Amendment H—5924 was adopted.

Poncy of Wapello offered the following amendment H—5916 filed by him and moved its adoption:

H—5916

Amend House File 2484 as follows:

1. Page 48, by inserting after line 11 the following:

"Sec._____. Section 304A.6, subsection 6, Code 1985, is amended to read as follows:

6. Accept gifts, contributions, endowments, or bequests for all or any of the purposes of this chapter. Interest earned on the gifts, contributions, endowments, or bequests accepted under this subsection shall be credited to the fund or funds to which the gifts, contributions, endowments, or bequests have been deposited and are available for all or any of the purposes of this chapter."

Amendment H—5916 was adopted.

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—5912 filed by him on April 22, 1986.

Johnson of Winneshiek in the chair at 9:51 a.m.

Stromer of Hancock offered the following amendment H—5888 filed by him and moved its adoption:

H—5888

Amend House File 2484 as follows:

1. Page 48, by striking lines 12 through 25, and

inserting the following:

"Sec._____. Section 442.2, subsection 1, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. For the budget year beginning July 1, 1986, each school district shall cause to be levied, for the school general fund, a foundation property tax of five dollars and forty cents per thousand dollars of assessed valuation on all taxable property in the district. For the budget year beginning July 1, 1987, the department of management shall establish the rate of the foundation property tax so that the amount of moneys appropriated under section 442.26 is equal to the amount that would have been appropriated under that section if the foundation property tax were five dollars and forty cents per thousand dollars of assessed valuation and the state foundation base were eighty-one and one-half percent of the state cost per pupil. For each succeeding budget year, the department of management shall establish the rate of the foundation property tax so that the amount of moneys appropriated under section 442.26 is equal to the amount that would have been appropriated under that section if the foundation property tax were five dollars and forty cents per thousand dollars of assessed valuation and the state foundation base were increased by the amount of one-half percent of the state cost per pupil per year, up to a maximum of eighty-five percent of the state cost per pupil.

For the purpose of this chapter, a school district is defined as a school corporation organized under chapter 274."

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.

On the question "Shall amendment H—5888 be adopted?"

The ayes were, 45:

Bennett	Black	Blanshan	Branstad
Carpenter	Clark	Cochran	Corey
Daggett	De Groot	Diemer	Fogarty
Grandia	Gruhn	Halvorson, R. A.	Hanson
Harbor	Hermann	Hester	Hummel
Koenigs	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.

Platt	Renken	Rensink	Royer
Schnekloth	Shoning	Skow	Stromer
Stueland	Swearingen	Van Camp	Van Maanen
Welden			

The nays were, 53:

Arnould	Avenson	Baxter	Beatty
Brammer	Buhr	Carl	Chapman
Connolly	Connors	Cooper	Doderer
Fey	Groninga	Groth	Halvorson, R. N.
Hammond	Hatch	Haverland	Holveck
Hughes	Jay	Jochum	Knapp
Lloyd-Jones	Lonergan	Muhlbauer	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
Mr. Speaker (Johnson)			

Absent or not voting, 2:

Carter	Handorf

Amendment H—5888 lost.

Speaker Avenson in the chair at 10:17 a.m.

Daggett of Taylor offered the following amendment H—5913 filed by him:

H—5913

Amend House File 2484 as follows:
1. Page 48, by striking lines 12 through 25.

Connors of Polk in the chair at 10:29 a.m.

Speaker Avenson in the chair at 10:49 a.m.

Connors of Polk in the chair at 10:53 a.m.

Speaker Avenson in the chair at 11:17 a.m.

Daggett of Taylor moved the adoption of amendment H—5913.

Roll call was requested by Tabor of Jackson and Swartz of Marshall.

On the question "Shall amendment H—5913 be adopted?"

The ayes were, 36:

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

The nays were, 59:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Chapman	Cochran	Connolly	Connors
Cooper	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hanson	Hatch
Haverland	Hermann	Holveck	Hughes
Jay	Johnson	Knapp	Koenigs
Lloyd-Jones	Lonergan	Muhlbauer	Norland
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Shoning
Shoultz	Siegrist	Skow	Spear
Sullivan	Swartz	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 5:

Carter	Jochum	O'Kane	Sherzan
Tabor			

Amendment H—5913 lost.

Varn of Johnson offered the following amendment H—5914 filed by him and moved its adoption:

H—5914

1 *Amend House File 2484 as follows:*
2 1. Page 49, line 16, by inserting after the

figure "282.27," the following: "not to exceed the total amounts paid under those sections for the school year beginning July 1, 1985,".

2. Page 49, line 18, by inserting after the figure "1." the following: "If the amount appropriated under this subsection is less than the total of the amounts due, the state comptroller shall prorate the amounts paid to each area education agency and school district under sections 273.11, 281.12, 282.19, and 282.27."

Amendment H—5914 was adopted.

Haverland of Polk offered the following amendment H—5920 filed by Haverland, et al., and moved its adoption:

H—5920

Amend House File 2484 as follows:

1. Page 50, by striking line 13 and inserting the following: "base year and the fiscal year preceding the base year."

A non-record roll call was requested.

The ayes were 30, nays 53.

Amendment H—5920 lost.

(House File 2484 pending at recess.)

On motion by Norland of Worth, the House was recessed at 12:01 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILL

House File 2487, by Norland and Stromer, a bill for an act to legalize proceedings taken by the boards of supervisors of Adair, Adams, Appanoose, Cass, Clarke, Decatur, Des Moines, Dubuque, Fremont, Henry, Jefferson, Lee, Louisa, Lucas, Lyon, Marion, Mills, Monroe, Montgomery, Page, Plymouth, Polk, Pottawattamie, Sioux, Taylor, Union, Van Buren, Wapello, Washington, Wayne, and Woodbury counties relating to the defense of a writ of mandamus filed against these counties by the Burlington northern railroad company in the district court for Polk County.

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

SENATE MESSAGE CONSIDERED

Senate File 2292, by committee on ways and means, a bill for an act 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.

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

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2484,** a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive, pending at recess.

Jochum of Dubuque offered the following amendment H–5882 filed by him and moved its adoption:

H–5882

Amend House File 2484 as follows:

1. Page 51, line 22, by inserting before the figure "286A.3" the words "NEW SECTION".

2. Page 87, line 2, by striking the words "retarded services" and inserting the word "retarded".

3. Page 88, line 31, by striking the word "assitance" and inserting the "assistance".

4. Page 103, line 11, by striking the word "subcommittee" and inserting the words "subcommittees of the senate and house of representatives".

5. Page 104, by striking lines 18 and 19 and inserting the words "However, the unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1986,".

Amendment H–5882 was adopted.

Stromer of Hancock offered the following amendment H—5917 filed by him and moved its adoption:

H—5917

Amend House File 2484 as follows:

1. Page 58, by striking lines 11 through 14 and inserting the following: "for the school budget review committee created in section 442.12. The school budget review committee, in addition to its duties under chapter 442, shall meet and hold hearings each year under this chapter to review unusual circumstances of area schools, either upon the committee's motion or upon the request of an area school. The committee".

2. Page 58, line 35, by striking the words "state board" and inserting the following: "school budget review committee".

3. Page 59, line 4, by striking the words "state board" and inserting the following: "school budget review committee".

4. Page 59, line 8, by striking the words "state board" and inserting the following: "school budget review committee".

5. Page 59, line 10, by striking the words "state board" and inserting the following: "committee".

6. Page 59, line 12, by striking the words "state board's" and inserting the following: "committee's".

7. Page 59, line 25, by inserting after the word "chapter." the following: "The school budget review committee shall adopt rules under chapter 17A to carry out section 286A.14."

8. Page 59, by inserting after line 25 the following:

"Sec._____. Section 442.13, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 16. The committee shall perform the duties assigned to it under chapter 286A."

9. By numbering and renumbering sections as necessary.

Amendment H—5917 was adopted.

Hatch of Polk asked and received unanimous consent to withdraw amendment H—5874 filed by him on April 22, 1986.

Teaford of Black Hawk offered the following amendment H—5863 filed by her and Diemer of Black Hawk and moved its adoption:

H—5863

Amend House File 2484 as follows:

1. Page 59, by striking lines 28 through 31.

A non-record roll call was requested.

The ayes were 49, nays 15.

Amendment H—5863 was adopted.

Brammer of Linn offered amendment H—5959 filed from the floor by Brammer, Doderer, Hummel and Swartz. Division was requested as follows:

H—5959

Amend House File 2484 as follows:

H—5959A

1. Page 61, line 16, by striking the figure "68,222" and inserting the figure "93,937".

H—5959B

2. Page 128, by inserting after line 26 the following:

"Sec._____. Notwithstanding the provisions of 1986 Iowa Acts, House File 2181, sections 11 and 13, health insurance coverage provided under House File 2181 needs not be effective until July 1, 1987, and notices required by section 11 need not be given until January 1, 1987.

Sec._____. 1986 Iowa Acts, House File 2181, section 12, is repealed."

3. Renumber as necessary.

Carter of Henry in the chair at 2:08 p.m.

Brammer of Linn moved the adoption of amendment H—5959A.

A non-record roll call was requested.

The ayes were 36, nays 45.

Amendment H—5959A lost.

Hermann of Scott offered the following amendment H—5918 filed by him and moved its adoption:

H—5918

Amend House File 2484 as follows:
1. Page 62, by inserting after line 14 the following:
"_____. For the elderlaw education program . . 95,000".
2. Page 62, line 22, by striking the figure "777,195" and inserting the following: "682,195".

Amendment H—5918 lost.

Lonergan of Boone offered the following amendment H—5919 filed by her and moved its adoption:

H—5919

Amend House File 2484 as follows:
1. Page 71, line 16, by striking the words "year of the biennium" and inserting the following: "fiscal year".
2. Page 71, lines 21 and 22, by striking the words "of the biennium".
3. Page 71, line 28, by striking the words "of the biennium".

Amendment H—5919 was adopted.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—5922 filed by him on April 22, 1986.

Van Maanen of Mahaska offered the following amendment H—5956 filed from the floor by Van Maanen, Hester, Kremer, Clark, Hermann, McKean, Handorf, Maulsby, Bennett, Stromer, Halvorson of Clayton, Hanson, Daggett, Paulin, Mullins, Shoning, Branstad, Pellett, Petersen of Muscatine, Siegrist, McIntee, Platt, Rensink, Grandia, Royer, Miller, Schnekloth, De Groot, Renken and Swearingen and moved its adoption:

H—5956

Amend House File 2484 as follows:
1. Page 76, line 3, by striking the figure "126,500,000" and inserting the figure "127,200,000".

2. Page 87, by striking lines 7 through 9 and inserting the following:

"c. For the fiscal period beginning January 1, 1987, the incentive and inflation factors shall be reinstated as in place on July 1, 1985. Beginning January 1,".

Roll call was requested by Maulsby of Calhoun and Hanson of Delaware.

Rule 75 was invoked.

On the question "Shall amendment H—5956 be adopted?"

The ayes were, 41:

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	Peick	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	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	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Woods	Zimmerman
Mr. Speaker (Carter)			

Absent or not voting, 2:

Chapman	Cochran

Amendment H—5956 lost.

Speaker Avenson in the chair at 2:50 p.m.

Daggett of Taylor offered the following amendment H—5928 filed by him and moved its adoption:

H—5928

Amend House File 2484 as follows:
1. Page 78, line 33, by striking the figure "26,900,000" and inserting the following: "26,805,000".
2. Page 79, lines 11 and 12, by striking the words and figure "five hundred sixty thousand (560,000)" and inserting the following: "four hundred sixty-five thousand (465,000)".

Amendment H—5928 lost.

Rensink of Sioux asked and received unanimous consent to withdraw amendment H—5921 filed by him on April 22, 1986.

Schnekloth of Scott offered the following amendment H—5866 filed by Schnekloth, et al., and moved its adoption:

H—5866

Amend House File 2484 as follows:
1. Page 87, line 14, by inserting after the word "reports." the following: "The department shall designate a prevailing daily reimbursement rate for intermediate care facilities in each county in the state and funds appropriated under section 303, subsection 2 of this Act shall be prorated in such a manner that the same percentage of cost shall be paid in all counties of the state."

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H—5866 be adopted?"

The ayes were, 34:

Bennett	Black	Carpenter	Clark
Corey	De Groot	Halvorson, R. A.	Handorf
Harbor	Hermann	Hester	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Muhlbauer	O'Kane	Paulin	Peick

Pellett	Petersen, D. F.	Platt	Rensink
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Welden		

The nays were, 55:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Connolly	Connors	Cooper
Daggett	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Groth
Gruhn	Hammond	Hanson	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Lloyd-Jones	Lonergan	Norland	Ollie
Osterberg	Oxley	Parker	Pavich
Peterson, M. K.	Poncy	Renken	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Tabor	Teaford
Varn	Woods	Mr. Speaker	

Absent or not voting, 11:

Branstad	Cochran	Halvorson, R. N.	Hummel
Kremer	Miller	Mullins	Renaud
Sullivan	Swartz	Zimmerman	

Amendment H—5866 lost.

Welden of Hardin offered the following amendment H—5934 filed by Welden, et al., and moved its adoption:

H—5934

Amend House File 2484 as follows:

1. Page 88, by inserting after line 29 the following:

"4. It is the intent of the general assembly that any reduction in payments to any intermediate care facility or foster care facility because of the across-the-board budget reductions made by the governor for the fiscal year ending June 30, 1986 shall be reinstated in their reimbursable bases December 30, 1986."

Roll call was requested by Welden of Hardin and Stueland of Clinton.

On the question "Shall amendment H—5934 be adopted?"

The ayes were, 43:

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
O'Kane	Paulin	Peick	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Sturgeon	Swearingen
Van Camp	Van Maanen	Welden	

The nays were, 52:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Connolly	Connors
Cooper	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Hammond
Hatch	Haverland	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Lonergan	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Swartz
Tabor	Teaford	Varn	Mr. Speaker

Absent or not voting, 5:

Cochran	Halvorson, R. N.	Sullivan	Woods
Zimmerman			

Amendment H—5934 lost.

Van Maanen of Mahaska offered the following amendment H—5865 filed by him and Harbor of Mills and moved its adoption:

H—5865

Amend House File 2484 as follows:

1. Page 89, by inserting after line 17 the following:

"Sec._____. ADMINISTRATIVE RULES INTERIM STUDY — DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF PUBLIC HEALTH. The legislative council shall create an

interim study committee to review all the administrative rules of the department of human services and of the department of public health, other than rules relating to substance abuse programs. The committee shall be composed of two senators, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate, two representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives, the administrative rules coordinator, two representatives of the department of human services appointed by the director of the department, two representatives of the department of public health appointed by the director of the department, and representatives of providers and provider groups appointed by the legislative council, which are regulated or reimbursed in some manner by the department of human services or the department of public health. The committee shall identify burdensome and unnecessary administrative rules and shall make recommendations, which would not have a negative impact on departmental clients, concerning the retention, modification, or rescission of the departments' administrative rules."

2. By renumbering as necessary.

Amendment H—5865 was adopted.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—5875.

Spear of Lee offered the following amendment H—5883 filed by him and moved its adoption:

H—5883

Amend House File 2484 as follows:

1. Page 93, line 14, by inserting after the word "camps" the following: ", excluding the Luster Heights honor camp and facilities established under section 402, subsection 2 of this Act for treatment of OWI offenders".

Amendment H—5883 was adopted.

O'Kane of Woodbury offered the following amendment H—5925 filed by him and moved its adoption:

H—5925

Amend House File 2484 as follows:

1. By striking page 95, line 4 through page 96, line 9 and inserting the following: "conditions specified in this paragraph. The director of the department of corrections shall solicit proposals for the operation of residential facilities designed to house inmates. The proposals may be submitted by cities, judicial district departments of correctional services, other interested parties, or a combination of these entities. The facilities may be sited in one or more locations and may be operated by the department of corrections, one or more judicial district departments of correctional services, or another entity. Contract proposals shall include, but are not limited to, provisions for treatment and work arrangements, housing, health care, and security. The director of the department of corrections, with approval of the board of corrections, may accept any of the proposals, parts of several proposals, or reject all of the proposals. Before a contract is finalized, the department of corrections shall submit a report to the members of the justice system appropriations subcommittees, the legislative council, and the legislative fiscal bureau describing the provisions of the contract. If no proposals are accepted, the appropriation shall revert to the general fund of the state as provided in section 8.33."

Roll call was requested by Stromer of Hancock and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H—5925 be adopted?"

The ayes were, 52:

Beatty	Bennett	Black	Branstad
Chapman	Clark	Cooper	Corey
Daggett	De Groot	Diemer	Fogarty
Grandia	Groninga	Groth	Halvorson, R. A.
Handorf	Hanson	Harbor	Hatch
Hermann	Hester	Koenigs	Kremer
Lageschulte	Lonergan	Maulsby	McIntee
McKean	Miller	Mullins	O'Kane
Paulin	Peick	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer

Schnekloth	Sherzan	Shoning	Siegrist
Skow	Stromer	Stueland	Sturgeon
Swearingen	Van Camp	Van Maanen	Welden

The nays were, 46:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Connolly	Connors	Doderer	Fey
Gruhn	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Lloyd-Jones
Metcalf	Muhlbauer	Norland	Ollie
Osterberg	Oxley	Parker	Pavich
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Shoultz	Spear	Sullivan
Swartz	Teaford	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 2:

Cochran	Tabor

Amendment H—5925 was adopted.

The House resumed consideration of amendment H—5875 (to page 93), temporarily deferred.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5875 filed by him on April 22, 1986.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5881 filed by Hammond, et al., on April 22, 1986.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendments H—5950 and H—5951.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—5889 filed by O'Kane, et al., on April 22, 1986.

Maulsby of Calhoun offered the following amendment H—5933 filed by him:

H–5933

Amend House File 2484 as follows:
1. Page 104, line 17, by striking the figure "17,154,415" and inserting the figure "17,500,265".

Sullivan of Van Buren in the chair at 4:04 p.m.

Maulsby of Calhoun moved the adoption of amendment H–5933.

Amendment H–5933 lost.

Jochum of Dubuque offered the following amendment H–5975 filed by him from the floor and moved its adoption:

H–5975

Amend House File 2484 as follows:
1. Page 104, by inserting after line 28 the following:
"Sec._____. There is appropriated from the road use tax fund to the department of public safety for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of one million one hundred three thousand seven hundred (1,103,700) dollars, or so much thereof as is necessary, to be distributed to supplement other funds appropriated by the general assembly to the division of highway safety and uniformed force to fund the annual pay adjustments, expense reimbursement and benefits not in conflict with the Code for public officials and employees as authorized by 1985 Iowa Acts, chapter 253."
2. Page 105, by inserting after line 7 the following:
"Sec._____. 1985 Iowa Acts, chapter 254, section 1, subsection 2, paragraph b, is amended to read as follows:
b. For the fiscal year beginning July 1, 1986 ..... $ ~~807,300~~ 1,187,188
Sec._____. 1985 Iowa Acts, chapter 254, section 1, subsection 3, paragraph b, is amended by striking paragraph b."
3. Page 135, by striking lines 29 through 33.
4. Renumber sections and correct internal references as necessary in accordance with this amendment.

Amendment H–5975 was adopted.

Petersen of Muscatine offered the following amendment H—5890 filed by Petersen of Muscatine, et al., and moved its adoption:

H—5890

Amend House File 2484 as follows:
1. By striking page 108, line 34 through page 109, line 2 and inserting the following: "subsection shall be used for administrative expenses."

Amendment H—5890 was adopted.

Daggett of Taylor offered the following amendment H—5929 filed by Daggett, et al., and moved its adoption:

H—5929

Amend House File 2484 as follows:
1. Page 110, line 9, by striking the figure "3,395,935" and inserting the figure "3,325,305".
2. Page 110, by inserting after line 9 the following:
"The department shall not authorize any funds appropriated by this section for expenditure under chapter 467D."

Roll call was requested by Pellett of Cass and Jay of Appanoose.

Rule 75 was invoked.

On the question "Shall amendment H—5929 be adopted?"

The ayes were, 44:

Bennett	Black	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Groninga	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lonergan	Maulsby	McIntee	Metcalf
Miller	Paulin	Peick	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Siegrist
Skow	Stromer	Stueland	Swartz
Van Camp	Van Maanen	Varn	Welden

The nays were, 55:

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

Absent or not voting, 1:

Carl

Amendment H—5929 lost.

Pellett of Cass offered the following amendment H—5891 filed by him and Paulin of Plymouth:

H—5891

Amend House File 2484 as follows:
1. Page 110, line 21, by striking the figure "6,546,519" and inserting the figure "8,546,519".

Speaker Avenson in the chair at 4:53 p.m.

Pellett of Cass moved the adoption of amendment H—5891.

Roll call was requested by Pellett of Cass and Jochum of Dubuque.

On the question "Shall amendment H—5891 be adopted?"

The ayes were, 41:

Bennett	Branstad	Clark	Cochran
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	Stromer	Stueland
Swearingen	Van Camp	Van Maanen	Welden
Zimmerman			

The nays were, 53:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Connolly	Cooper
Doderer	Fey	Fogarty	Groninga
Gruhn	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	Shoultz
Skow	Spear	Sullivan	Swartz
Tabor	Teaford	Varn	Woods
Mr. Speaker			

Absent or not voting, 6:

Carpenter	Connors	Groth	Halvorson, R. N.
Sherzan	Sturgeon		

Amendment H—5891 lost.

Varn of Johnson offered the following amendment H—5955 filed by Varn, et al.:

H—5955

Amend House File 2484 as follows:

1. Page 115, by inserting after line 11 the following:

"Sec. 507. Section 111.85, subsection 2, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. A new car, used car, motorcycle, pickup, motor home, or multipurpose vehicle as defined in section 321.1 registered in this state.

Sec. 508. Section 111.85, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 11. The owner of a new car, used

car, motorcycle, pickup, motor home, or multipurpose vehicle as defined in section 321.1 shall be assessed a park user fee of one dollar, to be paid at the same time as the normal vehicle registration fee each time such a vehicle's registration fee is paid under chapter 321, to be credited to the state park, forest and recreation area facilities improvement trust fund. The county treasurer of each county shall collect the park user fee and quarterly remit moneys collected to the treasurer of state for deposit in the fund.

Sec. 509. Sections 507 and 508 of this Act become effective January 1, 1987."

Varn of Johnson asked and received unanimous consent to temporarily defer action on amendment H—5955.

Rosenberg of Story offered the following amendment H—5980 filed by him from the floor and moved its adoption:

H—5980

Amend House File 2484 as follows:

1. Page 117, line 3, by inserting after the word "state." the following: "The moneys used for the state share of the AIDEX superfund cleanup shall be repaid not later than June 30, 1989. It is the intent of the general assembly that the withdrawal of funds from moneys available for publicly-owned sewage treatment facilities shall not be used for any other purpose in future years and the department of natural resources shall report to the general assembly not later than January 1, 1987 on methods to increase funds for the state superfund to meet future needs in this state."

Amendment H—5980 was adopted.

Jochum of Dubuque asked and received unanimous consent to temporarily defer action on amendment H—5892.

The House resumed consideration of amendment H—5955, temporarily deferred.

Bennett of Ida rose on a point of order that amendment H—5955 was not germane.

The Speaker ruled the point well taken and amendment H—5955 not germane.

Varn of Johnson asked for unanimous consent to consider amendment H—5955.

Objection was raised.

Varn of Johnson moved that the rules be suspended to consider amendment H—5955.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 51, nays 46.

The motion prevailed and the rules were suspended.

Gruhn of Dickinson in the chair at 5:26 p.m.

Varn of Johnson moved the adoption of amendment H—5955.

Roll call was requested by Harbor of Mills and Varn of Johnson.

On the question "Shall amendment H—5955 be adopted?"

The ayes were, 34:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Carl
Carter	Clark	Cooper	Diemer
Fey	Groninga	Halvorson, R. N.	Hammond
Hanson	Hatch	Hughes	Jay
Lloyd-Jones	Lonergan	Muhlbauer	Norland
O'Kane	Pellett	Platt	Skow
Sturgeon	Sullivan	Swartz	Varn
Zimmerman	Madam Speaker (Gruhn)		

The nays were, 59:

Bennett	Branstad	Buhr	Carpenter
Chapman	Connolly	Connors	Corey
Daggett	De Groot	Doderer	Fogarty
Grandia	Halvorson, R. A.	Handorf	Harbor
Haverland	Hermann	Hester	Holveck
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller

Mullins	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Swearingen	Teaford
Van Camp	Van Maanen	Woods	

Absent or not voting, 7:

Cochran	Groth	Parker	Rensink
Sherzan	Tabor	Welden	

Amendment H—5955 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Beatty of Warren, until her return, on request of Cooper of Lucas.

Van Camp of Scott asked and received unanimous consent to temporarily defer action on amendment H—5990.

Osterberg of Linn asked and received unanimous consent to temporarily defer action on amendment H—5993.

Speaker Avenson in the chair at 6:20 p.m.

Jochum of Dubuque offered amendment H—5989 filed from the floor by Jochum, Parker and Tabor. Division was requested as follows:

H—5989

Amend House File 2484 as follows:

H—5989A

1. Page 121, by inserting after line 30 the following:

"Sec._____. Notwithstanding section 123.53, the alcoholic beverages control division of the department of commerce may expend from the beer and liquor control fund for the fiscal year beginning July 1, 1986 and ending June 30, 1987 an amount not to exceed five million (5,000,000) dollars for salaries, support, maintenance, and other operational purposes

H—5989A

of the division. Notwithstanding section 123.53, the alcoholic beverages control division of the department of commerce may expend for the fiscal year beginning July 1, 1986 and ending June 30, 1987 an amount not to exceed two million one hundred thousand (2,100,000) dollars for leasing costs incurred in the fiscal year beginning July 1, 1986 and ending June 30, 1987. Notwithstanding section 123.53, the alcohol beverages control division of the department of commerce may expend from the beer and liquor control fund for the fiscal year beginning July 1, 1986 and ending June 30, 1987 an amount not to exceed one million (1,000,000) dollars exclusively for vacation, sick leave and early retirement benefit payments authorized by law.

The state liquor inventory shall be placed on a bailment system."

H—5989B

2. Page 154, line 5, by adding after the word "department." the following: "If after exhausting the requirements of collective bargaining agreements a vacancy still exists in any other state department, the other state department shall give preference to qualified persons previously employed by the alcoholic beverage control division whose jobs were terminated as a result of this Act."

3. Page 154, line 9, by adding after the word "Act." the following: "The division may continue to operate one or more state liquor stores after June 30, 1986 only for the purpose of ensuring the availability of alcoholic beverages during the transition to a system of private retailers. However, the division shall not operate a state liquor store after December 31, 1986."

On motion by Jochum of Dubuque, amendment H—5989A was adopted.

Renaud of Polk offered the following amendment H—5963 filed from the floor by Renaud and Van Camp and moved its adoption:

H—5963

Amend House File 2484 as follows:

1. Page 121, lines 34 and 35, by striking the words and figure "three million three hundred fifty thousand (3,350,000)" and inserting the words and

figure "three million six hundred fifty thousand (3,650,000)".

2. Page 122, lines 13 and 14, by striking the words and figure "four hundred ninety-one thousand (491,000)" and inserting the words and figure "five hundred forty-one thousand (541,000)".

Amendment H—5963 was adopted.

Chapman of Linn asked and received unanimous consent to temporarily defer action on amendment H—5942.

Hatch of Polk asked and received unanimous consent to temporarily defer action on amendment H—5968.

Renaud of Polk asked and received unanimous consent to temporarily defer action on amendment H—5973.

Halvorson of Webster offered the following amendment H—5988 filed by him from the floor and moved its adoption:

H—5988

Amend House File 2484 as follows:

1. Page 125, line 24, by striking the words "Seventy-five" and inserting the words "One hundred".

A non-record roll call was requested.

The ayes were 22, nays 19.

Amendment H—5988 was adopted.

Ollie of Clinton offered the following amendment H—5946 filed by him and moved its adoption:

H—5946

Amend House File 2484 as follows:

1. Page 128, by inserting after line 26 the following:

"Sec._____. There is appropriated out of the funds made available to this state pursuant to section 903 of the federal Social Security Act, as amended, one million sixty-eight thousand nine hundred forty-two (1,068,942) dollars, to the department of job service

for the prepayment of the principal balance of a lease-purchase agreement for data processing equipment used by the department in the performance of departmental functions under chapter 96.

The moneys appropriated in this section shall not be obligated after June 30, 1988. The amount obligated pursuant to this section during any twelve-month period beginning on July 1 and ending on the following June 30 shall not exceed the amount available for obligation pursuant to section 903 of the federal Social Security Act, as amended, and as reflected in the accounts of the department of job service and the United States department of labor.

Sec._____. Section 96.9, subsection 4, paragraphs a and b, Code 1985, are amended to read as follows:

a. Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this chapter. Such money may be requisitioned pursuant to subsection 3 of this section for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this chapter but only pursuant to a specific appropriation by the legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which (1) specifies the purposes for which such money is appropriated and the amounts appropriated therefor, (2) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and (3) limits the amount which may be obligated during a twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act during the same twelve-month period and the ~~twenty-four~~ thirty-four

Page 2

preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such ~~twenty-five~~ thirty-five twelve-month periods.

b. Amounts credited to this state's account in the

unemployment trust fund under section 903 of the Social Security Act which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during a twelve-month period specified herein may be charged against any amount credited during such a twelve-month period earlier than the ~~twenty-fourth~~ thirty-fourth preceding such period."

2. By renumbering as necessary.

Amendment H—5946 was adopted.

Brammer of Linn asked and received unanimous consent to temporarily defer action on amendment H—5959B.

Jochum of Dubuque offered the following amendment H—5981 filed by him from the floor and moved its adoption:

H—5981

Amend House File 2484 as follows:

1. Page 129, line 9, by striking the figure "643,650" and inserting the following: "675,712".

2. Page 129, line 11, by striking the figure "5,439" and inserting the following: "5,607".

3. Page 129, line 15, by striking the figure "56,728" and inserting the following: "58,482".

4. Page 129, line 30, by striking the figure "15,706" and inserting the following: "17,134".

5. Page 129, line 34, by striking the figure "58,053" and inserting the following: "60,187".

Amendment H—5981 was adopted.

Jochum of Dubuque offered the following amendment H—5961 filed by him from the floor and moved its adoption:

H—5961

Amend House File 2484 as follows:

1. Page 137, by striking lines 18 through 21.

2. Page 137, by inserting after line 27 the following:

"Sec._____. There is appropriated from the general fund of the state, to the public employment relations board for the fiscal year beginning July 1, 1986, and

ending June 30, 1987, the sum of four hundred ninety-seven thousand six hundred eighty-seven (497,687) dollars, or so much thereof as necessary, for salaries, support, maintenance, and miscellaneous purposes related to the operation of the public employment relations board."

3. By numbering sections to conform to this amendment.

Amendment H—5961 was adopted.

Van Maanen of Mahaska offered the following amendment H—5867 filed by Van Maanen, et al., and moved its adoption:

H—5867

Amend House File 2484 as follows:

1. Page 137, by inserting after line 27 the following:

"A person who desires to be reimbursed for legitimate costs incurred while performing service to the state must submit a receipt documenting such cost prior to receiving remuneration from the state."

Amendment H—5867 was adopted.

Swartz of Marshall offered the following amendment H—5894 filed by him and moved its adoption:

H—5894

Amend House File 2484 as follows:

1. Page 140, by inserting after line 1 the following:

"Sec. 723. Section 123.3, subsection 27, Code Supplement 1985, is amended to read as follows:

27. "Retailer" means any person who shall sell, barter, exchange, offer for sale, or have in possession with intent to sell any alcoholic liquor ~~for consumption on the premises where sold~~, wine, or beer ~~or wine~~ for consumption either on or off the premises where sold."

Amendment H—5894 was adopted.

Halvorson of Clayton offered the following amendment H—5954 filed by Halvorson of Clayton, et al.:

H—5954

Amend House File 2484 as follows:

1. Page 140, by inserting after line 1 the following:

"Sec. 723. Section 123.3, subsection 33, Code Supplement 1985, is amended to read as follows:

33. "Legal age" means ~~nineteen~~ twenty-one years of age or more.

Sec. 724. Section 723 of this Act does not apply to persons who were born on or before June 30, 1967."

Jochum of Dubuque rose on a point of order that amendment H—5954 was not germane.

The Speaker ruled the point well taken and amendment H—5954 not germane.

Stromer of Hancock asked for unanimous consent to consider amendment H—5954.

Objection was raised.

Stromer of Hancock moved that the rules be suspended to consider amendment H—5954.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5954?"

The ayes were, 43:

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

The nays were, 49:

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

Absent or not voting, 8:

Beatty	Carl	Cochran	Groth
Jay	Pavich	Sturgeon	Sullivan

The motion lost.

Holveck of Polk offered the following amendment H—5923 filed by Holveck, et al., and moved its adoption:

H—5923

Amend House File 2484 as follows:

1. Page 148, lines 4 and 5, by striking the words "at which gasoline is sold" and inserting the following: "used in a business which consists of the sale of food, food products, or beverages for consumption off the premises, or the sale of gasoline".

A non-record roll call was requested.

The ayes were 28, nays 50.

Amendment H—5923 lost.

Holveck of Polk offered the following amendment H—5983 filed from the floor by Holveck, Osterberg, Branstad, Hanson and Hughes and moved its adoption:

H—5983

Amend House File 2484 as follows:

1. Page 148, lines 4 and 5, by striking the words "at which gasoline is sold" and inserting the following: "used in a business which consists of the sale of food, food products, or beverages for consumption off the premises, or the sale of gasoline. However, a class "E" license may be issued to premises which are used in a business which consists of the sale of food, food products, or beverages for consumption off the premises if the premises are, located in a city of less than two thousand population."

A non-record roll call was requested.

The ayes were 31, nays 44.

Amendment H—5983 lost.

Spear of Lee offered the following amendment H—5885 filed by him and moved its adoption:

H—5885

Amend House File 2484 as follows:

1. Page 148, by inserting after line 12 the following:

"Sec. 737. Section 123.32, subsection 2, Code Supplement 1985, is amended to read as follows:

2. Action by local authorities. The local authority shall either approve or disapprove the issuance of a liquor control license, retail wine permit, or retail beer permit, shall endorse its approval or disapproval on the application and shall forward the application along with the required fee and bond to the department. Upon the initial application for a liquor control license, retail wine permit, or retail beer permit, the fact that the local authority determines that no liquor control license, retail wine permit, or retail beer permit shall be issued shall not be held to be arbitrary, capricious, or without reasonable cause. There is no limit upon the number of liquor control licenses, retail wine permits, or retail beer permits which may be approved for issuance by local authorities. Local authorities may choose not to issue any class "E" liquor control licenses."

A non-record roll call was requested.

The ayes were 21, nays 36.

Amendment H—5885 lost.

Tabor of Jackson offered the following amendment H—5897 filed by him and moved its adoption:

H—5897

Amend House File 2484 as follows:

1. Page 148, by inserting after line 12 the following:

"Sec. 737. Section 123.32, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Filing of application. An application for a class "A", class "B", ~~or~~ class "C", or class "E" liquor control license, for a retail beer permit as provided in sections 123.128 and 123.129, or for a class "B" retail wine permit as provided in section 123.176, accompanied by the required fee and bond, shall be filed with the appropriate city council if the premises for which the license or permit is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class "D" liquor control license and for a class "A" beer or class "A" wine permit, accompanied by the required fee and bond, shall be filed with the department, which shall proceed in the same manner as in the case of an application approved by local authorities."

Amendment H—5897 was adopted.

Halvorson of Webster offered the following amendment H—5926 filed by Halvorson of Webster, et al.:

H—5926

Amend House File 2484 as follows:

1. Page 148, by inserting after line 12 the following:

"Sec. 737. Section 123.36, subsection 6, Code Supplement 1985, is amended to read as follows:

6. Any club, hotel, motel, or commercial establishment holding a liquor control license for whom the sale of goods and services other than alcoholic liquor, wine, or beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to section 123.49, subsection 2, paragraph "b", may sell and dispense

alcoholic liquor and wine to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours ~~of ten a.m. and twelve midnight on Sunday~~ established under section 123.49, subsection 2, paragraph "b". For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license. The department shall prescribe the nature and the character of the evidence required of the applicant under this subsection."

2. Page 148, by inserting after line 30 the following:

"Sec. 739. Section 123.49, subsection 2, paragraph b, Code Supplement 1985, is amended to read as follows:

b. Sell or dispense any alcoholic ~~beverage~~ liquor, wine, or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two a.m. and six a.m. on a weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday, however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of ten a.m. and twelve midnight on Sunday. However, alcoholic liquor, wine, or beer shall not be sold for consumption off the licensed premises between the hours of ten p.m. on any day and six a.m. on the following day.

Sec. 740. Section 123.49, subsection 2, paragraph k, Code Supplement 1985, is amended by striking the paragraph."

3. Page 153, by inserting after line 9 the following:

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"Sec. 747. Section 123.134, subsection 5, Code 1985, is amended to read as follows:

5. Any club, hotel, motel, or commercial establishment holding a class "B" beer permit for whom the sale of goods and services other than beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section 123.49, subsection 2, paragraph "b", may sell and dispense beer to patrons on Sunday for consumption on the premises and for consumption of beer off the premises between the hours ~~of ten a.m.~~

~~and twelve midnight on Sunday~~ established under section 123.49, subsection 2, paragraph "b". Any class "C" beer permittee may sell beer for consumption off the premises between the hours ~~of ten a.m. and twelve midnight on Sunday~~ established under section 123.49, subsection 2, paragraph "b". For the privilege of selling beer on Sunday the beer permit fees of the applicant shall be increased by twenty percent of the regular fees prescribed for the permit pursuant to this section and the privilege shall be noted on the beer permit. The department shall prescribe the nature and character of the evidence which shall be required of the applicant under this subsection."

Jochum of Dubuque rose on a point of order that amendment H—5926 was not germane.

The Speaker ruled the point well taken and amendment H—5926 not germane.

Osterberg of Linn asked for unanimous consent to suspend the rules to consider amendment H—5926.

Objection was raised.

Osterberg of Linn moved that the rules be suspended to consider amendment H—5926.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 44, nays 49.

The motion lost.

Woods of Polk offered the following amendment H—5977 filed by him from the floor:

H—5977

Amend House File 2484 as follows:

1. Page 148, by inserting after line 12 the following:

"Sec. 737. Section 123.36, subsection 6, Code Supplement 1985, is amended to read as follows:

6. Any club, hotel, motel, or commercial establishment holding a liquor control license ~~for whom the sale of goods and services other than alcoholic liquor, wine, or beer constitutes fifty percent or more of the gross receipts from the licensed premises~~, subject to section 123.49, subsection 2, paragraph "b", may sell and dispense alcoholic liquor and wine to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of ten a.m. and twelve midnight on Sunday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license. ~~The department shall prescribe the nature and the character of the evidence required of the applicant under this subsection.~~"

2. Page 153, by inserting after line 9 the following:

"Sec. 746. Section 123.134, subsection 5, Code 1985, is amended to read as follows:

5. Any club, hotel, motel, or commercial establishment holding a class "B" beer permit ~~for whom the sale of goods and services other than beer constitutes fifty percent or more of the gross receipts from the licensed premises~~, subject to ~~the provisions of~~ section 123.49, subsection 2, paragraph "b", may sell and dispense beer to patrons on Sunday for consumption on the premises and for consumption of beer off the premises between the hours of ten a.m. and twelve midnight on Sunday. Any class "C" beer permittee may sell beer for consumption off the premises between the hours of ten a.m. and twelve midnight on Sunday. For the privilege of selling beer on Sunday the beer permit fees of the applicant shall be increased by twenty percent of the regular fees prescribed for the permit pursuant to this section and the privilege shall be noted on the beer permit. ~~The department shall prescribe the nature and character of the evidence which shall be required of the applicant under this subsection.~~"

3. By renumbering as necessary.

Jochum of Dubuque rose on a point of order that amendment H—5977 was not germane.

The Speaker ruled the point well taken and amendment H—5977 not germane.

Osterberg of Linn offered the following amendment H—5943 filed by Osterberg, et al., and moved its adoption:

H—5943

Amend House File 2484 as follows:

1. Page 149, by inserting after line 23 the following:

"2. A person shall not advertise the price or selection of alcoholic liquor for sale at retail other than within premises operated under a liquor control license."

2. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 51, nays 34.

Amendment H—5943 was adopted.

Halvorson of Webster offered the following amendment H—5958, filed from the floor by Halvorson of Webster, Woods, Running, Jay, Osterberg, McKean, Mullins, Van Camp and Clark:

H—5958

Amend House File 2484 as follows:

1. Page 152, line 26, by striking the words "unnumbered paragraph 1,".

2. Page 152, by inserting after line 27 the following:

"123.92 CIVIL LIABILITY FOR SALE OR GIFT OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT)."

3. Page 153, by striking lines 7 through 9 and inserting the following: "contribute to the injurious action of the person.

Every liquor control licensee, class "B" wine permittee, and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the department."

Jochum of Dubuque rose on a point of order that amendment H—5958 was not germane.

The Speaker ruled the point not well taken and amendment H—5958 germane.

Halvorson of Webster moved the adoption of amendment H—5958.

A non-record roll call was requested.

The ayes were 55, nays 28.

Amendment H—5958 was adopted.

Arnould of Scott in the chair at 8:06 p.m.

Jochum of Dubuque offered the following amendment H—5976 filed by him from the floor and moved its adoption:

H—5976

Amend House File 2484 as follows:

1. By striking page 152, line 26, through page 153, line 9.

2. By renumbering as necessary.

Amendment H—5976 lost.

Parker of Jasper offered the following amendment H—5960 filed from the floor by him and Tabor of Jackson:

H—5960

Amend House File 2484 as follows:

1. Page 153, line 18, by striking the words "seven and ~~thirty-four~~ forty-four" and inserting the following: "five and ~~thirty-four~~ eighty-nine".

2. Page 153, by inserting after line 28 the following:

"Sec. 746. Section 123.183, Code Supplement 1985, is amended to read as follows:

123.183 WINE GALLONAGE TAX.

In addition to the annual permit fee to be paid by each class "A" wine permittee, there shall be levied and collected from each class "A" wine permittee on all wine manufactured for sale and sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale, a tax of one dollar and ~~fifty~~ seventy-five

cents for every wine gallon and a like rate for the fractional parts of a wine gallon. A tax shall not be levied or collected on wine sold by one class "A" wine permittee to another class "A" wine permittee. Revenue derived from the wine tax collected on wine manufactured for sale and sold in this state shall be deposited in the gallonage tax fund hereby created in the office of the treasurer of state. All other revenue derived from the wine tax shall be deposited in the liquor control fund established by section 123.53 and shall be transferred by the state comptroller to the general fund of the state. The price of wine sold or offered for sale in state liquor stores which was not purchased by the department from a class "A" wine permittee shall include a markup over the wholesale price at least equal to the tax levied under this section."

3. By renumbering as necessary.

Tabor of Jackson offered the following amendment H—5974, to amendment H—5960, filed by him from the floor and moved its adoption:

H—5974

Amend House amendment, H—5960, to House File 2484 as follows:

1. Page 1, by striking lines 28 through 33 and inserting the following: "comptroller to the general fund of the state. ~~The price of wine sold or offered for sale in state liquor stores which was not purchased by the department from a class "A" wine permittee shall include a markup over the wholesale price at least equal to the tax levied under this section~~."

Amendment H—5974 was adopted.

Parker of Jasper moved the adoption of amendment H—5960, as amended.

A non-record roll call was requested.

The ayes were 25, nays 51.

Amendment H—5960, as amended, lost.

The House stood at ease at 8:11 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2484 at 9:15 p.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Welden of Hardin, for the remainder of the day, on request of Stromer of Hancock.

Jochum of Dubuque moved to reconsider the vote by which amendment H–5960, as amended, failed to be adopted by the House on April 23, 1986.

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H–5960 be reconsidered?"

The ayes were, 51:

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	Lonergan
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Parker	Pavich	Peick
Peterson, M. K.	Sherzan	Shoultz	Skow
Spear	Swartz	Tabor	Teaford
Varn	Zimmerman	Mr. Speaker	

The nays were, 38:

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

Absent or not voting, 11:

Jay	Maulsby	Oxley	Poncy
Renaud	Rosenberg	Running	Sturgeon
Sullivan	Welden	Woods	

The motion prevailed and amendment H—5960 was reconsidered.

Parker of Jasper moved the adoption of amendment H—5960, as amended.

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

Rule 75 was invoked.

On the question "Shall amendment H—5960, as amended, be adopted?"

The ayes were, 53:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Hammond	Hatch	Haverland	Holveck
Hughes	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Lonergan	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Parker	Paulin	Pavich	Peterson, M. K.
Renaud	Rosenberg	Sherzan	Shoultz
Siegrist	Skow	Spear	Swartz
Tabor	Teaford	Varn	Zimmerman
Mr. Speaker			

The nays were, 43:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Mullins	Oxley	Peick	Pellett
Petersen, D. F.	Platt	Poncy	Renken
Rensink	Royer	Running	Schnekloth
Shoning	Stromer	Stueland	Swearingen
Van Camp	Van Maanen	Woods	

Absent or not voting, 4:

Jay	Sturgeon	Sullivan	Welden

Amendment H—5960, as amended, was adopted.

Running of Linn offered the following amendment H—5873 filed by Running, et al., and moved its adoption:

H—5873

Amend House File 2484 as follows:
1. Page 153, by striking lines 10 through 23.
2. By renumbering as necessary.

Roll call was requested by Parker of Jasper and Schnekloth of Scott.

Rule 75 was invoked.

On the question "Shall amendment H—5873 be adopted?"

The ayes were, 46:

Bennett	Branstad	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	McKean	Metcalf	Miller
Mullins	Oxley	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renken	Rensink	Royer	Running
Schnekloth	Shoning	Siegrist	Skow
Stromer	Stueland	Swearingen	Van Camp
Van Maanen	Woods		

The nays were, 47:

Arnould	Beatty	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Cooper
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Hammond	Hatch
Haverland	Holveck	Hughes	Jochum
Johnson	Knapp	Koenigs	Lloyd-Jones
Lonergan	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Parker	Paulin
Pavich	Rosenberg	Sherzan	Shoultz

Spear	Swartz	Tabor	Teaford
Varn	Zimmerman	Mr. Speaker	

Absent or not voting, 7:

Baxter	Connors	Jay	Renaud
Sturgeon	Sullivan	Welden	

Amendment H—5873 lost.

Schnekloth of Scott offered the following amendment H—5869 filed by him and moved its adoption:

H—5869

Amend House File 2484 as follows:
1. Page 154, line 9, by inserting after the word "Act." the following: "Lease obligations incurred by the department for the operation of state liquor stores shall be honored for one year following the effective date of this Act."

A non-record roll call was requested.

The ayes were 34, nays 49.

Amendment H—5869 lost.

Halvorson of Clayton offered the following amendment H—5893 filed by him and moved its adoption:

H—5893

Amend House File 2484 as follows:
1. Page 154, line 9, by inserting after the word "Act." the following: "In seeking the release of lease obligations incurred for the operation of state liquor stores, the division shall as nearly as possible treat all lessors equally."

A non-record roll call was requested.

The ayes were 31, nays 47.

Amendment H—5893 lost.

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—5952.

The House resumed consideration of amendment H—5989B (to pages 121 and 154) temporarily deferred.

Parker of Jasper offered the following amendment H—6002, to amendment H—5989B, filed from the floor by him and Tabor of Jackson and moved its adoption:

H—6002

Amend House amendment H—5989 to page 121 of House File 2484 as follows:

1. Page 1, line 36, by striking the word "may" and inserting the word "shall".

2. Page 1, by striking lines 38 and 39 and inserting the following: "1986 for the purpose of ensuring an efficient and orderly transition to a".

Amendment H—6002 was adopted.

Jochum of Dubuque offered the following amendment H—6006, to amendment H—5989B, filed by him from the floor and moved its adoption:

H—6006

Amend the amendment, H—5989 to page 121 of House File 2484 as follows:

1. Page 1, line 42, by inserting after the figure "1986." the following: "The division shall maintain the existing warehouse distribution personnel for the transition period of July 1, 1986 through June 30, 1987."

Roll call was requested by Lageschulte of Bremer and Halvorson of Clayton.

On the question "Shall amendment H—6006, to amendment H—5989B, be adopted?"

The ayes were, 51:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. N.	Hatch
Haverland	Holveck	Jochum	Johnson

Knapp	Koenigs	Lloyd-Jones	Lonergan
Muhlbauer	Norland	O'Kane	Ollie
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 41:

Bennett	Carpenter	Clark	Corey
Daggett	De Groot	Diemer	Doderer
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	Shoning	Siegrist	Spear
Stromer	Stueland	Swearingen	Van Camp
Van Maanen			

Absent or not voting, 8:

Branstad	Groth	Hughes	Jay
Osterberg	Sturgeon	Sullivan	Welden

Amendment H—6006 was adopted.

On motion by Jochum of Dubuque, amendment H—5989B, as amended, was adopted.

Osterberg of Linn offered the following amendment H—5895 filed by him and moved its adoption:

H—5895

Amend House File 2484 as follows:
1. By striking page 139, line 35 through page 154, line 9.
2. By renumbering as necessary.

Roll call was requested by Parker of Jasper and Tabor of Jackson.

Rule 75 was invoked.

On the question "Shall amendment H—5895 be adopted?"

The ayes were, 44:

Bennett	Branstad	Carl	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Holveck	Hummel
Kremer	Lageschulte	Maulsby	McIntee
McKean	Metcalf	Miller	Mullins
Osterberg	Oxley	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Rensink
Royer	Schnekloth	Shoning	Stromer
Stueland	Swearingen	Van Camp	Van Maanen

The nays were, 51:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Doderer	Fey	Fogarty
Groninga	Gruhn	Hatch	Hester
Hughes	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Lonergan	Muhlbauer
Norland	O'Kane	Ollie	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Siegrist	Skow	Spear
Swartz	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 5:

Groth	Jay	Sturgeon	Sullivan
Welden			

Amendment H—5895 lost.

Daggett of Taylor offered the following amendment H—5991 filed from the floor by Daggett, Harbor, Platt and Varn and moved its adoption:

H—5991

Amend House File 2484 as follows:
1. Page 154, line 20, by striking the figure "3,097,210" and inserting the figure "3,191,828".

Amendment H—5991 was adopted.

Jochum of Dubuque offered the following amendment H—5938 filed by him and moved its adoption:

H—5938

Amend House File 2484 as follows:

1. By striking page 154, line 30 through page 156, line 5, and inserting the following:

"Sec._____. NEW SECTION. 477A.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "911 service" means a service which provides the user of a public telephone system the ability to reach a public safety answering point by dialing the digits 9-1-1.

2. "Public agency" means the state government and any unit of local government or special purpose district located in whole or in part within the state that provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or other emergency services.

3. "Public safety agency" means a functional unit of a public agency that provides fire fighting, law enforcement, ambulance, medical, or other emergency services.

4. "Private safety entity" means a private entity which provides emergency fire, ambulance, or medical services whether by full or part-time employees or on a volunteer basis.

5. "Public safety answering point" means a communications facility operated on a twenty-four hour basis and serving participating jurisdictions, that initially receives 911 calls and either directly dispatches emergency response services, or relays the calls to the appropriate public safety agency.

6. "Commission" means the state emergency telephone number commission established by section 477A.3.

Sec._____. NEW SECTION. 477A.2 911 SERVICE.

1. After the effective date of this Act, when 911 service is established in a service area each public agency, public safety agency, and private safety entity serving territory within the service area shall participate in providing the 911 service. The 911 service shall be established according to a written plan which has the written approval of the governing bodies of each public agency, public safety agency, and private safety entity serving territory within the 911 service area.

2. This chapter does not prohibit or discourage participation in or the provision of 911 service covering the territory of more than one public agency, public safety agency, or private safety entity. A system established pursuant to this section may serve the territory of more than one public agency, public

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safety agency, or private safety entity or may include a part of their respective territories. Public agencies, public safety agencies, and private safety entities may enter into agreements under chapter 28E to provide 911 service.

3. The digits "911" shall be the primary emergency telephone number within the 911 service areas established under this section. A public safety agency or a private safety entity whose services are available through a 911 system may maintain a separate secondary backup number for emergencies, and shall maintain a separate number for nonemergency telephone calls.

4. A 911 system shall be capable of transmitting requests for law enforcement, fire fighting, and emergency medical and ambulance services to a public safety agency or agencies that provide the requested service at the place where the call originates. A 911 system may also provide for transmitting requests for disaster services, poison control, suicide prevention, and other emergency services. The public safety answering point shall be capable of receiving calls from hearing impaired persons through a telecommunications device for the deaf. Conferencing capability with counseling, aid to handicapped, and other services as deemed necessary for identifying appropriate emergency response services may be provided by the 911 service.

A public safety answering point may transmit emergency response requests to private safety entities.

Sec._____. NEW SECTION. 477A.3 STATE EMERGENCY TELEPHONE NUMBER COMMISSION CREATED.

The state emergency telephone number commission is created in the office of disaster services of the department of public defense. The director of the office of disaster services shall serve as chairperson of the commission. The office of disaster services shall provide the meeting facilities for the commission. The division of communications, department of general services, shall provide administrative and technical support for the commission with the support of the staff of the respective members of the commission. The members of the commission are as follows:

1. One person appointed by the commissioner of public safety.

2. One person appointed by the league of Iowa municipalities.

3. One person appointed by the Iowa state

association of counties.

4. One person appointed by the legislative communications review committee.

5. One person from the Iowa commerce commission.

6. Twelve persons appointed by the governor as follows:

a. Two persons representing fire departments, one representing a paid fire department and the other representing a volunteer fire department.

b. Two persons representing city police departments, one representing a city with a population of fifty thousand or more, and the other from a smaller city.

c. Two persons representing county sheriff departments, one representing a county with a population of twenty-five thousand or more, and the other representing a smaller county.

d. Two persons representing emergency ambulance and medical service departments, one representing a public ambulance and medical service, and the other representing a private ambulance and medical service.

e. Two persons representing exchange carriers providing public telephone service in Iowa, one representing a telephone company subject to rate regulation under section 476.1 and one representing a telephone company that is not subject to rate regulation under section 476.1.

f. Two persons who are qualified by education or employment experience to evaluate alternative financing methods.

Vacancies shall be filled in the same manner as the original appointments are made. Terms shall commence upon appointment and shall run until the commission is abolished by repeal.

Sec._____. NEW SECTION. 477A.4 MEETINGS.

1. The chairperson shall call the first meeting of the commission within thirty days of the appointment of the members. A majority of the members of the commission constitute a quorum and the concurrence of a quorum is required on any question relating to the commission's official duties. Commission members shall serve without compensation. Members who are not government employees shall be reimbursed from funds appropriated in section 7 of this Act for actual expenses incurred in the performance of duties. The commission shall meet as necessary, but at least once each month until the report required by section 477A.5 is completed.

2. Public agencies and exchange carriers providing public telephone service in Iowa shall cooperate,

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within time, personnel, and budgetary limitations, in providing information, data, surveys, and studies as requested by the commission.

3. The commission may apply for, receive, and expend any private or public funds to implement this chapter.

4. The commission shall hold public hearings, prior to making its recommendations to the general assembly, and shall provide Iowans with information on 911 service to stimulate public interest and comment.

Sec._____. NEW SECTION. 477A.5 RECOMMENDATIONS TO GENERAL ASSEMBLY.

The commission shall submit a written report and recommendations for an overall plan to implement 911 service to the general assembly not later than January 10, 1987. The recommendations shall include, but are not limited to:

1. The responsibilities that should be assumed by state and local public agencies and public safety agencies and by exchange carriers providing public telephone service in implementing statewide 911 service.

2. The size of 911 service areas necessary to operate effectively and to achieve economies of scale and the local government coordination necessary to establish 911 service.

3. Whether it is necessary or desirable for an existing or new state agency to be given the responsibility for monitoring, reviewing, supervising, or coordinating the implementation of statewide 911 service.

4. The equipment, capability and operational standards that should be established for 911 service, including procedures for transmitting calls, that will result in the shortest response time in emergencies and the best service to the public.

5. An estimate of the cost to state and local public agencies to plan, implement, and operate 911 systems throughout the state. The cost reported should indicate the current costs of telephone and related services as well as the incremental costs of 911 implementation.

6. Whether it is necessary or desirable for the general assembly to establish a deadline by which every public agency and public or private safety agency must establish or participate in 911 service.

7. Whether it is necessary or desirable for the general assembly to allow a public agency or utility to seek a waiver of all or some of the time limits for implementing 911 service.

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8. Identification and listing of all existing federal, state, local, and private funding sources available for implementation of 911 service. The report shall discuss the merits of alternative methods of collecting the necessary revenues including an increase in taxes, an imposition of a surcharge on the amounts paid by every person in the state for intrastate telephone service, and combinations of these methods.

9. How public agency costs for the planning, installation, and continued operation of the 911 system should be met and from which sources.

10. Legislation needed to implement statewide 911 services.

Sec._____. NEW SECTION. 477A.6 REPEAL.

Sections 477A.3 through 477A.6 are repealed effective six years from the effective date of this Act.

Sec._____. There is appropriated to the office of disaster services from the general fund the sum of five thousand (5,000) dollars for the purposes of sections 477A.1 to 477A.5."

Amendment H—5938 was adopted.

Lageschulte of Bremer offered the following amendment H—5962 filed from the floor by Lageschulte, McIntee, Halvorson of Clayton and De Groot and moved its adoption:

H—5962

Amend House File 2484 as follows:

1. Page 156, by inserting after line 5 the following:

"Sec._____. Section 18.117, Code 1985, is amended to read as follows:

18.117 PRIVATE USE — RATE FOR STATE BUSINESS.

A state officer or employee shall not use a state-owned motor vehicle for personal private use, nor shall the officer or employee be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the state vehicle dispatcher, and in that case the officer or employee shall receive ~~twenty-two cents per mile effective July 1, 1981, and twenty-four~~ twenty-one cents per mile ~~effective July 1, 1982~~. A statutory provision stipulating necessary mileage, travel, or actual expenses reimbursement to a state officer falls under the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in

section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section: However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services and approved by the executive council. If a state motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned vehicle unless the state vehicle assigned is not usable.

This section does not apply to officials and employees of the state whose mileage is paid by other than state agencies and this section does not apply to elected officers of the state, judicial officers, or court employees.

Sec. _____. Section 79.9, Code 1985, is amended to read as follows:

79.9 CHARGE FOR USE OF AUTOMOBILE BY OTHER THAN STATE OFFICER OR EMPLOYEE.

When a public officer or employee, other than a state officer or employee, is entitled to be paid for expenses in performing a public duty, a charge shall be made, allowed and paid for the use of an automobile, as determined by the local governing body, in an amount not exceeding ~~twenty-two cents per mile for actual and necessary travel effective July 1, 1981, and in an amount not exceeding twenty-four~~

Page 2

twenty-one cents per mile ~~effective July 1, 1982~~. A statutory provision stipulating necessary mileage, travel, or actual reimbursement to a local public officer or employee falls within the mileage reimbursement limitation specified in this section unless specifically provided otherwise. A political subdivision may authorize the use of private vehicles for the conduct of official business of the political subdivision at an annual amount in lieu of actual and necessary travel expense reimbursement provided in this section. A peace officer, other than a state officer or employee, as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section."

2. Renumber sections and correct internal references as necessary in accordance with this amendment.

Amendment H—5962 was adopted.

Norland of Worth asked and received unanimous consent that House File 2484 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 April 22, 1986, insisted on its amendment to 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, and the members of the conference committee, appointed April 23, 1986, on the part of the Senate are: The Senator from Woodbury, Senator Doyle, Chair; the Senator from Muscatine, Senator Drake; the Senator from Polk, Senator Mann; the Senator from Sioux, Senator Ritsema; and the Senator from Dubuque, Senator Welsh.

Also: That the Senate has on April 23, 1986, passed the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2005, proposing an amendment to the constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Also: That the Senate has on April 16, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 23, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2289, a bill for an act 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.

Also: That the Senate has on April 23, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2297, a bill for an act relating to the coordination of telecommunications used by certain school corporations and making an appropriation.

K. MARIE THAYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(House File 2339)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2339: Jay of Appanoose, Chair; Renaud of Polk, Woods of Polk, McIntee of Black Hawk and McKean of Jones.

SENATE MESSAGE CONSIDERED

Senate File 2294, by committee on ways and means, a bill for an act relating to the state individual and corporate income tax by limiting, modifying, eliminating, and changing certain deductions and credits in computing the tax liability, and providing an effective date.

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

CONSIDERATION OF BILL

The House resumed consideration of **House File 2484,** a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

(House File 2484 pending at adjournment.)

MOTION TO RECONSIDER
(Amendment H—5925 to House File 2484)

I move to reconsider the vote by which amendment H—5925 to House File 2484 was adopted by the House on April 23, 1986.

SHERZAN of Polk

CONFERENCE COMMITTEE REPORT FILED

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

JOSEPH O'HERN
Chief Clerk of the House

House File 2378, a bill for an act providing for referendums to terminate the collection of the beef and soybean assessments.

COMMUNICATION FROM SECRETARY OF STATE

April 21, 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 199 was published in the Iowa City Press-Citizen, Iowa City, Iowa, on March 26, 1986, and in The Daily Nonpareil, Council Bluffs, Iowa, on March 27, 1986.

I further certify that House File 2351 was published in The Daily Freeman-Journal, Webster City, Iowa, on March 26, 1986, and in The Winterset Madisonian, Winterset, Iowa, on April 9, 1986.

I further certify that House File 2197 was published in the Citizen Herald, Jesup, Iowa, on April 16, 1986, and in the Jasper County Tribune, Colfax, Iowa, on April 17, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PROOF OF PUBLICATION
(House File 2487)

Published copy of House File 2487 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 April 16, 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

Pellett of Cass presented to the House the Honorable Lester Kluever, former member of the House representing Cass County.

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

Twenty-nine ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Bruce Willemsen and Mitch Murphy. By Avenson of Fayette.

Thirteen sixth grade students from Grand Valley Elementary School, Grand River, accompanied by Nina Elliott. By Daggett of Taylor.

Twenty-nine sixth grade students from Gladbrook Elementary School, Gladbrook, accompanied by Barb Schwarck. By Handorf of Marshall.

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. Schick. By Jay of Appanoose.

Forty twelfth grade students from Charter Oak-Ute High School, Charter Oak, accompanied by Wally Welander. By Muhlbauer of Crawford and Bennett of Ida.

Forty-two Cub Scouts from Troop 373 from Davenport. By Schnekloth of Scott.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 796 Ways and Means

Relating to the movement of vehicles of excessive size and weight.

STUDY BILL SUBCOMMITTEE ASSIGNMENT

Study Bill 796

Ways and Means: Fey, Chair; O'Kane and Lageschulte.

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 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.

Fiscal Note is not required.

Recommended **Do Pass** April 23, 1986.

AMENDMENTS FILED

H–5964	H.C.R. 122	Senate Amendment
H–5965	S.F. 2265	Senate Amendment
H–5967	H.F. 2484	O'Kane of Woodbury
H–5968	H.F. 2484	Hatch of Polk Rosenberg of Story Osterberg of Linn
H–5969	H.F. 2484	Jochum of Dubuque
H–5970	H.F. 2484	Van Camp of Scott
H–5972	H.F. 2484	Jochum of Dubuque
H–5973	H.F. 2484	Renaud of Polk Van Camp of Scott
H–5978	H.F. 2484	Spear of Lee
H–5979	H.F. 2484	Brammer of Linn
H–5982	H.F. 2484	Koenigs of Mitchell Skow of Guthrie
H–5985	H.F. 2484	Jochum of Dubuque
H–5986	H.F. 2483	Halvorson of Webster Hanson of Delaware
H–5987	S.F. 97	Jay of Appanoose Halvorson of Webster
H–5990	H.F. 2484	Van Camp of Scott Renaud of Polk
H–5992	H.F. 2484	Hammond of Story
H–5993	H.F. 2484	Osterberg of Linn
H–5994	H.F. 2484	Jochum of Dubuque
H–5995	H.F. 2484	Halvorson of Clayton Jochum of Dubuque
H–5996	H.F. 2484	Sherzan of Polk
H–5997	H.F. 2484	Swartz of Marshall
H–5998	H.F. 2484	Jochum of Dubuque Halvorson of Clayton
H–5999	H.F. 2484	Van Camp of Scott Renaud of Polk
H–6000	H.F. 2484	Brammer of Linn
H–6001	H.F. 2484	Groninga of Cerro Gordo
H–6003	H.F. 2484	Miller of Cherokee
H–6004	H.F. 2484	Hatch of Polk Renaud of Polk

H–6005	H.F.	2484	Rosenberg of Story
H–6007	H.F.	2484	McIntee of Black Hawk
H–6008	H.F.	2484	Paulin of Plymouth
H–6009	H.F.	2484	Van Camp of Scott
H–6010	H.F.	2484	Jochum of Dubuque
H–6011	H.F.	2484	McIntee of Black Hawk
H–6012	H.F.	123	Gruhn of Dickinson
H–6013	H.F.	2483	Teaford of Black Hawk
H–6014	H.F.	2484	Halvorson of Webster
H–6015	H.F.	2484	Van Camp of Scott
H–6016	H.F.	2483	Cochran of Webster Clark of Cerro Gordo
H–6017	H.F.	2462	Ollie of Clinton Daggett of Taylor

On motion by Norland of Worth, the House adjourned at 11:25 p.m., until 9:00 a.m., Thursday, April 24, 1986.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day—Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 24, 1986

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

Prayer was offered by Reverend Paul Walters, pastor of the Church of God, Ida Grove.

The Journal of Wednesday, April 23, 1986 was approved.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2005, by Hutchins and Hultman, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

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

Senate File 2289, by administrative rules review committee, a bill for an act 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.

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

Senate File 2297, by committee on appropriations, a bill for an act relating to the coordination of telecommunications used by certain school corporations and making an appropriation.

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

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2484,** a bill for an act relating to and making appropriations to agencies, boards,

commissions, departments, and programs of state government and making certain provisions retroactive, pending at adjournment.

Jochum of Dubuque offered amendment H—5903 filed by him and requested division as follows:

H—5903

Amend House File 2484 as follows:

H—5903A

1. Page 1, line 12, by striking the figure "3,019,319" and inserting the figure "2,789,691".

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

"_____. Youth services administration

For salaries, support, maintenance, and miscellaneous purposes to develop and administer employment opportunities for the youth ..... $ 71,391

_____. Iowa youth corps

For salaries, support, maintenance, and miscellaneous purposes .... $ 832,709"

3. Page 3, line 26, by striking the figure "15,733,000" and inserting the figure "15,605,770".

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

"Sec._____. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1986-1987 Fiscal Year
For salaries, support, maintenance, and miscellaneous purposes .... $	127,230"

5. Page 6, line 4, by striking the figure "10,865,594" and inserting the figure "14,623,482".

6. Page 6, lines 6 and 7, by striking the words "Iowa merit employment department" and inserting the words "department of personnel".

7. Page 6, line 31, by striking the figure "127,962,152" and inserting the figure "128,532,126".

8. Page 7, lines 4 and 5, by striking the words "Iowa merit employment department" and inserting the words "department of personnel".

9. By striking page 8, line 34 through page 9, line 4.

H—5903A

10. Page 9, lines 8 and 9, by striking the words and figure "three hundred seventy-two eight hundred twenty-three (372,823)" and inserting the words and figure "five hundred fifty-two thousand two hundred nine (552,209)".

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

"Sec._____. Section 7.15, Code 1985, is amended to read as follows:

7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.

The governor, in addition to other duties and

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responsibilities conferred by the Constitution and laws of this state, is hereby empowered to contract for the benefits available to this state under any Act of Congress for highway safety, law enforcement, or other related programs, and in so doing, to co-operate with federal and state agencies, private and public organizations, and with individuals, to effectuate the purposes of these enactments. The governor shall be responsible for and is hereby empowered to administer, either through the governor's office or through ~~one or more state departments or agencies designated by the governor~~ the state department of transportation which, for purposes of federal law, is designated as the state highway safety agency or any combination of the foregoing the highway safety, law enforcement and related programs of this state and those of its political subdivisions, all in accordance with said Acts and the Constitution of the state of Iowa, in implementation thereof.

12. Page 10, line 6, by striking the figure "(350,000)".

13. Page 11, line 6, by striking the words "state comptroller" and inserting the words "department of management".

14. Page 12, line 8, by striking the words "state conservation" and inserting the words "~~state conservation~~ natural resource".

15. Page 13, line 22, by striking the words "IOWA STATE ARTS COUNCIL" and inserting the words "ARTS DIVISION OF CULTURAL AFFAIRS".

16. Page 13, lines 27 and 28, by striking the words "IOWA STATE HISTORICAL DEPARTMENT" and inserting the words "HISTORICAL DIVISION OF CULTURAL AFFAIRS".

17. Page 13, line 32, by striking the words "IOWA LIBRARY DEPARTMENT" and inserting the words "LIBRARY

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DIVISION OF CULTURAL AFFAIRS".

18. Page 14, lines 4 and 5, by striking the words "IOWA DEPARTMENT OF PUBLIC BROADCASTING" and inserting the words "PUBLIC BROADCASTING DIVISION OF CULTURAL AFFAIRS".

19. Page 14, line 21, by striking the words "Iowa state arts council" and inserting the words "arts division of the department of cultural affairs".

20. Page 15, line 13, by striking the words "Iowa state historical department" and inserting the words "historical division of the department of cultural affairs".

21. Page 16, line 15, by striking the words "IOWA COMMISSION FOR THE BLIND" and inserting the words "DIVISION FOR THE BLIND, DEPARTMENT OF HUMAN RIGHTS".

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22. Page 16, line 21, by striking the words "public instruction" and inserting the word "education".

23. Page 16, line 32, by striking the words "public instruction" and inserting the word "education".

24. Page 17, line 8, by striking the words "public instruction" and inserting the word "education".

25. Page 17, line 14, by striking the words "public instruction" and inserting the word "education".

26. Page 20, line 12, by striking the words "public instruction" and inserting the word "education".

27. Page 21, line 6, by striking the words "public instruction" and inserting the word "education".

28. Page 21, lines 32 and 33, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

29. Page 22, line 3, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

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30. Page 29, lines 26 and 27, by striking the words "state comptroller" and inserting the words "department of management".

31. Page 30, line 19, by striking the words

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"state comptroller" and inserting the words "department of management".

32. Page 31, line 13, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

33. Page 32, line 27, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

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34. Page 33, lines 5 and 6, by striking the words "Iowa department of public broadcasting" and inserting the words "public broadcasting division of the department of cultural affairs".

35. Page 33, lines 10 and 11, by striking the words "Iowa department of public broadcasting" and inserting the words "public broadcasting division of the department of cultural affairs".

36. Page 33, line 21, by striking the words "Iowa department of public broadcasting" and inserting the words "public broadcasting division of the department of cultural affairs".

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37. Page 33, line 22, by striking the words "public instruction" and inserting the word

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"education".

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38. Page 33, line 35, by striking the words "state board of public instruction" and inserting the words "department of education".

39. Page 35, line 24, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

40. Page 36, lines 2 and 3, by striking the words "commissioner of public instruction" and inserting the words "~~commissioner of public instruction~~ director of the department of education".

41. Page 36, line 4, by striking the words "commissioner of public instruction" and inserting the words "~~commissioner of public instruction~~ director of

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the department of education".

42. Page 36, line 12, by striking the word "commissioner" and inserting the words "~~commissioner~~ director".

43. Page 40, line 4, by striking the words "state board of public instruction" and inserting the words "board of education".

44. Page 40, line 22, by striking the words "commissioner of public instruction" and inserting the words "~~commissioner of public instruction~~ director of the department of education".

45. Page 40, line 29, by striking the words "state comptroller" and inserting the words "~~state comptroller~~ director of department of revenue and finance".

46. Page 41, line 9, by striking the words "commissioner of public instruction" and inserting the words "~~commissioner of public instruction~~ director of the department of education".

47. Page 41, line 13, by striking the words "commissioner of public instruction" and inserting the words "~~of public instruction~~ director of the department of education".

48. Page 41, line 16, by striking the words "state comptroller" and inserting the words "~~state~~ director of the department of revenue and finance".

49. Page 42, line 3, by striking the words "commissioner of public instruction" and inserting the words "director of the department of education".

50. Page 42, lines 4 and 5, by striking the words "commissioner of public instruction" and inserting the words "director of the department of education".

51. Page 42, lines 6 and 7, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

52. Page 42, lines 7 and 8, by striking the words

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"state comptroller" and inserting the words "department of revenue and finance".

53. Page 43, line 18, by striking the words "commissioner of public instruction" and inserting the words "~~commissioner of public instruction~~ director of the department of education".

54. Page 43, lines 20 and 21, by striking the words "commissioner of public instruction" and inserting the words "~~of public instruction~~ director of the department of education".

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55. Page 43, line 23, by striking the words "state comptroller" and inserting the words "~~state~~ department of revenue and finance".

56. Page 44, line 11, by striking the words "public instruction" and inserting the words "~~public instruction~~ education".

57. Page 45, line 15, by striking the words "state comptroller" and inserting the words "~~state comptroller~~ department of revenue and finance".

58. Page 45, line 16, by striking the words "state comptroller" and inserting the words "~~state comptroller~~ department of revenue and finance".

59. Page 46, line 12, by striking the words "public instruction" and inserting the word "education".

60. Page 47, line 32, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

61. Page 49, line 14, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

62. Page 49, line 16, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

63. Page 49, line 22, by striking the words "state comptroller" and inserting the words "department of management".

64. Page 50, line 2, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

65. Page 50, line 29, by striking the words "public instruction" and inserting the word "education".

66. Page 50, line 32, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

67. Page 51, line 23, by striking the words "public instruction" and inserting the word "education".

68. Page 51, line 26, by striking the words

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"state comptroller" and inserting the words "department of revenue and finance".

69. Page 51, line 31, by striking the words "public instruction" and inserting the word "education".

70. Page 52, lines 2 and 3, by striking the words

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"state comptroller" and inserting the words "department of management".

71. Page 53, lines 14 and 15, by striking the words "public instruction" and inserting the word "education".

72. Page 53, line 18, by striking the words "state comptroller" and inserting the words "department of management".

73. Page 54, lines 8 and 9, by striking the words "public instruction" and inserting the word "education".

74. Page 54, line 12, by striking the words "state comptroller" and inserting the words "department of management".

75. Page 55, line 1, by striking the words "public instruction" and inserting the word "education".

76. Page 55, lines 6 and 7, by striking the words "state comptroller" and inserting the words "department of management".

77. Page 55, line 24, by striking the words "public instruction" and inserting the word "education".

78. Page 55, lines 29 and 30, by striking the words "state comptroller" and inserting the words "department of management".

79. Page 56, line 3, by striking the words "public instruction" and inserting the word "education".

80. Page 56, line 10, by striking the words "state comptroller" and inserting the words "department of management".

81. Page 56, line 20, by striking the words "public instruction" and inserting the word "education".

82. Page 56, line 23, by striking the words "state comptroller" and inserting the words "department of management".

83. Page 57, lines 6 and 7, by striking the words "public instruction" and inserting the word "education".

84. Page 57, line 7, by striking the words "state comptroller" and inserting the words "department of management".

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85. Page 57, line 28, by striking the words "state comptroller" and inserting the words

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"department of revenue and finance".

86. Page 57, line 32, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

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87. Page 58, line 11, by striking the words "state board of public instruction" and inserting the words "department of education".

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88. Page 59, line 3, by striking the words "state comptroller" and inserting the words "department of management".

89. Page 59, line 10, by striking the words "state comptroller" and inserting the words "department of revenue and finance".

90. Page 59, line 15, by striking the words "state comptroller" and inserting the words "department of management".

91. Page 59, line 16, by striking the words "public instruction" and inserting the word "education".

92. Page 59, lines 20 and 21, by striking the words "state comptroller" and inserting the words "department of management".

93. Page 59, line 23, by striking the words "state board of public instruction" and inserting the words "department of education".

94. Page 60, line 16, by striking the word "twenty-one" and inserting the word "twenty-four".

95. Page 60, line 19, by striking the figure "664,122" and inserting the figure "762,129".

96. By striking page 61, line 32 through page 62, line 33 and inserting the following:

"Sec._____. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1986-1987 Fiscal Year
1. For salaries and support of not more than twenty-nine and five-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes	$ 245,601
2. For the administration of area agencies on aging	$ 114,248
3. For the retired Iowan's community employment program	$ 104,865

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4. For the older Iowans legislature ..... $ 12,953

5. For the retired seniors volunteer program ..... $ 14,278

All of the funds appropriated under subsection 5 shall be divided equally among the programs in existence as of July 1, 1986 and shall not be used by the division for administrative purposes.

6. For the Alzheimer's disease support program ..... $ 70,000

All funds appropriated under subsection 6 shall be used for training and education programs for families serving as caregivers for Alzheimer's disease victims and shall not be used for administrative purposes.

7. For elderly services programs ..... $ 777,195

All funds appropriated under this subsection shall be received and disbursed by the director of elder affairs for the elderly services program, shall not be used for administrative purposes, and shall be used for citizens of Iowa over sixty-five years of age for chore, telephone reassurance, adult day care, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency for provision of the service within the area."

97. Page 63, line 29, by striking the word "fourteen" and inserting the word "thirteen".

98. Page 63, line 32, by striking the figure "499,609" and inserting the figure "479,884".

99. Page 64, line 7, by striking the word "eight" and inserting the word "fourteen".

100. Page 64, line 10, by striking the figure "376,167" and inserting the figure "587,035".

101. Page 64, lines 14 and 15, by striking the words "thirteen and two-tenths" and inserting the word "sixteen".

102. Page 64, line 17, by striking the figure "442,467" and inserting the figure "517,947".

103. Page 64, line 21, by striking the word "four" and inserting the word "ten".

104. Page 64, line 23, by striking the figure "122,609" and inserting the figure "330,248".

105. Page 68, line 7, by striking the words "year

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of the biennium" and inserting the words "fiscal year".

106. Page 68, lines 15 and 16, by striking the words "of the biennium".

107. Page 73, line 13, by striking the words "state comptroller" and inserting the words "department of management".

108. Page 73, line 17, by striking the words "state comptroller" and inserting the words "department of management".

109. Page 76, line 14, by striking the word "health" and inserting the words "public health".

110. Page 76, line 16, by striking the word "health" and inserting the words "public health".

111. Page 81, by striking lines 12 through 14.

112. Page 81, by inserting after line 22 the following:

"11. To establish and maintain the registry for the brain injured ..... $ 17,000"

113. Page 94, line 6, by striking the figure "50,021,543" and inserting the figure "50,107,085".

114. Page 94, line 27, by striking the figure "1,395,402" and inserting the figure "1,396,910".

115. Page 95, line 1, by striking the figure "932,238" and inserting the figure "933,245".

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116. Page 95, line 32, by striking the words "department of substance abuse" and inserting the words "division of substance abuse of the department of public health".

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117. Page 96, lines 14 and 15, by striking the words "Iowa department of substance abuse or its successor agency" and inserting the words "division of substance abuse of the department of public health".

118. Page 96, line 17, by striking the figure "63,476" and inserting the figure "63,545".

119. Page 96, line 23, by striking the figure "68,242" and inserting the figure "68,316".

120. Page 96, line 26, by striking the figure "355,427" and inserting the figure "355,811".

121. Page 96, line 33, by striking the figure "248,368" and inserting the figure "308,636".

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122. Page 97, lines 6 and 7, by striking the words and figure "sixteen million four hundred eighty-two thousand three hundred thirty-two (16,482,332)" and inserting the words and figure "sixteen million five hundred thousand one hundred forty-four (16,500,144)".

123. Page 97, lines 13 through 15, by striking the words and figure "three hundred ninety-four thousand one hundred seventy-three (394,173)" and

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inserting the words and figure "four hundred forty-three thousand eight hundred forty-five (443,845)".

124. Page 102, lines 24 and 25, by striking the words "state conservation commission" and inserting the words "department of natural resources".

125. Page 103, by striking lines 13 through 30.

126. Page 104, by inserting after line 28 the following:

"Sec._____. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of six hundred seventy-two thousand two hundred forty-two (672,242) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and miscellaneous purposes.

Notwithstanding section 80B.11, subsection 5, during the fiscal year beginning July 1, 1986, one-half of the cost of providing cognitive and psychological examinations of law enforcement officer candidates shall be charged to the hiring entity on behalf of which the examination is being conducted. However, no charge shall be made to hiring entities that are state agencies.

The Iowa law enforcement academy shall charge the hiring entity one-half of the cost of providing the ten-week course, designed to meet the minimum basic training requirements, to each law enforcement officer. However, a charge shall not be made to hiring entities that are state agencies. The hiring entity may require the officer candidate who is enrolled in the course to reimburse the hiring entity for the charge."

127. Page 105, line 14, by inserting after the word "AGRICULTURE" the words "AND LAND STEWARDSHIP".

128. Page 105, line 16, by inserting after the word "agriculture" the words "and land stewardship".

129. Page 108, line 2, by inserting after the

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word "agriculture" the words "and land stewardship".
130. Page 108, line 7, by inserting after the word "agriculture" the words "and land stewardship".
131. Page 108, line 12, by striking the figure "3,369,262" and inserting the figure "3,391,635".
132. Page 108, by inserting after line 23 the following:
"_____. FARM COMMODITY DIVISION
From the general fund for salaries, support, maintenance and miscellaneous purposes ..... $ 229,628"
133. Page 108, line 26, by inserting after the word "agriculture" the words "and land stewardship".

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134. Page 109, line 32, by striking the words "state comptroller" and inserting the words "director of revenue and finance".
135. Page 110, line 1, by inserting after the word "agriculture" the words "and land stewardship".
136. Page 110, line 9, by striking the figure "3,395,935" and inserting the figure "3,385,315".
137. Page 111, line 19, by striking the words "state conservation commission" and inserting the words "department of natural resources".
138. Page 111, line 25, by striking the words "STATE CONSERVATION COMMISSION" and inserting the words "DEPARTMENT OF NATURAL RESOURCES".
139. Page 111, line 27, by striking the words "state conservation commission" and inserting the words "department of natural resources".
140. Page 111, by striking lines 33 through 35 and inserting the following:
"For salaries, support, maintenance, equipment, and miscellaneous purposes ..... $ 9,122,655"
141. Page 112, by striking lines 1 through 12.
142. Page 112, line 13, by inserting after the word "The" the words "natural resource".
143. Page 112, line 20, by striking the words "state conservation" and inserting the words "natural resource".
144. Page 112, line 23, by striking the words "DIVISION OF FISH AND GAME" and inserting the words "FISH AND WILDLIFE".
145. By striking page 112, line 34 through page 113, line 1 and inserting the following:
"administration and coordination

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relating to fish and wildlife activities ..... $ 13,106,897"

146. Page 114, by striking lines 1 through 5 and inserting the following:

"4. The natural resource commission shall establish a priority list of watersheds above publicly-owned lakes and areas within those watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in subsection 3 of section 503 of this Act for permanent soil conservation practices on watersheds above publicly-owned lakes.

5. For reimbursement to federal agencies for cooperative contracts ..... $ 185,558

6. Notwithstanding section 8.33 funds appropriated for the state's contribution to the AIDEX SUPERFUND by 1984 Iowa Acts, chapter 1303, section 18, subsection

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3, and by 1985 Iowa Acts, chapter 260, section 12, subsection 3, which are unexpended or unencumbered shall carry forward into the 1986-1987 fiscal year for the same purpose as originally appropriated.

7. During the fiscal year for which funds are appropriated by this section, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on facilities for the storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

8. For payments to the governing bodies responsible for publicly-owned sewage treatment facilities which are eligible for grants under section 202 of the federal Water Pollution Control Act, 33 U.S.C. 466 et seq., as amended by the federal Clean Water Act of 1977, Pub. L. 95-217, in an amount equal to five percent of the amount approved as the eligible cost of the project by the environmental protection commission ..... $ 1,865,695

Notwithstanding the provisions of unnumbered paragraph 1, of this subsection, not more than ten thousand (10,000) dollars of the funds appropriated by this subsection may be used for payments to governing bodies of local governments to reimburse up to fifty percent of expenses incurred since January 1, 1985 for

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alternative solid waste disposal projects.

The department is authorized to utilize from funds appropriated for payments to governing bodies responsible for publicly-owned sewage treatment facilities but which are unexpended an amount not to exceed four hundred ninety-three thousand (493,000) dollars for the state share of the AIDEX superfund cleanup. Any funds remaining in the AIDEX superfund account once the final site cleanup work, excluding the ongoing monitoring of the site, has been completed shall revert to the general fund of the state.

The provisions of section 8.33 shall not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1990 from funds appropriated for the fiscal year beginning July 1, 1986, shall revert to the general fund on September 30, 1990."

147. Page 114, lines 7 and 8, by striking the words "state conservation commission" and inserting the words "department of natural resources".

148. Page 114, lines 14 and 15, by striking the

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words "deposit in the state conservation fund for".

149. By striking page 114, line 29 through page 117, line 8.

150. Page 117, line 31, by striking the words "and industry".

151. Page 118, line 8, by striking the figure "42,000" and inserting the figure "17,500".

152. Page 118, line 35, by striking the words "state comptroller" and inserting the words "department of management".

153. Page 119, line 1, by striking the words "state comptroller" and inserting the words "department of management".

154. Page 119, line 5, by striking the words "state comptroller" and inserting the words "department of management".

155. Page 119, line 26, by striking the figure "1,650,000" and inserting the figure "1,615,161".

156. Page 120, line 3, by striking the words "COMMERCE COMMISSION" and inserting the words "UTILITIES DIVISION".

157. Page 120, line 23, by striking the word "AUDITS" and inserting the word "INSPECTIONS".

158. Page 120, line 27, by striking the figure "3,088,158" and inserting the figure "3,937,030".

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159. Page 120, by inserting after line 27 the following:

"The department may charge state departments, agencies, and commissions for services rendered and the payments received shall be considered repayment receipts as defined in section 8.2, subsection 5."

160. Page 120, by striking lines 28 through 31.

161. Page 121, by striking lines 6 through 13.

162. Page 121, by inserting after line 30 the following:

"Sec._____. There is appropriated from the general fund of the state to the department of employment services for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following sums, or so much thereof as is necessary, to be used for the purposes designated:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, and other operational purposes ..... $ 1,563,000

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, and other operational purposes ..... $ 946,199

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Sec._____. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of three hundred twenty-six thousand (326,000) dollars, or so much thereof as is necessary, to reimburse the department of inspections and appeals for inspection and appeals services provided to the state department of transportation."

163. Page 121, lines 32 and 33, by striking the words "and industry".

164. Page 122, line 12, by striking the words "and industry".

165. Page 122, line 26, by striking the words "and industry".

166. Page 123, line 6, by striking the words "and industry".

167. Page 123, line 14, by striking the word "department" and inserting the words "division of the department of commerce".

168. Page 123, line 16, by striking the word "department" and inserting the word "division".

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169. Page 123, line 18, by striking the word "department of banking" and inserting the words "banking division of the department of commerce".

170. Page 123, lines 19 and 20, by striking the words "department of banking" and inserting the words "banking division".

171. Page 123, line 24, by striking the word "department" and inserting the words "division of the department of commerce".

172. Page 123, lines 25 and 26, by striking the words "department of banking" and inserting the words "banking division of the department of commerce".

173. Page 123, line 32, by striking the word "insurance" and inserting the words "the insurance division of the department of commerce".

174. Page 123, line 33, by inserting after the word "revenue" the words "and finance".

175. Page 124, line 9, by inserting after the word "revenue" the words "and finance".

176. Page 124, line 13, by striking the word "department" and inserting the word "division".

177. Page 124, line 33, by striking the words "DEPARTMENT OF BANKING" and inserting the words "~~DEPARTMENT OF~~ BANKING DIVISION".

178. Page 124, line 35, by striking the word "department of banking" and inserting the words "~~department of~~ banking division of the department of commerce".

179. Page 125, line 12, by inserting after the

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word "revenue" the words "and finance".

180. Page 125, lines 15 and 16, by striking the words "department of banking" and inserting the words "~~department of~~ banking division of the department of commerce".

181. Page 126, line 18, by striking the word "DEPARTMENT" and inserting the word "DIVISION".

182. Page 126, line 20, by striking the word "department" and inserting the word "division".

183. Page 126, line 32, by inserting after the word "revenue" the words "and finance".

184. Page 127, line 5, by striking the word "department" and inserting the word "division".

185. Page 127, line 11, by striking the word "department" and inserting the word "division".

186. Page 130, line 33, by striking the words "state comptroller" and inserting the words "~~state~~

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~~comptroller~~ director of revenue and finance".

187. Page 134, line 12, by striking the word "office" and inserting the word "department".

188. Page 134, line 17, by striking the word "OFFICE" and inserting the word "DEPARTMENT".

189. Page 134, by inserting after line 25 the following:

"3. For the payment of per diems ... $ 299,915"

190. Page 135, line 28, by striking the figure "-0-" and inserting the figure "44,420,400".

191. Page 136, lines 19 and 20, by striking the words and figure "eighteen million eighty-five thousand eight hundred fifteen (18,085,815)" and inserting the words and figure "sixteen million six hundred sixty-seven thousand nine hundred forty (16,667,940)".

192. Page 140, line 11, by striking the word "department" and inserting the words "~~department~~ division".

193. Page 140, line 16, by striking the words "Iowa beer and liquor control department" and inserting the words "~~Iowa beer and liquor control department~~ alcoholic beverages control division of the department of commerce".

194. Page 140, line 29, by striking the word "department" and inserting the words "~~department~~ division".

195. Page 141, line 10, by striking the word "department" and inserting the word "division".

196. Page 141, line 17, by striking the word "department" and inserting the words "~~department~~ division".

197. Page 141, line 32, by striking the word

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"department" and inserting the words "~~department~~ division".

198. Page 142, line 9, by striking the word "department" and inserting the words "~~department~~ division".

199. Page 142, line 15, by striking the word "department" and inserting the word "division".

200. Page 142, line 21, by striking the word "DEPARTMENT" and inserting the word "DIVISION".

201. Page 142, line 28, by striking the word "department" and inserting the word "division".

202. Page 142, line 29, by striking the word "department" and inserting the word "division".

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203. Page 142, line 31, by striking the word "department" and inserting the word "division".

204. Page 142, line 34, by striking the word "department" and inserting the word "division".

205. Page 143, line 4, by striking the word "department" and inserting the word "division".

206. Page 143, line 25, by striking the word "department" and inserting the words "~~department~~ division".

207. Page 143, line 35, by striking the word "department" and inserting the word "division".

208. Page 144, line 2, by striking the word "department" and inserting the word "division".

209. Page 144, line 4, by striking the words "department; however, the department" and inserting the words "division; however, the division".

210. Page 144, line 6, by striking the words "department if the average return to the department" and inserting the words "division if the average return to the division".

211. Page 144, line 8, by striking the word "department" and inserting the word "division".

212. Page 144, line 20, by striking the word "department" and inserting the words "~~department~~ division".

213. Page 145, line 10, by striking the word "department" and inserting the words "~~department~~ division".

214. Page 145, line 11, by striking the word "department" and inserting the words "~~department~~ division".

215. Page 145, line 13, by striking the word "department" and inserting the word "division".

216. Page 145, line 19, by striking the word "department" and inserting the words "~~department~~ division".

217. Page 146, line 15, by striking the word

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"department" and inserting the word "division".

218. Page 148, line 1, by striking the word "department" and inserting the word "division".

219. Page 148, line 17, by striking the word "department" and inserting the word "division".

220. Page 149, line 30, by striking the word "department" and inserting the word "division".

221. Page 150, line 8, by striking the words "state comptroller" and inserting the words "~~state~~

H—5903A

~~comptroller~~ director of revenue and finance".
222. Page 150, line 26, by striking the word "department" and inserting the word "division".
223. Page 151, line 2, by striking the word "department" and inserting the word "division".
224. Page 151, lines 4 and 5, by striking the words "department of substance abuse" and inserting the words "~~department of~~ substance abuse division of the department of public health".
225. Page 151, line 8, by striking the words "department of substance abuse" and inserting the words "~~department of~~ substance abuse division of the department of public health".
226. Page 151, line 19, by striking the word "department" and inserting the word "division".
227. Page 152, line 4, by striking the word "department" and inserting the words "~~department~~ division".
228. Page 152, line 13, by striking the word "department" and inserting the words "~~department~~ division".
229. Page 152, line 24, by striking the word "department" and inserting the words "~~department~~ division".
230. Page 153, line 33, by striking the word "department" and inserting the word "division".
231. Page 154, line 1, by striking the word "department" and inserting the word "division".
232. Page 154, line 2, by striking the word "department" and inserting the word "division".
233. Page 154, line 3, by striking the word "department" and inserting the word "division".
234. Page 154, line 5, by striking the word "department" and inserting the word "division".
235. By renumbering as necessary.

Jochum of Dubuque offered amendment H—5972, to amendment H—5903A, filed by him and requested division as follows:

H—5972

Amend the amendment, H—5903, to House File 2484 as follows:

H—5972A

1. Page 2, by inserting after line 47 the following:

H–5972A

"_____. Page 16, line 9, by striking the words "Iowa commission for the blind" and inserting the words "division for the blind of the department of human rights"."

2. Page 3, by inserting after line 44 the following:

"_____. Page 33, line 12, by striking the words "Iowa department of public broadcasting" and inserting the words "public broadcasting division of the department of cultural affairs"."

H–5972B

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

"_____. Page 33, lines 31 and 32, by striking the words "public instruction" and inserting the word "education"."

H–5972A

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

"_____. Page 34, line 23, by striking the words "public instruction" and inserting the word "education"."

5. Page 5, by inserting after line 10 the following:

"_____. Page 43, line 22, by striking the words "state comptroller" and inserting the words "~~state comptroller~~ department of revenue and finance"."

6. Page 5, by inserting after line 16 the following:

"_____. Page 44, line 25, by striking the words "public instruction" and inserting the words "~~public instruction~~ education".

_____. Page 44, line 34, by striking the words "public instruction" and inserting the words "~~public instruction~~ education"."

7. Page 5, by inserting after line 25 the following:

"_____. Page 46, line 28, by striking the words "public instruction" and inserting the word "education"."

8. Page 5, by inserting after line 28 the following:

"_____. Page 49, line 1, by striking the words "state comptroller" and inserting the words "~~state comptroller~~ department of revenue and finance"."

9. Page 9, by inserting after line 14 the following:

"_____. Page 80, line 5, by striking the word

H—5972A

Page 2

1 "serve" and inserting the word "served"."
2 10. Page 10, line 27, by striking the word "to"
3 and inserting the word "for".
4 11. Page 15, line 1, by striking the words "and
5 finance" and inserting the words "and finance".
6 12. Page 15, by striking lines 4 and 5, and
7 inserting the words "banking division of the
8 department of commerce".
9 13. Page 15, by inserting after line 15 the
10 following:
11 "_____. Page 128, lines 20 through 22, by striking
12 the words ", however, the identification need not be
13 conspicuous on posters and yard signs including hand
14 letterd signs" and inserting the following: ",
15 however, the identification need not be conspicuous on
16 posters and yard signs including hand lettered
17 signs"."
18 14. Page 16, line 21 by striking the word
19 "department" and inserting the word "department".
20 15. Page 17, by inserting after line 22 the
21 following:
22 "_____. Page 151, line 9, by inserting after the
23 word "balance." the words "~~This subsection is repealed~~
24 ~~June 30, 1987.~~" "

On motion by Jochum of Dubuque, amendment H—5972A was adopted, placing out of order amendment H—5985 filed by Jochum of Dubuque on April 23, 1986.

The Speaker announced that amendment H—5972B was out of order with the previous adoption of amendment H—5905, found on page 1635 of the House Journal.

Sherzan of Polk offered the following amendment H—5936, to amendment H—5903A, filed by him and moved its adoption:

H—5936

1 Amend the amendment, H—5903, to House File 2484 as
2 follows:
3 1. Page 9, line 21, by striking the figure
4 "50,107,085" and inserting the following:
5 "50,094,227".
6 2. Page 9, by inserting after line 21 the
7 following:
8 "_____. Page 94, line 12, by striking the figure
9 "9,976" and inserting the following: "9,973"."

3. Page 9, line 23, by striking the figure "1,396,910" and inserting the following: "1,396,552".

4. Page 9, line 25, by striking the figure "933,245" and inserting the following: "933,006".

5. Page 9, line 35, by striking the figure "63,545" and inserting the following: "63,529".

6. Page 9, line 37, by striking the figure "68,316" and inserting the following: "68,298".

7. Page 9, line 39, by striking the figure "355,811" and inserting the following: "355,720".

8. Page 9, line 41, by striking the figure "308,636" and inserting the following: "308,557".

9. Page 9, by inserting after line 41 the following:

"_____. Page 97, line 2, by striking the figure "75,223" and inserting the following: "75,204"."

10. Page 9, by striking lines 46 and 47 and inserting the following: "four hundred seventy-eight thousand one hundred three (16,478,103)".

11. Page 10, by striking lines 1 and 2 and inserting the following: "inserting the words and figure "four hundred sixty-one thousand seven hundred fifty-nine (461,759)"."

Amendment H—5936 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5927 filed by him on April 22, 1986.

Spear of Lee offered the following amendment H—5978, to amendment H—5903A, filed by him and moved its adoption:

H—5978

Amend the amendment, H—5903, to House File 2484 as follows:

1. Page 10, line 17, by inserting after the figure "1986," the following: "not to exceed".

2. Page 10, line 20, by striking the word "shall" and inserting the following: "may".

3. Page 10, by striking lines 24 and 25 and inserting the following:

"If no charge is made for providing the cognitive and psychological examination of a law enforcement officer candidate, the Iowa law enforcement academy may charge the hiring entity not to exceed one-half of the cost of providing the".

A non-record roll call was requested.

The ayes were 32, nays 11.

Amendment H—5978 was adopted.

Spear of Lee offered the following amendment H—5937, to amendment H—5903A, filed by him and moved its adoption:

H—5937

Amend the amendment, H—5903, to House File 2484 as follows:

1. Page 10, line 30, by striking the words "officer candidate" and inserting the following: "person".

Amendment H—5937 was adopted.

Platt of Muscatine offered the following amendment H—5930, to amendment H—5903A, filed by O'Kane of Woodbury and him:

H—5930

Amend the amendment, H—5903, to House File 2484 as follows:

1. Page 10, by striking lines 16 through 32 and inserting the following:

"Notwithstanding section 80B.11, subsection 5, during the fiscal year beginning July 1, 1986, not more than one-half of the cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged to the candidates taking the examinations by the Iowa law enforcement academy. However, no charge shall be made to hiring entities that are state agencies.

The Iowa law enforcement academy may also charge each law enforcement officer candidate not more than one-half of the cost of providing the ten-week course which is designed to meet the minimum basic training requirements for a law enforcement officer. However, a charge shall not be made to hiring entities that are state agencies."

Varn of Johnson in the chair at 9:55 a.m.

Speaker Avenson in the chair at 10:19 a.m.

Platt of Muscatine moved the adoption of amendment H—5930, to amendment H—5903A.

A non-record roll call was requested.

The ayes were 36, nays 12.

Amendment H—5930 was adopted, placing the following amendments out of order:

H—5937, previously adopted, found on page 1722 of the House Journal.

H—5978, previously adopted, found on page 1721 of the House Journal.

H—5972A, page 2, lines 2 and 3, previously adopted, found on page 1720 of the House Journal.

Rosenberg of Story offered the following amendment H—6005, to amendment H—5903A, filed by him and moved its adoption:

H—6005

Amend amendment H—5903 to House File 2484 as follows:

1. Page 12, line 40, by inserting after the word "state." the following: "The moneys used for the state share of the AIDEX superfund cleanup shall be repaid not later than June 30, 1989. It is the intent of the general assembly that the withdrawal of funds from moneys available for publicly-owned sewage treatment facilities shall not be used for any other purpose in future years and the department of natural resources shall report to the general assembly not later than January 1, 1987 on methods to increase funds for the state superfund to meet future needs in this state."

Amendment H—6005 was adopted.

Jochum of Dubuque offered the following amendment H—5945, to amendment H—5903A, filed by him and moved its adoption:

H—5945

Amend the amendment, H—5903, to House File 2484 as follows:

1. Page 13, by inserting after line 21 the following:

"_____. Page 120, line 6, by striking the figure "3,963,503" and inserting the following: "3,937,030"."

2. Page 13, line 25, by striking the figure "3,937,030" and inserting the figure "2,561,948".

Amendment H—5945 was adopted.

Jochum of Dubuque offered the following amendment H—5998, to amendment H—5903A, filed by him and Halvorson of Clayton and moved its adoption:

H—5998

Amend the amendment, H—5903, to House File 2484 as follows:

1. Page 15, line 27, by striking the figure "44,420,400" and inserting the figure "44,099,400".

Amendment H—5998 was adopted.

On motion by Jochum of Dubuque, amendment H—5903A, as amended, was adopted, placing out of order amendment H—5980, previously adopted, and found on page 1662 of the House Journal.

The Speaker announced that amendment H—5903B was out of order.

The House resumed consideration of amendment H—5903C.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—5967 (to amendment H—5903C) filed by him on April 23, 1986.

Jochum of Dubuque asked and received unanimous consent to temporarily defer action on amendment H—5903C.

Groninga of Cerro Gordo offered the following amendment H—6001 filed by him and moved its adoption:

H—6001

Amend House File 2484 as follows:

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

"The funds appropriated by this subsection shall be matched on a dollar for dollar basis with capital provided by private sources and be expanded to attract private capital and to develop a comprehensive national and international marketing program. These funds shall be utilized to implement a statewide initiative that includes, but is not limited to, the development of a trade network, national and international marketing research, business

recruitment, utilization of national advertising features, a toll-free number, billboards, displays in key business locations, a direct marketing program, a "trade and marketing institute," and an "invest in Iowa" program."

2. Page 2, by inserting after line 12 the following:

"The funds appropriated by this subsection shall be expended to establish an Iowa investment and trade office in Japan to promote Iowa as a location offering advantages to Japanese firms for investment, to promote Iowa commodities, goods, and services to the Japanese market, and to encourage Japanese tour companies to bring group tours to this state."

3. Page 2, by inserting after line 14 the following:

"The funds appropriated by this subsection shall be expended to develop a program to assist, promote and enhance economic prosperity by fostering expansion of exports through an interest buy-down program for exported sales targeted to assist small businesses which are entering the export market."

Amendment H—6001 was adopted.

McIntee of Black Hawk offered the following amendment H—5906 filed by McIntee, et al., (deferred April 22, 1986) and moved its adoption:

H—5906

Amend House File 2484 as follows:

1. Page 2, by inserting after line 14 the following:

"_____. For advertising for the National Cattle Congress ..... $ 10,000".

2. Page 28, line 21, by striking the figure "40,000" and inserting the figure "30,000".

3. Renumber sections and correct internal references as necessary in accordance with this amendment.

Amendment H—5906 was adopted.

Van Camp of Scott offered the following amendment H—5970 filed by him:

H–5970

Amend House File 2484 as follows:

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

"Sec._____. Section 99E.10, subsection 1, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

The Iowa plan fund for economic development, also to be known as the Iowa plan fund, is created in the office of the treasurer of state. Lottery revenue remaining after expenses are determined shall be transferred to the Iowa plan fund on a quarterly basis. However, upon the request of the commissioner and subject to approval by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery revenue. Prior to the quarterly transfer to the Iowa plan fund, the commissioner may direct that lottery revenue shall be deposited in the lottery fund and in interest bearing accounts designated by the treasurer of state in the financial institutions of this state or invested in the manner provided in section 452.10. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the Iowa plan fund in the same manner as other lottery revenue. Money in the Iowa plan fund shall be deposited in interest bearing accounts in financial institutions in this state or invested in the manner provided in section 452.10. The interest or earnings on the deposits or investments shall be considered part of the Iowa plan fund and shall be retained in the fund unless appropriated by the general assembly. However, twenty-five percent of the moneys deposited in the Iowa plan fund that are from the revenue of video lottery games shall be appropriated annually to the commission on aging for the prescription drug program operated pursuant to section 249B.9. As used in this section, "video lottery games" means lottery games involving a machine designed similar to a video amusement game except that prizes are awarded at random by the lottery agency at the conclusion of the game.

Sec._____. NEW SECTION. 249B.9 PRESCRIPTION DRUG PROGRAM.

The commission shall initiate a prescription drug program from funds appropriated to the commission for the program including funds appropriated pursuant to chapter 99E.10 to pay a portion of the prescription drug costs of individuals age sixty and older who have no other source of payment for these costs. The

Page 2

commission may enter into agreements with providers, provider associations, or other state agencies to administer all or part of the program or to provide services and may use up to five percent of the funds appropriated to the commission to pay the administrative costs of the commission. The commission shall establish a client cost sharing schedule which reflects the ability of the individual to pay the individual's own prescription drug costs. The commission shall establish administrative rules pursuant to chapter 17A to govern the operation of the program."

2. Renumber as necessary.

Jochum of Dubuque rose on a point of order that amendment H—5970 was not germane.

The Speaker ruled the point well taken and amendment H—5970 not germane.

Jochum of Dubuque offered the following amendment H—5994 filed by him and moved its adoption:

H—5994

Amend House File 2484 as follows:

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

"Sec._____. The treasurer of state shall transfer to the general fund of the state eleven million (11,000,000) dollars from the long-term disability reserve account maintained by the treasurer of state. The transfer shall be during the period from July 1, 1986 and ending June 30, 1987."

2. Renumber sections and correct internal references as necessary in accordance with this amendment.

Amendment H—5994 was adopted.

The House resumed consideration of amendment H—5878, (deferred April 22, 1986 and found on pages 1611 and 1612 of the House Journal) to page 9 of the bill.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—5878.

Koenigs of Mitchell offered amendment H—5935 filed by Koenigs, et al.. Division was requested as follows:

H—5935

Amend House File 2484 as follows:

H—5935A

1. By striking page 9, line 28 through page 10, line 15.

H—5935B

2. By striking page 10, line 32 through page 11, line 19.

H—5935C

3. Page 11, by striking lines 20 through 28.
4. Renumber sections and correct internal references as necessary in accordance with this amendment.

On motion by Koenigs of Mitchell, amendment H—5935A was adopted, placing out of order lines 20 and 21, page 2 of amendment H—5903A, previously adopted.

Koenigs of Mitchell moved the adoption of amendment H—5935B.

A non-record roll call was requested.

The ayes were 46, nays 48.

Amendment H—5935B lost.

On motion by Koenigs of Mitchell, amendment H—5935C was adopted.

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

H—5969

Amend House File 2484 as follows:
1. Page 11, line 15, by striking the word "form"

and inserting the word "from".

2. Page 34, line 18, by striking the word "assmbly" and inserting the word "assembly".

3. Page 126, line 26, by striking the word "superintendent" and inserting the word "administrator".

4. Page 126, line 35, by striking the word "administration" and inserting the word "administrator".

Amendment H—5969 was adopted.

Van Camp of Scott offered the following amendment H—6015 filed by him:

H—6015

Amend House File 2484 as follows:

1. Page 12, by inserting after line 14 the following:

"Sec._____. Section 321.191, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The fee for an operator's license shall be ~~seven~~ ten dollars if issued for a period of two years, and twenty dollars if issued for a period of ~~six~~ four years. The fee for a chauffeur's license shall be ~~fourteen~~ twenty dollars if issued for a period of two years, and forty dollars if issued for a period of ~~six~~ four years. The fee for an instruction permit shall be six dollars, for a chauffeur's instruction permit, twelve dollars, for a temporary driver's permit, ten dollars and for a motorized bicycle license, ten dollars.

Sec._____. Section 321.196, unnumbered paragraph 1, Code 1985, is amended to read as follows:

An operator's license shall expire, at the option of the applicant, two or four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of eighteen and seventy years on the date of issuance of the license, otherwise the license shall be effective for a period of two years. The license shall be renewable without written examination or penalty within a period of thirty days after its expiration date. A person shall not be considered to be driving with an invalid license during a period of thirty days following the license expiration date. However, for any license renewed within ~~such~~ the thirty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision

or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. All applications for renewal of operators' licenses shall be made under the direct supervision of a uniformed member of the department and shall be approved by the uniformed member. The department in its discretion may authorize the renewal of a valid license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department.

Sec. _____. Section 321.197, Code 1985, is amended to read as follows:

321.197 EXPIRATION OF CHAUFFEUR'S LICENSE.

Every chauffeur's license shall ~~expire every six~~ ,

Page 2

at the option of the applicant, two or four years ~~on~~ from the licensee's birthday anniversary occurring in the year of issuance. A chauffeur's license may be renewed within thirty days after the applicant's license expiration date without written examination or penalty. A person shall not be considered to be driving with an invalid license during a period of thirty days following the license expiration date. For any license renewed within the thirty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. However, if the licensee is seventy years of age or older on the date of issuance of the license, the license shall be issued to be valid for two years. For the purposes of this section the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. The department in its discretion may waive the examination of any applicant previously licensed as a chauffeur under this chapter, provided that the person satisfactorily passes a vision test as prescribed by the department. An application for the renewal of a chauffeur's license shall be made under the direct supervision of a uniformed member of the department and shall be approved by the uniformed member.

Sec. _____. Section 321.445, subsection 2, Code 1985, as enacted by Senate File 499, is amended by striking the subsection."

2. Renumber as necessary.

Jochum of Dubuque rose on a point of order that amendment H—6015 was not germane.

The Speaker ruled the point well taken and amendment H—6015 not germane.

Van Camp of Scott asked for unanimous consent to consider amendment H—6015.

Objection was raised.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—5982 filed by him on April 23, 1986.

McIntee of Black Hawk offered the following amendment H—6011 filed by him and moved its adoption:

H—6011

Amend House File 2484 as follows:
1. Page 13, by inserting after line 12 the following:
"Sec. 34. As a condition of this appropriation, the state department of transportation shall do everything under its present authority to qualify for highway safety funds offered by the federal government under the alcohol traffic safety program."

Roll call was requested by McIntee of Black Hawk and Paulin of Plymouth.

Rule 75 was invoked.

On the question "Shall amendment H—6011 be adopted?"

The ayes were, 45:

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

The nays were, 54:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Chapman
Cochran	Connolly	Connors	Cooper
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	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
Swartz	Tabor	Teaford	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 1:

Black

Amendment H—6011 lost.

Swartz of Marshall offered the following amendment H—5997 filed by him and moved its adoption:

H—5997

Amend House File 2484 as follows:
1. Page 14, lines 28 and 29, by striking the words ", for tours".
2. Page 14, line 31, by striking the word "repairs" and inserting the word "development".

Amendment H—5997 was adopted.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5909 filed by her on April 22, 1986.

Blanshan of Greene in the chair at 11:06 a.m.

Carpenter of Polk offered the following amendment H—5940 filed by her and moved its adoption:

H—5940

Amend House File 2484 as follows:
1. Page 16, line 30, by striking the figure

"4,148,910" and inserting the following: "4,113,864".

2. Page 16, by striking lines 33 and 34 and inserting the following: "appropriated in this paragraph, at least four hundred sixty-four thousand nine hundred fifty-four (464,954) dollars to be used by the department to provide".

3. Page 19, line 10, by striking the figure "150,000" and inserting the following: "185,046".

A non-record roll call was requested.

The ayes were 36, nays 46.

Amendment H—5940 lost.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—5944 filed by Stromer, et al., on April 22, 1986.

Varn of Johnson asked and received unanimous consent to withdraw amendment H—5932 filed by him on April 22, 1986.

Maulsby of Calhoun offered the following amendment H—6019 filed by him from the floor and moved its adoption:

H—6019

Amend House File 2484 as follows:

1. Page 48, by inserting after line 25 the following:

"Sec._____. Section 442.9, subsection 1, paragraph c, Code Supplement 1985, is amended to read as follows:

c. The amount to be raised by the additional school district property tax levy is equal to the district cost for the budget year, less the product of the state or district foundation base and the weighted enrollment, except that for the budget year beginning July 1, 1987 and each succeeding budget year, the state comptroller shall adjust the rate of the additional school district property tax levy in each school district so that the revenues received do not exceed the revenues received for the school year beginning July 1, 1986."

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—6019 be adopted?"

The ayes were, 33:

Bennett	Branstad	Clark	Corey
Daggett	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
McIntee	Metcalf	Miller	Paulin
Pellett	Petersen, D. F.	Platt	Poncy
Renken	Rensink	Schnekloth	Shoning
Stromer	Stueland	Swearingen	Van Camp
Van Maanen			

The nays were, 61:

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

Absent or not voting, 6:

Avenson	Carpenter	De Groot	Royer
Welden	Zimmerman		

Amendment H—6019 lost.

Hammond of Story offered the following amendment H—5992 filed by her and moved its adoption:

H—5992

Amend House File 2484 as follows:

1. Page 98, by inserting after line 34 the following:

"6. For payment of grants to dispute resolution programs under the prosecuting attorney training program ..... $ 50,000".

Amendment H—5992 was adopted.

McIntee of Black Hawk offered the following amendment H—6007 filed by him and moved its adoption:

H—6007

Amend House File 2484 as follows:

1. Page 101, line 1, by inserting after the word "paid" the words "and until not less than thirty days have passed in the period of the revocation of the person's license or operating privilege".

Roll call was requested by Schnekloth of Scott and Lageschulte of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H—6007 be adopted?"

The ayes were, 46:

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

The nays were, 53:

Arnould	Avenson	Baxter	Beatty
Brammer	Buhr	Carl	Chapman
Cochran	Connolly	Connors	Cooper
Fey	Groninga	Groth	Gruhn
Halvorson, R. N.	Hammond	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Lloyd-Jones
Lonergan	Muhlbauer	Norland	O'Kane

Ollie	Oxley	Parker	Pavich
Peick	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Spear	Sturgeon	Sullivan	Swartz
Tabor	Teaford	Woods	Zimmerman
Mr. Speaker (Blanshan)			

Absent or not voting, 1:

Doderer

Amendment H—6007 lost.

Speaker Avenson in the chair at 11:41 a.m.

The House resumed consideration of amendment H—5950, previously deferred, (to page 103).

Spear of Lee asked and received unanimous consent to withdraw amendment H—5950 filed by him on April 22, 1986.

The House resumed consideration of amendment H—5951, previously deferred, (to page 103).

Spear of Lee asked and received unanimous consent to withdraw amendment H—5951 filed by him on April 22, 1986.

Halvorson of Clayton offered the following amendment H—5995 filed by him and Jochum of Dubuque and moved its adoption:

H—5995

Amend House File 2484 as follows:

1. Page 108, line 28, by striking the words and figure "forty thousand (40,000)" and inserting the following: "sixty thousand (60,000)".

Amendment H—5995 was adopted.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—5892, previously deferred, (to page 118) filed by him on April 22, 1986.

Van Camp of Scott offered the following amendment H—5990 (temporarily deferred), filed by him and Renaud of Polk.

H—5990

Amend House File 2484 as follows:

1. Page 119, line 26, by striking the figure "1,650,000" and inserting the figure "350,000".

2. Page 122, line 28, by striking the words and figure "one million one hundred fifty thousand (1,150,000)" and inserting the following: "two million four hundred fifty thousand (2,450,000)".

3. Page 124, by striking lines 1 through 29 and inserting the following: The fees paid by an insurer or other entity subject to regulation by the department shall be deposited in a special trust fund. The treasurer of state shall hold these funds in an account that shall be established in the name of the commissioner for the payment of the expenses of the department upon appropriation by the general assembly. This fund is subject at all times to the warrant of the department of revenue, drawn upon written requisition of the commissioner or the commissioner's designated representative, for the payment of all salaries and other expenses of the insurance department. The commissioner may keep on hand with the treasurer of state funds in excess of the current needs of the department. Transfers shall not be made from the general fund of the state or any other fund for the payment of the expenses of the department. No part of the funds held by the treasurer of state for the account of the commissioner shall be transferred to the general fund of the state or any other fund, except as follows: two million dollars shall be transferred to the general fund of the state in each fiscal year. That amount shall be considered as one of the costs of the department. The funds held by the treasurer of state for the account of the commissioner shall be invested by the treasurer of state and the income derived from these investments shall be credited to the general fund of the state.

The commissioner shall account for receipts and disbursements according to the separate duties imposed upon the commissioner by the laws of this state and each separate duty shall be fiscally self-sustaining."

Van Camp of Scott offered the following amendment H—5999, to amendment H—5990, filed by him and Renaud of Polk and moved its adoption:

H—5999

Amend amendment H—5990 to page 119 of House File 2484 as follows:

1. Page 1, line 36, by inserting after the word "state." the following: "The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the fund created in this section."

Amendment H—5999 was adopted.

On motion by Van Camp of Scott, amendment H—5990, as amended, was adopted, placing out of order lines 17 and 18 on page 13 and lines 39 through 42 on page 14 of amendment H—5903A, previously adopted.

Hatch of Polk offered the following amendment H—6004 filed by him and Renaud of Polk:

H—6004

Amend House File 2484 as follows:

1. Page 120, line 6, by inserting after the word "purposes" the words "including the consumer advocate".

2. Page 120, line 6, by striking the figure "3,963,503" and inserting the figure "725,000".

3. Page 123, by inserting after line 10 the following:

"Sec._____. There is appropriated from the utilities trust fund to the utilities division of the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of three million six hundred twenty-five thousand (3,625,000) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and other operational purposes of the utilities division. There is appropriated from the utilities trust fund to the consumer advocate office of the department of justice for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of eight hundred sixty-six thousand (866,000) dollars, or so much thereof as may be necessary, for salaries, support, maintenance, and operational purposes of the office."

4. Page 123, by inserting after line 26 the following:

"Sec._____. Section 476.10, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission shall ascertain the total of its expenditures during each year which are reasonably attributable to the performance of its duties under

this chapter. The commission shall add to this total the certified expenses of the consumer advocate as provided under section 475A.6 and shall deduct all amounts chargeable directly to any specific utility under any law. The remainder shall be assessed by the commission to the public utilities in proportion to their respective gross operating revenues during the last calendar year derived from intrastate public utility operations and ~~shall be assessed within ninety days of the close of the calendar year based upon an estimate of the commission expenditures for the first half of the commission's fiscal year and again within ninety days of the close of the fiscal year as necessary to conform the amount of the assessment to the requirements of this section~~ may be assessed by the commission on a quarterly basis. Public utilities exempt from rate regulation under this chapter shall not be assessed for remainder expenses incurred during review of rate-regulated public utilities under section 476.31 or 476.32, but such remainder expenses

Page 2

shall be assessed proportionally as provided in this section among only the rate-regulated public utilities. The total amount which may be assessed to the public utilities under authority of this paragraph shall not exceed two-tenths of one percent of the total gross operating revenues of the public utilities during the calendar year derived from intrastate public utility operations. However, the total amount which may be assessed in any one calendar year to a public utility under this section shall not exceed three-tenths of one percent of the utility's total gross operating revenues derived from intrastate public utility operation in the last preceding year. For public utilities exempted from rate regulation under this chapter, the assessments under this paragraph shall be computed at one-half the rate used in computing the assessment for other utilities.

Sec._____. Section 476.10, Code 1985, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. Fees paid to the utilities division shall be deposited in a utilities trust fund. The treasurer of state shall hold these funds in an account that shall be established in the names of the administrator of the utilities division and the consumer advocate for the payment, upon appropriation by the general assembly, of the expenses of the utility division and the consumer advocate division of the department of justice. This fund is subject at all times to the warrant of the department

of revenue and finance, drawn upon written requisition of the administrator of the utilities division, the administrator's designated representative, the consumer advocate, or the consumer advocate's designated representative for the payment of all salaries and other expenses necessary to carry out the duties of the utilities division or the consumer advocate division. The utilities division or the consumer advocate division may keep on hand with the treasurer of state funds in excess of the current needs of the utilities division or the consumer advocate division. Transfers shall not be made from the general fund of the state or any other fund for the payment of the expenses of the divisions. No part of the funds held by the treasurer of state for the account shall be transferred to the general fund of the state or any other fund, except an amount of one hundred thousand dollars each year shall be transferred to the state general fund as a cost of the divisions. The funds held by the treasurer of state for the account shall be invested by the treasurer of

Page 3

state and the income derived from these investments shall be credited to the general fund of the state. The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the fund created in this section.

The administrator and consumer advocate shall account for receipts and disbursements according to the separate duties imposed upon the utilities and consumer advocate divisions by the laws of this state and each separate duty shall be fiscally self-sustaining."

Paulin of Plymouth offered the following amendment H—6008, to amendment H—6004, filed by him and moved its adoption:

H—6008

Amend amendment H—6004 to page 120 of House File 2484 as follows:

1. Page 2, lines 46 and 47, by striking the words "one hundred" and inserting the word "fifty".

Amendment H—6008 was adopted.

Van Camp of Scott offered the following amendment H—6009, to amendment H—6004, filed by him and moved its adoption:

H—6009

Amend the amendment, H—6004, to page 120 of House File 2484 as follows:

1. Page 2, lines 46 through 49 by striking the words ", except an amount of one hundred thousand dollars each year shall be transferred to the state general fund as a cost of the divisions".

A non-record roll call was requested.

The ayes were 33, nays 40.

Amendment H—6009 lost.

Hatch of Polk moved the adoption of amendment H—6004, as amended.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 44.

Amendment H—6004, as amended, was adopted, placing out of order lines 3 through 7 of amendment H—5945, previously adopted.

(House File 2484 pending at recess.)

On motion by Norland of Worth, the House was recessed at 12:15 p.m., until 1:15 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 fifty-four members present, forty-six absent.

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2484**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive, pending at recess.

Jochum of Dubuque asked and received unanimous consent to temporarily defer action on amendment H—5993.

Renaud of Polk offered the following amendment H—6023 filed by him from the floor and moved its adoption:

H—6023

Amend House File 2484 as follows:

1. Page 123, by inserting after line 20 the following:

"NEW SUBSECTION. 27. The superintendent of savings and loan associations and all employees of the savings and loan division of the department of commerce."

2. Page 123, by inserting after line 26 the following:

"NEW SUBSECTION. 13. Persons employed by the savings and loan division of the department of commerce."

Amendment H—6023 was adopted.

The House resumed consideration of amendment H—5959B (to pages 61 and 128), temporarily deferred.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—5979 filed by him on April 23, 1986.

Brammer of Linn offered the following amendment H—6000, to amendment H—5959B, filed by him and moved its adoption:

H—6000

Amend the amendment, H—5959, to page 61 to House File 2484 as follows:

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

"_____. Page 9, by inserting after line 27 the following:

"6. To provide loan guarantees under the targeted small business loan guarantee program if such a program is created by the general assembly ..... $ 25,000"."

2. Renumber as necessary.

Amendment H—6000 was adopted.

Van Camp of Scott rose on a point of order that amendment H—5959B, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5959B, as amended, not germane.

Hatch of Polk asked and received unanimous consent to withdraw amendment H—5968 (to page 123 of the bill) filed by him on April 23, 1986.

Jochum of Dubuque asked and received unanimous consent to temporarily defer action on amendment H—5942.

Renaud of Polk offered amendment H—5973 (temporarily deferred) filed by him and Van Camp of Scott and requested division as follows:

H—5973

Amend House File 2484 as follows:

H—5973A

1. Page 124, line 24, by inserting after the word "state." the following:

"The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the special trust fund created in this section."

H—5973B

2. Page 125, line 31, by inserting after the word "state." the following:

"The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the fund created in this section and held for the superintendent."

3. Page 127, line 15, by inserting after the word "state." the following:

"The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the fund created in this section and held for the administrator."

4. Page 127, line 33, by inserting after the word "fund." the following:

"The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the savings and loan fund."

Renaud of Polk asked and received unanimous consent to withdraw amendment H—5973A.

On motion by Renaud of Polk, amendment H—5973B was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—6010, (to page 137 of the bill) filed by him on April 23, 1986.

Jochum of Dubuque offered the following amendment H—6018 filed by him from the floor and moved its adoption:

H—6018

Amend House File 2484 as follows:

1. Page 137, by inserting after line 27 the following:

"Sec._____. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

	1986-1987 Fiscal Year
For salaries, support, maintenance, and other operational purposes to pay the costs of administration of the Iowa public employees' retirement system	$ 1,773,465".

2. Renumber as necessary in accordance with this amendment.

Amendment H—6018 was adopted.

Halvorson of Webster asked and received unanimous consent to temporarily defer action on amendment H—6014.

Tabor of Jackson offered the following amendment H—6020 filed by him from the floor:

H–6020

Amend House File 2484 as follows:

1. Page 140, by striking lines 2 through 5 and inserting the following:

"Sec. 723. Section 123.16, subsection 2, paragraphs a and c, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2372, section 5, are amended to read as follows:

a. Purchases of alcoholic liquor ~~and wine~~ for resale by the department.

c. The establishment of ~~retail~~ wholesale prices of alcoholic liquor ~~and wine sold by the department~~.

Sec. 724. Section 123.16, subsection 2, paragraph d, Code Supplement 1985, is amended by striking the paragraph."

2. Page 140, by striking lines 6 and 7, and inserting the following:

"Sec. 725. Section 123.20, subsection 5, Code Supplement 1985, is amended to read as follows."

3. Page 140, by striking lines 15 through 23 and inserting the following:

"Sec. 726. Section 123.20, subsection 8, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2372, section 6, is amended to read as follows:

8. To accept intoxicating liquors ordered delivered to the Iowa alcoholic beverage control department pursuant to section 127.8, subsection 1, and offer such intoxicating liquors ~~and wine~~ for sale ~~through the state liquor stores~~ to class "E" liquor control licensees, unless the director determines that such intoxicating liquors ~~and wine~~ may be adulterated or contaminated. If the director determines that such intoxicating liquors ~~and wine~~ may be adulterated or contaminated the director shall order their destruction."

4. Page 140, line 26, by striking the figures "1, 2, 3, 6 and 8" and inserting the following: "1 and 6".

5. By striking page 140, line 31 through page 141, line 6.

6. Page 141, by striking lines 26 through 29 and inserting the following:

"Sec. 729. Section 123.21, subsections 2, 3, and 8, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2372, section 7, are amended to read as follows:

2. Regulating the management, equipment, and merchandise of state ~~liquor stores and~~ warehouses in and from which alcoholic liquors ~~and wine~~ are transported, kept, or sold and prescribing the books and records to be kept therein.

Page 2

3. Regulating the purchase of alcoholic liquor generally and the furnishing of the liquor ~~and wine~~ to ~~state liquor stores established~~ class "E" liquor control licensees under this chapter, and determining the classes, varieties, and brands of alcoholic liquors ~~and wine~~ to be kept in state warehouses ~~or for sale at any state liquor store~~.

8. Prescribing, subject to this chapter, the days and hours during which state ~~liquor stores~~ warehouses shall be kept open for the purpose of the sale and delivery of alcoholic liquors ~~and wine~~."

7. Page 142, line 20, by striking the words "AND WINE".

8. Page 142, line 32, by striking the words "exclusive retailers" and inserting the words "class "E" liquor control licensees".

9. Page 144, by striking lines 9 through 16 and inserting the following:

"Sec. 732. Section 123.25, Code 1985, as amended by 1986 Iowa Acts, House File 2372, section 8, is amended to read as follows:

123.25 CONSUMPTION ON PREMISES.

~~A vendor,~~ An officer, clerk, agent, or employee of the department employed in ~~any state liquor store or~~ a state-owned warehouse shall not allow any alcoholic liquor ~~or wine~~ to be consumed on the premises, nor shall ~~any~~ a person consume any liquor on the premises except for testing or sampling purposes only."

10. Page 144, by striking lines 30 through 35 and inserting the following:

"Sec. 734. Section 123.27, unnumbered paragraph 1, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2372, section 9, is amended to read as follows:

It is unlawful to transact the sale or delivery of alcoholic liquor ~~or wine~~ in, on, or from the premises of a state ~~liquor store or~~ warehouse:".

11. Page 148, by inserting after line 30 the following:

"Sec. 741. Section 123.50, subsection 5, Code Supplement 1985, is amended by striking the subsection."

Tabor of Jackson offered the following amendment H—6022, to amendment H—6020, filed by him from the floor and moved its adoption:

H—6022

Amend the House amendment, H—6020, to House File 2484 as follows:

1. Page 2, line 31, by striking the following: "unnumbered paragraph 1,".

Amendment H—6022 was adopted.

On motion by Tabor of Jackson, amendment H—6020, as amended, was adopted placing out of order lines 37 through 41, on page 15 of amendment H—5903A, previously adopted.

Action on House File 2484 was temporarily deferred.

SPECIAL PRESENTATION

Swartz of Marshall presented to the House Jennifer Demmon, an eighteen-year old senior from Marshalltown High School who is the 1986 American Legion National Oratorical winner.

Jennifer, who was accompanied by members of the Marshalltown American Legion Post, is the daughter of Charlotte Demmon. She is the recipient of a $16,000.00 scholarship for first place and plans to attend Drake University next fall.

Jennifer addressed the House and the House rose and expressed its congratulations.

A certificate of recognition was presented to Jennifer for her accomplishments.

CONSIDERATION OF BILLS

The House resumed consideration of **House File 2484**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

Welden of Hardin offered the following amendment H—5952 (previously deferred) filed by him and moved its adoption:

H—5952

Amend House File 2484 as follows:
1. Page 154, by striking lines 19 and 20 and
inserting the following:
"poses ..... $3,067,210".

Amendment H—5952 was adopted, placing out of order amendment H—5991 (to page 154) previously adopted and found on page 1686 of the House Journal.

Carpenter of Polk offered the following amendment H—6021 filed by her from the floor and moved its adoption:

H–6021

Amend House File 2484 as follows:

1. Page 19, by striking lines 15 through 17 and inserting the following:

"amount of forty-one million seven hundred eighty-six thousand four hundred sixteen (41,786,416)".

2. Page 19, by striking lines 20 through 34 and inserting the following:

"(1) Merged area I	$	1,970,381
(2) Merged area II	$	2,607,572
(3) Merged area III	$	2,306,711
(4) Merged area IV	$	884,353
(5) Merged area V	$	2,953,129
(6) Merged area VI	$	2,527,442
(7) Merged area VII	$	2,951,909
(8) Merged area IX	$	3,516,523
(9) Merged area X	$	5,287,125
(10) Merged area XI	$	6,152,704
(11) Merged area XII	$	2,027,843
(12) Merged area XIII	$	2,943,089
(13) Merged area XIV	$	996,196
(14) Merged area XV	$	2,733,997
(15) Merged area XVI	$	1,927,442".

3. Page 20, line 9, by striking the figure "8,049,520" and inserting the figure "8,839,690".

4. Page 20, by striking lines 15 and 16 and inserting the following: "thirteen million eight hundred sixty-six thousand one hundred ninety-five (13,866,195) dollars, to be accrued as income and".

5. Page 20, by striking lines 20 through 34 and inserting the following:

"a. Merged area I	$	658,260
b. Merged area II	$	863,660
c. Merged area III	$	777,840
d. Merged area IV	$	296,488
e. Merged area V	$	1,034,684
f. Merged area VI	$	850,695
g. Merged area VII	$	989,868
h. Merged area IX	$	1,114,498
i. Merged area X	$	1,683,267
j. Merged area XI	$	2,059,840
k. Merged area XII	$	718,834
l. Merged area XIII	$	1,025,435
m. Merged area XIV	$	335,025
n. Merged area XV	$	813,544
o. Merged area XVI	$	644,257".

6. By striking page 33, line 35 through page 34, line 6, and inserting the following:

"Sec._____. It is the intent of the general

Page 2

assembly that funds not be appropriated for allocation to the area schools under chapter 286A until such time

as the state board of public instruction has established auditable standards and uniform numbers of reimbursable contact hours for each program offered by one or more of the area schools."

Amendment H—6021 lost.

The following amendments previously deferred were withdrawn by unanimous consent:

H—5993 (to page 120 of the bill) filed by Osterberg of Linn on April 23, 1986.

H—5942 (to page 123 of the bill) filed by Groth of Buena Vista on April 22, 1986.

H—6014 (to page 140 of the bill) filed by Halvorson of Webster on April 23, 1986.

Norland of Worth asked and received unanimous consent to suspend the rules to consider amendment H—5959B, as amended, ruled not germane.

On motion by Brammer of Linn, amendment H—5959B, as amended, was adopted.

Sherzan of Polk called up for consideration the motion to reconsider amendment H—5925 filed by him and moved to reconsider the vote by which amendment H—5925 (to pages 95 and 96 of the bill and found on page 1656 of the House Journal) was adopted by the House on April 23, 1986.

A non-record roll call was requested.

The ayes were 53, nays 34.

The motion prevailed and the House reconsidered amendment H—5925.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—5996, to amendment H—5925, filed by him on April 23, 1986.

O'Kane of Woodbury moved the adoption of amendment H—5925.

A non-record roll call was requested.

The ayes were 34, nays 53.

Amendment H—5925 lost.

The House resumed consideration of amendment H—5903C.

On motion by Jochum of Dubuque, amendment H—5903C was adopted.

Miller of Cherokee offered the following amendment H—6003 filed by him and moved its adoption:

H—6003

Amend House File 2484 as follows:
1. Page 95, line 9, by inserting after the word "corrections." the following: "Prior to establishing any facilities, the department shall solicit bids from all interested parties."

Amendment H—6003 was adopted.

Connors of Polk in the chair at 2:49 p.m.

The House stood a ease at 3:09 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2484 at 5:37 p.m., Connors of Polk in the chair.

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

On the question "Shall the bill pass?" (H.F. 2484)

The ayes were, 70:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Cochran
Connolly	Cooper	Daggett	Diemer
Doderer	Fey	Fogarty	Groninga
Gruhn	Hammond	Hanson	Hatch
Haverland	Hermann	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	McIntee	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley

Parker	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Siegrist	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Tabor
Teaford	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Connors)		

The nays were, 29:

Bennett	Branstad	Carpenter	Clark
Corey	De Groot	Grandia	Groth
Halvorson, R. A.	Halvorson, R. N.	Handorf	Harbor
Hester	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Petersen, D. F.
Renken	Rensink	Royer	Schnekloth
Shoning	Stromer	Swearingen	Van Camp
Van Maanen			

Absent or not voting, 1:

Jay

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

IMMEDIATE MESSAGE
(House File 2484)

Norland of Worth asked and received unanimous consent to immediately message House File 2484 to the Senate.

Ways and Means Calendar

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

Schnekloth of Scott offered the following amendment H—5852 filed by him:

H—5852

Amend Senate File 2284 as follows:
1. Page 1, line 9, by striking the word

"subsection" and inserting the following: "subsections".

2. Page 1, by inserting after line 15 the following:

"NEW SUBSECTION. 14. Special trucks, as defined in section 321.1, subsection 71, subject to registration which are used primarily for the transportation of farm commodities."

3. Title page, line 2, by inserting after the figure "326" the following: ", special trucks,".

Connolly of Dubuque rose on a point of order that amendment H—5852 was not germane.

The Speaker ruled the point well taken and amendment H—5852 not germane.

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?" (S.F. 2284)

The ayes were, 88:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Branstad
Buhr	Carl	Clark	Cochran
Connolly	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	Hughes	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	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	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Connors)

The nays were, 9:

Brammer	Carpenter	Chapman	Hammond
Holveck	McKean	Osterberg	Sherzan
Teaford			

Absent or not voting, 3:

Carter	Jay	Sturgeon

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

CONSIDERATION OF BILLS

The House resumed consideration of **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, deferred and placed on the unfinished business calendar April 4, 1986.

Lloyd-Jones of Johnson asked and received unanimous consent to temporarily defer action on the committee amendment H—5565.

Doderer of Johnson offered the following amendment H—6027 filed from the floor by Doderer, Pavich, Carpenter, Buhr, Halvorson of Webster, Carter, Siegrist, Arnould, Hammond, Spear, Lloyd-Jones, Gruhn, Teaford, Woods, Swearingen, Blanshan, Cochran, Beatty, Renaud, Lonergan, Running, Sherzan, Brammer, Hughes, Johnson, Osterberg, Groth, Rosenberg, Holveck, Zimmerman, Lageschulte, Haverland, Mullins, Hatch, Shoultz, Peterson of Carroll, Groninga, Swartz, Daggett, Hanson, Van Maanen, De Groot, Shoning, Renken and Peick and moved its adoption:

H—6027

Amend Senate Joint Resolution 2002 as passed by the Senate as follows:

1. Page 1, line 7, by inserting before the word "representation" the words "and gender".

Amendment H—6027 was adopted.

The following amendments were withdrawn by unanimous consent:

H—5751 filed by Spear of Lee on April 8, 1986.
H—5718 filed by Spear of Lee on April 7, 1986.
H—5565 (temporarily deferred) filed by the committee on state government on March 27, 1986, placing the following amendments to the committee amendment out of order:

H—5714 filed by Spear of Lee on April 7, 1986.
H—5600 filed by Spear of Lee on March 28, 1986.
H—5601 filed by Spear of Lee on March 28, 1986.
H—5607 filed by Spear of Lee on March 28, 1986.

Stromer of Hancock asked and received unanimous consent that Senate Joint Resolution 2002 be deferred and that the resolution retain its place on the calendar.

Speaker Avenson in the chair at 6:17 p.m.

SENATE AMENDMENTS CONSIDERED

Pavich of Pottawattamie called up for consideration **House File 2349**, a bill for an act relating to games of skill, games of chance, and raffles, amended by the Senate amendment H—5732:

H—5732

Amend House File 2349 as amended, passed, and reprinted by the House as follows:

1. By striking page 1, line 11 through page 2, line 2 and inserting the following:

"1. The department is the agency responsible for issuing a license required by this chapter. A license shall not be issued, except upon submission to the department of an application on forms furnished by the department, and the required license fee. A license may be issued to an eligible applicant. However, a license shall not be issued to an applicant who has been convicted of or pled guilty to a violation of this chapter, or who has been convicted of or pled guilty to a violation of chapter 123 that resulted, at any time, in revocation of a license issued to the applicant under chapter 123 or that resulted, within the twelve months preceding the date of application for a license required by this chapter, in suspension of a license issued under chapter 123. To be eligible for a two year license under section 99B.7, an organization shall have been in existence at least five years prior to the date of issuance of the

license. However, an organization which has been in existence for less than five years prior to the date of issuance of the license may obtain a two-year license if either of the following conditions apply:

a. That prior to July 1, 1984, the organization was licensed under this subsection.

b. If the organization is a local chapter of a national organization, then the local organization is eligible for a two-year license if the national organization has been in existence at least two years.

A license also shall not be issued for a location for which a previous license issued under this chapter or chapter 123 has been revoked ~~within the preceding two years~~ until the period of the revocation or revocations has elapsed. A license shall not be issued to an individual whose previous license issued under this chapter or chapter 123 has been revoked until the period of revocation or revocations has elapsed. This prohibition applies even though the individual has created a different legal entity than the one to which the previous license that had been revoked was issued. Except as otherwise provided in this chapter, a license is valid for a period of two years from the date of issue. The license fee is not refundable, but shall be returned to the applicant if an application is not approved. When a bingo license has been issued by the department the licensee shall be notified by the department of the renewal date for

Page 2

the license ten days prior to that date."

2. Page 2, line 19, by striking the word and letters "d and g" and inserting the following: "b, d, e, and g".

3. Page 2, by inserting after line 20 the following:

"b. The sponsor of the fair or the qualified organization has submitted a license application and a fee of ~~fifteen~~ thirty dollars for each raffle, has been issued a license, and prominently displays the license at the drawing area of the raffle."

4. Page 2, by inserting after line 23 the following:

"e. ~~Cash~~ Except with respect to an annual raffle as provided in paragraph "g", cash prizes are not awarded and merchandise prizes are not repurchased."

5. Page 2, line 29, by inserting after the word "per" the following: "calendar".

6. Page 2, line 29, by striking the word "merchandise" and inserting the following: "~~merchandise~~".

7. Page 2, by striking lines 30 through 32 and inserting the following: "value not greater than ~~ten~~ twenty thousand dollars ~~as~~ may be awarded. If the prize is merchandise, its value shall be determined by the purchase price paid by the fair ~~may be awarded~~ sponsor or qualified organization."

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

"Sec._____. Section 99B.6, subsection 1, unnumbered paragraph 1, Code 1985, as amended by 1986 Iowa Acts, House File 2017, section 1, is amended to read as follows:

Except as provided in ~~subsection~~ subsections 5 and 6, gambling is unlawful on premises for which a class "A", class "B", class "C", or class "D" liquor control license, or class "B" beer permit has been issued pursuant to chapter 123 unless all of the following are complied with:".

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

"Sec._____. Section 99B.6, Code 1985, as amended by 1986 Iowa Acts, House File 2017, sections 1 and 2, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A qualified organization may conduct games of skill, games of ~~e~~chance, or raffles pursuant to section 99B.7 in an establishment that serves or sells alcoholic beverages, wine, or beer as defined in section 123.3 if the alcoholic beverage, wine, or beer is not served at any time while the

Page 3

games are being conducted on the premises."

10. Page 3, line 11, by striking the word and letter "paragraph m" and inserting the following: "paragraphs c, d, and m".

11. Page 3, line 12, by striking the word "is" and inserting the following: "are".

12. Page 3, by inserting after line 12 the following:

"c. Cash or merchandise prizes may be awarded in the game of bingo ~~and shall not exceed one hundred dollars. Merchandise prizes may be awarded in the game of bingo, however, the actual retail value of the prize, or if the prize consists of more than one item, unit or part, the aggregate retail value of all items, units or parts, shall not exceed one hundred dollars. A jackpot bingo game may be conducted once during any twenty-four hour period in which the prize may be increased by not more than one hundred dollars after each day's game. However, the cost of play in a jackpot bingo game shall not be increased and the~~

~~jackpot shall not amount to more than five hundred dollars in cash or actual retail value of merchandise prizes. A jackpot bingo game is not prohibited by paragraph "h".~~ The aggregate retail value of any merchandise or cash awarded at a bingo occasion shall not exceed two thousand two hundred fifty dollars with a maximum of five hundred dollars in value for any one game. A bingo occasion shall not last for longer than four consecutive hours. A qualified organization shall not hold more than fourteen bingo occasions per month. Bingo occasions held under a limited license shall not be counted in determining whether a qualified organization has conducted more than fourteen bingo occasions per month, nor shall bingo occasions held under a limited license be limited to four consecutive hours. With the exception of a limited license bingo, or as permitted pursuant to section 99B.9A, no more than three bingo occasions per week shall be held within a structure or building and only one person licensed to conduct games under this section may hold bingo occasions within a structure or building.

PARAGRAPH DIVIDED. However, a qualified organization, which is a senior citizens' center or a residents' council at a senior citizen housing project or a group home, may hold more than fourteen bingo occasions per month and more than three bingo occasions per week within the same structure or building, and bingo occasions conducted by such a qualified organization may last for longer than four

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consecutive hours, if the majority of the patrons of the qualified organization's bingo occasions also participate in other activities of the senior citizens' center or are residents of the housing project. At the conclusion of each bingo occasion, the person conducting the game shall announce both the gross receipts received from the bingo occasion and the use permitted under subsection 3, paragraph "b", to which the net receipts of the bingo occasion will be dedicated and distributed.

d. Cash prizes shall not be awarded in games other than bingo. The actual retail value of any merchandise prizes shall not exceed fifty dollars and merchandise prizes shall not be repurchased. However, one raffle may be conducted ~~in a twelve-month period~~ per calendar year at which a ~~merchandise~~ prize having a value not greater than ~~ten~~ twenty thousand dollars ~~as determined by purchase price paid by the organization or donor~~ may be awarded. If the prize is

merchandise, its value shall be determined by purchase price paid by the organization or donor."

13. Page 5, by inserting after line 10 the following:

"Sec._____. Section 99B.9A, Code 1985, is amended to read as follows:

99B.9A EXCEPTIONS FOR CERTAIN AREAS.

The department may, at its discretion, allow a qualified organization under section 99B.7 to hold a game of bingo in a building where another qualified organization also holds a game of bingo or where the building is adjacent, but not intraconnected, with an establishment holding a liquor license ~~and the building is located in a municipality of a recorded census of less than two thousand people and the municipality is not located adjacent to another municipality~~."

14. Page 5, by inserting after line 24 the following new section:

"Sec._____. This Act, being deemed of immediate importance, takes effect from and after its publication in The Cascade Pioneer-Advertiser, a newspaper published in Cascade, Iowa, and in the Advocate News, a newspaper published in Wilton, Iowa."

15. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Pavich of Pottawattamie asked and received unanimous consent to withdraw amendment H—5850 filed by him on April 17, 1986.

Pavich of Pottawattamie asked and received unanimous consent to withdraw amendment H—5862 filed by him on April 18, 1986.

Pavich of Pottawattamie offered the following amendment H—5872, to the Senate amendment H—5732, filed by him and moved its adoption:

H—5872

Amend the amendment, H—5732, to House File 2349 as amended, passed, and reprinted by the House as follows:

1. Page 1, line 30, by inserting after the words "national organization" the following: "and the national organization is a tax-exempt organization under one of the provisions enumerated in section 99B.7, subsection 1, paragraph "m",".

2. Page 1, line 32, by striking the word "two" and inserting the following: "five".

3. Page 2, line 24, by striking the word "awarded" and inserting the following: "offered".

4. By striking page 2, line 40 through page 3, line 1.

5. Page 3, line 25, by striking the words "at a bingo occasion" and inserting the following: "by a qualified organization during any twenty-four hour period".

6. Page 3, by striking lines 37 and 38 and inserting the following: "limited license bingo, no more than three bingo occasions per".

7. Page 4, line 12, by inserting after the word "bingo" the following: "and raffles".

8. Page 4, by striking lines 22 through 36.

9. Page 4, by inserting after line 36 the following:

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

"Sec._____. NEW SECTION. 99B.21 TAX ON PRIZES.

All prizes awarded are Iowa earned income and are subject to state and federal income tax laws. A person conducting a game of skill, game of chance, or a raffle shall deduct state income taxes from a cash prize awarded to an individual in excess of six hundred dollars. An amount deducted from the prize for payment of a state tax shall be remitted to the state department of revenue on behalf of the prize winner.

Sec._____. Section 422.45, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 32. Gross sale from the sale of raffle tickets for a raffle licensed pursuant to section 99B.5." "

10. Page 4, by striking lines 37 through 43.

11. Renumber as necessary.

Amendment H—5872 was adopted.

On motion by Pavich of Pottawattamie, the House concurred in the Senate amendment H—5732, as amended.

Pavich of Pottwattamie 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. 2349)

The ayes were, 81:

Arnould Baxter Beatty Bennett

Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Diemer	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Hatch
Haverland	Hermann	Hughes	Hummel
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	Renken
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Welden	Zimmerman
Mr. Speaker			

The nays were, 15:

Branstad	Corey	Daggett	De Groot
Doderer	Grandia	Handorf	Hester
Holveck	Maulsby	McKean	Pellett
Rensink	Stromer	Van Maanen	

Absent or not voting, 4:

Groth	Jay	Sturgeon	Woods

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

Arnould of Scott called up for consideration **House File 2457**, a bill for an act relating to elections, amended by the Senate amendment H—5855 as follows:

H—5855

Amend House File 2457 as amended, passed and reprinted by the House as follows:

1. Page 2, by striking line 33 and inserting in lieu thereof the following: "necessary to conduct the caucus at a charge not greater than that made for its use by other groups. When using".

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

"Sec._____. Section 48.6, subsection 10, Code 1985, is amended to read as follows:

10. The social security number of the applicant, if available. However, the social security number so obtained shall be used only for maintenance of voter registration records and the voter registration list and determination of voter eligibility. It shall not be available through lists provided under 48.5 of the Iowa Code or otherwise made available or otherwise provided for purposes other than those delineated in this subsection."

3. By striking page 5, line 30 through page 6, line 16.

4. Page 6, by striking lines 17 through 19.

5. Page 6, by striking lines 20 through 30.

6. Page 19, by striking lines 20 through 24 and inserting in lieu thereof the following:

"Sec. 42. Section 33 becomes effective".

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

Arnould of Scott offered the following amendment H—5884, to the Senate amendment H—5855, filed by him and moved its adoption:

H—5884

Amend the Senate amendment, H—5855, to House File 2457 as amended, passed and reprinted by the House, as follows:

1. Page 1, by striking lines 3 through 6 and inserting the following:

"1. Page 2, line 33, by inserting after the word "charge" the following: "during presidential election years and at a charge not greater than that made for its use by other groups during other years"."

2. Page 1, by striking lines 7 through 19.

3. Page 1, by striking lines 20 and 21.

Amendment H—5884 was adopted.

On motion by Arnould of Scott, the House concurred in the Senate amendment H—5855, as amended.

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

On the question "Shall the bill pass?" (H.F. 2457)

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	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
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	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Zimmerman	Mr. Speaker	

The nays were, 1:

Welden

Absent or not voting, 4:

Groth	Jay	Sturgeon	Woods

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

SENATE AMENDMENT FURTHER CONSIDERED
House Refused to Concur

Blanshan of Greene called up for consideration **Senate File 2052,** a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date, amended by the House, further amended by the Senate, and deferred April 16, 1986.

Blanshan of Greene moved that the House concur in the following Senate amendment H—5805 to the House amendment:

H—5805

Amend the amendment, S—5587, to Senate File 2052, as passed by the Senate, as follows:
1. Page 1, by striking lines 3 through 8 and inserting the following:
"1. Page 1, line 2, by inserting after the word "repealed" the following: ", and section 602.9104, subsection 1, Code 1985, is reenacted and shall be the law of this state from the effective date of this Act"."

The motion lost and the House refused to concur in the Senate amendment H—5805, to the House amendment.

CONSIDERATION OF RESOLUTION

The House resumed consideration of **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, temporarily deferred.

Stromer of Hancock offered the following amendment H—6028 filed by him from the floor and moved its adoption:

H—6028

Amend Senate Joint Resolution 2002 as follows:
1. Page 1, line 13, by inserting after the word "terms," the following: "shall be chosen without reference to political affiliation,".

A non-record roll call was requested.

The ayes were 40, nays 50.

Amendment H—6028 lost.

The following amendment H—6029, filed by Lloyd-Jones of Johnson from the floor, was adopted by unanimous consent:

H—6029

Amend Senate Joint Resolution 2002 as follows:
1. Title page, line 2, by inserting after the word "affiliation" the words "and gender".

Lloyd-Jones of Johnson moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the resolution was read a last time.

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding the political affiliation and gender of members of judicial nominating commissions.

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Unnumbered paragraph 3, section 16, Article V of the Constitution of the State of Iowa, as adopted by the amendment of 1962 is amended by striking the paragraph and adopting in lieu thereof the following:

Due consideration shall be given to area representation and gender in the appointment and election of Judicial Nominating Commission members. Appointive and elective members of Judicial Nominating Commissions shall serve for six-year terms, are ineligible for a second six-year term on the same commission, shall hold no office of profit of the United States or of the state during their terms, and shall have other qualifications as prescribed by law. As near as may be, the terms of one third of the members shall expire every two years.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly, and the secretary of state is directed to cause it to be published for three consecutive months before the date of that election as provided by law.

On the question "Shall the resolution be adopted and agreed to?" (S.J.R. 2002)

The ayes were, 84:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Cooper
Corey	Daggett	De Groot	Diemer

Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. N.	Hammond
Handorf	Hanson	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Miller	Muhlbauer
Mullins	Norland	O'Kane	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rensink
Rosenberg	Running	Schnekloth	Sherzan
Shoning	Shoultz	Skow	Spear
Stueland	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 10:

Halvorson, R. A.	Harbor	Knapp	Maulsby
Metcalf	Platt	Royer	Siegrist
Stromer	Welden		

Absent or not voting, 6:

Carl	Connors	Groth	Jay
Ollie	Sturgeon		

The joint resolution having received a constitutional majority was declared adopted and agreed to by the House with the title, as amended.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2457 and 2349; Senate Files 2052 and 2281 and Senate Joint Resolution 2002.

RULE 57 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend Rule 57 for a committee on state government meeting upon adjournment.

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 24, 1986, insisted on its amendment to the House amendment to 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 members of the conference committee, on the part of the Senate, are: The Senator from Dubuque, Senator Carr, Chair; the Senator from Story, Senator Bruner; the Senator from Muscatine, Senator Drake; the Senator from Linn, Senator Horn; and the Senator from Story, Senator Nystrom.

K. MARIE THAYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(Senate File 2242)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2242: Carter of Henry, Chair; Blanshan of Greene, Swartz of Marshall, Carpenter of Polk and Stueland of Clinton.

CONFERENCE COMMITTEE REPORT FILED

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

JOSEPH O'HERN
Chief Clerk of the House

House File 2414, a bill for an act relating to hunting and fishing.

EXPLANATION OF VOTE

On April 24, 1986, I inadvertently voted "aye" when I wanted to vote "nay" on amendment H—6019 to House File 2484.

PONCY of Wapello

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of April, 1986: House Files 166, 2078, 2221, 2280, 2348, 2403, 2455, 2460 and 2463.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Twenty-two students from First Methodist Confirmation Class, Mason City, accompanied by Rev. C. Q. Wallace, Don Christensen, Kay Leet and Jean Bills. By Clark and Groninga of Cerro Gordo.

Forty fifth grade students from Roosevelt Elementary School, Ames, accompanied by Nathan Tosten. By Hammond and Rosenberg of Story.

Seven fifth and sixth grade students from North East Elementary School, Glenwood, accompanied by Mary Crem. By Harbor of Mills.

Forty seventh and eighth grade students from St. Johns School, Independence, accompanied by Joseph Streit. By Kremer of Buchanan.

Twenty-four twelfth grade students from Nesco Junior-Senior High School, Zearing, accompanied by Jack Roberts. By Lonergan of Boone.

Twenty-three twelfth grade students from Olin High School, Olin, accompanied by Pete Rortvedt. By McKean of Jones.

Forty fifth grade students from Lincoln Elementary School, Mechanicsville, accompanied by Ruth Miller. By McKean of Jones and Osterberg of Linn.

Twenty students from Boone Valley Junior-Senior High School, Renwick. By Mullins of Kossuth.

Thirteen students from Wilson Junior High School, Council Bluffs, accompanied by Vicki Van Ryswyk and Fred Vogt. By Pavich and Siegrist of Pottawattamie.

Fifty-three fifth grade students from Kreft Elementary and Lewis Central Schools, Council Bluffs, accompanied by Glen McBurney. By Pavich and Siegrist of Pottawattamie.

SUBCOMMITTEE ASSIGNMENT

House File 2485

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

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 2485, a bill for an act to legalize the proceedings of the city council of Bloomfield, Iowa, to transfer certain moneys to the general fund of the city.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 1986.

COMMITTEE ON TRANSPORTATION

House File 2486, a bill for an act allowing sixteen and seventeen year old persons no longer in attendance at school to obtain operator licenses if they have been issued high school equivalency diplomas.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 1986.

AMENDMENTS FILED

H—6024	H.F.	2486	Lloyd-Jones of Johnson
H—6025	H.F.	2483	Running of Linn
H—6026	H.F.	2393	O'Kane of Woodbury

On motion by Norland of Worth, the House adjourned at 6:54 p.m., until 9:00 a.m., Friday, April 25, 1986.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day — Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 25, 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, April 24, 1986 was approved.

PETITION FILED

The following petition was received and placed on file:

By Pavich and Siegrist of Pottawattamie, two hundred letters from constituents of Council Bluffs favoring raising the drinking age to 21.

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 23, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 293, a bill for an act creating a fire service institute.

Also: That the Senate has on April 23, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2295, a bill for an act to increase snowmobile registration fees and providing an effective date.

K. MARIE THAYER, Secretary.

MOTIONS TO RECONSIDER WITHDRAWN
(Senate File 2084)

Peick of Linn and Sherzan of Polk asked and received unanimous consent to withdraw the motions to reconsider 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, filed by

them on April 16, 1986 and April 17, 1986 respectively, placing out of order amendment H—5845 (to amendment H—5833) filed by Sherzan, et al., on April 17, 1986.

CONSIDERATION OF BILLS
Ways and Means Calendar

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, 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. 106)

The ayes were, 91:

Arnould	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	Gruhn	Halvorson, R. A.
Halvorson, R. N.	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	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Royer	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, 3:

Hammond	O'Kane	Rosenberg

Absent or not voting, 6:

Brammer	Groth	Jochum	Parker
Running	Sturgeon		

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 2295, a bill for an act to increase snowmobile registration fees and providing an effective date.

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

SENATE AMENDMENT CONSIDERED

Gruhn of Dickinson called up for consideration **House File 123,** a bill for an act relating to the issuance of handicapped identification devices, making penalties applicable, amended by the Senate amendment H–5749 as follows:

H–5749

Amend House File 123 as amended, passed and reprinted by the House as follows:

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

"Sec. 711. Section 321.166, subsection 6, Code 1985, is amended to read as follows:

6. Registration plates issued a disabled veteran under the provisions of section 321.105, shall display the alphabetical characters "DV", which ~~shall be of the same size as the characters in the registration plate number and~~ shall precede the registration plate number. The plates shall also display the international symbol of accessibility.

Sec. 712. Section 601E.6, subsection 1, Code 1985, is amended to read as follows:

1. A handicapped identification device may be displayed in a motor vehicle being used by a handicapped person, either as operator or passenger. The devices shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. They shall be acquired by the department and sold at cost, not to exceed five dollars, to handicapped

persons upon application on forms prescribed by the department. Before delivering a handicapped identification device to a purchaser, the department shall permanently affix to the device a unique number which may be used by the department to identify that individual purchaser. A registration plate issued to a disabled veteran under section 321.166, subsection 6, and a handicapped registration plate issued under section 321.34, subsection 7, ~~is~~ are also ~~a~~ valid handicapped identification ~~device~~ devices."

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

"Sec. 713. Section 601E.6, subsection 3, paragraph a, Code 1985, is amended to read as follows:

a. Establishing procedure for applying to the department for issuance of a permanent or temporary handicapped identification device under this section. Each handicapped identification device issued under this section other than under paragraph "d" shall identify the name of the person to whom the identification device was issued, the person's social security number or other identifying number, and the person's date of birth. Each temporary handicapped identification device issued under this section shall also state the expiration date for the temporary handicapped identification device.

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Sec. 714. Section 601E.6, subsection 3, paragraph b, Code 1985, is amended to read as follows:

b. Requiring persons who seek permanent handicapped identification devices to furnish evidence upon initial application that they are permanently handicapped; and requiring persons who seek temporary handicapped identification devices to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at ~~six-month~~ three-month intervals that they remain physically handicapped.

Sec._____. Sections 711 and 713 apply to registration plates and handicapped identification devices issued on or after January 1, 1987. Section 714 applies to temporary handicapped identification devices issued on or after July 1, 1986."

3. Renumber sections and correct internal references as necessary.

Van Camp of Scott offered the following amendment H—5832, to the Senate amendment H—5749, filed by him:

H—5832

Amend the Senate amendment, H—5749, to House File 123, as amended, passed and reprinted by the House, as follows:

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

"Sec. 710. Section 321.34, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. CONGRESSIONAL MEDAL OF HONOR PLATES. The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who has been awarded the congressional medal of honor, may upon written application to the department, order special registration plates designed by the department. The application shall be approved by the department and the special registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. Each applicant applying for special registration plates under this subsection may purchase only one set of registration plates under this subsection. The special plates shall be red, white and blue in color and shall contain the words "MEDAL OF HONOR". The annual registration fee for the plates is fifteen dollars, which is in lieu of the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates."

2. Page 2, line 12, by inserting before the word "Sections" the following: "Section 710 takes effect January 1, 1987."

3. Page 2, by inserting after line 16 the following:

"_____. Title page, line 1, by inserting after the word "to" the words "special registration plates including".

Gruhn of Dickinson, rose on a point of order that amendment H—5832 was not germane.

The Speaker ruled the point well taken and amendment H—5832 not germane to the Senate amendment H—5749.

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—5861, to the Senate amendment H—5749, filed by her on April 18, 1986.

Gruhn of Dickinson offered the following amendment H—6012, to the Senate amendment H—5749, filed by her and moved its adoption:

H—6012

Amend the Senate amendment, H—5749, to House File 123, as amended, passed, and reprinted by the House, as follows:

1. By striking page 1, line 5 through page 2, line 11, and inserting the following:

" "Sec. 711. Section 321.166, subsection 6, Code 1985, is amended to read as follows:

6. Registration plates issued a disabled veteran under the provisions of section 321.105, shall display the alphabetical characters "DV", which ~~shall be of the same size as the characters in the registration plate number and~~ shall precede the registration plate number. The plates may also display a handicapped identification sticker if issued to the disabled veteran by the department under section 601E.6.

Sec. 712. Section 601E.6, subsection 1, Code 1985, is amended to read as follows:

1. A handicapped identification device may be displayed in a motor vehicle being used by a handicapped person, either as operator or passenger. The devices shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. They shall be acquired by the department and sold at cost, not to exceed five dollars, to handicapped persons upon application on forms prescribed by the department. Before delivering a handicapped identification device to a purchaser, the department shall permanently affix to the device a unique number which may be used by the department to identify that individual purchaser.

A handicapped person who has been issued registration plates as a seriously disabled veteran under the provisions of section 321.105 may apply to the department for handicapped identification stickers to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at cost, not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

PARAGRAPH DIVIDED. A handicapped identification sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, and a handicapped registration plate issued under section 321.34, subsection 7, ~~is~~ are also ~~a~~ valid handicapped identification ~~device~~ devices."

2. Page 1, line 35, by inserting after the word

Page 2

"device" the words "or sticker".

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

"Sec. 713. Section 601E.6, subsection 3, paragraph a, Code 1985, is amended to read as follows:

a. Establishing procedure for applying to the department for issuance of a permanent or temporary handicapped identification device and handicapped identification stickers under this section.

Sec. 714. Section 601E.6, subsection 3, paragraph b, Code 1985, is amended to read as follows:

b. Requiring persons who seek permanent handicapped identification devices or handicapped identification stickers to furnish evidence upon initial application that they are permanently handicapped; and requiring persons who seek temporary handicapped identification devices to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at ~~six-month~~ three-month intervals that they remain physically handicapped.

Sec. 715. Section 601E.6, subsection 3, paragraph c, Code 1985, is amended to read as follows:

c. Governing the manner in which handicapped identification devices and stickers are to be displayed in or on motor vehicles ~~parked in spaces designated under subsection~~ 2." "

2. Page 2, line 12, by striking the words and figure "713 apply to".

3. Page 2, by striking lines 13 through 16 and inserting the following: "712 take effect January 1, 1987. Section 714 takes effect July 1, 1986, and with regard to the interval for persons to furnish evidence of their physical handicap applies to temporary handicapped identification devices issued on or after July 1, 1986." "

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

"_____. Title page, by striking line 2 and inserting the following: "identification devices and stickers and providing effective dates." "

Amendment H—6012 was adopted.

On motion by Gruhn of Dickinson, the House concurred in the Senate amendment H—5749, as amended.

Gruhn of Dickinson 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. 123)

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	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
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rensink	Rosenberg
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, 7:

Groth	Harbor	Jochum	Parker
Royer	Sturgeon	Welden	

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

HOUSE INSISTS

Spear of Lee called up for consideration **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.

Chapman of Linn in the chair at 10:00 a.m.

Spear of Lee moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

CONFERENCE COMMITTEE APPOINTED
(Senate Joint Resolution 1)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate Joint Resolution 1: Lloyd-Jones of Johnson, Chair; Halvorson of Webster, Spear of Lee, Daggett of Taylor and Shoning of Woodbury.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(House File 2245)

Gruhn of Dickinson called up for consideration the following report of the conference committee on House File 2245 and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2245

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2245, a bill for an act relating to the confidentiality of archaeological sites and resource information and subjecting violators to civil and criminal penalties, respectfully make the following report:

1. That the Senate recede from its amendment.

2. That House File 2245, as passed by the House, be amended to read as follows:

1. Page 1, line 2, by striking the word "subsection" and inserting the following: "subsections".

2. Page 1, by inserting after line 11 the following:

"NEW SUBSECTION. 22. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the

information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records."

3. Page 1, by inserting after line 20 the following:

"Sec. _____. NEW SECTION. 111B.14 CONFIDENTIALITY OF ECOLOGICALLY SENSITIVE SITES AND INFORMATION.

The director of the department of natural resources and the state ecologist shall comply with the requirements of section 22.7, subsection 22, regarding information pertaining to the nature and location of ecologically sensitive resources or sites. The director of the department of natural resources, in consultation with the state ecologist, shall consult with other public officers serving as lawful custodians of ecologically sensitive information to determine whether the information should be confidential or be released."

4. Amend the title, line 1, by inserting after the word "sites" the following: ", ecologically sensitive sites,".

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
DENNIS H. BLACK, Chair	DONALD V. DOYLE, Chair
JOSEPHINE GRUHN	ARTHUR L. GRATIAS
PAUL W. JOHNSON	BEVERLY A. HANNON
MARVIN E. DIEMER	JOHN A. PETERSON
DONALD J. PAULIN	FORREST V. SCHWENGELS

The motion prevailed and the conference committee report 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?" (H.F. 2245)

The ayes were, 96:

Arnould	Avenson	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	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland

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
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
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Madam Speaker (Chapman)

The nays were, none.

Absent or not voting, 4:

Groth	Hermann	Miller	Skow

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2378)

Carter of Henry called up for consideration the report of the conference committee on House File 2378 as follows and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2378

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2378, a bill for an act providing for referendums to terminate the collection of the beef and soybean assessments, respectfully make the following report:

1. That the Senate recede from its amendment.

2. That House File 2378, as passed by the House be amended as follows:

1. Page 2, line 22, by striking the word "two" and inserting the word "one".

2. Page 2, line 35, by striking the word "two" and inserting the word "one".

ON THE PART OF THE HOUSE:

BRIAN CARTER, Chair
DALE M. COCHRAN
LOUIS J. MUHLBAUER
WENDELL C. PELLETT
VICTOR STUELAND

ON THE PART OF THE SENATE:

ALVIN V. MILLER, Chair
C. JOSEPH COLEMAN
WILLIAM D. PALMER
JOHN E. SOORHOLTZ

The motion prevailed and the conference committee report 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. 2378)

The ayes were, 94:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	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	Lonergan	Maulsby	McIntee
McKean	Metcalf	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	Madam Speaker (Chapman)		

The nays were, none.

Absent or not voting, 6:

Blanshan	Doderer	Fey	Groth
Lloyd-Jones	Miller		

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2414)

Black of Jasper called up for consideration the report of the conference committee on House File 2414 as follows and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2414

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2414, a bill for an act relating to hunting and fishing respectfully make the following report:

1. That the Senate recede from its amendment, H–5798.

2. That House File 2414, as amended, passed, and reprinted by the House be amended as follows:

1. Page 1, by striking lines 6 through 12.

2. By striking page 1, line 35 through page 2, line 4.

3. Page 2, by striking lines 18 through 21.

4. Page 4, by striking lines 18 through 21 and inserting the following: "magistrate having jurisdiction. ~~Provided, however, no gun, fishing rod, fishing tackle or~~ An automobile shall not be construed to be a public nuisance under this section."

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
DENNIS BLACK, Chair	HURLEY HALL, Chair
PAUL JOHNSON	BEVERLY HANNON
WILLIAM SULLIVAN	JACK W. HESTER
MARVIN DIEMER	JOHN PETERSON
WILMER RENSINK	DALE TIEDEN

The motion prevailed and the conference committee report 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. 2414)

The ayes were, 86:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Clark
Cochran	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	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
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Oxley	Parker	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Madam Speaker (Chapman)		

The nays were, 13:

Bennett	Branstad	Connolly	Grandia
Hatch	Lonergan	Maulsby	O'Kane
Osterberg	Paulin	Poncy	Van Maanen
Welden			

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.

SENATE AMENDMENT CONSIDERED

Haverland of Polk called up for consideration **House File 2462,** a

bill for an act relating to educational cost efficiencies including the reduction of administrative costs of area education agencies and school districts, 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, amended by Senate amendment H—5860 as follows:

H—5860

Amend House File 2462, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 32 the following:

"Sec._____. Section 275.15, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The area education agency board, when entering the order fixing the boundaries, shall consider all requests timely filed for boundary line changes. Each objection filed by a property owner shall be considered separately and an individual ruling made."

2. Page 1, by inserting after line 32 the following:

"Sec._____. Section 275.31, Code Supplement 1985, is amended to read as follows:

275.31 TAXES AND APPROPRIATION TO EFFECT EQUALIZATION.

If necessary to equalize the division and distribution, the board or boards may provide for the levy of additional taxes, which shall be sufficient to satisfy the mandatory levy required in section 76.2 or other liabilities of the districts, upon the property of a corporation or part of a corporation and for the distribution of the tax revenues so as to effect equalization. When the board or boards are considering the equalization levy, the division and distribution shall not impair the security for outstanding obligations of each affected corporation. Any owner of bonds of an affected corporation may bring suit in equity for adjustment of the division and distribution in compliance with this section. If the property tax levy for the amount estimated and certified to apply on principal and interest on lawful

bonded indebtedness for a newly formed community school district is greater than the property tax levy for the amount estimated and certified to apply on principal and interest in the year preceding the reorganization or dissolution for a school district that is a party to the reorganization or dissolution and that had a certified enrollment of less than six hundred for the year prior to the reorganization or dissolution, the board of the newly formed district shall inform the state comptroller. The state comptroller shall pay debt service aid to the newly formed district in an amount that will reduce the rate of the property tax levy for lawful bonded indebtedness in the portion of the newly formed district where the new rate is higher, to the rate that was levied in that portion of the district during the year preceding the reorganization or dissolution.

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For the school year beginning July 1, 1987 and succeeding school years, there is appropriated from the general fund of the state to the state comptroller an amount sufficient to pay the debt service aid under this section. Debt service aid shall be paid in the manner provided in section 442.26.

Not later than May 1 of each year, the state comptroller shall inform the board of the newly formed school district the amount of debt service aid that the district will receive and the rate of the property tax levy for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness in the portion of the newly formed district where the new rate would have been higher, and for the remainder of the newly formed district. The state comptroller shall notify the county auditor of each applicable county of the amount, in dollars and cents per thousand dollars of assessed valuation, of the property tax levy in each portion of each applicable newly formed school district in the county for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness, and the boundaries of the portions within the newly formed district for which the levies shall be made. The county auditor shall spread the applicable property tax levy for each portion of a school district over all taxable property in that portion of the district."

3. Page 2, line 15, by inserting after the word "fund." the following: "Thereafter, a school district shall not increase the percent of its administrative expenditures compared to its operating fund."

4. Page 2, line 19, by inserting after the figure "442.6." the following: "For the purposes of this section, "administrative expenditures" means expenditures for executive administration."

5. By striking page 2, line 20, through page 3, line 8.

6. Page 3, by striking lines 9 through 30.

7. Page 3, by inserting before line 31 the following:

"Sec._____. NEW SECTION. 442.9A SUPPLEMENTAL AID.

Notwithstanding section 442.9, commencing with the budget year beginning July 1, 1987, if the rate of the additional property tax levy determined under section 442.9 for a budget year for a reorganized school district is higher than the rate of additional property tax levy determined under section 442.9 for the year previous to the reorganization for a school district that had a certified enrollment of less than

Page 3

six hundred and that was within the school districts affected by the reorganization as defined in section 275.1, the state comptroller shall reduce the rate of the additional property tax levy in the portion of the reorganized district where the new rate is higher, to the rate that was levied in that portion of the district during the year preceding the reorganization, for the five-year period provided in this section. The state comptroller shall pay to each reorganized school district during each of the first five years of existence of the reorganized district as supplemental aid, moneys equal to the difference in revenues that would have been collected under the additional property tax levy calculated under section 442.9 and the rate determined under this section.

For the school year beginning July 1, 1987 and succeeding school years, there is appropriated from the general fund of the state to the state comptroller an amount sufficient to pay the supplemental aid to school districts under this section. Supplemental aid shall be paid in the manner provided in section 442.26.

For the purpose of the state comptroller's determination of the portion of a school district's budget that was property tax and the portion that was state aid, supplemental aid shall be considered

property tax.

For purposes of this section, a reorganized school district is one in which reorganization was approved in an election pursuant to sections 275.18 and 275.20 and will take effect on or after July 1, 1986."

8. Page 4, line 35, by striking the word "The" and inserting the following: "Effective July 1, 1986, the".

9. Page 5, line 2, by striking the word "four" and inserting the word "five".

10. Page 5, line 22, by striking the word "principals,".

11. Page 5, line 24, by inserting after the word "school." the following: "School administrators does not include principals."

12. Page 5, line 34, by striking the word "four" and inserting the word "five".

13. Page 6, by inserting after line 10 the following:

"Sec._____. NEW SECTION. BONUS PAYMENTS.

Commencing with the budget year commencing July 1, 1987, a reorganized school district shall receive a bonus payment during each of the first five years after its reorganization takes effect to assist the

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school district in a transition from two or more school districts to a single reorganized school district. During the first budget year after the reorganization takes effect, the bonus payment is equal to the difference in property tax revenues that are estimated to be received under the foundation property tax levy in section 442.2 and a property tax levy of four dollars and forty cents per thousand dollars of assessed valuation on all taxable property in the school district. During the next four budget years, the bonus payment shall equal the difference between the estimated property tax revenues from the foundation property tax levy and the estimated revenues from a property tax levy on all taxable property in the school district that is twenty cents per thousand dollars of assessed valuation greater than that used for the base year.

Bonus payments are miscellaneous income.

There is appropriated from the general fund of the state to the state comptroller an amount sufficient to pay the bonus payments to school districts under this section.

For purposes of this section, a reorganized school district is one in which reorganization was approved

in an election pursuant to sections 275.18 and 275.20 and will take effect on or after July 1, 1987."

14. Page 6, by inserting after line 10 the following:

"Sec. 101. ECONOMY TASK FORCES. The advisory committee appointed by the board of directors of a school district under section 280.12, subsection 2, shall serve as members of a school economy task force. In addition to the members of the advisory committee, the school economy task force shall include the following as members if the advisory committee does not include members meeting the listed criteria:

1. One member of the county board of supervisors of the county in which the school district is located or an individual designated by the county board of supervisors.

2. One member who is a member of a city council of a city located within the school district or an individual designated by such a city council.

3. One member who is a board member of a regional transit agency selected by the board of directors of the school district or a designee named by that regional transit board.

4. One member selected by the board of directors of the school district who is a certified public accountant or has an accounting background.

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The superintendent and other administrative personnel appointed by the board of directors shall serve as advisers to the task force and shall prepare and distribute information requested by the task force.

The secretary of the board of directors shall serve as secretary to the task force and shall take minutes of the meetings and prepare a report of the proceedings and recommendations of the task force.

The chairperson of the advisory committee shall serve as chairperson of the task force.

Members shall serve without compensation or reimbursement for expenses.

Sec. 102. AREA EDUCATION AGENCY TASK FORCE. The board of directors of each area education agency shall appoint an area education agency school economy task force. The members shall include members of boards of directors of school districts, a member of a regional library board, a member of a county board of supervisors from a county in the area or an individual designated by a county board of supervisors, a member of a city council of a city located in the area or an

individual designated by a city council, a member of a regional transit board or a designee of a regional transit board, school administrators, teachers, parents, students, and other representatives residing in the area education agency.

The area education agency economy task force shall select a chairperson from its membership.

Members of area education agency task forces shall be paid mileage for attending meetings of the task force from funds appropriated to the department of public instruction for that purpose.

The secretary of the area education agency board shall serve as secretary to the task force and shall take minutes and prepare a report of the proceedings and recommendations of the task force.

Sec. 103. SCHEDULE. Each school district and area education agency task force shall hold its organizational meeting not later than June 1, 1986. A task force shall meet as often as deemed necessary to complete its report by November 1, 1986. A task force may meet jointly with one or more task forces appointed by boards of directors of contiguous school districts or contiguous area education agencies.

Sec. 104. DUTIES. The department of public instruction shall prepare district-by-district and area-by-area comparisons of the various kinds of expenditures and activities of school districts and area education agencies and transmit the applicable

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information to each task force prior to the organizational meetings.

A school district task force may consider but is not limited to discussion and recommendations for implementing efficiencies in the school district relating to the following:

1. School administration.
2. Teacher utilization.
3. Building utilization.
4. Extracurricular activities.
5. Use of regional transportation systems.
6. Energy management and costs.
7. School maintenance.
8. Centralized purchasing.
9. Availability of textbooks, instructional materials, and library materials.
10. Staff development.
11. Shared programs and services.
12. Possible merger of programs and services.

An area education agency task force shall discuss

recommendations for implementing efficiencies in programs and services of the area education agency.

A report of the proceedings and recommendations of each task force shall be made to the board of directors of the school district or area education agency. In addition, the report and recommendations of the task force shall be sent to the department of public instruction. The report shall also include recommendations for changes in the statutes or rules of the department of public instruction that will improve efficiency in the school district or area education agency.

Sec. 105. DEPARTMENT OF PUBLIC INSTRUCTION DUTIES. The department of public instruction shall review the reports of the school district and area education agency task forces and compile recommendations for school districts and area education agencies and for statutory and rule changes to be submitted to the general assembly. A preliminary report shall be completed by December 1, 1986 with a final draft completed by January 15, 1987. Copies of the applicable report shall also be sent to each school district and area education agency in the state.

Sec. 106. APPROPRIATION. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of public instruction the sum of ten thousand (10,000) dollars, or as much thereof as may be necessary, to pay mileage expenses of members of area education agency school economy task forces and

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for reproduction and postage costs for the department of public instruction.

Sec. 107. The legislative council may appoint a joint committee consisting of five members from each house and representing both political parties to review the report of the department of public instruction relating to the recommendations of the school district and area education agency economy task forces and make recommendations to the legislative council and the general assembly meeting in 1987. The joint committee shall meet during December 1986."

15. Page 6, by striking lines 11 through 28 and inserting the following:

"Sec._____. NEW SECTION. 273.13 ADMINISTRATIVE EXPENDITURES.

During the budget year beginning July 1, 1989 and the three succeeding budget years, the board of directors of an area education agency in which the

administrative expenditures as a percent of the area education agency's operating fund for a base year exceed eight percent shall reduce its administrative expenditures to eight percent of the area education agency's operating fund. During each of the four years, the board of directors shall reduce administrative expenditures of twenty-five percent of the reduction in administrative expenditure required by this section. Thereafter, the administrative expenditures shall not exceed eight percent of the operating fund. Annually, the board of directors shall certify to the department of public instruction the amounts of the area education agency's expenditures and its operating fund. Base year and budget year mean base year and budget year as defined in section 442.6.".

16. Page 6, by inserting after line 28, the following:

"Sec._____. For the fiscal year beginning July 1, 1986 and ending June 30, 1987, if the governor finds that the estimated budget resources are insufficient to pay all appropriations in full, and the executive council concurs in that finding, the reductions in allotments made pursuant to section 8.31 shall not apply to the appropriation made under section 442.26."

17. Page 6, by inserting before line 29 the following:

"Sec._____. Sections 101 through 104 of this Act, being deemed of immediate importance, take effect from and after publication of the Act in The New Hampton Tribune, a newspaper published in New Hampton, Iowa, and in The Cedar Rapids Gazette, a newspaper published

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in Cedar Rapids, Iowa."

18. Title page, by striking lines 2 and 3 and inserting the following: "creation of school district economy task forces and area education agency economy task forces, changing certain reorganization procedures, providing for multimember director".

19. Title page, line 5, by inserting after the word "reducing" the following: "the levy for bonded indebtedness, the additional levy, and".

20. Title page, line 6, by inserting after the word "in" the following: "certain".

21. Title page, line 8, by striking the word "and".

22. Title page, line 9, by inserting after the word "districts" the following: ", and making appropriations".

23. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—5947, to the Senate amendment H—5860, filed by him on April 22, 1986.

The House stood at ease at 10:32 a.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—5860, to House File 2462, at 11:06 a.m., Connors of Polk in the chair.

Haverland of Polk offered the following amendment H—5949, to the Senate amendment H—5860, filed by him and moved its adoption:

H—5949

Amend the Senate amendment, H—5860, to House File 2462 as amended, passed, and reprinted by the House as follows:

1. Page 2, by striking line 39 and inserting the following:

"_____. Page 3, by striking lines 9 through 30 and inserting the following:

"Sec._____. Section 442.2, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. However, commencing with the budget year beginning July 1, 1987, a reorganized school district shall cause a foundation property tax of four dollars and forty cents per thousand dollars of assessed valuation to be levied on all taxable property which, in the year preceding the reorganization, was within a school district affected by the reorganization as defined in section 275.1 and which had a certified enrollment of less than six hundred. In succeeding school years, the foundation property tax levy on that portion shall be increased twenty cents per year until it reaches the rate of five dollars and forty cents per thousand dollars of assessed valuation.

NEW UNNUMBERED PARAGRAPH. For purposes of this section, a reorganized school district is one in which reorganization was approved in an election pursuant to sections 275.18 and 275.20 and will take effect on or after July 1, 1986." "

2. By striking page 3, line 44 through page 4, line 26.

Amendment H—5949 was adopted.

Ollie of Clinton offered the following amendment H—6017, to the Senate amendment H—5860, filed by him and Daggett of Taylor and moved its adoption:

H—6017

Amend the Senate amendment, H—5860, to House File 2462 as amended, passed, and reprinted by the House as follows:

1. Page 7, line 34, by inserting after the figure "442.6." the following: "For the purposes of this section, "administrative expenditures" means expenditures for executive administration."

Amendment H—6017 was adopted.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—5948, to the Senate amendment H—5860, filed by him on April 22, 1986.

Haverland of Polk offered the following amendment H—6031, to the Senate amendment H—5860, filed by him and Stromer of Hancock from the floor and moved its adoption:

H—6031

Amend the Senate amendment, H—5860, to House File 2462 as amended, passed, and reprinted by the House as follows:

1. Page 7, by striking lines 35 through 43.

Amendment H—6031 was adopted.

Speaker Avenson in the chair at 11:18 a.m.

The House stood at ease at 11:19 a.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—5860, as amended, to House File 2462 at 11:34 a.m., Speaker Avenson in the chair.

Ollie of Clinton offered the following amendment H—6035, to the Senate amendment H—5860, filed by him and Daggett of Taylor from the floor and moved its adoption:

H–6035

Amend the Senate amendment, H–5860, to House File 2462 as amended, passed, and reprinted by the House as follows:

1. Page 2, by inserting after line 28 the following:

"_____. Page 2, line 10, by striking the word "eight" and inserting the following: "five"."

2. Page 7, line 22, by striking the word "eight" and inserting the word "five".

Amendment H–6035 was adopted.

On motion by Haverland of Polk, the House concurred in the Senate amendment H–5860, as amended.

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

On the question "Shall the bill pass?" (H.F. 2462)

The ayes were, 95:

Arnould	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	Hatch	Haverland
Hermann	Hester	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	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	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 Holveck Lloyd-Jones McIntee Sherzan

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

IMMEDIATE MESSAGE
(Senate Joint Resolution 1)

Norland of Worth asked and received unanimous consent to immediately message Senate Joint Resolution 1 to the Senate.

SENATE AMENDMENT CONSIDERED

Haverland of Polk called up for consideration **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, amended by the Senate amendment H–5767 as follows:

H–5767

Amend House File 2167 as amended, passed, and reprinted by the House as follows:

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

"Sec._____. Section 275.25, subsection 4, Code Supplement 1985, is amended to read as follows:

4. The board of the newly formed district shall organize within fifteen days after the special election upon the call of the area education agency administrator. The new board shall have control of the employment of personnel for the newly formed district for the next following school year under section 275.33. Following the ~~organization~~ first organizational meeting of the board of the newly formed district, the board may establish policy, organize curriculum, enter into contracts, complete planning, and take action as necessary for the efficient management of the newly formed community school district.

Sec._____. Section 275.33, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The collective bargaining agreement of the

district with the largest basic enrollment, as defined in section 442.4, in the new district shall serve as the base agreement and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement ~~for purposes of negotiating the contract for the following year~~ without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall serve as the base agreement, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement ~~for purposes of negotiating the contract for the following year~~ without further action by the public employment relations board. The board of the newly formed district, using the base agreement as its existing contract, shall bargain with the combined employees of the existing districts for the school year beginning with the effective date of the reorganization. The bargaining shall be completed by March 15 prior to the school year in which the reorganization becomes effective or within one hundred ~~twenty~~ eighty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and employees of

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the existing district with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school years subsequent to the effective date of the reorganization, the base agreement shall remain in effect as specified in the agreement.

The provisions of the base agreement shall apply to the offering of new contracts, or continuation, modification, or termination of existing contracts as provided in subsection 1 of this section.

Sec. _____. Section 279.15, subsection 1, Code 1985, is amended to read as follows:

1. The superintendent or the superintendent's designee shall notify the teacher not later than March 15 that the superintendent will recommend in writing to the board at a regular or special meeting of the board held not later than March 31 that the teacher's continuing contract be terminated effective at the end

of the current school year. However, if the district is subject to reorganization under chapter 275, the notification shall not occur until after the first organizational meeting of the board of the newly formed district."

2. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to petitions, notice of termination, and the collective bargaining process because of reorganization of school districts."

Haverland of Polk offered the following amendment H—6034, to the Senate amendment H—5767, filed by him from the floor and moved its adoption:

H—6034

Amend the Senate amendment, H—5767, to House File 2167 as amended, passed, and reprinted by the House as follows:

1. Page 1, by striking lines 29 and 30 and inserting the following: "agreement for purposes of negotiating the ~~contract~~ contracts for the following ~~year~~ years without further action by the".

2. Page 1, by striking lines 38 and 39 and inserting the following: "bargaining agreement for purposes of negotiating the ~~contract~~ contracts for the following ~~year~~ years without further action".

Amendment H—6034 was adopted.

On motion by Haverland of Polk, the House concurred in the Senate amendment H—5767, as amended.

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

On the question "Shall the bill pass?" (H.F. 2167)

The ayes were, 97:

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	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
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:

Blanshan	Holveck	Lloyd-Jones

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

MOTION TO RECONSIDER PREVAILED
(House File 2481)

Tabor of Jackson called up for consideration the motion to reconsider House File 2481, filed on April 21, 1986, and moved to reconsider the vote by which House File 2481, a bill for an act relating to the size of a board of review for property tax assessments, passed the House and was placed on its last reading on April 21, 1986.

A non-record roll call was requested.

The ayes were 74, nays 3.

The motion prevailed and the House reconsidered House File 2481, placing out of order the motion to reconsider filed by Groninga of Cerro Gordo.

Doderer of Johnson moved to reconsider the vote by which amendment H—5858 (found on page 1579 of the House Journal) was adopted by the House on April 21, 1986, which motion prevailed and the House reconsidered amendment H—5858.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5858 filed by him.

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. 2481)

The ayes were, 94:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Groth	Gruhn	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	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	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carter	Fey	Halvorson, R. A.	Holveck
Sullivan	Welden		

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 254)

Stromer of Hancock and Skow of Guthrie asked and received unanimous consent to withdraw the motions to reconsider House File 254, a bill for an act allowing public school districts to charge a fee for driver education courses, filed by them on February 18, 1986, placing out of order amendment H–5134 filed by Groninga of Cerro Gordo on February 20, 1986.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: Senate File 106, House Files 123, 2378, 2414, 2462 and 2166.

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 24, 1986, passed the following bill in which the concurrence of the Senate was asked:

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 provisions prohibiting a franchise tax refund or claim and a sales, services, and use tax refund or claim for taxes voluntarily paid based upon an alleged mistake of law, and providing effective dates.

Also: That the Senate has on April 25, 1986, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2349, a bill for an act relating to games of skill, games of chance, and raffles.

Also: That the Senate has on April 24, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2448, a bill for an act relating to cooperative associations.

Also: That the Senate has on April 24, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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 nonsubstantive and technical corrections and making certain provisions of the Act retroactive.

Also: That the Senate has on April 24, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 25, 1986, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 25, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2477, a bill for an act relating to the payment of installments of special assessments.

Also: That the members of the conference committee to 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, on the part of the Senate, appointed April 25, 1986, are: The Senator from Audubon, Senator Hutchins, Chair; the Senator from Dubuque, Senator Carr; the Senator from Pottawattamie, Senator Gronstal; the Senator from Montgomery, Senator Hultman; and the Senator from Bremer, Senator Jensen.

Also: That the Senate has, on April 25, 1986, insisted on its amendment to the House amendment to Senate File 2052, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date, and the members of the conference committee, on the part of the Senate, are: The Senator from Marion, Senator Dieleman, Chair; the Senator from Woodbury, Senator Doyle; the Senator from Polk, Senator Mann; the Senator from Boone, Senator Nystrom; and the Senator from Jefferson, Senator Schwengels.

Also: That the Senate has on April 24, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2082, a bill for an act relating to the sales, services, and use tax exemption for and the refund of sales, services, and use taxes paid on the purchase or rental of replacement parts for certain machinery, equipment, and computers.

Also: That the Senate has on April 24, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2097, a bill for an act relating to agricultural economic diversification by making an appropriation.

Also: That the Senate has on April 16, 1986, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 18, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2291, a bill for an act creating an Iowa economic development bond bank program within the Iowa finance authority to provide financing for economic development and making an appropriation.

Also: That the Senate has on April 24, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2299, a bill for an act pertaining to aircraft registration fees for aircraft owned and operated by nonprofit hospitals.

Also: That the Senate has on April 24, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2301, a bill for an act relating to an exemption for the state sales, services, and use tax of the gross receipts from sales of general admissions for entry onto the premises or grounds of any fair.

Also: That the Senate has on April 24, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2302, a bill for an act relating to the local option sales and services tax and the local option earnings tax and providing effective dates.

Also: That the Senate has on April 25, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2303, a bill for an act relating to restoring provisions of legislation relating to appropriations which had been removed from the comprehensive legislation on the subject of state government reorganization.

Also: That the Senate has on April 25, 1986, passed, with amendment S–5748 adopted, the following bill in which the concurrence of the House is asked:

Senate File 2304, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

Also: That the Senate has on April 24, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 125, honoring and congratulating Jennifer J. Demmon, an Iowan who won the 1986 American Legion National Oratorical Contest.

K. MARIE THAYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2082, by Priebe, a bill for an act relating to the sales, services, and use tax exemption for and the refund of sales, services, and use taxes paid on the purchase or rental of replacement parts for certain machinery, equipment, and computers.

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

Senate File 2291, by committee on appropriations, a bill for an act creating an Iowa economic development bond bank program within the Iowa finance authority to provide financing for economic development and making an appropriation.

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

Senate File 2299, by committee on ways and means, a bill for an act pertaining to aircraft registration fees for aircraft owned and operated by nonprofit hospitals.

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

Senate File 2301, by committee on ways and means, a bill for an act relating to an exemption for the state sales, services, and use tax of the gross receipts from sales of general admissions for entry onto the premises or grounds of any fair.

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

Senate File 2302, by committee on ways and means, a bill for an act relating to the local option sales and services tax and the local option earnings tax and providing effective dates.

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

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 25th day of April, 1986: House Files 724, 2164, 2181, 2370, 2376, 2401, 2417 and 2452.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday, April 24, 1986. Had I been present, I would have voted "aye" on Senate Joint Resolution 2002.

OLLIE of Clinton

I was necessarily absent from the House chamber on Friday, April 25, 1986. Had I been present, I would have voted "aye" on Senate File 106.

RUNNING of Linn

PRESENTATION OF VISITORS

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

Thirty-four fifth grade students from Atkins Elementary School, Atkins, accompanied by Dawn Anderson and Darrell McReynolds. By Hummel of Benton.

Fifty-five eighth grade students from St. Edwards School, Waterloo, accompanied by Joan McCann and Don Sullivan. By McIntee and Shoultz of Black Hawk.

Twenty-five twelfth grade students from Monticello High School, Monticello, accompanied by Mr. Amsler. By McKean of Jones.

Thirty-eight sixth grade students from Pickwick Elementary School, Ottumwa, accompanied by Wallace Tixley. By Poncy of Wapello.

Twenty-five students from Floyd Valley Junior High School, Hospers, accompanied by Mike Aalbers. By Rensink of Sioux.

Thirty-five sixth grade students from Netherlands Reform Christian School, Rock Valley, accompanied by Mary Kamp. By Rensink of Sioux and De Groot of Lyon.

Twenty-two fifth grade students from Colo Elementary School, Colo, accompanied by Liz Robinson. By Rosenberg of Story.

Five eighth grade students from Kanawha Christian School, Kanawha. By Stromer of Hancock.

Twenty-five seventh through ninth grade students from Marshalltown, accompanied by Barb Peterson. By Swartz of Marshall.

COMMUNICATION RECEIVED

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

STATE BOARD OF REGENTS

A report of additions to the Ten-Year Building Program previously submitted on January 17, 1986.

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 STATE GOVERNMENT

Senate File 2289, a bill for an act 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–6036** April 25, 1986.

RESOLUTION FILED

SCR 125, by Husak, Schwengels, Drake, Boswell, Doyle, Hutchins, Soorholtz, Vande Hoef and Gratias, a concurrent resolution honoring and congratulating Jennifer J. Demmon, an Iowan who won the 1986 American Legion National Oratorical Contest.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–6032	H.F.	2472	Senate Amendment
H–6033	H.F.	2471	Senate Amendment
H–6036	S.F.	2289	Committee on State Government
H–6037	H.F.	2393	O'Kane of Woodbury

On motion by Norland of Worth, the House adjourned at 12:03 p.m., until 10:00 a.m., Monday, April 28, 1986.

JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day—Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 28, 1986

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

Prayer was offered by the Honorable Doris Peick, state representative from Linn County.

The Journal of Friday, April 25, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan on request of Swearingen of Keokuk; Renaud of Polk on request of Tabor of Jackson, both until their arrival.

PETITION FILED

The following petition was received and placed on file:

By Sullivan of Van Buren, from forty-eight constituents favoring restoration of adequate funding for R.T.A. Transit services.

SENATE MESSAGES CONSIDERED

Senate File 2303, by committee on appropriations, a bill for an act relating to restoring provisions of legislation relating to appropriations which had been removed from the comprehensive legislation on the subject of state government reorganization.

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

Senate File 2304, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

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

CONSIDERATION OF BILLS
Regular Calendar

Senate Joint Resolution 2003, a joint resolution to nullify an administrative rule on required permit application for certain feedlots, with report of committee recommending passage was taken up for consideration.

Fogarty of Palo Alto moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the resolution was read a last time.

On the question "Shall the resolution be adopted and agreed to?" (S.J.R. 2003)

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	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	Metcalf	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
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:

Groth Jay Kremer McKean
Renaud

The joint resolution having received a constitutional majority was declared adopted and agreed to by the House.

House File 2486, a bill for an act allowing sixteen and seventeen year old persons no longer in attendance at school to obtain operator licenses if they have been issued high school equivalency diplomas, with report of committee recommending passage, was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H—6024 filed by her and moved its adoption:

H—6024

Amend House File 2486 as follows:

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

"Section 1. Section 321.178, subsection 2, paragraph a, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person between sixteen and eighteen years of age who is not in attendance at school and who is self-employed may be issued a restricted license without first having completed an approved driver's education course. The restricted license shall be issued by the department only upon confirmation of the person's need for a restricted license to travel in conducting the person's self-employment. The restricted license is valid only for travel necessary in conducting the person's self-employment. The restricted license expires on the licensee's eighteenth birthday and shall be canceled upon termination of the person's self-employment."

2. Title page, by striking lines 1 through 3 and inserting the following: "An Act allowing a self-employed person between sixteen and eighteen years of age who is not in attendance at school to obtain a restricted license for travel necessary in conducting the person's self-employment."

Roll call was requested by Skow of Guthrie and Hughes of Union.

On the question "Shall amendment H–6024 be adopted?"

The ayes were, 45:

Arnould	Baxter	Brammer	Carl
Carpenter	Chapman	Clark	Cochran
Corey	Daggett	Diemer	Doderer
Fogarty	Gruhn	Handorf	Hanson
Harbor	Haverland	Jochum	Johnson
Lageschulte	Lloyd-Jones	Maulsby	Metcalf
Mullins	Norland	Ollie	Oxley
Parker	Pavich	Peick	Pellett
Peterson, M. K.	Platt	Poncy	Renken
Rosenberg	Royer	Running	Stueland
Swartz	Teaford	Van Maanen	Zimmerman
Mr. Speaker			

The nays were, 51:

Beatty	Bennett	Black	Branstad
Buhr	Carter	Connolly	Connors
Cooper	De Groot	Fey	Grandia
Groninga	Groth	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hatch	Hermann	Hester
Holveck	Hughes	Hummel	Knapp
Koenigs	Lonergan	McIntee	McKean
Miller	Muhlbauer	O'Kane	Osterberg
Paulin	Petersen, D. F.	Rensink	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Sturgeon
Sullivan	Swearingen	Tabor	Van Camp
Varn	Welden	Woods	

Absent or not voting, 4:

Blanshan	Jay	Kremer	Renaud

Amendment H–6024 lost.

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. 2486)

The ayes were, 42:

Bennett	Clark	Connolly	Corey
Daggett	Diemer	Doderer	Grandia
Halvorson, R. A.	Hanson	Harbor	Haverland
Hermann	Hummel	Jochum	Knapp
Lageschulte	Lonergan	Maulsby	Metcalf
Muhlbauer	Mullins	Norland	O'Kane
Parker	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Renken	Rensink
Rosenberg	Royer	Schnekloth	Stueland
Sullivan	Swearingen	Van Camp	Van Maanen
Welden	Woods		

The nays were, 55:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Cochran	Connors	Cooper	De Groot
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hatch	Hester	Holveck	Hughes
Jay	Johnson	Koenigs	Lloyd-Jones
McIntee	McKean	Miller	Ollie
Osterberg	Oxley	Paulin	Peick
Poncy	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Sturgeon	Tabor	Teaford
Varn	Zimmerman	Mr. Speaker	

Absent or not voting, 3:

Kremer	Renaud	Swartz

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

House File 2485, a bill for an act to legalize the proceedings of the city council of Bloomfield, Iowa, to transfer certain moneys to the general fund of the city, 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?" (H.F. 2485)

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
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	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	Renken	Rensink	Rosenberg
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Varn	Welden	Zimmerman
Mr. Speaker			

The nays were, 3:

Lageschulte	Lloyd-Jones	Teaford

Absent or not voting, 4:

Kremer	Renaud	Royer	Woods

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 2486)

Skow of Guthrie called up for consideration the motion to reconsider House File 2486, filed by him from the floor, and moved to reconsider the vote by which House File 2486, a bill for an act allowing sixteen and seventeen year old persons no longer in attendance at school to obtain operator licenses if they have been issued high school equivalency diplomas, failed to pass the House and was placed on its last reading on April 28, 1986.

A non-record roll call was requested.

The ayes were 55, nays 35.

The motion prevailed and the House reconsidered House File 2486, placing out of order the motion to reconsider filed by Stromer of Hancock from the floor.

Stromer of Hancock moved to reconsider the vote by which amendment H—6024, (found on page 1809 of the House Journal) failed to be adopted by the House on April 28, 1986.

A non-record roll call was requested.

The ayes were 46, nays 18.

The motion prevailed and the House reconsidered amendment H—6024.

Norland of Worth asked and received unanimous consent that House File 2486 be deferred and that the bill retain its place on the calendar.

(Amendment H—6024 pending.)

JOINT RULE 13.2 INVOKED

Black of Jasper rose on a point of order and invoked Joint Rule 13.2, requiring that a conference committee meet before the end of the next legislative day after their appointment, on House File 665, a bill for an act relating to the operation of motorboats.

The Speaker ruled the point well taken and the conference committee dissolved.

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 665)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 665: Black of Jasper, Chair; Haverland of Polk, Varn of Johnson, Diemer of Black Hawk and Paulin of Plymouth.

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

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar on April 3, 1986.

Swartz of Marshall offered the following amendment H—5605 filed by the committee on small business and commerce:

H—5605

Amend Senate File 2210 as passed by the Senate as follows:

1. Page 1, line 17, by striking the figure "1986" and inserting the figure "1987".

Swartz of Marshall offered the following amendment H—6038, to the committee amendment H—5605, filed by him from the floor:

H—6038

Amend the Committee on Small Business and Commerce amendment, H—5605, to Senate File 2210 as passed by the Senate as follows:

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

"_____. Page 1, by inserting before line 1 the following:

"Sec._____. Section 321.1, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 87. "Liability insurance coverage" means any of the following:

a. An owner's policy of liability insurance which is issued by an insurance carrier authorized to do

business in this state to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle within the United States of America or the Dominion of Canada, but subject to minimum limits, exclusive of interest and costs, in the amounts specified in section 321A.21. However, if another provision of the Code requires a person to have liability insurance coverage which exceeds the minimum requirements of this subsection, that provision of the Code supersedes the minimum requirements of this subsection.

b. A valid certificate of self-insurance issued by the director pursuant to section 321A.34.

c. A bond filed with the director pursuant to section 321A.24.

d. A valid certificate of deposit of money or security issued by the treasurer of state pursuant to section 321A.25.

NEW SUBSECTION. 88. "Proof of insurance card" means either a liability insurance card issued under section 321.20A, bond insurance card issued under section 321A.24, security insurance card issued under section 321A.25, or self-insurance card issued under section 321A.34.

Sec._____. NEW SECTION. 321.20A PROOF OF SECURITY AGAINST LIABILITY.

1. Notwithstanding chapter 321A, as it pertains to who is required to maintain proof of financial responsibility, a person shall not drive a motor vehicle which is registered in this state on the highways of this state unless liability insurance coverage as defined in section 321.1, subsection 87,

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is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of insurance card issued for the motor vehicle.

2. An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a liability insurance card for each registered motor vehicle insured. The liability insurance card shall be in

accordance with rules adopted by the commissioner of insurance pursuant to chapter 17A after consultation with the state department of transportation. Each liability insurance card shall identify the registration number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The liability insurance card shall also contain the name and address of the insured and insurer.

3. An owner or driver of a motor vehicle who is charged with violating subsection 1 shall not be convicted if the person produces in court, within a reasonable time, proof that the motor vehicle had liability insurance coverage at the time of the person's arrest.

4. The requirements of this section do not apply to insured owners of motor vehicles required to maintain minimum limits of liability coverage as required in sections 325.26, 327.15, 327A.5, 327B.1, and 327B.6.

Sec._____. Section 321.54, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Nonresident owners of foreign vehicles operated within this state for the intrastate transportation of persons or property for compensation or for the intrastate transportation of merchandise shall register and maintain liability insurance coverage for each ~~such~~ vehicle and pay the same fees ~~therefor as is~~ required ~~with reference to~~ for like vehicles owned by residents of this state.

Sec._____. Section 321.55, Code 1985, is amended to read as follows:

321.55 REGISTRATION REQUIRED FOR CERTAIN VEHICLES OWNED OR OPERATED BY NONRESIDENTS.

A nonresident owner or operator engaged in remunerative employment within the state or carrying on business within the state and owning or operating a motor vehicle, trailer, or semitrailer within the state shall register and maintain liability insurance coverage for each such vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, this paragraph

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does not apply to a person commuting from the person's residence in another state or whose employment is seasonal or temporary, not exceeding ninety days.

A nonresident owner of a motor vehicle operated within the state by a resident of the state shall register the vehicle and shall maintain liability insurance coverage for the vehicle. The nonresident owner shall pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, registration under this paragraph ~~does not apply to~~ is not required for vehicles being operated by residents temporarily, not exceeding ninety days. It is unlawful for a resident to operate within the state an unregistered motor vehicle required to be registered under this paragraph.

Sec. _____. Section 321.57, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A dealer owning any vehicle of a type otherwise required to be registered ~~hereunder~~ under this chapter may operate or move the ~~same~~ vehicle upon the highways solely for purposes of transporting, testing, demonstrating or selling the ~~same~~ vehicle without registering ~~each such~~ the vehicle upon condition that ~~any such~~ the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to ~~such~~ the owner as provided in sections 321.58 to 321.62. ~~In addition to the foregoing, a~~ However, if the vehicle is a motor vehicle the dealer shall maintain liability insurance coverage for the motor vehicle as required under section 321.20A. A new car dealer or a used car dealer may operate or move upon the highways any new or used car or trailer owned by the dealer for either private or business purposes without registering ~~the same~~ it providing, ~~(1)~~ ~~such~~ the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and ~~(2)~~ there is displayed ~~thereon~~ on it a special plate issued to ~~such~~ the dealer as provided in sections 321.58 to 321.62.

Sec. _____. Section 321.492, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license, to require exhibition of the proof of insurance card issued for the vehicle if the vehicle is a motor vehicle registered in this state, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment,

tires and safety equipment, or to inspect the registration certificate, the compensation

certificate, travel order, or permit of the vehicle.

Sec. _____. Section 321A.24, subsection 1, Code 1985, is amended to read as follows:

1. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge or clerk of a court of record, which ~~said~~ bond shall be conditioned for payment of the amounts specified in section 321A.1, subsection 10. ~~Such~~ The bond shall be filed with the director and shall not be cancelable except after ten days' written notice to the director. ~~Such~~ The director shall issue to the person filing the bond, a bond insurance card for each motor vehicle registered by the person in the state. The bond insurance card shall state the name and address of the person and the motor vehicle registration number of the vehicle for which the card is issued. The bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed ~~such~~ the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use ~~thereof~~ of the property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after ~~such~~ the bond was filed, upon the filing of notice to that effect by the director in the office of the proper clerk of court of the county where ~~such~~ the real estate ~~shall be~~ is located. ~~Any~~ An individual surety ~~so~~ scheduling real estate security shall furnish satisfactory evidence of title ~~thereto~~ to the property and the nature and extent of all encumbrances ~~thereon~~ on the property and the value of the surety's interest ~~therein~~ in the property, in ~~such~~ the manner ~~as~~ the judge or clerk of the court of record approving the bond ~~may require~~ requires. The notice filed by the director shall, in addition to any other matters deemed by the director to be pertinent, contain a legal description of the real estate ~~so~~ scheduled, the name of the holder of the record title, the amount for which it stands as security, and the name of the

person in whose behalf proof is ~~so~~ being made. Upon the filing of ~~such~~ the notice the clerk of the court of such county shall retain the ~~same~~ notice as part of the records of ~~such~~ the court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the description of the real estate, and the further notation that a lien is charged on ~~such~~ the real estate pursuant to the filed notice ~~filed hereunder~~. From and after the entry of the ~~foregoing~~ notice upon the encumbrance book all persons ~~whomsoever shall be~~ are charged with notice ~~thereof~~ of it.

Sec. _____. Section 321A.25, subsection 1, Code 1985, is amended to read as follows:

1. ~~With respect to accidents occurring on or after January 1, 1981, and before January 1, 1983, proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named in the certificate has deposited with the treasurer forty thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of forty thousand dollars; and with respect to accidents occurring on or after January 1, 1983, proof~~ Proof of financial responsibility may be evidenced by the certificate of the ~~state~~ treasurer of state that the person named in the certificate has deposited with the treasurer of state fifty-five thousand dollars in cash, or securities ~~such as~~ which may legally be purchased by a state bank or ~~for~~ trust funds of a market value of fifty-five thousand dollars. The treasurer of state shall promptly notify the director of transportation of the name and address of the person who has been issued the certificate. Upon receipt of the notification, the director of transportation shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The ~~state~~ treasurer of state shall not accept a deposit and issue a certificate for it and the director shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Sec. _____. Section 321A.34, subsections 2 and 3, Code 1985, are amended to read as follows:

2. The director may, in the director's discretion, upon the application of such a person, issue a

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certificate of self-insurance when the director is satisfied that ~~such~~ the person is possessed and will continue to be possessed of ability to pay judgments obtained against ~~such~~ the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the person. However, a certificate of self-insurance shall not be issued unless the person files a bond under section 321A.24 or cash or securities under section 321A.25. The director shall issue to each person who has in effect a valid certificate of self-insurance, a self-insurance card for each motor vehicle registered in this state by the person. The card shall state the name and address of the person and shall state the registration number of the motor vehicle for which the card was issued.

3. Upon not less than five days' notice and a hearing pursuant to such notice, the director may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the self-insurer within thirty days after ~~such~~ the judgment ~~shall have become~~ becomes final ~~shall constitute~~ constitutes a reasonable ground for the cancellation of a certificate of self-insurance. Upon the cancellation of a certificate of self-insurance, the person who was issued the certificate shall surrender to the director all self-insurance cards issued to the person.

Sec. _____. Section 516A.1, Code 1985, is amended to read as follows:

516A.1 COVERAGE INCLUDED IN EVERY LIABILITY POLICY -- ~~REJECTION BY~~ INSURED.

~~No~~ An automobile liability or motor vehicle liability insurance policy insuring against liability for bodily injury or death arising out of the ownership, maintenance, or use of a motor vehicle shall not be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided in ~~such~~ the policy or supplemental ~~thereto~~ to the policy, for the protection of persons insured under ~~such~~ the policy who are legally entitled to recover damages from the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle or an underinsured motor vehicle because of bodily injury, sickness, or disease, including death resulting therefrom, caused by accident and arising out of the ownership, maintenance, or use of ~~such~~ the uninsured or underinsured motor vehicle, or arising

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out of physical contact of ~~such~~ the hit-and-run motor vehicle with the person insured or with a motor vehicle which the person insured is occupying at the time of the accident. Both the uninsured motor vehicle or hit-and-run motor vehicle coverage, and the underinsured motor vehicle coverage shall include limits for bodily injury or death at least equal to those ~~stated in section 321A.1, subsection 10~~ provided in the automobile or motor vehicle liability coverage of the policy. The form and provisions of ~~such~~ the coverage shall be examined and approved by the commissioner of insurance.

~~However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle or hit-and-run motor vehicle coverage, or reject the underinsured motor vehicle coverage, by written rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.~~" "

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

"_____. Page 1, by inserting after line 25 the following:

"Sec._____. NEW SECTION. 516B.3 PROHIBITION AGAINST POLICY RATE INCREASES SOLELY BECAUSE OF CLAIM FILED FOR ACCIDENTS INVOLVING UNINSURED OR UNDERINSURED MOTORISTS.

The rate for an insured's automobile insurance or motor vehicle insurance policy insuring against injury or damages arising out of use of a motor vehicle registered in this state delivered or issued for delivery in this state shall not be increased solely because a claim or claims against the policy were made due to injury or damages sustained caused by accident and arising out of the use of an uninsured or underinsured motor vehicle.

Sec._____. NEW SECTION. 516B.4 APPLICATION.

Section 516B.3 applies only to accidents in which the driver of the uninsured or underinsured motor vehicle is charged with violating section 321.20A. The section also applies only in accidents where the insured was not at fault in the accident. The commissioner of insurance shall adopt rules pursuant to chapter 17A determining the reasonable percentage

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of fault at which the insured shall be deemed to be not at fault in an accident, however, the rules adopted shall require that the percentage of fault be less than fifty percent.

Sec._____. NEW SECTION. 516C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the insurance department of Iowa.

2. "Commissioner" means the commissioner of insurance or the commissioner's designee.

3. "Victim" means a person who suffers personal injury or death as a result of an accident arising out of the ownership, maintenance, or use of an uninsured motor vehicle in the state and who is not the owner of the uninsured motor vehicle.

4. "Dependent" means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim's death.

5. "Reparation" means compensation awarded by the commissioner as authorized by this chapter.

Sec._____. NEW SECTION. 516C.2 AWARD OF REPARATION.

The commissioner shall award reparations authorized by this chapter if the commissioner is satisfied that the requirements for reparation have been met.

Sec._____. NEW SECTION. 516C.3 DUTIES OF COMMISSIONER.

The commissioner shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the uninsured motorists' victim reparation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.

2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.

3. Publicize through the department, state department of transportation, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the uninsured motorists' victim reparation program, including the procedures for obtaining reparation under the program.

4. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if reparation is made. The department shall be responsible for the cost of the medical examination from moneys deposited in the

uninsured motorists' victim reparation fund if reparation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.

Sec._____. NEW SECTION. 516C.4 APPLICATION FOR REPARATION.

1. To claim a reparation under the uninsured motorists' victim reparation program, a person shall apply in writing on a form prescribed by the commissioner and file the application with the commissioner within one hundred eighty days after the date of the accident or within one hundred twenty days after the date of death of the victim.

2. A person is not eligible for reparation unless the accident was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. However, if the accident cannot reasonably be reported within that time period, the accident shall have been reported within seventy-two hours of the time a report can reasonably be made.

Sec._____. NEW SECTION. 516C.5 REPARATIONS PAYABLE.

On or after July 1, 1987, the commissioner may order the payment of reparation:

1. To or for the benefit of the person filing the claim.

2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.

3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to a reparation, the reparation may be apportioned by the commissioner as the commissioner determines to be fair and equitable among the dependents.

Sec._____. NEW SECTION. 516C.6 COMPUTATION OF REPARATION.

The commissioner shall make reparation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed ten thousand dollars.

2. Loss of income from work the victim would have performed and for which the victim would have received compensation if the victim had not been injured not to exceed two thousand dollars.

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3. Reasonable funeral and burial expenses not to exceed two thousand five hundred dollars.

4. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed two thousand dollars per dependent or a total of six thousand dollars.

Sec._____. NEW SECTION. 516C.7 REDUCTIONS AND DISQUALIFICATIONS.

Reparations are subject to reduction and disqualification as follows:

1. A reparation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death:

a. From or on behalf of, the owner or driver of the uninsured motor vehicle.

b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.

c. From public funds.

d. As an emergency award under section 516C.11.

2. A person is disqualified from receiving a reparation if the victim has not cooperated with an appropriate law enforcement agency in the investigation or prosecution of the accident relating to the claim, or has not cooperated with the department in the administration of the uninsured motorists' victim reparation program.

Sec._____. NEW SECTION. 516C.8 REPARATION WHEN MONEY INSUFFICIENT.

Notwithstanding this chapter a victim otherwise qualified for a reparation under the uninsured motorists' victim reparation program, is not entitled to the reparation when there is insufficient money in the uninsured motorists' victim reparation fund to pay the reparation.

Sec._____. NEW SECTION. 516C.9 ERRONEOUS OR FRAUDULENT PAYMENT — PENALTY.

1. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the reparation. The commissioner may waive, decrease, or adjust the amount of the repayment of the reparation. However, if the commissioner does not notify the recipient of the erroneous payment or overpayment within one year of the date the reparation was made, the recipient is not liable for the repayment of the reparation.

2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment of the reparation.

Sec._____. NEW SECTION. 516C.10 RELEASE OF INFORMATION.

A person in possession or control of investigative or other information pertaining to an uninsured motorists' accident or a victim filing for a reparation shall allow the inspection and reproduction of the information by the commissioner upon the request of the commissioner, to be used only in the administration and enforcement of the uninsured motorists' victim reparation program. Information and records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the commissioner as required under this section.

Sec._____. NEW SECTION. 516C.11 EMERGENCY PAYMENT REPARATION.

If the commissioner determines that reparation may be made and that undue hardship may result to the person if partial immediate payment is not made, the commissioner may order an emergency reparation to be made to the person, not to exceed five hundred dollars.

Sec._____. NEW SECTION. 516C.12 RIGHT OF ACTION AGAINST PERPETRATOR — SUBROGATION.

A right of legal action by the victim against the owner or driver of an uninsured motor vehicle is not lost as a consequence of a person receiving reparation under the uninsured motorists' victim reparation program. If a person receiving reparation under the program seeks indemnification which would reduce the reparation under section 516C.7, subsection 1, the commissioner is subrogated to the recovery to the extent of payments by the commissioner to or on behalf of the person. The commissioner has a right of legal action against the owner or operator of an uninsured motor vehicle involved in an accident resulting in payment of reparation by the department to the extent of the reparation payment. However, legal action by the commissioner does not affect the right of a person to seek further relief in other legal actions.

Sec._____. NEW SECTION. 516C.13 UNINSURED MOTORISTS' VICTIM REPARATION FUND.

The uninsured motorists' victim reparation fund is created. Notwithstanding section 602.8106, all fines

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from violations of section 321.20A, subsection 1, received by the treasurer of state shall be deposited in the uninsured motorists' victim reparation fund. The state comptroller shall report monthly to the commissioner an account of all credits and disbursements from the fund. The state comptroller shall issue warrants for disbursements from the fund upon proper certification by the commissioner.

Sec._____. Section 805.6, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person who has been stopped by a peace officer pursuant to section 321.492 and who exhibited to the peace officer a proof of insurance card as defined under section 321.1, subsection 88, issued for the driven motor vehicle which, upon subsequent investigation by the peace officer, is found to be invalid, may be issued a uniform citation and complaint for a violation of section 321.20A, subsection 1, without the need of obtaining the signature of the person to whom the uniform citation and complaint is issued. The uniform citation and complaint shall be served in the manner of an original notice by R.C.P. 56.1, paragraph "a" or by certified mail addressed to the person at the address shown by the records of the state department of transportation. Return acknowledgement is required to prove the latter service.

Sec._____. Section 805.8, subsection 2, Code Supplement 1985, is amended by adding the following new paragraph:

NEW PARAGRAPH. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20A, subsection 1, the scheduled fine is five hundred dollars, otherwise the scheduled fine for violations of section 321.20A, subsection 1 is one hundred dollars.

Sec._____. Section 516A.2, Code 1985, is repealed.

Sec._____. This Act takes effect January 1, 1987. In order to implement this Act, the insurance department of Iowa and the state department of transportation shall adopt rules as required under this Act by October 1, 1986. The treasurer of state shall notify the director of transportation of the names and addresses of persons who are issued valid certificates under section 321A.25, subsection 1, by November 1, 1986, and after that date the treasurer of state shall notify the director of transportation as required under section 321A.25, subsection 1, as amended by this Act. Insurance carriers authorized to do business in this state and the director of

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transportation shall distribute proof of insurance cards as required under this Act by December 1, 1986."

_____. Title page, line 1, by inserting after the word "Act" the following: "relating to motor vehicle insurance including insurance coverage requirements for motor vehicles in this state, creating the uninsured motorists' victim reparation fund, and providing provisions".

_____. Title page, line 4, by inserting after the word "bill" the following: "and providing a penalty and effective dates".

_____. By renumbering as necessary."

Halvorson of Clayton rose on a point of order that amendment H—6038 was not germane.

The Speaker ruled the point well taken and amendment H—6038 not germane.

Swartz of Marshall moved that the rules be suspended to consider amendment H—6038.

A non-record roll call was requested.

The ayes were 36, nays 39.

The motion to suspend the rules lost.

On motion by Swartz of Marshall, the committee amendment H—5605 was adopted.

Swartz of Marshall offered the following amendment H—5681 filed by him and moved its adoption:

H—5681

Amend Senate File 2210 as passed by the Senate as follows:

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

"In making the determination on the amount of reduction of automobile liability insurance premiums which takes effect July 1, 1987, the commissioner may employ or contract with actuarial consultants as necessary in making the determination. The reasonable

fees and expenses of an actuarial consultant employed or contracted by the commissioner for the purpose of determining the amount of the July 1, 1987 reduction shall be assessed against and paid by the affected insurance companies."

2. Renumber as necessary.

Amendment H—5681 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2210)

The ayes were, 81:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carter	Chapman	Clark
Cochran	Connolly	Connors	Cooper
Daggett	De Groot	Diemer	Doderer
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	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Pavich	Peick	Peterson, M. K.	Poncy
Rosenberg	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 15:

Bennett	Carpenter	Corey	Grandia
Handorf	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Skow	Van Camp	Welden	

Absent or not voting, 4:

Fey	Kremer	Parker	Renaud

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

RULE 25 SUSPENDED

Norland of Worth moved that Rule 25 be suspended for the immediate consideration of House Concurrent Resolutions 136, 134, 135 and 133.

A non-record roll call was requested.

The ayes were 55, nays 37.

The motion prevailed and Rule 25 was suspended.

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 Resolution, a concurrent resolution relating to the board of regents' ten-year building program and providing for the chemistry-botany remodeling, phase II at the university of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 1986.

Committee Resolution, a concurrent resolution relating to the board of regents' ten-year building program and providing for Gilman hall remodeling, phase II, at Iowa state university of science and technology.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 1986.

Committee Resolution, a concurrent resolution relating to the board of regents' ten-year building program and providing for the construction and equipping of a classroom/office building at the university of northern Iowa.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 1986.

Committee Resolution, a concurrent resolution relating to the board of regents' ten-year building program and providing for the purchase of equipment.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 1986.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 136

Varn of Johnson called up for consideration House Concurrent Resolution 136 as follows:

House Concurrent Resolution 136
By Committee On Appropriations

A Concurrent Resolution relating to the board of regents' ten-year building program and providing for the chemistry-botany remodeling, phase II at the university of Iowa.

Whereas, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-first General Assembly of the State of Iowa, Second Session, submitted to the Seventy-first General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal year beginning July 1, 1986, and ending June 30, 1987; and

Whereas, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions and for fire and environmental safety purposes of the institutions; and

Whereas, section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the General Assembly and approval by the Governor, may undertake

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and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

Whereas, chapter 262A authorizes the state board of regents to borrow money and to issue and sell

negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

Whereas, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out a certain project at this time and to finance its cost by borrowing money and issuing negotiable bonds under chapter 262A in a total amount not to exceed eight million five hundred fifty thousand (8,550,000) dollars, the remaining cost of the project to be financed by capital appropriations or by federal or other funds lawfully available; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction is approved; and

Be It Further Resolved, That no commitment is implied or intended by approval to fund any portion of the proposed ten-year building program submitted by the state board of regents beyond the portion that is

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approved by the Seventy-first General Assembly, Second Session, and the Governor; and

Be It Further Resolved, That during the fiscal year which commences July 1, 1986, and which ends June 30, 1987, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A unless additional bonding is authorized is eight million five hundred fifty thousand (8,550,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1987, and if all that amount should not be issued during the fiscal year ending June 30, 1987, any remaining balance may be issued during the fiscal year ending June 30, 1988, and this plan of financing is approved; and

Be It Further Resolved, That the state board of regents is authorized to undertake and carry out the chemistry-botany remodeling — phase II at the state university of Iowa and to pay all or any part of the cost of carrying out the project by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed eight million five hundred fifty thousand (8,550,000) dollars.

Muhlbauer of Crawford in the chair at 3:23 p.m.

Maulsby of Calhoun rose on a point of order that the resolution was not in order pursuant to Sec. 262A.3, Code of Iowa.

The Speaker ruled the point not well taken and the resolution in order.

Varn of Johnson moved the adoption of House Concurrent Resolution 136.

A non-record roll call was requested.

The ayes were 57, nays 33.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 134

Varn of Johnson called up for consideration House Concurrent Resolution 134, as follows and moved its adoption:

House Concurrent Resolution 134
By Committee On Appropriations

A Concurrent Resolution relating to the board of regents' ten-year building program and providing for Gilman hall remodeling, phase II, at Iowa state university of science and technology.

Whereas, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-first General Assembly of the State of Iowa, Second Session, submitted to the Seventy-first General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal year beginning July 1, 1986, and ending June 30, 1987; and

Whereas, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions and for fire and environmental safety purposes of the institutions; and

Whereas, section 262A.4 provides that the state

board of regents, after authorization by a constitutional majority of each house of the General Assembly and approval by the Governor, may undertake

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and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

Whereas, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

Whereas, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out a certain project at this time and to finance its cost by borrowing money and issuing negotiable bonds under chapter 262A in a total amount not to exceed five million four hundred thousand (5,400,000) dollars, the remaining cost of the project to be financed by capital appropriations or by federal or other funds lawfully available; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction is approved; and

Be It Further Resolved, That no commitment is implied or intended by approval to fund any portion of the proposed ten-year building program submitted by the state board of regents beyond the portion that is

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approved by the Seventy-first General Assembly, Second Session, and the Governor; and

Be It Further Resolved, That during the fiscal year which commences July 1, 1986, and which ends June 30, 1987, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A unless additional bonding is authorized is five million four hundred thousand (5,400,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1987, and if all that amount should not be issued during the fiscal year ending June 30, 1987, any remaining balance may be issued

during the fiscal year ending June 30, 1988, and this plan of financing is approved; and

Be It Further Resolved, That the state board of regents is authorized to undertake and carry out the Gilman hall remodeling — phase II at Iowa state university of science and technology and to pay all or any part of the cost of carrying out the project by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed five million four hundred thousand (5,400,000) dollars.

A non-record roll call was requested.

The ayes were 71, nays 18.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 135

Varn of Johnson called up for consideration House Concurrent Resolution 135, as follows and moved its adoption:

House Concurrent Resolution 135
By Committee On Appropriations

A Concurrent Resolution relating to the board of regents' ten-year building program and providing for the construction and equipping of a classroom/office building at the university of northern Iowa.

Whereas, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-first General Assembly of the State of Iowa, Second Session, submitted to the Seventy-first General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal year beginning July 1, 1986, and ending June 30, 1987; and

Whereas, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions and for economic development for this state; and

Whereas, section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the General Assembly and approval by the Governor, may undertake

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and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

Whereas, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

Whereas, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out a certain project at this time and to finance its cost by borrowing money and issuing negotiable bonds under chapter 262A in a total amount not to exceed ten million two hundred thousand (10,200,000) dollars, the remaining cost of the project to be financed by capital appropriations or by federal or other funds lawfully available; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction is approved; and

Be It Further Resolved, That no commitment is implied or intended by approval to fund any portion of the proposed ten-year building program submitted by the state board of regents beyond the portion that is

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approved by the Seventy-first General Assembly, Second Session, and the Governor; and

Be It Further Resolved, That during the fiscal year which commences July 1, 1986, and which ends June 30, 1987, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A unless additional bonding is authorized is ten million two hundred thousand (10,200,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1987, and if all that amount should not be issued during the fiscal year ending June 30, 1987, any remaining balance may be issued during the

fiscal year ending June 30, 1988, and this plan of financing is approved; and

Be It Further Resolved, That the state board of regents is authorized to undertake and carry out the construction and equipping of a classroom/office building at the university of northern Iowa and to pay all or any part of the cost of carrying out the project by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed ten million two hundred thousand (10,200,000) dollars.

A non-record roll call was requested.

The ayes were 56, nays 27.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 133

Varn of Johnson called up for consideration House Concurrent Resolution 133, as follows and moved its adoption:

House Concurrent Resolution 133
By Committee On Appropriations

A Concurrent Resolution relating to the board of regents' ten-year building program and providing for the purchase of equipment.

Whereas, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-first General Assembly of the State of Iowa, Second Session, submitted to the Seventy-first General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal year beginning July 1, 1986, and ending June 30, 1987; and

Whereas, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions; and

Whereas, section 262A.4 provides that the state board of regents, after authorization by a

constitutional majority of each house of the General Assembly and approval by the Governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as

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defined in chapter 262A; and

Whereas, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

Whereas, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out certain projects at this time and to finance their cost by borrowing money and issuing negotiable bonds under chapter 262A in a total amount not to exceed five million (5,000,000) dollars, the remaining cost of the projects to be financed by capital appropriations or by federal or other funds lawfully available; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction is approved; and

Be It Further Resolved, That no commitment is implied or intended by approval to fund any portion of the proposed ten-year building program submitted by the state board of regents beyond the portion that is approved by the Seventy-first General Assembly, Second Session, and the Governor; and

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Be It Further Resolved, That during the fiscal year which commences July 1, 1986, and which ends June 30, 1987, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A unless additional bonding is authorized is five million (5,000,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1987, and if all that amount should not be issued during the fiscal year ending June 30, 1987, any remaining balance may be issued during the fiscal year ending June 30, 1988, and this plan of financing is approved; and

Be It Further Resolved, That the state board of regents is authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out the projects by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed five million (5,000,000) dollars:

State University of Iowa
Biotechnology equipment
Laser science and engineering equipment
Cost of issuance of bonds

Iowa State University of Science and Technology
Biotechnology equipment
Microelectronics equipment
Cost of issuance of bonds

University of Northern Iowa
Instructional, research, and computational equipment
Cost of issuance of bonds

A non-record roll call was requested.

The ayes were 57, nays 33.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar on April 3, 1986.

Blanshan of Greene offered the following amendment H—5161 filed by the committee on state government and moved its adoption:

H—5161

Amend Senate File 97 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 6, by striking the figure "1966" and inserting the figure "1967".

The committee amendment H—5161 was adopted.

Jay of Appanoose offered the following amendment H—5837 filed by him:

H—5837

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

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

"Section 1. Section 321.281, subsection 11, Code 1985, is amended to read as follows:

11. If a defendant is convicted of a first offense of this section and the defendant's license or permit to operate a motor vehicle is revoked under section 321.209 or chapter 321B for the occurrence from which the arrest arose, the period of revocation shall be the period provided for such a revocation or until the defendant reaches the age of ~~nineteen~~ twenty-one whichever period is longer. A person whose license to operate a motor vehicle is revoked pursuant to this subsection may be issued a temporary restricted driving permit by the department allowing the person to drive to and from the person's home and place of employment and in the course of the person's employment and to attend evaluation, treatment or educational services for alcohol or drug dependency.

Sec. 2. Section 321B.16, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Upon certification by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation of section 321.281, that there existed one or more of the necessary conditions for chemical testing described in section 321B.4, subsection 1, and that the person submitted to chemical testing and the test results indicated an alcohol concentration of ten hundredths or more, the department shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one hundred eighty days if the person has had no revocation within the previous six years under section 321.209, subsection 2, section 321.281 or this chapter, and one year if the person has had one or more previous revocations under those provisions arising from separate occurrences. However, if a person under the age of twenty-one submits to a chemical test under this section, and the test results indicate any amount of alcohol concentration, the department shall revoke the person's license or permit to drive or nonresident operating privilege for the period provided under this section or until the person reaches age twenty-one, whichever period is longer."

Blanshan of Greene rose on a point of order that amendment H—5837 was not germane.

The Speaker ruled the point well taken and amendment H—5837 not germane.

Jay of Appanoose moved that the rules be suspended to consider amendment H—5837.

A non-record roll call was requested.

The ayes were 36, nays 52.

The motion to suspend the rules lost.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5987 filed by him and Halvorson of Webster on April 23, 1986.

Carter of Henry offered the following amendment H—5320 filed by him and Halvorson of Webster and moved its adoption:

H—5320

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, line 3, by striking the words "twenty-one" and inserting the words "twenty-five".

2. Page 1, by striking lines 5 and 6.

Roll call was requested by McIntee of Black Hawk and Halvorson of Webster.

On the question "Shall amendment H—5320 be adopted?"

The ayes were, 21:

Beatty	Carter	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hughes	Hummel
Jay	Knapp	Koenigs	Lonergan
O'Kane	Osterberg	Parker	Rosenberg
Running	Sturgeon	Teaford	Woods
Zimmerman			

The nays were, 73:

Arnould	Avenson	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors

Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Halvorson, R. A.	Hanson	Harbor
Hatch	Hermann	Hester	Holveck
Jochum	Johnson	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Ollie	Oxley
Paulin	Pavich	Peick	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renken	Rensink	Royer	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tabor
Van Camp	Van Maanen	Varn	Welden
Mr. Speaker (Muhlbauer)			

Absent or not voting, 6:

Groth	Handorf	Haverland	Kremer
Norland	Renaud		

Amendment H—5320 lost.

Connolly of Dubuque offered the following amendment H—5273 filed by him and moved its adoption:

H—5273

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, line 6, by striking the following: "June 30" and inserting the following: "September 15".

Amendment H—5273 was adopted.

Halvorson of Webster asked and received unanimous consent to temporarily defer action on amendment H—5615.

Stromer of Hancock offered the following amendment H—5818 filed by Stromer, et al.:

H—5818

Amend Senate File 97 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking lines 5 and 6 and inserting the following:

"Sec. 2. A person who was born on or before September 1, 1967, may continue to purchase and consume alcoholic beverages and shall be treated as a person who is 21 years old for that purpose."

Speaker Avenson in the chair at 5:08 p.m.

On motion by Stromer of Hancock, amendment H—5818 was adopted, placing the following amendments previously adopted out of order:

H—5161 filed by the committee on state government and found on page 1838 of the House Journal.

H—5273 filed by Connolly of Dubuque and found on page 1841 of the House Journal.

Jochum of Dubuque offered the following amendment H—6046 filed by him from the floor and moved its adoption:

H—6046

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 3 through 13 and inserting the following:

"33. "Legal age" means nineteen years of age or more for persons who are residents of Iowa and twenty-one years of age or more for persons who are not residents of Iowa."

A non-record roll call was requested.

The ayes were 28, nays 50.

Amendment H—6046 lost.

Varn of Johnson asked and received unanimous consent to temporarily defer action on amendment H—5953.

Blanshan of Greene offered the following amendment H—6040 filed from the floor by Blanshan, Varn and Halvorson of Webster:

H—6040

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 1 through 13 and inserting the following:

"Section 1. Chapter 123, Code 1985, is amended by adding the following new section:

NEW SECTION. 123.47A PERSONS AGE NINETEEN AND TWENTY.

A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age nineteen or twenty. A person age nineteen or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age nineteen or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge and consent of the person's parent or guardian, and a person age nineteen or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee. A person, other than a licensee or permittee, who violates this section is guilty of a simple misdemeanor punishable by a fine of ten dollars. A licensee or permittee who violates this section is guilty of a simple misdemeanor punishable by a fine of twenty-five dollars. The penalty provided under this section against a licensee or permittee who violates this section is the only penalty which shall be imposed against a licensee or permittee who violates this section.

Sec. 2. Section 1 of this Act does not apply to persons born on or before September 15, 1967."

Halvorson of Webster offered the following amendment H—6042, to amendment H—6040, filed by him from the floor and moved its adoption:

H—6042

Amend the amendment, H—6040, to Senate File 97 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 3, by striking the figure "13" and inserting the figure "6".

Amendment H—6042 was adopted.

Stromer of Hancock offered the following amendment H—6045, to amendment H—6040, filed from the floor by Stromer, Maulsby, Welden, Halvorson of Clayton, Harbor, McIntee, Branstad, De Groot and Clark and moved its adoption:

H–6045

Amend amendment H–6040 to Senate File 97 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, line 33 by striking the numeral "15" and inserting the numeral "1".

Amendment H–6045 was adopted.

Cooper of Lucas in the chair at 5:39 p.m.

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.

Blanshan of Greene moved the adoption of amendment H–6040, as amended.

A non-record roll call was requested.

The ayes were 20, nays 59.

Amendment H–6040, as amended, lost.

Norland of Worth asked and received unanimous consent that Senate File 97 be temporarily deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills and resolutions to the Senate: House File 2485, Senate File 2210 and House Concurrent Resolutions 133, 134, 135 and 136.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the second conference committee, appointed April 28, 1986, to House File 665, a bill for an act relating to the operation of motorboats, on the part of the Senate, are: The

Senator from Kossuth, Senator Priebe, Chair; the Senator from Polk, Senator Gentleman; the Senator from Tama, Senator Husak; the Senator from Dallas, Senator Riordan; and the Senator from Jefferson, Senator Schwengels.

K. MARIE THAYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(Senate File 2052)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2052: Blanshan of Greene, Chair; Doderer of Johnson, Hammond of Story, Renken of Grundy and Swearingen of Keokuk.

CONSIDERATION OF BILL

The House resumed consideration of **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, temporarily deferred.

Halvorson of Webster asked and received unanimous consent to temporarily defer action on amendment H—5614.

Halvorson of Webster offered the following amendment H—5618 filed by him:

H—5618

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

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

"Sec. 4. Section 595.2, Code Supplement 1985, is amended to read as follows:

595.2 AGE.

A marriage between a male and a female each ~~eighteen~~ twenty-one years of age or older is valid. A marriage between a male and a female either or both of whom have not attained that age may be valid under the circumstances prescribed in this section.

1. If either party to a marriage falsely represents himself or herself to be ~~eighteen~~ twenty-one years of age or older at or before the time the marriage is solemnized, the marriage is valid unless the person who falsely represented his or her age

chooses to void the marriage by making his or her true age known and verified by a birth certificate or other legal evidence of age in an annulment proceeding initiated at any time before he or she reaches his or her ~~eighteenth~~ twenty-first birthday. A child born of a marriage voided under this subsection is legitimate.

2. A marriage license may be issued to a male and a female either or both of whom are ~~sixteen~~ nineteen or ~~seventeen~~ twenty years of age if:

a. The parents of the underaged party or parties certify in writing that they consent to the marriage. If one of the parents of any underaged party to a proposed marriage is dead or incompetent the certificate may be executed by the other parent, if both parents are dead or incompetent the guardian of the underaged party may execute the certificate, and if the parents are divorced the parent having legal custody may execute the certificate and

b. The certificate of consent of the parents, parent or guardian is approved by a judge of the district court or, if both parents of any underaged party to a proposed marriage are dead, incompetent or cannot be located and the party has no guardian, the proposed marriage is approved by a judge of the district court. A judge shall grant approval under this subsection only if the judge finds the underaged party or parties capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the underaged party or parties. Pregnancy alone does not establish that the proposed marriage is in the best interest of the underaged party or parties, however if pregnancy is involved the court records which pertain to the fact

Page 2

that the female is pregnant shall be sealed and available only to the parties to the marriage or proposed marriage or to any interested party securing an order of the court.

c. If a parent or guardian withholds consent, the judge upon application of a party to a proposed marriage shall determine if the consent has been unreasonably withheld. If the judge so finds, the judge shall proceed to review the application under paragraph "b" of this subsection.

Sec. 5. Section 595.3, subsection 2, Code 1985, is amended to read as follows:

2. Where either party is under ~~eighteen~~ twenty-one years of age, unless the marriage is approved by a judge of the district court as provided by section

595.2, subsection 2.

Sec. 6. Section 599.1, Code 1985, is amended to read as follows:

599.1 PERIOD OF MINORITY.

The period of minority extends to the age of ~~eighteen~~ twenty-one years, but all minors attain their majority by marriage."

Blanshan of Greene rose on a point of order that amendment H—5618 was not germane.

The Speaker ruled the point well taken and amendment H—5618 not germane.

Hammond of Story offered the following amendment H—5841 filed by Hammond, et al.:

H—5841

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

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

"Sec. 4. This Act takes effect on the date that the minimum age for induction into military service under the selective service system is raised to twenty-one years of age."

Paulin of Plymouth rose on a point of order that amendment H—5841 was not germane.

The Speaker ruled the point well taken and amendment H—5841 not germane.

Hammond of Story moved that the rules be suspended to consider amendment H—5841.

Roll call was requested by Hammond of Story and Running of Linn.

On the question "Shall the rules be suspended to consider amendment H—5841?"

The ayes were, 36:

Baxter	Beatty	Black	Buhr
Carl	Carter	Chapman	Fey

Groninga	Gruhn	Halvorson, R. N.	Hammond
Hatch	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Lageschulte
Lloyd-Jones	Lonergan	McKean	O'Kane
Osterberg	Oxley	Parker	Peick
Peterson, M. K.	Rosenberg	Running	Sturgeon
Teaford	Varn	Woods	Zimmerman

The nays were, 55:

Arnould	Bennett	Blanshan	Brammer
Branstad	Carpenter	Clark	Cochran
Connolly	Connors	Corey	Daggett
De Groot	Diemer	Doderer	Fogarty
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Haverland	Hermann	Hester
Koenigs	Maulsby	Metcalf	Miller
Muhlbauer	Ollie	Paulin	Pavich
Pellett	Petersen, D. F.	Platt	Poncy
Rensink	Royer	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Welden	Mr. Speaker (Cooper)	

Absent or not voting, 9:

Avenson	Groth	Hughes	Kremer
McIntee	Mullins	Norland	Renaud
Renken			

The motion to suspend the rules lost.

O'Kane of Woodbury offered the following amendment H—6047 filed by him from the floor:

H—6047

Amend Senate File 97 as amended, passed, and reprinted by the Senate, as follows:

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

"Sec. 4. Section 321.177, subsections 1 and 2, Code Supplement 1985, are amended to read as follows:

1. To any person, as an operator, who is under the age of ~~eighteen~~ twenty years, without the person's first having successfully completed an approved driver education course, in which case, the minimum age is ~~sixteen~~ eighteen years. However, the department may issue a school license as provided in section 321.194,

or a temporary instruction permit as provided in section 321.180, to any person who is at least ~~fourteen~~ sixteen years of age. The department may issue a license restricted for use only for motorized bicycles as provided in section 321.189, subsection 2.

2. To any person, as a chauffeur, who is under the age of ~~eighteen~~ twenty years.

Sec. 5. Section 321.178, subsection 1, unnumbered paragraphs 3 and 4, Code 1985, are amended to read as follows:

"Student," for purposes of this section, means any person between the ages of ~~fifteen~~ seventeen years and ~~twenty-one~~ twenty-three years who resides in the public school district and who satisfies the preliminary licensing requirements of the department.

Any person who successfully completes an approved driver education course at a private or commercial driver education school licensed by the department, shall likewise be eligible for an operator's license at the age of ~~sixteen~~ eighteen years, providing the instructor in charge of the student's training has satisfied the educational requirements for a teaching certificate at the secondary level and holds a valid certificate to teach driver education in the public schools of Iowa.

Sec. 6. Section 321.178, subsection 2, Code 1985, is amended to read as follows:

2. Restricted license.

a. Any person between ~~sixteen~~ eighteen and ~~eighteen~~ twenty years of age who is not in attendance at school or who is in attendance in a public or private school where an approved driver's education course is not offered or available, may be issued a restricted license only for travel to and from work without having completed an approved driver's education course. The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license

Page 2

to travel to and from work and upon receipt of a written statement from the public or private school that an approved course in driver's education was not offered or available to the person, if applicable. The employer shall notify the department if the employment of the person is terminated before the person attains the age of ~~eighteen~~ twenty. The person shall not have a restricted license revoked or suspended upon re-entering school prior to age ~~eighteen~~ twenty provided the student enrolls in and completes the classroom portion of an approved

driver's education course as soon as a course is available.

b. The department may suspend a restricted license issued under this section upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways, other than parking violations as defined in section 321.210. After revoking a license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the person attains the age of ~~eighteen~~ twenty whichever is the longer period.

Sec. 7. Section 321.179, Code 1985, is amended to read as follows:

321.179 SPECIAL RESTRICTIONS ON CHAUFFEURS.

No person who is under the age of ~~eighteen~~ twenty years shall drive any motor vehicle while in use as a carrier of flammables or combustibles, or as a public or common carrier of persons, except a school bus.

Sec. 8. Section 321.189, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. The department may issue a motorized bicycle license to a person ~~fourteen~~ sixteen years of age or older who has passed a vision test and a written examination on the rules of the road. After January 1, 1982, persons under the age of ~~sixteen~~ eighteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license entitles the licensee to operate a

Page 3

motorized bicycle upon the highway while having the license in the licensee's immediate possession. The license is valid for a period of two years, subject to termination or cancellation as provided in this section."

Blanshan of Greene rose on a point of order that amendment H—6047 was not germane.

The Speaker ruled the point well taken and amendment H—6047 not germane.

Lageschulte of Bremer offered the following amendment H—6041 filed by him from the floor:

H—6041

Amend Senate File 97 as amended, passed, and reprinted by the Senate, as follows:

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

"Sec. 4. While the general assembly is in session, members of the general assembly shall be subject to the same restrictions regarding the purchase, possession, and consumption of alcoholic liquor, wine, and beer as are imposed on persons under age twenty-one by section 1 of this Act."

Hermann of Scott rose on a point of order that amendment H—6041 was not germane.

The Speaker ruled the point well taken and amendment H—6041 not germane.

Lageschulte of Bremer moved that the rules be suspended to consider amendment H—6041.

A non-record roll call was requested.

The ayes were 26, nays 48.

The motion to suspend the rules lost.

Knapp of Dubuque offered the following amendment H—6048 filed from the floor by him and Osterberg of Linn:

H—6048

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

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

"Sec. 4. Section 232.8, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The juvenile court shall have exclusive original jurisdiction in proceedings concerning a violation of section 321.281 committed by a person under the age of twenty-one."

Blanshan of Greene rose on a point of order that amendment H—6048 was not germane.

The Speaker ruled the point well taken and amendment H—6048 not germane.

Halvorson of Webster offered the following amendment H—5615, temporarily deferred, filed by him and moved its adoption:

H—5615

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:
1. Page 1, by striking lines 5 and 6.

Amendment H—5615 lost.

Speaker Avenson in the chair at 6:35 p.m.

Varn of Johnson offered the following amendment H—5953, temporarily deferred, filed by Varn, et al., and moved its adoption:

H—5953

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:
1. Page 1, by striking lines 1 through 13 and inserting the following:
"Section 1. Chapter 123, Code 1985, is amended by adding the following new section:
NEW SECTION. 123.47A PERSONS AGE NINETEEN AND TWENTY.
A person age nineteen or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age nineteen or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge and consent of the person's parent or guardian, and a person age nineteen or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee. A person who violates this section is guilty of a simple misdemeanor punishable by a fine of ten dollars."

Amendment H—5953 lost.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—5614 (temporarily deferred) filed by him on April 1, 1986.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cochran of Webster, for the remainder of the day, on request of Halvorson of Webster.

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. 97)

The ayes were, 61:

Arnould	Bennett	Black	Blanshan
Brammer	Branstad	Carpenter	Clark
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Fogarty
Groth	Halvorson, R. A.	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Hummel	Knapp	Maulsby
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Van Camp	Van Maanen
Welden			

The nays were, 34:

Baxter	Beatty	Buhr	Carl
Carter	Chapman	Doderer	Fey
Grandia	Groninga	Gruhn	Halvorson, R. N.
Hammond	Holveck	Jay	Jochum
Johnson	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	O'Kane	Osterberg	Peterson, M. K.
Poncy	Rosenberg	Running	Spear
Sturgeon	Teaford	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 5:

Cochran	Hughes	Kremer	Norland
Renaud			

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 2488, by committee on appropriations, 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 placed on the **appropriations calendar.**

House File 2489, by committee on appropriations, a bill for an act relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas.

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

House File 2490, by committee on appropriations, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986.

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

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 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.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 25, 1986, he approved and transmitted to the Secretary of State the following bills:

Senate File 2116, an act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, providing a penalty, and providing an effective date.

Also: That on April 28, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 166, an act requiring the Iowa Development Commission to collect information regarding farm tourism.

House File 724, an act relating to the payment of property taxes and special assessments on property acquired by condemnation for public use or public purposes.

House File 2078, an act relating to navigation near a diving flag and subjecting violators to a penalty.

House File 2164, an act to provide for a public policy research foundation.

House File 2181, 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 and providing an appropriation.

House File 2221, 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.

House File 2280, an act relating to violations of child custody orders and making penalties applicable.

House File 2348, an act relating to water sold in sealed containers for human consumption and making penalties applicable.

House File 2370, 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.

House File 2376, 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.

House File 2401, an act establishing a state management training program and a management training revolving fund.

House File 2403, an act relating to the operation of city civil service commissions.

House File 2417, an act relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable.

House File 2452, an act relating to the Health Data Commission by adding the Executive Director of the Commission on 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.

House File 2455, an act relating to tax sales and redemptions, by revising provisions governing notice and other procedures.

House File 2460, an act relating to the disposition of seizable and forfeitable property, and providing penalties.

House File 2463, an act relating to commercial fishing and providing penalties.

Senate File 166, an act to authorize the setting of seasons for pigeons.

Senate File 477, an act relating to the search of students or protected student areas.

Senate File 508, an act relating to the forcible entry or detention of real property.

Senate File 549, an act providing for a raffle conducted by the Iowa Lottery Agency with the proceeds of the raffle to be invested by the Iowa Development Commission in certain types of venture capital funds and the earnings on the proceeds prior to investment to be used as prizes.

Senate File 2037, an act relating to the labeling of fuel sold as kerosene.

Senate File 2043, an act relating to the qualification of nonprofit corporations as conservators.

Senate File 2044, an act relating to the admissibility of the reports and findings of the criminalistics laboratory in administrative hearings and forfeiture proceedings.

Senate File 2049, an act relating to the purchases of American made products and purchases from American based businesses.

Senate File 2050, an act relating to the security interest in farm products, prohibiting certain acts, providing for penalties, and providing an effective date.

Senate File 2069, an act relating to the issuance of temporary certificates for chiropractors.

Senate File 2083, an act repealing the energy conservation improvement pilot programs and providing an effective date.

Senate File 2123, an act relating to the judgeship formula for the apportionment of district judges.

Senate File 2165, an act relating to the applicability of the hazardous chemicals risk right to know act.

Senate File 2177, an act requiring specific criteria for the acquisition, selection, or approval of a site for a hazardous waste treatment, disposal, or storage facility.

Senate File 2207, an act excluding residential care facilities from certificate-of-need reviews for two fiscal years.

Senate File 2234, 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.

Senate File 2246, an act relating to suspensions or restrictions on water use under the state priority allocation plan.

Senate File 2255, an act relating to credit unemployment insurance in consumer transactions, by providing requirements for the rates for involuntary credit unemployment insurance sold in connection with consumer credit transactions, and permitting the inclusion of charges for credit unemployment insurance in consumer credit transactions under the Iowa consumer credit code.

COMMUNICATION FROM SECRETARY OF STATE

April 25, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that Senate File 2277 was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on April 22, 1986, and in The Nevada Evening Journal, Nevada, Iowa, on April 22, 1986.

I further certify that Senate File 2212 was published in the Audubon News-Advocate, Audubon, Iowa, on April 24, 1986, and in the Lake Mills Graphic, Lake Mills, Iowa, on April 24, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

Groninga of Cerro Gordo presented to the House Foreign Exchange Student Marion Pannenbacker from Germany, presently attending Newman High School, Mason City.

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

Ninety fifth grade students from Crossroad Park Elementary School, West Des Moines, accompanied by Mrs. Vukovich and Mrs. Herbst. By Carpenter of Polk.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 797 Ways and Means

To permit the establishment of self-supported municipal improvement districts composed of residential property.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2292

Ways and Means: Chapman, Chair; Groninga and Siegrist.

Senate File 2294

Ways and Means: Arnould, Chair; Doderer and De Groot.

Senate File 2295

Ways and Means: O'Kane, Chair; Groth and Miller.

Senate File 2301

Ways and Means: Chapman, Chair; Groninga and Siegrist.

Senate File 2302

Ways and Means: O'Kane, Chair; Brammer and Carpenter.

CERTIFICATES OF RECOGNITION

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

1986-17	Jeffrey Newell, Des Moines, Iowa — Receiving his Eagle Scout award.
1986-18	Jennifer J. Demmon, Marshalltown, Iowa — Winning the 1986 American Legion National Oratorical Contest.
1986-19	Love Inc., Council Bluffs, Iowa — Recognition for their campaign against alcoholism and substance abuse.

JOSEPH O'HERN
Chief Clerk of 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 APPROPRIATIONS

House File 2483, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–6039** April 25, 1986.

Committee Bill (Formerly House File 2276), 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** April 25, 1986.

Committee Bill relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 1986.

Committee Bill to appropriate moneys to the department of justice for farm mediation services for the fiscal year beginning July 1, 1985 and ending June 30, 1986.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 25, 1986.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 795), relating to agreements entered into under the jobs training Acts.

Committee Action: **Failed to Pass** April 28, 1986.

RESOLUTION FILED

HCR 132, by Lloyd-Jones, McKean, Clark, Hughes, Johnson, Connolly, Koenigs, Hammond, Sherzan, Teaford, Peick, Rosenberg, Osterberg, Knapp, Mullins, Beatty, Black, Parker, Shoultz, Baxter, Carpenter, Doderer, Norland, Lonergan, Blanshan, Hatch, Zimmerman, Carl, Sullivan, and Peterson of Carroll, a concurrent resolution relating to teaching of global studies and conflict resolution in elementary and secondary schools.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–6039	H.F.	2483	Committee on Appropriations
H–6043	H.F.	2454	Doderer of Johnson
Fey of Scott			Carpenter of Polk
Hammond of Story			Bennett of Ida
			Mullins of Kossuth
H–6044	H.F.	2454	Fey of Scott
			Buhr of Polk
			Doderer of Johnson
			Arnould of Scott
H–6049	H.F.	2483	Doderer of Johnson
			Blanshan of Greene
			Swearingen of Keokuk
			Carpenter of Polk
			Hammond of Story
H–6050	H.F.	2454	Rosenberg of Story
			Fey of Scott

On motion by Connors of Polk, the House adjourned at 7:27 p.m., until 9:00 a.m., Tuesday, April 29, 1986.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day — Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 29, 1986

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

Prayer was offered by the Honorable Randy Hughes, state representative from Union County.

The Journal of Monday, April 28, 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; Lloyd-Jones of Johnson, until her return, on request of Buhr of Polk.

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 25, 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 2457, a bill for an act relating to elections.

Also: That the Senate has on April 25, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 115, 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.

Also: That the Senate has on April 25, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 129, a concurrent resolution relating to recognition of medical clerks and medical secretaries.

K. MARIE THAYER, Secretary

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-first General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Stromer of Hancock:

Kristie Burns
Robert Busch
Twila Mae Firmature
William Gustoff
Charles Heath
Rebecca Himschoot
Matthew Johnson
Janice Kerkove
John Maier, Jr.
Greg Martin
Sheri Neal
Annette Paustian
Kenneth Ratashak
Nancy Robertson
Leslie Ann Roland
Elizabeth Running
Laurie Sebastian
Teresa Shakespeare
Mary Beth Siggelkow
Christine Sullivan
Dawn Toyne
Mindy Sue Williamson

The House rose and expressed its thanks to the Pages.

Robert Busch, Matt Johnson and Mary Beth Siggelkow as well as Eric Buhr and Lee Hill, from the first group of Pages, were congratulated for being selected on the 1986 Academic All-State Honor Roll.

HOUSE RECEDES

Zimmerman of Dallas called up for consideration **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, and moved that the House recede from its amendment.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 55, nays 40.

The motion prevailed and the House receded from its amendment.

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, 90:

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	Jay	Jochum
Johnson	Koenigs	Kremer	Lageschulte
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	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:

Hummel	Lonergan	Maulsby

Absent or not voting, 7:

Carter	Connolly	Groth	Knapp
Lloyd-Jones	O'Kane	Sherzan	

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

HOUSE INSISTS

Pavich of Pottawattamie called up for consideration **House File 2349**, a bill for an act relating to games of skill, games of chance, and raffles, and moved that the House insist on its amendment to the Senate amendment.

The motion prevailed and the House insists on its amendment to the Senate amendment.

The House stood at ease at 9:39 a.m., until the fall of the gavel.

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

CONFERENCE COMMITTEE APPOINTED
(House File 2349)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2349: Pavich of Pottawattamie, Chair; Halvorson of Webster, Beatty of Warren, Siegrist of Pottawattamie and Van Maanen of Mahaska.

SENATE AMENDMENTS CONSIDERED

Doderer of Johnson called up for consideration **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 nonsubstantive and technical corrections and making certain provisions of the Act retroactive, amended by the Senate, and moved that the House concur in the following Senate amendment H–6033:

H–6033

Amend House File 2471, as amended and passed by the House, as follows:

1. Page 15, by striking lines 6 through 32 and inserting the following:

"Sec._____. Section 422.28, Code 1985, as amended by House File 764, enacted by the Seventy-first General Assembly, 1986 Session, is amended to read as follows:

422.28 REVISION OF TAX.

A taxpayer may appeal to the director for revision of the tax, interest or penalties assessed at any time within ~~thirty~~ sixty days from the date of the notice of the assessment of tax, additional tax, interest or penalties. The director shall grant a hearing and if, upon the hearing, the director determines that the tax, interest or penalties are excessive or incorrect, the director shall revise them according to the law and the facts and adjust the computation of the tax, interest or penalties accordingly. The director shall notify the taxpayer by ~~registered~~ mail of the result of the hearing and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest or penalties found by the director to be due, with interest after sixty days from the date of payment by the taxpayer at the rate in effect under section 421.7 for each month or a fraction of a month. The director may, on the director's own motion at any time, abate any portion of tax, interest or penalties which the director determines is excessive in amount, or erroneously or illegally assessed. The director shall prepare quarterly reports, which shall be included in the annual statistical reports required under section 422.75, summarizing each case in which an abatement of tax, interest or penalties was made under this section, but a report shall not disclose the identity of the taxpayer."

2. Page 16, by inserting after line 29 the following:

"Sec._____. Section 422.45, subsection 27, paragraph a, subparagraph (1), Code Supplement 1985, is amended to read as follows:

(1) "Insurance company" means an insurer organized or operating under chapters 508, 514, 515, 518, 519, 520 or authorized to do business in Iowa as an insurer and having fifty or more persons employed in this state excluding licensed insurance agents."

2. Renumber sections and correct internal references as necessary in accordance with this amendment.

3. By renumbering, relettering, or redesignating

Page 2

and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6033.

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

On the question "Shall the bill pass?" (H.F. 2471)

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	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
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Varn	Welden	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Carter	Connolly	Lloyd-Jones	Woods

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

HOUSE REFUSED TO CONCUR

Doderer of Johnson called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—6032:

H—6032

Amend House File 2472 as passed by the House as follows:

1. Page 6, by inserting before line 6 the following:

"Sec._____. A return for a tax period ending on or before December 31, 1985, filed pursuant to section 422.21 on or before October 31, 1986, is deemed to be filed on or before the due date of the return. However, nothing in this provision is intended to prevent assessment of penalty or interest or guilt of any criminal charge as otherwise provided by law.".

The motion lost and the House refused to concur in the Senate amendment H—6032.

SENATE AMENDMENT CONSIDERED

Sturgeon of Woodbury called up for consideration **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, amended by the Senate amendment H—5838:

H—5838

Amend House File 2454, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 1 through 10 and inserting the following:

"Section 1. Section 232.2, subsection 6, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. n. Who is voluntarily absent without permission from the child's home or placement for a period of time exceeding one week or for a period of time exceeding twenty-four hours on each of three or more separate occasions in a twelve-month period, and whose health, safety and welfare are

at risk."

2. Page 1, by striking lines 13 through 26 and inserting the following:

"20. "Guardian ad litem" means a person ~~appointed~~, lay or professional, who accepts an appointment by the court to ~~represent~~ advocate for and protect the best interests of ~~the~~ a child in any judicial proceeding to which the child is a party."

3. By striking page 1, line 31 through page 2, line 7 and inserting the following: "simple misdemeanors if committed by an adult, violations of county or municipal curfew or traffic ordinances, and violations by a child of the provisions of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. Convicted child offenders shall be sentenced pursuant to section 903.1. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe that the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child that appears before it for a violation of section 123.47."

4. Page 2, by striking lines 8 through 16.

5. Page 3, by striking line 2, and inserting the following: "safety of others in ~~the~~ a facility; ~~and~~ or place enumerated in paragraph "a" or "b" of this subsection which is available."

6. By striking page 4, line 19, through page 7, line 20 and inserting the following:

"Sec._____. NEW SECTION. 232.104 DISPOSITIONS — VIOLATION OF COURT ORDER — ABILITY TO HOLD.

1. This section shall be liberally construed in order to address the problems of the chronic runaway at the earliest stage possible, to provide early intervention through the delivery of services to the

Page 2

chronic runaway as a child in need of assistance, and to exercise court jurisdiction which will best serve the interests of both the chronic runaway and the state.

2. If the court adjudicates a child as a child in need of assistance pursuant to section 232.2, subsection 6, paragraph "n", the court shall, as soon as practicable, hold a dispositional hearing. Prior to the hearing, the court shall require a social investigation to be conducted and a social report to

be submitted to the court in accordance with the applicable requirements of section 232.97. The social report shall include a review of factors and reasons for the child's absence without permission from the child's home or placement.

3. The court may impose a disposition set out in sections 232.100 through 232.102, and may terminate, modify, or vacate the dispositional order as provided in section 232.103. However, the court shall not order the child placed in the Iowa juvenile home. The court order shall notify the child and the child's legal counsel that willful absence from placement in violation of a condition of the court order could subject the child to placement in staff secure shelter care or detention.

4. A child found in violation of a valid court order placing the child, imposed pursuant to subsection 3, shall not be considered to have committed a delinquent act. A child accused or found to have violated a valid court order placing the child shall not be held in a facility regulated under chapter 356 or 356A, in the state training school, or in the Iowa juvenile home. However, a child accused of being willfully absent from placement in violation of a valid court order entered pursuant to subsection 3, may be held in staff secure shelter care or detention, other than the Iowa juvenile home or the state training school, if a court determines within twenty-four hours of placement in staff secure shelter care or detention that probable cause exists to believe that the child willfully violated the condition of the valid court order placing the child. If the child is held pursuant to an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order. The child has the right to counsel in connection with all proceedings related to an alleged violation of a valid court order.

If the court determines that probable cause exists

Page 3

to believe that the child violated a valid court order placing the child, the child may be held in staff secure shelter care or detention pending a violation hearing which shall be held within seventy-two hours of placement in staff secure shelter care or detention, excluding nonjudicial days. The hearing shall be conducted in compliance with all applicable requirements of sections 232.90 through 232.94A and

232.96.

Pursuant to the violation hearing, the court may order a child held in staff secure shelter care or detention if the court finds, by clear and satisfactory proof, all of the following:

a. That the child was willfully absent from the placement in violation of a valid court order.

b. That all applicable due process rights were afforded the child.

c. That no less restrictive alternative placement appropriate to the needs of the child and the community exists.

However, the court shall not order the child placed in the Iowa juvenile home or the state training school, and shall not place the child in detention for more than seven days and shall not place the child in staff secure shelter care for more than thirty days."

7. By striking page 7, line 26 through page 8, line 4.

8. Page 8, by striking lines 25 through 28 and inserting the following: "accused of committing a simple misdemeanor under the provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, or of section 123.47, unless an arrest is appropriate pursuant to the factors enumerated in section 805.1, subsection 3, paragraph "b". If an arrest is made, the person shall not be detained or confined in a facility regulated under chapter 356 or 356A."

9. Page 9, line 18, by striking the word "or".

10. Page 9, line 19, by inserting after the word "ordinance," the following: "or a violation of section 123.47,".

11. By striking page 9, line 26 through page 10, line 14.

12. Page 10, by inserting after line 14 the following:

"Sec._____. GUARDIAN AD LITEM SERVICES. The judicial department shall establish qualifications and programs, either locally or statewide, for the provision of guardian ad litem services to children. The judicial department shall clarify the differences

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between an attorney functioning as a child's legal counsel, a guardian ad litem, and a court-appointed volunteer."

13. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Fey of Scott offered the following amendment H—6044, to the Senate amendment H—5838, filed by Fey, et al., and moved its adoption:

H—6044

Amend the amendment, H—5838, to House File 2454, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by striking lines 3 and 4 and inserting the following: "the interests of the chronic runaway."

2. Page 3, lines 19 and 20, by striking the words "and the community".

Amendment H—6044 was adopted.

Doderer of Johnson offered the following amendment H—6043, to the Senate amendment H—5838, filed by Doderer, et al.:

H—6043

Amend the amendment, H—5838, to House File 2454, as amended, passed, and reprinted by the House, as follows:

1. Page 2, line 25, by striking the words "or detention".

2. Page 2, lines 36 and 37, by striking the words "or detention".

3. Page 2, line 40, by striking the words "or detention".

4. Page 3, line 3, by striking the words "or detention".

5. Page 3, lines 5 and 6, by striking the words "or detention".

6. Page 3, lines 11 and 12, by striking the words "or detention".

7. Page 3, lines 23 and 24, by striking the words "for more than seven days".

Lonergan of Boone in the chair at 10:17 a.m.

Doderer of Johnson moved the adoption of amendment H—6043, to the Senate amendment H—5838.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 54, nays 41.

Amendment H—6043 was adopted.

Rosenberg of Story offered the following amendment H—6050, to the Senate amendment H—5838, filed by him and Fey of Scott and moved its adoption:

H—6050

Amend the amendment, H—5838, to House File 2454, as amended, passed, and reprinted by the House, as follows:

1. Page 2, lines 33 and 34, by striking the words "accused of being" and inserting the following: "found to be".

2. Page 3, line 13, by striking the words "satisfactory proof" and inserting the following: "convincing evidence".

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H—6050 lost.

Sturgeon of Woodbury asked and received unanimous consent to withdraw amendment H—5864 filed by him on April 21, 1986.

Speaker Avenson in the chair at 11:44 a.m.

On motion by Sturgeon of Woodbury, the House concurred in the Senate amendment H—5838, as amended.

Sturgeon of Woodbury 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. 2454)

The ayes were, 75:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Carl	Carter
Clark	Cochran	Connolly	Cooper

Daggett	Diemer	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lonergan	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Tabor	Teaford	Van Camp	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 23:

Bennett	Branstad	Buhr	Carpenter
Chapman	Connors	Corey	De Groot
Doderer	Grandia	Hammond	Hummel
Maulsby	Metcalf	Pellett	Renken
Rensink	Rosenberg	Royer	Schnekloth
Swearingen	Van Maanen	Welden	

Absent or not voting, 2:

Groth	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
(House File 2471)

Doderer of Johnson moved to reconsider the vote by which 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 nonsubstantive and technical corrections and making certain provisions of the Act retroactive, passed the House and was placed on its last reading on April 29, 1986.

A non-record roll call was requested.

The ayes were 72, nays none.

The motion prevailed and the House reconsidered House File 2471.

Doderer of Johnson asked and received unanimous consent to reconsider the vote by which the House concurred in the Senate amendment H–6033 on April 29, 1986, found on pages 1864 and 1865 of the House Journal.

Doderer of Johnson offered the following amendment H–6053, to the Senate amendment H–6033, filed by her from the floor and moved its adoption:

H–6053

Amend Senate amendment H–6033 to House File 2471 as passed by the House as follows:

1. Page 1, by inserting after line 46 the following:

"_____. Page 24, lines 30 and 31, by striking the words "if the person resides in the county where the land is situated," and inserting the words "~~if the person resides in the county where the land is situated,~~".

_____. Page 25, line 8, by striking the word "housing" and inserting the word "~~housing~~".

. Page 25, lines 14 through 18, by striking the words "or assignee of record, whether resident or nonresident of the county, if the mortgagee's or assignee's address is disclosed by the recorded instrument or by a certificate showing the address of the mortgagee or assignee duly filed with the recorder, or" and inserting the words "~~or assignee of record, whether resident or nonresident of the county, if the mortgagee's or assignee's address is disclosed by the recorded instrument or by a certificate showing the address of the mortgagee or assignee duly filed with the recorder, or~~ having a lien upon the real estate, a vendor of the real estate under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and any other person who has an interest of record, at the person's last known address, and on"."

Amendment H–6053 was adopted.

On motion by Doderer of Johnson, the House concurred in the Senate amendment H–6033, as amended.

Doderer 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. 2471)

The ayes were, 98:

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
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	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Carter	Sturgeon

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 the following bills to the Senate: Senate Files 97 and 2248 and House Files 2472, 2349, 2454 and 2471.

On motion by Norland of Worth, the House was recessed at 12:00 noon, 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:

Parker of Jasper, until his return, on request of Norland of Worth.

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 24, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act relating to the movement of vehicles of excessive size and weight.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2296, by committee on ways and means, a bill for an act relating to the movement of vehicles of excessive size and weight.

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

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of House Files 2483, 2488, 2489 and 2490.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 2488, a bill for an act relating to agricultural grain marketing, by adopting the interstate compact on agricultural grain marketing, and providing an effective date, was taken up for consideration.

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. 2488)

The ayes were, 94:

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.	Hammond	Handorf	Hanson
Harbor	Hatch	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	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	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carter	Halvorson, R. N.	Lloyd-Jones	Lonergan
Parker	Paulin		

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

House File 2490, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986, was taken up for consideration.

Stromer of Hancock offered the following amendment H–6054 filed by him from the floor and moved its adoption:

H–6054

Amend House File 2490 as follows:
1. Page 1, by striking lines 8 through 22.

A non-record roll call was requested.

The ayes were 26, nays 51.

Amendment H–6054 lost.

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. 2490)

The ayes were, 85:

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

The nays were, 12:

Carpenter	Diemer	Grandia	Maulsby
Metcalf	Miller	Renken	Schnekloth
Siegrist	Stromer	Stueland	Welden

Absent or not voting, 3:

Beatty	Hermann	Platt

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 that House Files 2488 and 2490 be immediately messaged to the Senate.

Appropriations Calendar

House File 2489, a bill for an act relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas, was taken up for consideration.

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. 2489)

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. A.	Halvorson, R. N.	Hammond	Hanson
Hatch	Haverland	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Siegrist	Skow
Spear	Stromer	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 24:

Bennett	Corey	Daggett	De Groot
Grandia	Handorf	Harbor	Hermann
Hester	Hummel	Lageschulte	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Rensink	Royer	Schnekloth	Shoning
Stueland	Van Camp	Van Maanen	Welden

Absent or not voting, none.

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

IMMEDIATE MESSAGE
(House File 2489)

Norland of Worth asked and received unanimous consent that House File 2489 be immediately messaged to the Senate.

The House stood at ease at 3:18 p.m., until the fall of the gavel.

The House resumed session at 3:27 p.m., Speaker Avenson in the chair.

House File 2483, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation, with reports of committees recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H–5887 filed by the committee on state government:

H–5887

Amend House File 2483 as follows:

1. Page 2, by striking lines 23 through 27 and inserting the following:

"A member's normal retirement date ~~shall be the~~ is any of the following, whichever is applicable to the member:

1. The first of the month in which a member attains the age of sixty-five years if the member has not completed thirty years of membership service.

2. The first of the month in which the member attains the age of sixty-two years if the member has completed thirty years of membership service.

3. The first of any month in which the member has completed thirty years of membership service if the member has attained the age of sixty-two years but is not yet sixty-five years of age.

PARAGRAPH DIVIDED. A".

2. Page 6, by inserting after line 28 the following:

"Sec._____. Section 97B.49, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Notwithstanding other provisions of this chapter, a member who is or has been employed by the office of disaster services as an airport firefighter who retires on or after July 1, 1986, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as an airport firefighter, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as an airport firefighter, with benefits payable during the member's lifetime.

An airport firefighter who retires on or after July 1, 1986 and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as an airport firefighter multiplied by a fraction of years of service as an airport firefighter. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as an airport firefighter, divided by twenty-five years. On or after July 1, 1986, if the airport firefighter has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the airport

firefighter's retirement precedes the date on which the airport firefighter attains sixty years of age.

The employer and each employee eligible for benefits under this subsection shall annually contribute an actuarially determined amount specified by the department, as a percentage of covered wages, that is necessary to pay for the additional benefits provided by this subsection. The annual contribution in excess of the employer and employee contributions required in section 97B.11 shall be paid by the

employer and the employee in the same proportion that the employer and employee contributions are made under section 97B.11.

There is appropriated from the general fund of the state to the department from funds not otherwise appropriated an amount sufficient to pay the employer share of the cost of the additional benefits provided in this subsection."

3. Page 6, by inserting before line 29 the following:

"Sec._____. Section 97B.50, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. For a member who is less than sixty-two years of age and has not completed thirty years of membership service, by five-tenths of one percent per month for each month that the member's early retirement date precedes the normal retirement date."

4. Page 7, line 32, by inserting after the word "birthday." the following: "For a member who is at least fifty-five years of age and less than fifty-nine years of age who has completed thirty years of membership service, the monthly retirement allowance shall be reduced by five-tenths percent per month for each month that the member's retirement date precedes the member's normal retirement date."

5. Page 9, by inserting after line 9 the following:

"Sec._____. NEW SECTION. 97B.76 PUBLIC RETIREMENT SYSTEMS COMMITTEE ESTABLISHED.

1. A public retirement systems committee is established. The committee consists of five members of the senate appointed by the majority leader of the senate and five members of the house of representatives appointed by the speaker of the house. The committee shall elect a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

Members shall be appointed prior to January 31 of the first regular session of each general assembly and shall serve for terms ending upon the convening of the

following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.

2. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall be paid

forty dollars for each day in which they engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.

3. The committee shall:

a. Develop and recommend retirement standards and a coherent state policy on public retirement systems.

b. Continuously survey pension and retirement developments in other states and in industry and business and periodically review the state's policy and standards in view of these developments and changing economic and social conditions.

c. Review the provisions in the public retirement systems in effect in this state.

d. Review individually sponsored bills relating to the public retirement systems.

e. Review proposals from interested associations and organizations recommending changes in the state's retirement laws.

f. Study the feasibility of adopting a consolidated retirement system for the public employees of this state.

g. Make recommendations to the general assembly.

4. The committee may contract for actuarial assistance deemed necessary, and the costs of actuarial studies are payable from funds appropriated in section 2.12, subject to the approval of the legislative council. The committee may administer oaths, issue subpoenas, and cite for contempt with the approval of the general assembly when the general assembly is in session and with the approval of the legislative council when the general assembly is not in session.

Administrative assistance shall be provided by the legislative service bureau and the legislative fiscal bureau."

6. By numbering and renumbering sections as necessary.

Cochran of Webster in the chair at 3:38 p.m.

Doderer of Johnson offered the following amendment H—6049, to the committee amendment H—5887, filed by Doderer, et al., and moved its adoption:

H—6049

Amend the amendment, H—5887, to House File 2483 as follows:

1. Page 2, line 41, by striking the word "five" and inserting the following: "three".
2. Page 2, line 43, by striking the word "five" and inserting the following: "three".
3. Page 3, by inserting after line 46 the following:

"Sec._____. The public retirement systems committee may direct the department of personnel to conduct a study of the public retirement systems established in this state and to provide to the committee by March 1, 1987, an analysis of its findings and recommendations concerning modification to or consolidation of the existing systems. If the committee directs the department of personnel to conduct the study, there is appropriated from the Iowa public employees' retirement system fund an amount sufficient to pay the costs of the study. The department of personnel shall determine the portion of the cost of the study to be allocated to each public retirement system in this state and shall notify the governing boards of each public system. Each governing board shall reimburse the Iowa public employees' retirement system fund for its share of the cost from moneys available to the governing boards."

Amendment H—6049 was adopted.

On motion by Blanshan of Greene, the committee amendment H—5887, as amended, was adopted.

Halvorson of Webster offered the following amendment H—6039 filed by the committee on appropriations and moved its adoption:

H—6039

Amend House File 2483 as follows:
1. Page 8, by striking lines 12 and 13 and inserting the following: "the department shall send written notification to a member's spouse of the election of an option under this section."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 40, nays 54.

The committee amendment H—6039 lost.

Running of Linn asked and received unanimous consent to withdraw amendment H—6025 filed by him on April 24, 1986 and amendment H—5868 filed by him on April 21, 1986.

Speaker Avenson in the chair at 4:06 p.m.

Running of Linn offered the following amendment H—6051 filed by him from the floor and moved its adoption:

H—6051

Amend House File 2483 as follows:

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

"Section 1. Section 97A.6, subsection 8, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

8. a. Upon the receipt of proof of the death of a member in service, or a member not in service who has completed fifteen or more years of service as provided in subsection 1, paragraph "b", there shall be paid to the person designated by the member to the board of trustees as the member's beneficiary if the member has had one or more years of membership service and no pension is payable under subsection 9, an amount equal to fifty percent of the compensation earned by the member during the year immediately preceding the member's death if the member is in service, or an amount equal to fifty percent of the compensation earned by the member during the member's last year of service if the member is not in service.

b. In lieu of the payment specified in paragraph "a", a beneficiary meeting the qualifications of paragraph "c" may elect to receive a pension equal to one-fourth of the average final compensation of the member, but not less than fifty dollars if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "b".

For a member not in service at the time of death, the pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five.

For a member in service at the time of death, the pension shall be paid commencing with the member's death. In addition to the pension, there shall also

be paid for each child of a member, a monthly pension equal to six percent of the monthly earnable compensation payable to an active member having the rank of senior patrol officer of the Iowa highway safety patrol.

For the purpose of this chapter, a senior patrol officer is a person who has completed ten years of service in the Iowa highway safety patrol.

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

(1) The spouse, to continue so long as the spouse

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remains unmarried.

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

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

d. If there is no nomination of beneficiary, the benefits provided in this subsection shall be paid to the member's estate."

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

"Sec._____. Section 411.6, subsection 8, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

8. a. Upon the receipt of proof of the death of a member in service, or a member not in service who has completed fifteen or more years of service as provided in subsection 1, paragraph "b", there shall be paid to the person designated by the member to the board of trustees as the member's beneficiary if the member has had one or more years of membership service and no pension is payable under subsection 9, an amount equal to fifty percent of the compensation earnable by the member during the year immediately preceding the member's death if the member is in service, or an amount equal to fifty percent of the compensation earned by the member during the member's last year of service if the member is not in service.

b. In lieu of the payment specified in paragraph "a", a beneficiary meeting the qualifications of paragraph "c" may elect to receive a pension equal to one-fourth of the average final compensation of the

member, but not less than seventy-five dollars if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "b".

For a member not in service at the time of death, the pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when

Page 3

the member would have attained the age of fifty-five.

For a member in service at the time of death, the pension shall be paid commencing with the member's death. In addition to the pension, there shall also be paid for each child of a member, a monthly pension equal to six percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department.

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

(1) The spouse, to continue so long as the spouse remains unmarried.

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

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

d. If there is no nomination of beneficiary, the benefits provided in this subsection shall be paid to the member's estate.

Sec._____. Section 411.9, Code 1985, is amended to read as follows:

411.9 MILITARY SERVICE EXCEPTIONS.

~~Any~~ A member who is absent while serving in the armed services of the United States or its allies and is discharged or separated ~~therefrom~~ from the armed services under honorable conditions shall have ~~any~~

~~such~~ the period or periods of absence while serving in ~~such~~ the armed services ~~on other than a voluntary basis and one such period of absence~~, not in excess of four years unless any period in excess of four years is at the request and for the convenience of the federal government, ~~while serving in such armed forces on a voluntary basis~~ included as part of the member's period of service in the department. ~~Such~~ The member shall not ~~be required to~~ continue the contributions required of the member under section 411.8 during ~~such~~ the period of military service, ~~provided that~~ if the member ~~shall~~, within six months after the member has been discharged or separated under honorable

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conditions from ~~such~~ military service, ~~return and resume~~ returns and resumes duties in the department, and ~~provided further, that such~~ if the member ~~shall be~~ is declared physically capable of resuming ~~such~~ duties upon examination by the medical board. A period of absence may exceed four years at the request and for the convenience of the federal government."

2. By numbering and renumbering sections as necessary.

Amendment H—6051 was adopted.

Cochran of Webster offered the following amendment H—6016 filed by him and Clark of Cerro Gordo and moved its adoption:

H—6016

Amend House File 2483 as follows:

1. Page 2, by inserting after line 19 the following:

"Sec._____. Section 97B.41, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 22. "Fiscal month benefit" means a benefit or allowance calculated on a fiscal month period that commences on the date the member attains a retirement age and retires or on the fiscal day after the member terminates employment.

NEW SUBSECTION. 23. "Calendar day" or "day" means the twenty-four consecutive hour period from 12:01 a.m. through 12:00 p.m.

NEW SUBSECTION. 24. "Fiscal day" means any twenty-four consecutive hour period.

NEW SUBSECTION. 25. "Calendar week" or "week" means any seven consecutive days.

NEW SUBSECTION. 26. "Fiscal week" means any seven consecutive fiscal day period.

NEW SUBSECTION. 27. "Month" means a calendar month.

NEW SUBSECTION. 28. "Fiscal month" means any twenty-eight, twenty-nine, thirty, or thirty-one day or fiscal day period.

NEW SUBSECTION. 29. "Calendar year" or "year" means the twelve consecutive month period from 12:01 a.m. January 1 through 12:00 p.m. December 31.

NEW SUBSECTION. 30. "Fiscal year" means any twelve consecutive months or fiscal months, except where specific dates are included in the definition.

NEW SUBSECTION. 31. ATTAINMENT OF AGE. An individual attains a specific age on the day before the individual's birthday."

A non-record roll call was requested.

The ayes were 29, nays 37.

Amendment H—6016 lost.

Teaford of Black Hawk offered the following amendment H—6013 filed by her and moved its adoption:

H—6013

Amend House File 2483 as follows:

1. Page 7, line 12, by inserting after the word "section." the following: "This section takes effect July 1, 1986 for a member meeting the requirements of this subsection who retired from the system at any time between July 4, 1953 and June 30, 1978."

2. Page 7, line 21, by inserting after the word "date." the following: "This section takes effect July 1, 1986 for a member meeting the requirements of this subsection who retired from the system at any time between July 4, 1953 and June 30, 1978."

Amendment H—6013 was adopted.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—5986 filed by him and Hanson of Delaware on April 23, 1986.

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. 2483)

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	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, none.

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

IMMEDIATE MESSAGE
(House File 2483)

Norland of Worth asked and received unanimous consent that House File 2483 be immediately messaged to the Senate.

The House stood at ease at 4:30 p.m., until the fall of the gavel.

The House resumed session at 4:43 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 members of the conference committee, appointed April 29, 1986, to House File 2349, a bill for an act relating to games of skill, games of chance, and raffles, on the part of the Senate, are: The Senator from Dubuque, Senator Welsh, Chair; the Senator from Dubuque, Senator Carr; the Senator from Linn, Senator Horn; the Senator from Black Hawk, Senator Lind; and the Senator from Boone, Senator Nystrom.

Also: That the Senate has, on April 29, 1986, adopted the conference committee report and passed 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.

K. MARIE THAYER, Secretary

MOTION TO RECONSIDER PREVAILED
(Senate File 2270)

Swartz of Marshall called up for consideration the motion to reconsider Senate File 2270, filed on April 18, 1986, and moved to reconsider the vote by which 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, failed to pass the House and was placed on its last reading on April 18, 1986.

A non-record roll call was requested.

The ayes were 58, nays 20.

The motion prevailed and the House reconsidered Senate File 2270, placing out of order the motion to reconsider filed by Tabor of Jackson on April 18, 1986.

Swartz of Marshall offered the following amendment H—6055 filed from the floor by Swartz, Blanshan, Running, Branstad, Corey, Kremer, Maulsby, Parker, Woods, Renaud and McIntee:

H–6055

Amend Senate File 2270 as follows:

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

"Section 1. LEGISLATIVE FINDINGS.

The general assembly finds and declares as follows:

1. The state of Iowa is suffering from a financial crisis in agriculture that affects the entire economic health of this state.

2. This financial crisis has grown to include the business communities which, together with the agricultural producers, form the core of the state's economy.

3. A large number of producers and farm families are being forced to leave farming and make a new start.

4. It is deemed to be in the best interest of the state to protect the business communities and the dislocated farm families affected by the financial crisis in agriculture.

Sec. 2. Section 654.6, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. However, a deficiency judgment or general execution premised upon the deficiency judgment issued against the mortgagor shall not be enforceable until July 1, 1991 if all of the following apply:

1. The mortgaged property is agricultural land.

2. The mortgagor was actively engaged in farming the agricultural land upon the commencement of the action which resulted in a deficiency judgment.

3. The action was for the foreclosure of a first mortgage on the agricultural land or for the enforcement of an obligation secured by a first mortgage on the agricultural land.

4. The first mortgage secures a loan obligation, where a condition for the making of the loan was that the borrower purchase or own stock in the entity making the loan or in an entity related to the lending entity.

5. The mortgagor does not exercise the exemptions provided under section 627.6 in relation to the deficiency judgment or a general execution premised upon the deficiency judgment.

NEW UNNUMBERED PARAGRAPH. The running of time periods affecting the enforceability of the deficiency judgment or general execution is suspended until July 1, 1991. Assets of the mortgagor sufficient to satisfy the deficiency judgment shall be held by the mortgagor during the period of delay provided in this paragraph. The court shall determine which assets

Page 2

shall be held, and a sale, disposition, or further encumbrance of these assets is not permitted without the consent of the court. The delay may not be waived before the issuance of the deficiency judgment. After the issuance of the deficiency judgment, the mortgagor may waive the delay by filing a waiver signed by the mortgagor with the court. This paragraph applies to actions pending on the effective date of this Act and actions commenced on or after the effective date of this Act but before July 1, 1991.

Sec. 3. Section 627.6, subsection 5, Code 1985, is amended by striking the subsection.

Sec. 4. Section 627.6, subsection 10, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

10. Any combination of the following, not to exceed a value of five thousand dollars in the aggregate:

a. Musical instruments, not including radios, television sets, or record or tape playing machines, held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

b. One motor vehicle.

c. In the event of a bankruptcy proceeding, the debtor's interest in accrued wages and in state and federal tax refunds as of the date of filing of the petition in bankruptcy, not to exceed one thousand dollars in the aggregate. This exemption is in addition to the limitations contained in sections 642.21 and 537.5105.

Sec. 5. Section 627.6, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 11. If the debtor is engaged in any profession or occupation other than farming and does not exercise the homestead exemption under section 561.16, the proper implements, professional books, or tools of the trade of the debtor or a dependent of the debtor, not to exceed in value twenty thousand dollars in the aggregate.

NEW SUBSECTION. 12. If the debtor is engaged in farming and does not exercise the homestead exemption under section 561.16 or the delay of the enforceability of a deficiency judgment or general execution under section 654.6 in relation to the execution under which the exemption is claimed, any combination of the following, not to exceed a value of twenty thousand dollars in the aggregate:

a. Implements and equipment reasonably related to a normal farming operation. This exemption is in addition to a motor vehicle held exempt under

subsection 10.

b. Livestock and feed for the livestock reasonably related to a normal farming operation.

NEW SUBSECTION. 13. If the debtor is engaged in farming the agricultural land upon the commencement of an action for the foreclosure of a mortgage on the agricultural land or for the enforcement of an obligation secured by a mortgage on the agricultural land, if a deficiency judgment is issued against the debtor, and if the debtor does not exercise the delay of the enforceability of the deficiency judgment or general execution under section 654.6 in relation to the execution under which the exemption is claimed, the disposable earnings of the debtor are exempt from garnishment to enforce the deficiency judgment after two years from the entry of the deficiency judgment, sections 642.21 and 642.22 notwithstanding. However, earnings paid to the debtor directly or indirectly by the debtor are not exempt.

Sec. 6. Section 654.15, subsection 1, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An owner of a small business may apply for a continuance as provided in this subsection if the real estate subject to foreclosure is used for the small business. The court may continue the foreclosure proceeding if the court finds that the application is made in good faith and is supported by competent evidence showing that the default in payment or inability to pay is due to the economic condition of the customers of the small business, because the customers of the small business have been significantly economically distressed as a result of drought, flood, heat, hail, storm, or other climatic conditions or due to infestation of pests. The length of the continuance shall be determined by the court, but shall not exceed two years.

Sec. 7. Section 654.15, subsection 2, Code Supplement 1985, is amended to read as follows:

2. In all actions for the foreclosure of real estate mortgages, deeds of trust of real ~~property~~ estate, and contracts for the purchase of real estate, an owner of real estate may apply for a moratorium as provided in this subsection if the governor declares a state of economic emergency. ~~The declaration by the governor of a state of economic emergency shall be valid for no more than one year for the purposes of this subsection.~~ The governor shall state in the declaration ~~whether~~ the types of real estate eligible for a moratorium ~~is applicable to~~ continuance, which

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may include real estate used for farming~~,~~; designated types of real estate not used for farming, including real estate used for small business; or all real estate. Only property of ~~the~~ a type specified in the declaration which is subject to a mortgage, deed of trust, or contract for purchase entered into before the date of the declaration is eligible for a moratorium. In an action for the foreclosure of a mortgage, deed of trust, or contract for purchase of real ~~property~~ estate eligible for a moratorium, the owner may apply for a continuation of the foreclosure if the owner has entered an appearance and filed an answer admitting some indebtedness and breach of the terms of the designated instrument. The admissions cannot be withdrawn or denied after a continuance is granted. Applications for continuance made pursuant to this subsection must be filed within one year of the governor's declaration of economic emergency. Upon the filing of an application as provided in this subsection, the court shall set a date for hearing and provide by order for notice to the parties of the time for the hearing. If the court finds that the application is made in good faith and the owner is unable to pay or perform, the court may continue the foreclosure proceeding as follows:

a. If the application is made in regard to real estate used for farming, ~~and if the default or breach of terms of the written instrument occurs on or before the first day of March of the year in which the governor declares a state of economic emergency, then~~ the continuance shall terminate ~~on the first day of March of the succeeding year~~ two years from the date of the order. If the application is made in regard to real estate not used for farming, the continuance shall terminate one year from the date of the order.

b. Only one continuance shall be granted the applicant ~~or petitioner~~ for each written instrument or contract under each declaration. ~~Except as provided in paragraph "a", the continuance shall not exceed one year.~~

c. The court shall appoint a receiver to take charge of the property and to rent the property. The ~~owner or person in possession of the property~~ applicant shall be given preference in the occupancy of the property. The receiver, who may be the ~~owner or person in possession~~ applicant, shall collect the rents and income and distribute the proceeds as follows:

(1) For the payment of the costs of receivership, including the required interest on the written

Page 5

instrument and the costs of operation.

(2) For the payment of taxes due or becoming due during the period of receivership.

(3) For the payment of insurance deemed necessary by the court including but not limited to insurance on the buildings on the premises and liability insurance.

(4) The remaining balance shall be paid to the owner of the written instrument upon which the foreclosure was based, to be credited against the deferred interest and then against the principal due on the written instrument.

d. A continuance granted under this subsection may be terminated if the court finds, after notice and hearing, all of the following:

(1) The party seeking foreclosure has made reasonable efforts in good faith to work with the applicant to restructure the debt obligations of the applicant.

(2) The party seeking foreclosure has made reasonable efforts in good faith to work with the applicant to utilize state and federal programs designed and implemented to provide debtor relief options. For the purposes of subparagraph (1) and this subparagraph, the determination of reasonableness shall take into account the financial condition of the party seeking foreclosure, and the financial strength and the long-term financial survivorship potential of the applicant.

(3) The applicant has failed to pay interest due on the written instrument.

Sec. 8. Section 654.15, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. As used in this section, "small business" means the same as defined in section 220.1.

Sec. 9. Notwithstanding section 654.15, subsection 2, the declaration of economic emergency made by the governor on October 1, 1985, is in effect until March 30, 1987.

Sec. 10. Notwithstanding the provisions of the declaration of economic emergency made by the governor on October 1, 1985, real estate used for small business is eligible for a moratorium continuance after the effective date of this Act and through the remaining effective period of the declaration.

Sec. 11. Section 2 of this Act is repealed effective July 1, 1991.

Sec. 12. This Act, being deemed of immediate importance, takes effect from and after its publication in The Algona Upper Des Moines, a

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newspaper published in Algona, Iowa, and in the Audubon News-Advocate, a newspaper published in Audubon, Iowa."

2. Title page, by striking lines 1 through 10 and inserting the following: "An Act relating to the enforcement of certain debts and obligations, by delaying the enforceability of certain delinquency judgments or general executions related to obligations secured by agricultural land, providing for certain exemptions from execution and garnishment, providing for the eligibility of certain types of real estate for a foreclosure continuance, providing time limits for applying for a foreclosure continuance and for the term of a foreclosure continuance, providing immediate foreclosure continuance eligibility to real estate used for small business, providing an extension of time under the current declaration of economic emergency, and providing an effective date."

The following amendment H—6057, to amendment H—6055, filed by Swartz of Marshall from the floor, was adopted by unanimous consent:

H—6057

Amend amendment H—6055 to Senate File 2270 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 50, by striking the word "paragraph" and inserting the word "section".

2. Page 2, line 7, by striking the word "paragraph" and inserting the word "section".

Doderer of Johnson in the chair at 5:08 p.m.

Swartz of Marshall moved the adoption of amendment H—6055, as amended.

Roll call was requested by Stueland of Clinton and Parker of Jasper.

Under the provisions of Rule 76, Mullins of Kossuth refrained from voting.

On the question "Shall amendment H—6055, as amended, be adopted?"

The ayes were, 66:

Arnould	Avenson	Baxter	Beatty
Black	Blanshan	Brammer	Branstad
Carl	Carter	Clark	Cochran
Cooper	Corey	Daggett	Diemer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hatch	Haverland	Holveck	Hughes
Jay	Jochum	Johnson	Koenigs
Kremer	Lloyd-Jones	Maulsby	McIntee
McKean	Metcalf	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Stromer	Swartz	Swearingen
Tabor	Teaford	Varn	Woods
Zimmerman	Madam Speaker (Doderer)		

The nays were, 30:

Bennett	Buhr	Carpenter	Chapman
Connors	De Groot	Grandia	Halvorson, R. A.
Hanson	Harbor	Hermann	Hummel
Knapp	Lageschulte	Lonergan	Miller
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Siegrist	Stueland	Sullivan	Van Camp
Van Maanen	Welden		

Absent or not voting, 4:

Connolly	Hester	Mullins	Sturgeon

Amendment H—6055, as amended, was adopted placing the following amendments previously adopted out of order:

H—5604 filed by the committee on agriculture and found on pages 1556 and 1557 of the House Journal.

H—5853, to the committee amendment H—5604, filed by Blanshan, et al., and found on pages 1570 through 1572 of the House Journal.

H—5851 filed by Blanshan of Greene and found on page 1572 of the House Journal.

Speaker Avenson in the chair at 4:36 p.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. 2270)

The ayes were, 57:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Carl
Carter	Cochran	Connolly	Connors
Cooper	Daggett	Doderer	Fey
Fogarty	Groninga	Groth	Halvorson, R. N.
Hammond	Handorf	Hanson	Hatch
Holveck	Hughes	Jochum	Johnson
Koenigs	Lloyd-Jones	Maulsby	McIntee
McKean	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Skow
Spear	Swartz	Tabor	Teaford
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 39:

Bennett	Buhr	Carpenter	Chapman
Clark	Corey	De Groot	Diemer
Grandia	Gruhn	Halvorson, R. A.	Harbor
Haverland	Hermann	Hummel	Jay
Knapp	Lageschulte	Lonergan	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Royer
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Stromer	Stueland	Sullivan
Swearingen	Van Camp	Welden	

Absent or not voting, 4:

Hester	Kremer	Mullins	Sturgeon

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

IMMEDIATE MESSAGE
(Senate File 2270)

Norland of Worth asked and received unanimous consent to immediately message Senate File 2270 to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2242

Carter of Henry called up for consideration the report of the conference committee on Senate File 2242 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2242

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2242, a bill for an act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payments incentives and to provide that the Act take effect upon its publication, respectfully make the following report:

1. That the Senate recede from its amendment, H–5846, to the House amendment.

2. That the House amendment, S–5683, to Senate File 2242, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, by striking lines 38 through 45 and inserting the following:

"_____. Page 3, by striking lines 26 through 29 and inserting the following: "completed at least five years of state employment and sends written notification to the merit".

2. Page 3, line 8, by striking the figure "15" and inserting the following: "1".

3. Page 3, line 17, by inserting after the word "levy" the following: "not later than March 15, 1987".

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
BRIAN CARTER, Chair	ROBERT CARR, Chair
GENE BLANSHAN	CHARLES BRUNER
VIC STUELAND	RICHARD DRAKE
TOM SWARTZ	WALLY HORN
	JOHN NYSTROM

The motion prevailed and the conference committee report 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?" (S.F. 2242)

The ayes were, 88:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Clark	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Hatch	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.	Peterson, M. K.	Platt	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Woods	Mr. Speaker

The nays were, 6:

Branstad	Carpenter	Grandia	Halvorson, R. N.
Renken	Welden		

Absent or not voting, 6:

Baxter	Cochran	Groth	Hester
Sturgeon	Zimmerman		

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

SENATE AMENDMENTS CONSIDERED

Groninga of Cerro Gordo called up for consideration **Senate File 2265**, a bill for an act relating to civil liability by exempting claims

based upon regulatory functions or license action from coverage under the state tort claims Act, modifying statutory language relating to the civil liability for sale of alcohol, requiring the qualification and certification of expert witnesses in certain 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, 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, creating a liability and liability insurance study commission, providing penalties, 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—5965 to the House amendment:

H—5965

Amend the House amendment S—5684, to Senate File 2265, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 17, by striking the words "or private".

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

"Sec._____. Section 123.49, subsection 1, Code Supplement 1985, is amended to read as follows:

1. A person shall not sell, dispense, or give to ~~any~~ an intoxicated person, or one simulating intoxication, any alcoholic liquor, wine, or beer.

a. A person other than a person required to hold a license or permit under this chapter who dispenses or gives an alcoholic beverage, wine, or beer in violation of this subsection is not civilly liable to an injured person or the estate of a person for injuries inflicted on that person as a result of intoxication by the consumer of the alcoholic beverage, wine, or beer.

b. The general assembly declares that this subsection shall be interpreted so that the holding of Clark v. Mincks, 364 N.W.2d. 226 (Iowa 1985) is abrogated in favor of prior judicial interpretation finding the consumption of alcoholic beverages, wine, or beer rather than the serving of alcoholic beverages, wine, or beer as the proximate cause of injury inflicted upon another by an intoxicated person."

3. Page 4, line 39, by striking the words "or

sold and delivered".

4. Page 5, by striking lines 5 through 12.

5. Page 10, line 34, by striking the word "DISCLOSURE" and inserting the words "COLLECTION AND ANALYSIS".

6. Page 10, line 36, by striking the word "shall" and inserting the word "may".

7. Page 10, line 37, by inserting after the word "of" the words "necessary additional".

8. Page 10, line 46, by inserting after the figure "507D.3." the following:

"The commissioner shall provide for the analysis of such information gathered pursuant to this or any other section and shall make such analysis available to the general assembly on an annual basis."

9. Page 11, line 48, by striking the word "section" and inserting the words and figure "sections 507D.2 and".

10. Page 12, by striking lines 33 through 45.

11. By striking page 12, line 46, through page

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13, line 2.

12. Page 15, by striking lines 42 and 43, and inserting the following: "counterclaim or cross-petition. However, a party filing the petition, original notice, counterclaim, or cross-petition shall certify to the court that the action meets applicable jurisdictional requirements for amount in controversy."

13. Page 16, line 30, by striking the words "for future damages".

14. Page 16, line 33, by striking the word "shall" and inserting the word "may".

15. Page 16, lines 34 and 35, by striking the words "for future damages".

16. By striking page 17, line 43, through page 18, line 19.

17. By striking page 18, line 20, through page 20, line 44, and inserting the following:

"Sec._____. NEW SECTION. 668A.1 PUNITIVE OR EXEMPLARY AWARDS.

1. In a trial of a claim involving the request for punitive or exemplary damages, the court shall instruct the jury to answer special interrogatories or, if there is no jury, shall make findings, indicating all of the following:

a. Whether the conduct of the defendant from which the claim arose constituted willful and wanton disregard for the rights or safety of another.

b. Whether the conduct of the defendant was directed specifically at the claimant, or at the person from which the claimant's claim is derived.

2. An award for punitive or exemplary damages shall not be made unless the answer or finding pursuant to subsection 1, paragraph "a", is affirmative. If such answer or finding is affirmative, the jury, or court if there is no jury, shall fix the amount of punitive or exemplary damages to be awarded, and such damages shall be ordered paid as follows:

a. If the answer or finding pursuant to subsection 1, paragraph "b", is affirmative, the full amount of the punitive or exemplary damages awarded shall be paid to the claimant.

b. If the answer or finding pursuant to subsection 1, paragraph "b", is negative, after payment of all applicable costs and fees, an amount not to exceed twenty-five percent of the punitive or exemplary damages awarded may be ordered paid to the claimant, with the remainder of the award to be ordered paid into a civil reparations trust fund administered by

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the state court administrator. Funds placed in the civil reparations trust shall be under the control and supervision of the executive council, and shall be disbursed only for purposes of indigent civil litigation programs or insurance assistance programs.

3. The mere allegation or assertion of a claim for punitive damages shall not form the basis for discovery of the wealth or ability to respond in damages on behalf of the party from whom punitive damages are claimed until such time as the claimant has established that sufficient admissible evidence exists to support a prima facie case establishing the requirements of subsection 1, paragraph "a"."

18. Page 21, line 8, by inserting after the word "fault" the following: "under section 668.3, subsection 1, Code 1985".

19. Page 21, line 30, by striking the word "sixteen" and inserting the words "twelve voting members and two ex officio".

20. Page 21, line 32, by striking the word "Three" and inserting the word "Two".

21. Page 21, line 34, by striking the word "Three" and inserting the word "Two".

22. Page 21, line 49, by inserting after the word "designee" the words ", who shall be an ex officio member".

23. Page 22, line 1, by inserting after the word "designee" the words ", who shall be an ex officio member".

24. Page 22, by inserting after line 20, the following:

"(5) Review and report on the advisability of implementing a claims-made form of insurance practice."

25. Page 22, line 21, by striking the word "litigation" and inserting the word "litigating".

26. Page 22, by striking lines 38 through 44.

27. Page 22, line 47, by inserting after the word "council" the following: "shall authorize the legislative fiscal bureau and the legislative service bureau to provide assistance to the study commission and".

28. Page 23, by striking lines 20 through 47.

29. Page 24, by inserting after line 14, the following:

"_____. By striking title page 1, line 1 through title page 2, line 8, and inserting the following: "An Act relating to liability and liability insurance, providing penalties, and providing for publication and effective dates." "

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30. By renumbering, relettering, or redesignating and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 52, nays 32.

The motion prevailed and the House concurred in the Senate amendment H—5965 to the House amendment.

Groninga of Cerro Gordo 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. 2265)

The ayes were, 81:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr

Carl	Carpenter	Carter	Chapman
Clark	Connolly	Connors	Cooper
Daggett	De Groot	Diemer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hanson	Harbor	Hatch
Haverland	Hermann	Holveck	Hughes
Hummel	Jay	Knapp	Koenigs
Kremer	Lageschulte	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	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Woods
Mr. Speaker			

The nays were, 12:

Corey	Doderer	Grandia	Hammond
Handorf	Johnson	Maulsby	Miller
Pellett	Stueland	Van Maanen	Welden

Absent or not voting, 7:

Baxter	Cochran	Groth	Hester
Jochum	Sturgeon	Zimmerman	

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

Platt of Muscatine called up for consideration **House File 2393,** a bill for an act authorizing cities and counties to establish civil penalties for violations of ordinances, amended by the Senate amendment H—5857 as follows:

H—5857

Amend House File 2393, as passed by the House, as follows:

1. Page 1, line 16, by striking the word "infraction." and inserting the following: "infraction; however, a city shall not enact an ordinance regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, or transportation is otherwise lawful under the laws of this state."

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

"3. A city shall not provide that a violation of an ordinance is a municipal infraction if the violation is a felony or misdemeanor by state law."

3. Page 2, by striking lines 6 through 8 and inserting the following: "convincing evidence."

4. Page 2, line 12, by striking the word "city," and inserting the words "city and".

5. Page 2, by striking line 13 and inserting the following: "behalf."

6. Page 2, line 32, by inserting after the word "court" the words "in the same action".

7. By striking page 2 line 34 through page 3, line 2 and inserting the following: "infraction, the court may impose a civil penalty or may grant appropriate relief to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court,".

8. Page 3, line 6, by striking the word "criminal" and inserting the word "civil".

9. Page 3, by inserting after line 32 the following:

"3. A county shall not provide that a violation of an ordinance is a county infraction if the violation is a felony or misdemeanor by state law."

10. Page 4, by striking lines 22 through 24 and inserting the following: "convincing evidence."

11. Page 4, line 28, by striking the word "county," and inserting the words "county and".

12. Page 4, by striking lines 29 and 30 and inserting the following: "violator's behalf."

13. Page 5, line 15, by inserting after the word "court" the words "in the same action".

14. Page 5, by striking lines 17 through 20 and inserting the following: "infraction, the court may impose a civil penalty or may grant appropriate relief

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to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court,".

15. Page 5, line 24, by striking the word "criminal" and inserting the word "civil".

O'Kane of Woodbury asked and received unanimous consent to temporarily defer action on amendment H—6026, to the Senate amendment H—5857.

O'Kane of Woodbury offered amendment H—6037, to the Senate amendment H—5857, filed by him. Division was requested as follows:

H—6037

Amend the Senate amendment, H—5857, to House File 2393 as passed by the House as follows:

H—6037A

1. Page 1, by striking lines 3 through 10.

H—6037B

2. Page 1, by inserting after line 21 the following:

"_____. Page 2, line 29, by inserting after the word "fees." the following: "If a person is found not guilty of a municipal infraction or the action is dismissed, the city is liable for the court costs and court fees. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the city." "

3. Page 1, by inserting after line 45 the following:

"_____. Page 5, line 12, by inserting after the word "fees." the following: "If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the county." "

4. By renumbering as necessary.

O'Kane of Woodbury moved the adoption of amendment H—6037A, to the Senate amendment H—5857.

A non-record roll call was requested.

The ayes were 44, nays 18.

Amendment H—6037A was adopted.

On motion by O'Kane of Woodbury, amendment H—6037B, to the Senate amendment H—5857, was adopted.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—6026, temporarily deferred, filed by him on April 24, 1986.

On motion by Platt of Muscatine, the House concurred in the Senate amendment H—5857, as amended.

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

On the question "Shall the bill pass?" (H.F. 2393)

The ayes were, 78:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Clark
Connolly	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Hatch	Haverland	Hermann
Holveck	Hughes	Johnson	Koenigs
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Metcalf	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Running	Sherzan
Shoultz	Siegrist	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Teaford	Van Maanen	Varn	Welden
Woods	Mr. Speaker		

The nays were, 13:

Halvorson, R. A.	Harbor	Hummel	Jay
Knapp	Kremer	Rosenberg	Royer
Schnekloth	Shoning	Skow	Sullivan
Van Camp			

Absent or not voting, 9:

Baxter	Chapman	Cochran	Groth
Hester	Jochum	Miller	Sturgeon
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 2393)

Norland of Worth asked and received unanimous consent that House File 2393 be immediately messaged to the Senate.

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 ways and means meeting upon adjournment.

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 29, 1986, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 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.

Also: That the Senate has on April 29, 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 2471, 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.

Also: That the Senate has on April 29, 1986, receded from its amendment and passed the following bill:

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.

Also: That the Senate has on April 29, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2488, 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 April 29, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 134, a concurrent resolution relating to interim studies.

K. MARIE THAYER, Secretary

CONFERENCE COMMITTEE REPORT FILED

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

JOSEPH O'HERN
Chief Clerk of the House

House File 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.

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 29th day of April, 1986: House Files 392, 732, 2035, 2216, 2301, 2387, 2388, 2397, 2422, 2423 and 2424.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, April 28, 1986. Had I been present, I would have voted "aye" on House File 2485 and Senate File 2210; "nay" on Senate File 97.

RENAUD of Polk

PRESENTATION OF VISITORS

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

Fifty-five eighth grade students from Prairie Junior-Senior High School, Gowrie, accompanied by Darrell Ziemer. By Cochran of Webster.

Thirty eighth grade students from St. Josephs School, Des Moines, accompanied by Jeanne Schulte. By Connors of Polk.

Forty-two fourth grade students from East Elementary School, Ankeny, accompanied by Mary Martinson. By Haverland of Polk.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF PUBLIC INSTRUCTION AND
DEPARTMENT OF HUMAN SERVICES

The Proposed Model Policy Relating to Abuse of Students by School Employees, pursuant to House File 451, Sections 27, 32 and 35, 1985 Session of the Seventy-first General Assembly.

TREASURER OF STATE

The annual report on the condition of the State of Iowa Treasury for the period beginning July 1, 1984 and ending June 30, 1985, pursuant to Chapter 12.17 Code of Iowa.

On motion by Norland of Worth, the House adjourned at 6:06 p.m., until 9:00 a.m., Wednesday, April 30, 1986.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day—Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 30, 1986

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

Prayer was offered by the Honorable William Harbor, state representative from Mills County.

The Journal of Tuesday, April 29, 1986 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, until his arrival, on request of Koenigs of Mitchell.

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 28, 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 123, a bill for an act relating to the issuance of handicapped identification devices, making penalties applicable.

Also: That the Senate has on April 28, 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 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.

Also: That the Senate has, on April 28, 1986, adopted the conference committee report and passed 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 28, 1986, adopted the conference committee report and passed 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 28, 1986, adopted the conference committee report and passed House File 2414, a bill for an act relating to hunting and fishing.

K. MARIE THAYER, Secretary

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

Senate File 2294, a bill for an act relating to the state individual and corporate income tax by limiting, modifying, eliminating, and changing certain deductions and credits in computing the tax liability, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 29, 1986.

Senate File 2295, a bill for an act to increase snowmobile registration fees and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 29, 1986.

Senate File 2296, a bill for an act relating to the movement of vehicles of excessive size and weight.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H–6060** April 29, 1986.

Senate File 2302, a bill for an act relating to the local option sales and services tax and the local option earnings tax and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–6061** April 29, 1986.

QUORUM CALL

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2349)

Pavich of Pottawattamie called up for consideration the report of the conference committee on House File 2349 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2349

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the Conference Committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2349, a bill for an act relating to games of skill, games of chance, and raffles, respectfully make the following report:

1. That the House recede from its amendment.

2. That the Senate amendment, H—5732, to House File 2349 as amended, passed, and reprinted by the House, be amended as follows:

1. Page 1, line 30, by inserting after the words "national organization" the following: "and the national organization is a tax-exempt organization under one of the provisions enumerated in section 99B.7, subsection 1, paragraph "m",".

2. Page 1, line 32, by striking the word "two" and inserting the following: "five".

3. Page 2, line 24, by striking the word "awarded" and inserting the following: "offered".

4. By striking page 2, line 49 through page 3, line 1 and inserting the following: "defined in section 123.3 if the games or raffles are conducted pursuant to this chapter or rules adopted pursuant to this chapter."

5. Page 3, by striking lines 10 through 28 and inserting the following: "the game of bingo and shall not exceed one hundred dollars. Merchandise prizes may be awarded in the game of bingo, however, the actual retail value of the prize, or if the prize consists of more than one item, unit or part, the aggregate retail value of all items, units or parts, shall not exceed one hundred dollars. A jackpot bingo game may be conducted once during any twenty-four hour period in which the prize may be increased by not more than one hundred dollars after each day's game. However, the cost of play in a jackpot bingo game shall not be increased and the jackpot shall not amount to more than ~~five~~ seven hundred fifty dollars in cash or actual retail value of merchandise prizes. A jackpot bingo game is not prohibited by paragraph "h". A bingo occasion shall not last for longer than".

6. Page 3, by striking lines 37 and 38 and inserting the following: "limited license bingo, no more than three bingo occasions per".

7. Page 4, line 12, by inserting after the word "bingo" the following: "and raffles".

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

"Sec. _____. Section 99B.8, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. However, an organization may sponsor one or more game nights using play money for participation by students without the organization obtaining a license otherwise required by this section if the organization obtains prior approval for the game night from the board of directors of the accredited public school or the authorities in charge of the nonpublic school accredited by the state board of education for whose students the game night is to be held."

9. Page 4, by striking lines 24 through 36.

10. Page 4, by inserting after line 36 the following:

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

"Sec. _____. NEW SECTION. 99B.21 TAX ON PRIZES.

All prizes awarded are Iowa earned income and are subject to state and federal income tax laws. A person conducting a game of skill, game of chance, or a raffle shall deduct state income taxes from a cash prize awarded to an individual in excess of six hundred dollars. An amount deducted from the prize for payment of a state tax shall be remitted to the state department of revenue on behalf of the prize winner.

Sec. _____. Section 422.45, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 32. Gross sale from the sale of raffle tickets for a raffle licensed pursuant to section 99B.5." "

11. Page 4, by inserting after line 43 the following:

"_____. Title page, line 1, by inserting after the word "raffles" the following: "and providing an effective date"."

ON THE PART OF THE HOUSE:
EMIL S. PAVICH, Chair
LINDA L. BEATTY
ROD HALVORSON
J. BRENT SIEGRIST

ON THE PART OF THE SENATE:
BOB CARR, Chair
WALLY E. HORN
JIM LIND
JOHN N. NYSTROM
JOE J. WELSH

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 2349)

The ayes were, 79:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Cochran	Connors
Cooper	Diemer	Doderer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hanson	Harbor
Hatch	Hermann	Hester	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	Renken	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Zimmerman	Mr. Speaker	

The nays were, 16:

Bennett	Branstad	Clark	Corey
Daggett	De Groot	Grandia	Hammond
Handorf	Holveck	Maulsby	McKean
Pellett	Rensink	Van Maanen	Welden

Absent or not voting, 5:

Black	Connolly	Haverland	Sturgeon
Woods			

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

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Files 2295, 2294, 2302 and 2296.

CONSIDERATION OF BILLS

Senate File 2295, a bill for an act to increase snowmobile registration fees and providing an effective date, 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. 2295)

The ayes were, 85:

Arnould	Baxter	Beatty	Blanshan
Brammer	Branstad	Buhr	Carl
Carpenter	Carter	Chapman	Clark
Cochran	Connors	Cooper	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Harbor	Hatch	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	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renken	Rensink	Rosenberg
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Teaford	Varn	Zimmerman
Mr. Speaker			

The nays were, 8:

Bennett	Grandia	Lonergan	Renaud
Royer	Running	Van Camp	Van Maanen

Absent or not voting, 7:

Black	Connolly	Hanson	Haverland
Sturgeon	Welden	Woods	

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

Senate File 2294, a bill for an act relating to the state individual and corporate income tax by limiting, modifying, eliminating, and changing certain deductions and credits in computing the tax liability, and providing an effective date, with report of committee recommending passage was taken up for consideration.

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. 2294)

The ayes were, 65:

Arnould	Beatty	Blanshan	Brammer
Branstad	Buhr	Carl	Carter
Chapman	Cochran	Connors	Cooper
Daggett	Doderer	Fey	Fogarty
Groninga	Gruhn	Hammond	Hanson
Hatch	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Sullivan	Swartz	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 27:

Bennett	Carpenter	Clark	Corey
De Groot	Diemer	Grandia	Halvorson, R. A.
Handorf	Harbor	Hermann	Hester
Hummel	Maulsby	Metcalf	Miller
Paulin	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Stueland
Swearingen	Van Maanen	Welden	

Absent or not voting, 8:

Baxter	Black	Connolly	Groth
Halvorson, R. N.	Haverland	Stromer	Sturgeon

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 12:08 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent that the following bills be immediately messaged to the Senate: House File 2349 and Senate Files 2294 and 2295.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 2289, a bill for an act 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, with report of committee recommending amendment and passage was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H–6036 filed by the committee on state government and moved its adoption:

H–6036

Amend Senate File 2289 as amended, passed and reprinted by the Senate as follows:

1. Page 9, line 14, by inserting after the word "designee" the words "and approved by the legislative council".

The committee amendment H—6036 was adopted.

Carpenter of Polk offered the following amendment H—6063 filed from the floor by Carpenter, Connors, Doderer and Lloyd-Jones:

H—6063

Amend Senate File 2289 as amended, passed, and reprinted by the Senate as follows:

1. By striking page 1, line 3 through page 2, line 5 and inserting the following:

"11. To ~~appoint~~ approve the appointment of the Iowa Code editor and the Iowa administrative code editor, establish the salaries of the persons employed in that office and establish policies with regard to the printing and publishing of the Iowa administrative code and bulletin, the Code of Iowa, and session laws ~~including but not limited to: The style and format to be used in publishing such documents, the frequency of publications, the contents of such publications, the numbering system to be used in the Code and session laws, the preparation of editorial comments or notations, the correction of errors, the type of print to be used, the number of volumes to be published, recommended revisions of the Code and session laws, the letting of contracts for the publication of the Code and session laws, and any other matters deemed necessary to the publication of a uniform and understandable Code of laws~~.

Sec. 2. NEW SECTION. 2.58A IOWA CODE OFFICE.

The Iowa Code office is created as a division of the legislative service bureau. The Iowa Code office includes the Iowa Code editor and the Iowa administrative code editor. The duties and powers of the Iowa Code editor and the Iowa administrative code editor shall be performed and exercised by the Code editor under the direction and supervision of the director of the legislative service bureau, subject to the review of the legislative council. The administrative head of the Iowa Code office is the Iowa administrative code editor, who shall administer and coordinate the operations of the office."

2. Page 3, by striking lines 7 through 12 and inserting the following:

"14.1 IOWA CODE EDITOR AND IOWA ADMINISTRATIVE CODE EDITOR.

The ~~legislative council~~ director of the legislative service bureau shall appoint ~~a~~ an Iowa Code editor ~~who shall serve~~ and an Iowa administrative code editor,

subject to the approval of the legislative council, each of whom serves at the pleasure of the legislative council."

3. Page 11, by inserting after line 22 the following:

"Sec. 22. In sections 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.15, and 14.16, Code 1985, and in other provisions containing references to the Code

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editor in regard to powers and duties relating to the Iowa Code, the Iowa Code editor may change references to the "Code editor" to "Iowa Code editor".

Sec. 23. In sections 14.7, 14.21, 17A.4, and 17A.6, Code 1985, and in other provisions containing references to the Code editor in regard to powers and duties relating to the Iowa administrative code and related documents, the Code editor may change references to the "Code editor" to "Iowa administrative code editor".

The following amendment H—6068, to amendment H—6063, filed by Carpenter of Polk from the floor was adopted by unanimous consent:

H—6068

Amend amendment H—6063 to Senate File 2289 as amended, passed, and reprinted by the Senate as follows:

1. Page 2, line 8, by inserting before the word "Code" the word "Iowa".

On motion by Carpenter of Polk, amendment H—6063, as amended, was adopted.

The following amendment H—6071, filed by Lloyd-Jones of Johnson from the floor, was adopted by unanimous consent:

H—6071

Amend Senate File 2289 as amended, passed and reprinted by the Senate as follows:

1. Title page, line 1, by striking the following: "the deputy Code editor,".

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. 2289)

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. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hatch	Haverland
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	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	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Mr. Speaker			

The nays were, 2:

O'Kane	Stromer

Absent or not voting, 5:

Connolly	Hermann	Renaud	Woods
Zimmerman			

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

IMMEDIATE MESSAGE
(Senate File 2289)

Norland of Worth asked and received unanimous consent to immediately message Senate File 2289 to the Senate.

Senate File 2302, a bill for an act relating to the local option sales and services tax and the local option earnings tax and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

O'Kane of Woodbury offered the following amendment H–6061 filed by the committee on ways and means and moved its adoption:

H–6061

Amend Senate File 2302 as passed by the Senate as follows:

1. Page 1, by striking lines 1 through 15 and inserting the following:

"Sec._____. Section 422A.1, unnumbered paragraph 3, Code 1985, is amended to read as follows:

A city or county shall impose a hotel and motel tax or increase the tax rate, only after an election at which a majority of those voting on the question favors imposition or increase. However, a hotel and motel tax shall not be repealed or reduced in rate if obligations are outstanding which are payable as provided in section 422A.2, unless funds sufficient to pay the principal, interest, and premium, if any, on the outstanding obligations at and prior to maturity have been properly set aside and pledged for ~~such~~ that purpose. The election shall be held at the time of that city's or county's general election or at the time of a special election.

Sec._____. Section 422B.1, subsections 1 and 2, Code Supplement 1985, are amended to read as follows:

1. A ~~city or a~~ county may impose by ordinance of ~~the city council or~~ the board of supervisors local option taxes authorized by this chapter, subject to this section.

2. A local option tax shall be imposed only after an election at which a majority of those voting on the question favors imposition and shall then be imposed until repealed as provided in subsection 7, paragraph "a". ~~If the tax is a local earnings tax imposed by a city, it shall only apply within the corporate boundaries of that city and if imposed by a county, it shall only apply to unincorporated areas of that county.~~ If the tax is a local vehicle tax imposed by a county, it shall apply to all incorporated and unincorporated areas of the county. If the tax is a local sales and services tax imposed by a county, it shall only apply to those incorporated areas and the unincorporated area of that county in which a majority of those voting in the area on the tax favor its

imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition.

Sec._____. Section 422B.1, subsections 3 and 4, Code Supplement 1985, are amended by striking the subsections.

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Sec._____. Section 422B.1, subsection 6, Code Supplement 1985, is amended to read as follows:

6. The county commissioner of elections shall submit the question of imposition of a local option tax at a state general election or at a special election held at anytime other than the time of a city regular election ~~in the case of a tax imposed by a county or at a state general election or city regular election in the case of a tax imposed by a city~~ which may not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and in the case of a vehicle tax the classes that will be exempt and in the case of a local sales and services tax the date it will be imposed. The ballot proposition shall also specify the approximate amount of local option tax revenues that will be used for property tax relief and shall contain a statement as to the specific purpose or purposes for which the revenues shall otherwise be expended. ~~The rate of a local earnings tax shall be in increments of one percent but not in excess of four percent as set by the governing body of the city or county seeking to impose the tax.~~ The rate of the vehicle tax shall be in increments of one dollar per vehicle as set by the petition seeking to impose the tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.

Sec._____. Section 422B.1, subsection 7, paragraph a, Code Supplement 1985, is amended to read as follows:

a. If a majority of those voting on the question of imposition of a local option tax favor imposition of a local option tax, the governing body of that ~~city or that~~ county~~, as applicable,~~ shall impose the tax at the rate specified for an unlimited period. However,

in the case of a local sales and services tax, the county shall not impose the tax in any incorporated area or the unincorporated area if the majority of those voting on the tax in that area did not favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition. The local option tax may be repealed or

Page 3

the rate increased or decreased only after an election at which a majority of those voting on the question of repeal or rate change favor the repeal or rate change. The election at which the question of repeal or rate change is offered shall be called and held in the same manner and under the same conditions as provided in subsections ~~3,~~ ~~4,~~ 5~~,~~ and 6 for the election on the imposition of the local option tax. However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition shall be voted on only by the qualified electors of the areas of the county where the tax has been imposed or has not been imposed, as appropriate.

Sec._____. Section 422B.1, subsection 9, Code Supplement 1985, is amended to read as follows:

9. Local option taxes authorized to be imposed as provided in this chapter are ~~a local earnings tax,~~ a local sales and services tax, and a local vehicle tax. The rate of the ~~taxes~~ tax shall be ~~up to four percent in increments of one percent for the earnings tax, and~~ in increments of one dollar per vehicle for a vehicle tax ~~all as set by the governing body of the city or county seeking to impose the earnings tax or~~ as set on the petition seeking to impose the vehicle tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body."

2. Page 2, by inserting after line 22 the following:

"Sec._____. Sections 422B.5 through 422B.7, Code Supplement 1985, are repealed."

3. Title page, lines 1 and 2, by striking the words "sales and services tax and the local option earnings tax" and inserting the following: "taxes".

The committee amendment H—6061 was adopted.

Halvorson of Clayton asked and received unanimous consent to reconsider the vote by which the committee amendment H–6061 was adopted by the House on April 30, 1986.

Bennett of Ida offered the following amendment H–6066, to the committee amendment H–6061, filed by him from the floor and moved its adoption:

H–6066

Amend the committee amendment, H–6061, to Senate File 2302 as passed by the Senate as follows:

1. Page 1, line 20, by striking the word "Sec. _____." and inserting the following: "Sec. 100."

2. Page 1, line 34, by inserting after the words "vehicle tax" the following: "or a local sales and services tax".

3. Page 1, by striking lines 36 through 47 and inserting the following: "unincorporated areas of the county. ~~If the tax is a local sales and services tax imposed by a county, it shall only apply to those incorporated areas and the unincorporated area of that county in which a majority of those voting in the area on the tax favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition.~~"

4. Page 2, line 32, by striking the word "Sec. _____." and inserting the following: "Sec. 101."

5. Page 2, by striking lines 39 through 50 and inserting the following: "the rate specified for an unlimited period. ~~However, in the case of a local sales and services tax, the county shall not impose the tax in any incorporated area or the unincorporated area if the majority of those voting on the tax in that area did not favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition.~~ The local option tax may be repealed or".

6. Page 3, by striking lines 8 through 14 and inserting the following: "imposition of the local option tax. ~~However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition shall be voted on only by the qualified electors of the~~

~~areas of the county where the tax has been imposed or has not been imposed, as appropriate.~~"

7. Page 3, by inserting after line 27 the following:

"_____. Page 2, by inserting after line 13 the following:

"Sec. 102. Section 422B.8, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

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A local sales and services tax at the rate of not more than one percent may be imposed by a county on the gross receipts taxed by the state under chapter 422, division IV. A local sales and services tax shall be imposed on the same basis as the state sales and services tax and may not be imposed on the sale of any property or on any service not taxed by the state. However, notwithstanding that the gross receipts from the sale or rental of the tangible personal property described in section 422.45, subsections 26 and 27 are taxable during the period beginning July 1, 1985 and ending June 30, 1987, a local sales and services tax shall not be imposed on the sale or rental of such property. A local sales and services tax is applicable to transactions within those incorporated and unincorporated areas of the county where it is imposed and shall be collected by all persons required to collect state gross receipts taxes. ~~All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition.~~" "

8. Page 3, by inserting after line 29 the following:

" "Sec. 103. Section 422B.10, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The treasurer of state, pursuant to rules of the director of revenue, shall remit at least quarterly to the board of supervisors, ~~if the tax was imposed in the unincorporated areas,~~ and each city ~~where the tax was imposed~~ its share of the county's account in the local sales and services tax fund as computed under subsections 3 and 4."

9. Page 3, line 30, by striking the word " "Sec." and inserting the following: "Sec."

10. Page 3, by inserting after line 31 the following:

"_____. Page 2, line 33, by inserting after the word "Act" the following: ", except for sections 100

through 103,".

_____. Page 3, by inserting after line 2 the following:

"Sec._____. Sections 100 through 103 of this Act are effective July 1, 1986." "

A non-record roll call was requested.

The ayes were 32, nays 44.

Amendment H—6066 lost.

On motion by O'Kane of Woodbury, the committee amendment H—6061 was adopted.

Stromer of Hancock offered the following amendment H—6069 filed by him from the floor:

H—6069

Amend Senate File 2302 as passed by the Senate as follows:

1. Page 2, by inserting after line 22 the following:

"Sec. 3A. Section 423.4, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Aircraft used in interstate commerce prior to their entry into this state and which continue to be used substantially in interstate commerce. For purposes of this subsection, "substantially" means at least ninety percent of the aircraft's actual flights."

2. Page 3, by inserting after line 5 the following:

"Sec._____. Section 3A of this Act is retroactive to January 1, 1985."

O'Kane of Woodbury rose on a point of order that amendment H—6069 was not germane.

The Speaker ruled the point well taken and amendment H—6069 not germane.

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. 2302)

The ayes were, 90:

Arnould	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. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	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	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Welden
Woods	Mr. Speaker		

The nays were, 7:

Branstad	De Groot	Grandia	Knapp
Renken	Rensink	Van Maanen	

Absent or not voting, 3:

Harbor	Hatch	Zimmerman

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

IMMEDIATE MESSAGE
(Senate File 2302)

Norland of Worth asked and received unanimous consent that Senate File 2302 be immediately messaged to the Senate.

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

The House resumed session at 5:27 p.m., Speaker Avenson in the chair.

QUORUM CALL

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

SENATE AMENDMENT CONSIDERED

McIntee of Black Hawk called up for consideration **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, amended by the Senate amendment H–5822:

H–5822

Amend House File 2066 as amended and passed by the House, as follows:

1. Page 1, by inserting after line 33 the following:

"Sec._____. Section 41.1, subsection 10, paragraph b, Code 1985, is amended to read as follows:

b. Pocahontas county, except Cummins, Powhatan, Des Moines, Roosevelt, Garfield, Clinton, and Lake townships."

2. Page 4, by inserting after line 21 the following:

"Sec._____. Section 232.75, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who reports or causes to be reported to the department of human services false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor."

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

"Sec._____. Section 321.236, subsection 1, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

Parking meter and overtime parking violations which are denied shall be charged and proceed before a court the same as other traffic violations and court costs shall be assessed as provided in section 805.6, subsection 1, paragraph "a" for parking violation cases. Parking violations which are admitted:"

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

"Sec._____. Section 327H.18, Code 1985, is amended to read as follows:

327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund shall be expended for providing assistance for the restoration, conservation, and improvement and construction of railroad main lines, branch lines, switching yards and sidings. Any unencumbered funds appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. However, not more than twenty

percent of the funds appropriated to the railroad assistance fund from the general fund of the state in any fiscal year shall be used for restoration, conservation, ~~and~~ improvement and construction of railroad main lines, switching yards and sidings. Any moneys received by the department by agreements, grants, gifts, or other means from individuals,

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companies, business entities, cities or counties for the purposes of this section shall be credited to the railroad assistance fund.".

5. Page 5, by inserting after line 25 the following:

"Sec._____. NEW SECTION. 631.17 PROHIBITED PRACTICES.

1. The district court, after due notice and hearing, may bar a person from appearing on the person's own behalf in any court governed by this chapter on a cause of action purchased by or assigned for collection to that person for any of the following:

a. Falsely holding oneself out as an attorney at law.

b. Repeatedly filing claims for costs allowed under section 625.22 which have been found by the court to have been exaggerated or without merit.

c. A pattern of conduct in violation of article 7 of chapter 537.

2. A person barred pursuant to subsection 1 shall not derive any benefit, directly or indirectly, from any case brought pursuant to this chapter within the purview of the order of bar issued by the district court.

3. The district court shall dismiss any pending case based on a cause of action purchased or assigned for collection brought on the person's own behalf by a person barred pursuant to subsection 1, and shall assess the costs against that person.

4. The district court shall dismiss any case subsequently brought directly or indirectly by a person subject to a bar pursuant to subsection 1 in violation of that subsection and shall assess all costs to that person, and the court shall assess a further civil fine of one hundred dollars against that person for each such case dismissed.

5. The district court shall retain jurisdiction over a person barred pursuant to subsection 1 and may punish violations of the court's order of bar as a matter of criminal contempt."

6. Page 5, by inserting after line 25, the following:

"Sec._____. Section 642.22, Code Supplement 1985,

is amended by adding the following new subsection:
NEW SUBSECTION. 3. Expiration of the execution does not affect a garnishee's duties and liabilities respecting property already withheld pursuant to the garnishment."
7. Page 5, by inserting after line 25 the

Page 3

following:
"Sec._____. Section 708.7, subsection 5, Code 1985, is amended by striking the subsection."
8. Page 6, by inserting after line 2 the following:
"Sec._____. Section 805.6, subsection 1, paragraph "a", unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:
The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. The court costs in cases of parking ~~violation cases~~ violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, are eight dollars per court appearance, regardless of the number of parking violations considered at that court appearance. The court costs in scheduled violation cases where a court appearance is not required are ten dollars. The court costs in scheduled violation cases where a court appearance is required are fifteen dollars. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable."
9. Page 7, by inserting after line 31 the following:
"Sec._____. Section 631.17, as enacted by this Act, being deemed of immediate importance, takes effect from and after the publication of this Act in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa, and in the Audubon News-Advocate, a newspaper published in Audubon, Iowa."

10. Title page, line 3, by inserting after the word "practices" the following: ", and providing penalties and an effective date".

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

Lloyd-Jones of Johnson offered the following amendment H—6073, to the Senate amendment H—5822, filed by her from the floor:

H—6073

Amend the Senate amendment, H—5822, to House File 2066 as amended, passed, and reprinted by the House as follows:

1. Page 3, by inserting after line 39 the following:

"Sec._____. 1986 Iowa Acts, Senate File 2175, section 215, is amended by striking the section and inserting in lieu thereof the following:

Sec. 215. Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. EMPLOYEE DISCIPLINE. A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

2. EMPLOYEE GRIEVANCES. A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was

received or should have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not

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grant the relief sought, the employee may, within thirty calendar days following the date of filing of the appeal, file the appeal with the public employment relations board for hearing. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of substantial compliance with this chapter and the rules of the department of personnel. Decisions by the public employment relations board constitute final agency action.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 229, is amended by striking the section and inserting in lieu thereof the following:

Sec. 229. Section 20.1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:

1. Determining appropriate bargaining units and conducting representation elections.

2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter.

3. Adjudicating and serving as arbitrators regarding state merit system grievances and, upon joint request, grievances arising under collective bargaining agreements between public employers and certified employee organizations.

4. Providing mediators, fact-finders, and arbitrators to resolve impasses in negotiations.

5. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.

6. Assisting the attorney general in the preparation of legal briefs and the presentation of oral arguments in the district court and the supreme court in cases affecting the board.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 655, is amended by striking the section.

Sec._____. Section 467D.2, subsection 1, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 662, is amended to read as follows:

1. "~~Watershed planning~~ Water resource district"

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means one of the six ~~watershed planning~~ water resource districts established by section 467D.3.

Sec._____. Section 467D.3, unnumbered paragraph 1, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 664, is amended to read as follows:

In furtherance of the policy set forth in section 467D.1, the entire area of the state of Iowa shall be divided into six ~~watershed planning~~ water resource districts, and the same are hereby established as political subdivisions of the state of Iowa, as follows:

Sec._____. Section 15.104, subsection 2, as enacted by 1986 Iowa Acts, Senate File 2175, section 804, is amended to read as follows:

2. Prepare a five-year strategic plan for state economic growth to implement the specific comprehensive goals, objectives, and policies of the state. All other state agencies involved in economic development activities shall annually submit to the board for its review and potential inclusion in the strategic plan their specific strategic plans and programs. The five-year strategic plan for state economic growth shall be updated annually.

Sec._____. Section 15.108, subsection 7, the second paragraph c and paragraphs d through g, as enacted by 1986 Iowa Acts, Senate File 2175, section 808, are amended to read as follows:

e d. If determined necessary by the board, provide training for bank loan officers to increase their level of expertise in regard to business loans.

~~d~~ e. To the extent feasible, cooperate with the department of employment services to establish a program to educate existing employers and new or potential employers on the rates and workings of the state unemployment compensation program and the state workers' compensation program.

e f. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to conduct small businesses.

~~f~~ g. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state board of regents, and the department of transportation in performing the following functions:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the state. This form

shall also contain information which can be used to determine certification as a targeted small business pursuant to paragraph "c", subparagraph (4).

(2) Compiling and maintaining a comprehensive source list of small businesses.

(3) Assuring that responsible small businesses are solicited on each suitable purchase.

(4) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

(5) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.

(6) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

(7) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.

(8) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement.

g h. In addition, the department may establish a small business advisory council to:

(1) Advise and consult with the board and the department with respect to matters which are of concern to small business.

(2) Submit recommendations to the board relating to actual or proposed activities concerning small business.

(3) Submit recommendations for legislative or administrative actions.

(4) Review and monitor small business programs and agencies in order to determine their effectiveness and whether they complement or compete with each other, and to coordinate the delivery of programs and services aimed at small business.

(5) Initiate special small business economic studies as deemed necessary, including but not limited to analyses of trends and growth opportunities relative to small business.

(6) Provide other information or perform other duties which would be of assistance to small business.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 817, is amended by striking the section and inserting in lieu thereof the following:

Sec. 817. NEW SECTION. 15.252 PURPOSE.

The purpose of this part is to establish through the regional satellite centers, as stated in chapter

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28.101, a statewide network of regional offices to help coordinate job training programs with statewide, regional, and local economic development initiatives, and to promote the economic growth of this state.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 913, is amended by striking the section and inserting in lieu thereof the following:

Sec. 913. Section 86.24, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The decision of the industrial commissioner is final agency action and an appeal of the decision shall be made directly to the supreme court.

Sec._____. 1986 Iowa Acts, Senate File 2175, is amended by adding the following after section 913:

Sec._____. Section 86.26, Code 1985, is amended to read as follows:

86.26 JUDICIAL REVIEW.

Judicial review of decisions or orders of the industrial commissioner ~~may be sought in accordance with the terms of chapter 17A. Notwithstanding the terms of~~ shall not be to the district court but shall be made directly to the supreme court, notwithstanding chapter 17A, ~~petitions~~ The Iowa administrative procedure Act. Petitions for judicial review ~~may be filed in the district court of the county in which the hearing under section 86.17 was held~~ shall be filed with the clerk of the supreme court as are other actions for appeal or review. ~~Such a review proceeding shall be accorded priority over other matters pending before the district court.~~ The supreme court may transfer the action to the court of appeals.

Sec._____. Section 86.29, Code 1985, is amended to read as follows:

86.29 THE JUDICIAL REVIEW PETITION.

~~Notwithstanding chapter 17A, in a~~ In the petition for judicial review of a ~~final agency~~ decision of the industrial commissioner in a contested case under this chapter or chapter 85, 85A, 85B, or 87, the opposing party shall be named the respondent, and the agency shall not be named as a respondent.

Sec._____. Section 86.32, Code 1985, is amended to read as follows:

86.32 COSTS OF JUDICIAL REVIEW.

In proceedings for judicial review of compensation cases the clerk of the supreme court shall charge no fee for any service rendered except the filing ~~fee~~ and docketing fees and transcript fees when the transcript of a ~~judgment~~ the contested case proceeding is

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required. The taxation of costs on judicial review shall be in the discretion of the supreme court.

Sec._____. Section 86.39, Code 1985, is amended to read as follows:

86.39 FEES — APPROVAL — LIEN.

All fees or claims for legal, medical, hospital, and burial services rendered under this chapter and chapters 85, 85A, 85B, and 87 ~~shall be~~ are subject to the approval of the industrial commissioner, and no lien for such service ~~shall be~~ is enforceable without the approval of the amount ~~thereof~~ of the lien by the industrial commissioner. For services rendered in the district court ~~and~~ or appellate ~~courts~~ court, the attorney's fee ~~shall be~~ is subject to the approval of a judge of the ~~district~~ court.

Sec._____. Section 86.42, Code 1985, is amended to read as follows:

86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

Any party in interest may present a certified copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section 17A.19, subsection 5, or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and section 17A.15, or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to the district court ~~where judicial review of the agency action may be commenced~~ of the county in which the hearing under section 86.17 was held, of Polk county, or of the county in which the petitioner resides or has its principal place of business. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the industrial commissioner, or in the absence of an act of any party which prevents a decision of a deputy industrial commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

Sec._____. Section 303.1C, subsection 2, as enacted by 1986 Iowa Acts, Senate File 2175, section 1303, is amended by adding the following new lettered paragraph:

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NEW LETTERED PARAGRAPH. i. Buy or receive by other means historical materials including, but not limited to, artifacts, art, books, manuscripts, and images. Such materials are not personal property under section 18.12 and shall be received and cared for under the rules of the department. The historical division may sell or otherwise dispose of those materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 1308, is repealed.

Sec._____. Section 303.16, as enacted by 1986 Iowa Acts, Senate File 2175, section 1314, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The following persons are eligible to receive historical resource grants and loans:

a. County and city governments that are certified local governments by the historic preservation officer.

b. Nonprofit corporations.

c. Private corporations and businesses.

d. Individuals.

NEW SUBSECTION. 4. Grants and loans may be made for the following categories of purposes:

a. Acquisition and development of historical properties.

b. Preservation and conservation of historical properties.

c. Interpretation of historical resources.

Not less than twenty percent nor more than fifty percent of the funds in a single grant cycle shall be allocated to any one category.

NEW SUBSECTION. 5. Grants and loans are subject to the following restrictions:

a. Grants shall not be given to or received by any state agency, institution or its representative or agent.

b. Grants or loan funds shall not be used to support operating expenses or programs as defined by the department's rules.

c. Grant or loan funds shall not be used to support publications, public relations, or marketing expenses.

d. Grant or loan funds shall not support or partially support salaries or benefits of anyone employed directly by the recipient. This restriction does not prohibit the recipient from contracting with individuals for specific work of limited duration,

under federal internal revenue service guidelines for contract work.

e. Not more than fifty thousand dollars or twenty percent of the annual appropriation, whichever is more, shall be granted to recipients within any single county in any given grant cycle.

f. Not more than twenty-five thousand dollars or ten percent of the annual appropriation, whichever is more, may be granted or loaned to any single recipient within a single fiscal year.

g. Grants or loans under this program may be given only after review by the state historical board.

h. All grant or loan funds must be expended by employing individuals or businesses located within the state of Iowa.

NEW SUBSECTION. 6. For each dollar of grant funds the following recipients must provide the following matching cash and in kind resources:

a. For county and city governments and nonprofit corporations, fifty cents of which at least twenty-five cents must be in cash.

b. For other private corporations and businesses, one dollar of which at least seventy-five cents must be in cash.

c. For individuals, seventy-five cents of which at least fifty cents must be in cash.

NEW SUBSECTION. 7. The department may use twenty-five thousand dollars for administration of the grant and loan program.

NEW SUBSECTION. 8. a. The department may establish a historical resource revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in that fund. Each loan made under this section shall be for a period not to exceed ten years, shall bear interest at a rate determined by the state historical board, and shall be repayable to the revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants shall be eligible for no more than twenty-five thousand dollars in loans outstanding at any time under this program.

b. The department may:

(1) Contract, sue and be sued, and promulgate administrative rules necessary to carry out the provisions of this section, but the department shall

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not in any manner directly or indirectly pledge the credit of the state of Iowa.

(2) Authorize payment from the revolving loan fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 1489, is repealed.

Sec._____. Section 297.26, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 1984, is amended to read as follows:

297.26 SALE BY DEPARTMENT.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the department when the ~~department~~ director of education determines it is no longer needed for school purposes.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 1992, is amended by striking the section and inserting the following:

Sec. 1992. Sections 19.16 and 29A.59, Code 1985, are repealed.

Sec._____. Notwithstanding section 4.8, the provisions of this Act which amend 1986 Iowa Acts, Senate File 2175, or which amend provisions added, amended, or repealed by 1986 Iowa Acts, Senate File 2175, prevail over Senate File 2175 and are contingent upon the enactment of Senate File 2175.

Sec._____. 1986, Iowa Acts, Senate File 2175, section 2046, is amended by striking the section and inserting the following:

Sec. 2046. Section 421.31, subsection 3, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992.

The governor, auditor of state and the department of management shall phase in the implementation of generally accepted accounting principles, as defined by the governmental accounting standards board, which includes fund reclassifications, revenue recognition, and recognition of all appropriate liabilities beginning with the fiscal year beginning July 1, 1987.

The fiscal impact to the state general fund of implementing fund reclassifications, and recognizing

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additional liabilities shall be phased in according to the following schedule for the fiscal years beginning July 1:

1987	ten percent
1988	twenty percent
1989	forty percent
1990	sixty percent
1991	eighty percent
1992	one hundred percent

Sec._____. 1986 Iowa Acts, Senate File 2175, section 2065, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The validity of any official administrative or judicial pleading, claim, rate filing, motion, information, or other official document filed prior to the effective date of this Act shall not be affected by any statutory name changes made in this Act or by any administrative rule name changes made pursuant to this Act, and refiling of any such document shall not be required.

Sec._____. In sections 455.223, 455B.280, 467A.3, 467A.7, 467A.13, 467A.53, 467B.1, 467B.2, 467B.3, 467B.5, 467B.10, 467D.2, 467D.3, 467D.4, 467D.5, 467D.6, 467D.7, 467D.8, 467D.10, 467D.11, 467D.12, 467D.13, 467D.14, 467D.15, 467D.16, 467D.17, 467D.18, 467D.19, 467D.21, 467D.22, 467D.23, 467D.24, Code 1985, and section 467D.20, Code Supplement 1985, the Code editor may change references to the "conservancy districts" and "conservancy district" to "water resource districts" and "water resource district"."

Stromer of Hancock rose on a point of order and invoked Joint Rule 11, relating to corrective or nonsubstantive amendments, on House File 2066.

The Speaker ruled the point not well taken and amendments in order.

Norland of Worth asked and received unanimous consent that House File 2066 be deferred and that the bill retain its place on the calendar.

(Amendment H—6073, to the Senate amendment H—5822, pending.)

ADOPTION OF SENATE CONCURRENT RESOLUTION 125

Poncy of Wapello called up for consideration Senate Concurrent Resolution 125, honoring and congratulating Jennifer J. Demmon, an Iowan who won the 1986 American Legion National Oratorical Contest, and moved its adoption.

The motion prevailed and the resolution was adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 29 and 30, 1986. Had I been present, I would have voted "aye" on House File 2471 and Senate Files 2248 and 2289.

CONNOLLY of Dubuque

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 30th day of April, 1986: House File 2158.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM SECRETARY OF STATE

April 30, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that Senate File 2232 was published in the Diamond Trail News, Sully, Iowa, on April 16, 1986, and in The Altoona Herald-Mitchellville Index, Altoona, Iowa, on April 17, 1986.

I further certify that Senate File 2183 was published in the Diamond Trail News Sully, Iowa, on April 16, 1986, and in the Moulton Weekly Tribune, Moulton, Iowa, on April 16, 1986.

I further certify that Senate File 2247 was published in the Quad-City Times, Davenport, Iowa, on April 21, 1986, and in The Anamosa Journal-Eureka, Anamosa, Iowa, on April 23, 1986.

I further certify that Senate File 2212 was published in the Audubon News-Advocate, Audubon, Iowa, on April 24, 1986, and in the Lake Mills Graphic, Lake Mills, Iowa, on April 24, 1986.

I further certify that Senate File 2152 was published in The Red Oak Express, Red Oak, Iowa, on April 22, 1986, and in The Hamburg Reporter, Hamburg, Iowa, on April 24, 1986.

I further certify that Senate File 2277 was published in The Nevada Evening Journal, Nevada, Iowa, on April 22, 1986, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on April 22, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

Kremer of Buchanan presented to the House, Foreign Exchange Student Anna Christina from Columbia. Her host family is Mr. and Mrs. Joe Bagby of Independence and she is attending Independence High School.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

1986-20 John Cazanas, Rockford, Iowa — Representing Iowa as a "teacher-in-space" candidate.

JOSEPH O'HERN
Chief Clerk of the House

RESOLUTIONS FILED

HCR 137, by Daggett and Haverland, a concurrent resolution relating to an interim study regarding private instruction and instruction in nonpublic schools not approved by the department of public instruction.

Laid over under **Rule 25.**

SCR 134, by committee on rules and administration, a concurrent resolution relating to interim studies.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–6059	S.F.	2303	Renaud of Polk
H–6060	S.F.	2296	Committee on Ways and Means
H–6062	S.F.	2296	O'Kane of Woodbury Woods of Polk
H–6070	S.F.	2296	Doderer of Johnson
H–6074	S.F.	2304	Rosenberg of Story
H–6075	H.F.	2066	Jay of Appanoose
H–6076	H.F.	2066	Connolly of Dubuque
H–6077	H.F.	2066	Woods of Polk
H–6078	H.F.	2066	Hanson of Delaware Swartz of Marshall Groninga of Cerro Gordo
H–6079	H.F.	2066	Welden of Hardin
H–6080	H.F.	2066	Halvorson of Clayton
H–6081	H.F.	2066	Chapman of Linn

On motion by Norland of Worth, the House adjourned at 5:59 p.m., until 9:30 a.m., Thursday, May 1, 1986.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day — Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 1, 1986

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

Prayer was offered by the Honorable Roger Halvorson, state representative from Clayton County.

The Journal of Wednesday, April 30, 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 May 1, 1986, adopted the conference committee report and passed House File 2349, a bill for an act relating to games of skill, games of chance, and raffles.

Also: That the Senate has on May 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 2393, a bill for an act authorizing cities and counties to establish civil penalties for violations of ordinances.

Also: That the Senate has on April 29, 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 2462, a bill for an act relating to educational cost efficiencies including the reduction of administrative costs of area education agencies and school districts, 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.

Also: That the Senate has on April 29, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 30, 1986, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2305, by committee on appropriations, a bill for an act relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund.

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

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **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, amended by the Senate amendment H—5822 (found on pages 1931 through 1934 of the House Journal) and amendment H—6073 (found on pages 1934 through 1943 of the House Journal) to the Senate amendment H—5822.

Lloyd-Jones of Johnson asked and received unanimous consent to temporarily defer action on amendment H—6073.

Jay of Appanoose offered the following amendment H—6075, to the Senate amendment H—5822, filed by him:

H—6075

Amend the Senate amendment H—5822 to House File 2066 as amended, passed, and reprinted by the House as follows:

1. Page 1, by inserting after line 11 the following:

"Sec._____. Section 192A.13, unnumbered paragraph 1, Code 1985, is amended to read as follows:

No processor or distributor shall give, offer to give, furnish, finance, or otherwise make available any free goods to any person, directly or indirectly, in connection with the sale of dairy products or to

any other person doing business with such person, or give, offer to give, furnish, finance, or otherwise make available any payments, gifts, or grants of anything of value to any retailer. ~~Nothing in this section shall~~ However, this section does not prevent the use in advertisements or otherwise of "cents-off" purchase price coupons or "refund" coupons or the redeeming of the coupons from a retailer, and does not prevent ~~transactions with retailers of~~ any of the following:"

2. Page 1, by inserting after line 20 the following:

"Sec._____. Section 321.1, subsection 40, Code 1985 Supplement 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. "Final Stage Manufacturer" means a person who performs such manufacturing operations on an incomplete vehicle that it becomes a completed vehicle. A final stage manufacturer shall furnish to the department a document which identifies that the vehicle was incomplete prior to that manufacturing operation. The identification shall include the name of the incomplete vehicle manufacturer, the date of manufacture, and the vehicle identification number to ascertain that the document applies to a particular incomplete vehicle.

NEW UNNUMBERED PARAGRAPH. "Incomplete Vehicle" means an assemblage, as a minimum, consisting of a frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be a part of the completed vehicle, that requires further manufacturing operations, other than the addition of readily attachable equipment, components, or minor finishing operations."

3. Page 2, by striking line 3 and inserting the following: " "railroad assistance fund.

Sec._____. Section 331.756, subsection 5, Code

Page 2

Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If professional collection services are procured, the county attorney shall enter on the appropriate record of the clerk of the district court an indication of the satisfaction of each obligation to the full extent of all moneys

collected in satisfaction of that obligation, including all fees and compensation retained by the collection service incident to the collection and not paid into the office of the clerk.

Sec._____. Section 422.7, subsection 18, paragraph a, Code Supplement 1985, is amended to read as follows:

a. A handicapped individual domiciled in this state at the time of the hiring who meets any of the following conditions:".

_____. Page 5, by inserting after line 15 the following:

"Sec._____. Section 422.35, subsection 7, paragraph a, Code 1985, is amended to read as follows:

a. A handicapped individual domiciled in this state at the time of the hiring who meets any of the following conditions:"

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

"Sec._____. Section 467A.62, subsection 2, Code 1985, is amended by striking the subsection.

Sec._____. Section 565A.2, subsection 1, paragraph c, Code 1985, is amended to read as follows:

c. If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person or a bank with fiduciary powers, ~~following~~ followed, in substance, by the words: "as custodian for ..... (Name of minor) under the Iowa Uniform Gifts to Minors Act"." "

4. Page 3, by inserting after line 37 the following:

"_____. Page 6, by striking lines 3 and 4 and inserting the following:

"Sec._____. Section 809.13, subsection 5, paragraph b, as enacted by 1986 Iowa Acts, House File 2460, section 15, is amended to read as follows:".

_____. Page 6, line 12, by striking the figure "809A.21" and inserting the following: "809.21".

_____. Page 6, line 13, by striking the figure "809A.21" and inserting the following: "809.21"."

5. Page 3, by striking lines 46 through 48 and inserting the following:

Page 3

"_____. Title page, by striking line 3 and inserting the following: "and reflect or alter current practices, and providing penalties and an effective date." "

6. By renumbering as necessary.

Jay of Appanoose offered the following amendment H—6082, to amendment H—6075, to the Senate amendment H—5822, filed by him from the floor and moved its adoption:

H—6082

Amend amendment H—6075 to the Senate amendment H—5822 to House File 2066 as amended, passed, and reprinted by the House as follows:

1. Page 1, lines 24 and 25, by striking the numeral and word "1985 Supplement" and inserting the word "Supplement".

Amendment H—6082 was adopted.

On motion by Jay of Appanoose, amendment H—6075, as amended, (to the Senate amendment H—5822) was adopted.

Woods of Polk offered the following amendment H—6077, to the Senate amendment H—5822, filed by him and moved its adoption:

H—6077

Amend the Senate amendment, H—5822, to House File 2066, as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 29 the following:

"_____. Page 5, by inserting after line 1 the following:

"Sec._____. Section 325.26, subsection 1, Code 1985, as amended by Senate File 505, is amended to read as follows:

1. Passenger motor carriers.

a. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for bodily injury or death resulting therefrom as a result of any one accident or other cause, twenty-five thousand dollars for any recovery by one person and subject to the limit for one person, one hundred fifty thousand dollars for more than one person.

b. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for damage to or destruction of any property other than that of or in charge of the assured, as a result of any one accident or other cause, ten thousand dollars.

c. To cover the assured's legal liability as a

motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for loss of or damage to property of passengers as a result of any one accident or any other cause, one thousand dollars.

d. Unless the ~~authority~~ department determines, after an investigation and hearing, and adopts rules based on that determination, that lesser levels of financial responsibility will protect the public interest, a regular route motor carrier of passengers and a charter carrier operating a motor vehicle with a seating capacity of sixteen or more persons shall have the minimum levels of financial responsibility established under 49 U.S.C. §10927(a)(1).

e. A common carrier of passengers coming under this chapter, furnishing satisfactory proofs as to the carrier's solvency and financial ability to cover the assured's legal liability as provided for in this chapter and make payments to persons entitled thereto as a result of that legal liability, or depositing with the ~~authority~~ department surety satisfactory to it as guarantee for such payments, is relieved of the provisions of this section requiring liability insurance, surety bond or certificate of insurance;

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but shall, from time to time, furnish additional proof of solvency and financial ability to pay as required by the ~~authority~~ department." "

Amendment H—6077 was adopted.

Halvorson of Clayton offered the following amendment H—6080, to the Senate amendment H—5822, filed by him:

H—6080

Amend the Senate amendment H—5822 to House File 2066 as amended, passed and reprinted by the House as follows:

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

"Sec._____. 624.42 LIMITATION ON PUNITIVE AND EXEMPLARY DAMAGES.

In a civil action for recovery of damages for death of or injury to person or property, the court shall not award an amount exceeding two hundred thousand dollars for punitive or exemplary damages to or on behalf of any one person."

Jay of Appanoose rose on a point of order that amendment H—6080 was not germane.

The Speaker ruled the point well taken and amendment H—6080, to the Senate amendment H—5822, not germane.

Halvorson of Clayton asked for unanimous consent to consider amendment H—6080.

Objection was raised.

The House stood at ease at 10:45 a.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—5822, as amended, to House File 2066 at 11:37 a.m., Speaker Avenson in the chair.

Holveck of Polk offered the following amendment H—6083, to the Senate amendment H—5822, filed by him from the floor and moved its adoption:

H—6083

Amend the Senate Amendment, H—5822, to House File 2066 as amended, passed, and reprinted by the House as follows:

1. Page 2, by inserting after line 49 the following:

"_____. Page 5, by inserting after line 25 the following:

"Sec._____. Section 657A.10, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The receiver appointed under this ~~section~~ chapter is not civilly or criminally liable for actions pursuant to this ~~section~~ chapter taken in good faith.""

Amendment H—6083 was adopted.

Welden of Hardin asked and received unanimous consent to temporarily defer action on amendment H—6079.

Hanson of Delaware offered the following amendment H—6078, to the Senate amendment H—5822, filed by Hanson, Swartz and Groninga and moved its adoption:

H—6078

Amend the Senate amendment, H—5822, to House File 2066 as amended, passed and reprinted by the House as follows:

1. Page 3, by inserting after line 37 the following:

"_____. Page 7, by inserting after line 31 the following:

"Sec._____. 1985 Iowa Acts, Senate File 2175, is amended by adding the following:

Sec. 2073. Notwithstanding that section 803 of this Act specifies that the number of voting members of the Iowa economic development board shall be nine, for the period beginning July 1, 1986 and ending April 30, 1987 the number of voting members shall be eleven consisting of the nine members of the Iowa development commission whose terms were not scheduled to expire by July 1, 1986, the secretary of agriculture, and one member appointed by the governor." "

Amendment H—6078 was adopted.

Connolly of Dubuque offered the following amendment H—6076, to the Senate amendment H—5822, filed by him and moved its adoption:

H—6076

Amend the Senate amendment, H—5822, to House File 2066 as amended, passed, and reprinted as follows:

1. Page 3, by inserting after line 37 the following:

"_____. Page 7, by inserting after line 31 the following:

"Sec._____. The Code editor shall codify as a separate division of chapter 99E, 1985 Iowa Acts, chapter 33, sections 301 through 303, as amended by the Acts of the Seventy-first General Assembly, 1985 and 1986 Sessions. In the codification required under this section the Code editor has those powers and duties specified in section 14.13." "

Amendment H—6076 was adopted.

Hammond of Story offered the following amendment H—6088, to the Senate amendment H—5822, filed by her and Zimmerman of Dallas from the floor:

H—6088

Amend the Senate amendment, H—5822, to House File 2066 as amended, passed and reprinted by the House as follows:

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

"_____. Page 2, by inserting after line 22 the following:

"Sec._____. Section 98A.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

98A.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Smoking" means the carrying of or control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.

2. "Public place" means any enclosed indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants with a seating capacity of thirty-two or more persons, all retail stores, offices containing two hundred or more square feet of floor space, including waiting rooms of two hundred or more square feet of floor space, and other commercial establishments; public conveyances with departures originating in this state; educational facilities; hospitals, clinics, nursing homes, and other health care and medical facilities; and auditoriums, elevators, theaters, libraries, art museums, concert halls, indoor arenas, and meeting rooms. "Public place" does not include a private, enclosed office occupied exclusively by smokers even though the office may be visited by nonsmokers, a room used primarily as the residence of students or other persons at an educational facility, a sleeping room in a motel or hotel, or any designated smoking area in a health care facility or hospital. The person in custody or control of the facility shall provide a sufficient number of rooms in which smoking is not permitted to accommodate all persons who desire such rooms.

3. "Public meeting" means a gathering in person of the members of a governmental body, whether an open or a closed session under chapter 21.

4. "Bar" means an establishment or portion of an establishment where one can purchase and consume alcoholic beverages as defined in section 123.3, subsection 8, but excluding any establishment or portion of the establishment having table and seating facilities for serving of meals to more than thirty-two people at one time and where, in consideration of

payment, meals are served at tables to the public.

Sec._____. Section 98A.2, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

98A.2. PROHIBITION.

1. A person shall not smoke in a public place or in a public meeting except in a designated smoking area. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. This prohibition does not apply to factories, warehouses, and similar places of work not usually frequented by the general public, except that an employee cafeteria in such place of work shall have a designated nonsmoking area.

2. Smoking areas may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance, or regulation.

3. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no-smoking area. No public place other than a bar shall be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

4. Notwithstanding subsection 1 of this section, smoking is prohibited on elevators.

Sec._____. Section 98A.3, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

98A.3 RESPONSIBILITIES OF PROPRIETORS.

The person having custody or control of a public place or public meeting shall make reasonable efforts to prevent smoking in the public place or public meeting by:

1. Posting appropriate signs indicating no-smoking or smoking areas.

2. Arranging seating to provide smoke-free areas.

3. Asking smokers to refrain from smoking upon request of a person claiming discomfort from the smoke when the smoker is smoking in a designated no smoking area.

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Sec._____. Section 98A.4, Code 1985, is amended to read as follows:

98A.4 ~~NO SMOKING~~ AREAS POSTED.

~~The~~ A person ~~or persons~~ having custody or control of a ~~facility in which smoking is prohibited under section 98A.2~~ public place or public meeting shall cause signs to be posted within ~~the facility, or within~~ the ~~area or~~ appropriate areas of the facility ~~where the prohibition against smoking is in effect, one or more conspicuous signs bearing the words "smoking prohibited by law" or words or symbols of similar effect~~ advising patrons of smoking and no-smoking areas. In addition the statement "Smoking prohibited except in designated areas" shall be conspicuously posted on all major entrances to the public place or public meeting.

Sec._____. Section 98A.5, Code 1985, is amended to read as follows:

98A.5 ENFORCEMENT OF SMOKING PROHIBITION.

~~The~~ A person ~~in~~ having custody or control of a ~~facility in which smoking is prohibited under section 98A.2~~ public place or public meeting, or an employee of ~~any such facility~~ a public place who is on duty ~~therein~~ at the public place or public meeting, who observes a person smoking in ~~that facility~~ the public place or public meeting in violation of this chapter shall inform the person that smoking is prohibited by law in ~~that facility or~~ that area ~~of the facility, as the case may be~~.

Sec._____. Section 98A.6, Code 1985, is amended to read as follows:

98A.6 CIVIL PENALTY FOR VIOLATION.

A person who smokes in those areas ~~covered by~~ prohibited in section 98A.2, ~~or~~ who violates section 98A.4, shall pay a civil ~~fine of five dollars for the first violation and not less than ten nor more than one hundred~~ penalty not to exceed fifty dollars for each ~~subsequent~~ violation.

Judicial magistrates shall hear and determine violations of this chapter. The civil ~~fines~~ penalties paid pursuant to this chapter shall be deposited in the county treasury." "

Tabor of Jackson rose on a point of order that amendment H—6088 was not germane.

The Speaker ruled the point well taken and amendment H—6088 not germane to the Senate amendment H—5822.

The House resumed consideration of amendment H—6073 (found on pages 1934 through 1943 of the House Journal), temporarily deferred.

Welden of Hardin offered amendment H—6091, to amendment H—6073, to the Senate amendment H—5822, filed by him from the floor and requested division as follows:

H—6091

Amend amendment H—6073 to the Senate amendment H—5822 to House File 2066 as amended, passed and reprinted by the House as follows:

H—6091A

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

"Sec._____. Section 79.19, as enacted by 1986 Iowa Acts, Senate File 2175, section 234, is repealed." "

H—6091B

2. Page 5, by inserting before line 5 the following:

"Sec._____. Section 79.37, as enacted by 1986 Iowa Acts, Senate File 2175, section 240, is repealed." "

3. By renumbering as necessary.

Welden of Hardin moved the adoption of amendment H—6091A.

Roll call was requested by Stromer of Hancock and Welden of Hardin.

On the question "Shall amendment H—6091A, to amendment H—6073, to the Senate amendment H—5822, be adopted?"

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	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Rensink	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Maanen	Welden		

The nays were, 54:

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

Absent or not voting, 8:

Groth	Hatch	Lonergan	Metcalf
Norland	O'Kane	Sturgeon	Sullivan

Amendment H—6091A lost.

Welden of Hardin moved the adoption of amendment H—6091B, to amendment H—6073, to the Senate amendment H—5822.

Amendment H—6091B was adopted.

Lloyd-Jones of Johnson moved the adoption of amendment H—6073, as amended, to the Senate amendment H—5822.

Amendment H—6073, as amended, lost.

Chapman of Linn offered the following amendment H—6081, to the Senate amendment H—5822, filed by her:

H—6081

Amend the Senate amendment, H—5822, to House File 2066 as amended, passed, and reprinted by the House as follows:

1. Page 3, by inserting after line 39 the following:

"Sec. _____. 1986 Iowa Acts, Senate File 2175, section 215, is amended by striking the section and inserting in lieu thereof the following:

Sec. 215. Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. EMPLOYEE DISCIPLINE. A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

2. EMPLOYEE GRIEVANCES. A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was received or should have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not

Page 2

grant the relief sought, the employee may, within thirty calendar days following the date of filing of the appeal, file the appeal with the public employment relations board for hearing. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of substantial compliance with this chapter and the rules of the department of personnel. Decisions by the public employment relations board constitute final agency action.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 229, is amended by striking the section and inserting in lieu thereof the following:

Sec. 229. Section 20.1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:

1. Determining appropriate bargaining units and conducting representation elections.

2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter.

3. Adjudicating and serving as arbitrators regarding state merit system grievances and, upon joint request, grievances arising under collective bargaining agreements between public employers and certified employee organizations.

4. Providing mediators, fact-finders, and arbitrators to resolve impasses in negotiations.

5. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.

6. Assisting the attorney general in the preparation of legal briefs and the presentation of oral arguments in the district court and the supreme court in cases affecting the board.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 655, is amended by striking the section.

Sec._____. Section 467D.2, subsection 1, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 662, is amended to read as follows:

1. "~~Watershed planning~~ Water resource district"

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means one of the six ~~watershed planning~~ water resource districts established by section 467D.3.

Sec. _____. Section 467D.3, unnumbered paragraph 1, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 664, is amended to read as follows:

In furtherance of the policy set forth in section 467D.1, the entire area of the state of Iowa shall be divided into six ~~watershed planning~~ water resource districts, and the same are hereby established as political subdivisions of the state of Iowa, as follows:

Sec. _____. Section 15.104, subsection 2, as enacted by 1986 Iowa Acts, Senate File 2175, section 804, is amended to read as follows:

2. Prepare a five-year strategic plan for state economic growth to implement the specific comprehensive goals, objectives, and policies of the state. All other state agencies involved in economic development activities shall annually submit to the board for its review and potential inclusion in the strategic plan their specific strategic plans and programs. The five-year strategic plan for state economic growth shall be updated annually.

Sec. _____. Section 15.108, subsection 7, the second paragraph c and paragraphs d through g, as enacted by 1986 Iowa Acts, Senate File 2175, section 808, are amended to read as follows:

e d. If determined necessary by the board, provide training for bank loan officers to increase their level of expertise in regard to business loans.

d e. To the extent feasible, cooperate with the department of employment services to establish a program to educate existing employers and new or potential employers on the rates and workings of the state unemployment compensation program and the state workers' compensation program.

e f. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to conduct small businesses.

f g. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state board of regents, and the department of transportation in performing the following functions:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the state. This form

shall also contain information which can be used to determine certification as a targeted small business pursuant to paragraph "c", subparagraph (4).

(2) Compiling and maintaining a comprehensive source list of small businesses.

(3) Assuring that responsible small businesses are solicited on each suitable purchase.

(4) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

(5) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.

(6) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

(7) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.

(8) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement.

g h. In addition, the department may establish a small business advisory council to:

(1) Advise and consult with the board and the department with respect to matters which are of concern to small business.

(2) Submit recommendations to the board relating to actual or proposed activities concerning small business.

(3) Submit recommendations for legislative or administrative actions.

(4) Review and monitor small business programs and agencies in order to determine their effectiveness and whether they complement or compete with each other, and to coordinate the delivery of programs and services aimed at small business.

(5) Initiate special small business economic studies as deemed necessary, including but not limited to analyses of trends and growth opportunities relative to small business.

(6) Provide other information or perform other duties which would be of assistance to small business.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 817, is amended by striking the section and inserting in lieu thereof the following:

Sec. 817. NEW SECTION. 15.252 PURPOSE.

The purpose of this part is to establish through the regional satellite centers, as stated in chapter

28.101, a statewide network of regional offices to help coordinate job training programs with statewide, regional, and local economic development initiatives, and to promote the economic growth of this state.

Sec._____. Section 303.1C, subsection 2, as enacted by 1986 Iowa Acts, Senate File 2175, section 1303, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. i. Buy or receive by other means historical materials including, but not limited to, artifacts, art, books, manuscripts, and images. Such materials are not personal property under section 18.12 and shall be received and cared for under the rules of the department. The historical division may sell or otherwise dispose of those materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 1308, is repealed.

Sec._____. Section 303.16, as enacted by 1986 Iowa Acts, Senate File 2175, section 1314, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The following persons are eligible to receive historical resource grants and loans:

a. County and city governments that are certified local governments by the historic preservation officer.

b. Nonprofit corporations.

c. Private corporations and businesses.

d. Individuals.

NEW SUBSECTION. 4. Grants and loans may be made for the following categories of purposes:

a. Acquisition and development of historical properties.

b. Preservation and conservation of historical properties.

c. Interpretation of historical resources.

Not less than twenty percent nor more than fifty percent of the funds in a single grant cycle shall be allocated to any one category.

NEW SUBSECTION. 5. Grants and loans are subject to the following restrictions:

a. Grants shall not be given to or received by any state agency, institution or its representative or agent.

b. Grants or loan funds shall not be used to support operating expenses or programs as defined by the department's rules.

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c. Grant or loan funds shall not be used to support publications, public relations, or marketing expenses.

d. Grant or loan funds shall not support or partially support salaries or benefits of anyone employed directly by the recipient. This restriction does not prohibit the recipient from contracting with individuals for specific work of limited duration, under federal internal revenue service guidelines for contract work.

e. Not more than fifty thousand dollars or twenty percent of the annual appropriation, whichever is more, shall be granted to recipients within any single county in any given grant cycle.

f. Not more than twenty-five thousand dollars or ten percent of the annual appropriation, whichever is more, may be granted or loaned to any single recipient within a single fiscal year.

g. Grants or loans under this program may be given only after review by the state historical board.

h. All grant or loan funds must be expended by employing individuals or businesses located within the state of Iowa.

NEW SUBSECTION. 6. For each dollar of grant funds the following recipients must provide the following matching cash and in kind resources:

a. For county and city governments and nonprofit corporations, fifty cents of which at least twenty-five cents must be in cash.

b. For other private corporations and businesses, one dollar of which at least seventy-five cents must be in cash.

c. For individuals, seventy-five cents of which at least fifty cents must be in cash.

NEW SUBSECTION. 7. The department may use twenty-five thousand dollars for administration of the grant and loan program.

NEW SUBSECTION. 8. a. The department may establish a historical resource revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in that fund. Each loan made under this section shall be for a period not to exceed ten years, shall bear interest at a rate determined by the state historical board, and shall be repayable to the revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is

delinquent shall accelerate immediately to the current legal usury limit. Applicants shall be eligible for no more than twenty-five thousand dollars in loans outstanding at any time under this program.

b. The department may:

(1) Contract, sue and be sued, and promulgate administrative rules necessary to carry out the provisions of this section, but the department shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

(2) Authorize payment from the revolving loan fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 1489, is repealed.

Sec._____. Section 297.26, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 1984, is amended to read as follows:

297.26 SALE BY DEPARTMENT.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the department when the ~~department~~ director of education determines it is no longer needed for school purposes.

Sec._____. 1986 Iowa Acts, Senate File 2175, section 1992, is amended by striking the section and inserting the following:

Sec. 1992. Sections 19.16 and 29A.59, Code 1985, are repealed.

Sec._____. Notwithstanding section 4.8, the provisions of this Act which amend 1986 Iowa Acts, Senate File 2175, or which amend provisions added, amended, or repealed by 1986 Iowa Acts, Senate File 2175, prevail over Senate File 2175 and are contingent upon the enactment of Senate File 2175.

Sec._____. 1986, Iowa Acts, Senate File 2175, section 2046, is amended by striking the section and inserting the following:

Sec. 2046. Section 421.31, subsection 3, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992.

The governor, auditor of state and the department

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of management shall phase in the implementation of generally accepted accounting principles, as defined by the governmental accounting standards board, which includes fund reclassifications, revenue recognition, and recognition of all appropriate liabilities beginning with the fiscal year beginning July 1, 1987.

The fiscal impact to the state general fund of implementing fund reclassifications, and recognizing additional liabilities shall be phased in according to the following schedule for the fiscal years beginning July 1:

1987	ten percent
1988	twenty percent
1989	forty percent
1990	sixty percent
1991	eighty percent
1992	one hundred percent

Sec._____. 1986 Iowa Acts, Senate File 2175, section 2065, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The validity of any official administrative or judicial pleading, claim, rate filing, motion, information, or other official document filed prior to the effective date of this Act shall not be affected by any statutory name changes made in this Act or by any administrative rule name changes made pursuant to this Act, and refiling of any such document shall not be required.

Sec._____. In sections 455.223, 455B.280, 467A.3, 467A.7, 467A.13, 467A.53, 467B.1, 467B.2, 467B.3, 467B.5, 467B.10, 467D.2, 467D.3, 467D.4, 467D.5, 467D.6, 467D.7, 467D.8, 467D.10, 467D.11, 467D.12, 467D.13, 467D.14, 467D.15, 467D.16, 467D.17, 467D.18, 467D.19, 467D.21, 467D.22, 467D.23, 467D.24, Code 1985, and section 467D.20, Code Supplement 1985, the Code editor may change references to the "conservancy districts" and "conservancy district" to "water resource districts" and "water resource district"."

The House stood at ease at 12:22 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—6081, to the Senate amendment H—5822, at 12:33 p.m., Speaker Avenson in the chair.

Norland of Worth asked and received unanimous consent to temporarily defer action on amendment H—6081.

Lloyd-Jones of Johnson asked and received unanimous consent to reconsider the vote by which amendment H—6073, to the Senate amendment H—5822, failed to be adopted by the House on May 1, 1986.

The House stood at ease at 12:37 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—6073, to the Senate amendment H—5822, at 12:49 p.m., Speaker Avenson in the chair.

(Amendment H—6073, to the Senate amendment H—5822, pending.)

On motion by Norland of Worth, the House was recessed at 12:49 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

QUORUM CALL

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

BUSINESS PENDING AT RECESS
Senate Amendment Further Considered

The House resumed consideration of **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, and amendment H—6073 (found on pages 1934 through 1943 of the House Journal), to the Senate amendment H—5822 (found on pages 1931 through 1934 of the House Journal), pending at recess.

Van Camp of Scott asked and received unanimous consent to reconsider the vote by which amendment H—6091B (found on page 1958 of the House Journal), to amendment H—6073, to the Senate amendment H—5822, was adopted by the House on May 1, 1986.

Welden of Hardin moved the adoption of amendment H—6091B, to amendment H—6073, to the Senate amendment H—5822.

Roll call was requested by Stromer of Hancock and Welden of Hardin.

On the question "Shall amendment H—6091B, to amendment H—6073, to the Senate amendment H—5822, be adopted?"

The ayes were, 33:

Bennett	Carpenter	Carter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hester	Lageschulte
Maulsby	McIntee	Metcalf	Miller
Mullins	Pellett	Petersen, D. F.	Renken
Rensink	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Swearingen	Van Maanen
Welden			

The nays were, 54:

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

Absent or not voting, 13:

Arnould	Branstad	Chapman	Groth
Holveck	Hummel	Lonergan	McKean
Oxley	Paulin	Royer	Shoultz
Sturgeon			

Amendment H—6091B lost.

Lloyd-Jones of Johnson moved the adoption of amendment H—6073, to the Senate amendment H—5822.

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall amendment H—6073, to the Senate amendment H—5822, be adopted?"

The ayes were, 60:

Arnould	Baxter	Black	Blanshan
Brammer	Branstad	Buhr	Carl
Carter	Cochran	Connolly	Connors
Cooper	Doderer	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hanson	Hatch	Haverland	Hermann
Hughes	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Schnekloth	Sherzan	Shoultz
Skow	Spear	Stueland	Sullivan
Swartz	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 31:

Bennett	Carpenter	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Harbor	Hester
Holveck	Jay	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Mullins	Pellett	Petersen, D. F.
Renken	Rensink	Shoning	Siegrist
Stromer	Swearingen	Van Maanen	

Absent or not voting, 9:

Beatty	Chapman	Groth	Hummel
Lonergan	Paulin	Royer	Sturgeon
Welden			

Amendment H—6073 was adopted, placing out of order amendment H—6081, temporarily deferred, and found on pages 1960 through 1967 of the House Journal.

Jochum of Dubuque offered the following amendment H—6090, to the Senate amendment H—5822, filed by him from the floor and moved its adoption:

H—6090

1 Amend the Senate amendment, H—5822, to House File
2 2066 as amended, passed, and reprinted as follows:

1. Page 3, by inserting after line 37 the following:

"_____. Page 7, by inserting after line 31 the following:

"Sec._____. 1986 Iowa Acts, Senate File 2303, section 7, is amended to read as follows:

SEC. 7. 1986 Iowa Acts, Senate File 2175, is amended by adding after new section 15.256 the following new section:

NEW SECTION. 15.257 EFFECTIVE DATE.

All Job Training Partnership Act of 1982, section 123 funds authorized for the fiscal year beginning July 1, 1985 which have not been spent by the end of the fiscal year shall be available for funding this part for the fiscal year beginning July 1, 1986. The provisions for funding this part in section 15.255, except ~~subsection~~ subsections 1 and 6, shall be implemented by July 1, 1987. Section 15.255, subsections 1 and 6 take effect July 1, 1986." "

Amendment H—6090 was adopted.

Doderer of Johnson offered amendment H—6092, to the Senate amendment H—5822, filed by her from the floor and requested division as follows:

H—6092

Amend the Senate amendment H—5822 to House File 2066 as amended, passed, and reprinted as follows:

H—6092A

1. Page 3, by striking lines 40 through 45.

H—6092B

2. Page 3, line 48, by striking the words "and an effective date".

On motion by Doderer of Johnson, amendment H—6092A was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—6092B.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—6079 filed by Welden of Hardin on April 30, 1986.

Hanson of Delaware asked and received unanimous consent to reconsider the vote by which amendment H—6078 (found on page 1954 of the House Journal), to the Senate amendment H—5822, was adopted by the House on May 1, 1986.

The following amendment H—6098, to amendment H—6078, to the Senate amendment H—5822, filed by Hanson of Delaware from the floor, was adopted by unanimous consent:

H—6098

Amend amendment H—6078 to the Senate amendment H—5822 to House File 2066 as amended, passed and reprinted by the House as follows:

1. Page 1, line 8, by striking the numeral "1985" and inserting the numeral "1986".

On motion by Hanson of Delaware, amendment H—6078, as amended, was adopted.

The following amendment H—6100, to the Senate amendment H—5822, filed by McIntee of Black Hawk from the floor, was adopted by unanimous consent:

H—6100

Amend the Senate amendment H—5822 to House File 2066 as amended, passed and reprinted by the House as follows:

1. Page 3, by striking lines 46 through 48, and inserting the following:

"_____. Title page, by striking line 3 and inserting the following: "and reflect or alter current practices, and providing penalties."

With the adoption of amendment H—6100, page 2, lines 49 through page 3, line 4 of amendment H—6075, previously adopted, are out of order.

McIntee of Black Hawk moved that the House concur in the Senate amendment H—5822, as amended.

A non-record roll call was requested.

The ayes were 50, nays 23.

The motion prevailed and the House concurred in the Senate amendment H—5822, as amended.

McIntee of Black Hawk 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. 2066)

The ayes were, 62:

Baxter	Beatty	Black	Blanshan
Brammer	Carl	Carter	Chapman
Cochran	Connolly	Connors	Cooper
Doderer	Fogarty	Groninga	Halvorson, R. N.
Hammond	Hanson	Hatch	Haverland
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Koenigs	Lloyd-Jones
Lonergan	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 31:

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	Paulin	Pellett
Petersen, D. F.	Renken	Rensink	Royer
Schnekloth	Stromer	Van Maanen	

Absent or not voting, 7:

Arnould	Buhr	Fey	Groth
Gruhn	Sturgeon	Welden	

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 for immediate committee on ways and means and committee on appropriations meetings.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Connors of Polk 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 May 1, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2484, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

K. MARIE THAYER, Secretary

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 2291, a bill for an act creating an Iowa economic development bond bank program within the Iowa finance authority to provide financing for economic development and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—6104** May 1, 1986.

Senate File 2303, a bill for an act relating to restoring provisions of legislation relating to appropriations which had been removed from the comprehensive legislation on the subject of state government reorganization.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1986.

Senate File 2304, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing pro-

cedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1986.

Senate File 2305, a bill for an act relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—6105** May 1, 1986.

Committee Bill, relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 1, 1986.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 798), relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date.

Fiscal Note is required.

Recommended **Do Pass** May 1, 1986.

INTRODUCTION OF BILL

House File 2491, by committee on ways and means, a bill for an act relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date.

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

The House stood at ease at 5:01 p.m., until the fall of the gavel.

The House resumed session at 5:21 p.m., Connors of Polk in the chair.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2491.

CONSIDERATION OF BILLS

House File 2491, a bill for an act relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive 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. 2491)

The ayes were, 96:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
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	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
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	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, 1:

Chapman

Absent or not voting, 3:

Carter Knapp 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 5:27 p.m.

IMMEDIATE MESSAGE
(House File 2491)

Norland of Worth asked and received unanimous consent that House File 2491 be immediately messaged to the Senate.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2303.

Senate File 2303, a bill for an act relating to restoring provisions of legislation relating to appropriations which had been removed from the comprehensive legislation on the subject of state government reorganization, with report of committee recommending passage was taken up for consideration.

Renaud of Polk offered the following amendment H–6059 filed by him and moved its adoption:

H–6059

Amend Senate File 2303 as amended, passed, and reprinted by the Senate as follows:

1. Page 36, by striking lines 2 and 3 and inserting the following: "appropriation ~~for~~ from the ~~Iowa state commerce commission~~ utility trust fund created pursuant to section 476.10."

Amendment H–6059 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. 2303)

The ayes were, 88:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Daggett	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	Lonergan	McIntee
McKean	Metcalf	Miller	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rensink	Rosenberg	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 11:

Corey	De Groot	Grandia	Maulsby
Mullins	O'Kane	Platt	Renken
Royer	Van Maanen	Welden	

Absent or not voting, 1:

Carter

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

IMMEDIATE MESSAGE
(Senate File 2303)

Norland of Worth asked and received unanimous consent that Senate File 2303 be immediately messaged to the Senate.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2305.

Senate File 2305, a bill for an act relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund, with report of committee recommending amendment and passage, was taken up for consideration.

Knapp of Dubuque offered the following amendment H–6105 filed by the committee on appropriations and moved its adoption:

H–6105

Amend Senate File 2305 as amended, passed, and reprinted by the Senate as follows:

1. Page 3, lines 9 and 10, by striking the words "one public member, appointed by the governor," and inserting the following: "a designee of the director of the department of transportation,".

2. Page 3, line 23, by striking the words "fund and" and inserting the words "fund, encourage applications for grants and loans,".

3. Page 3, line 25, by inserting after the word "fund" the words ", and evaluate their comparative effectiveness".

4. Page 7, by striking lines 12 through 15 and inserting the following: "will conserve energy by improving traffic flow, reducing traffic congestion, or improving traffic safety, to be transferred to the department of transportation ..... $2,000,000".

5. Page 7, line 23, by striking the figure "1,700,000" and inserting the figure "1,000,000".

6. By striking page 7, line 24 through page 8, line 15, and inserting the following:

"8. To be transferred to the state board of regents for technical assistance studies to identify potential energy conservation opportunities within their buildings, funding of fifty percent matching grants for the installation of cost-effective energy conservation measures identified in the studies, and energy extension projects ..... $1,000,000".

7. Page 8, by striking lines 16 through 18.

The committee amendment H–6105 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?" (S.F. 2305)

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	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Metcalf	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Petersen, D. F.	Peterson, M. K.	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, 3:

O'Kane	Paulin	Platt

Absent or not voting, 2:

Hatch	Poncy

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

IMMEDIATE MESSAGE
(Senate File 2305)

Norland of Worth asked and received unanimous consent to immediately message Senate File 2305 to the Senate.

HOUSE INSISTS

Blanshan of Greene called up for consideration **Senate File 447,** a bill for an act to license operators of radiation emitting equipment, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

CONFERENCE COMMITTEE APPOINTED
(Senate File 447)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 447: Blanshan of Greene, Chair; Cochran of Webster, Teaford of Black Hawk, Hanson of Delaware and Renken of Grundy.

HOUSE INSISTS

Sturgeon of Woodbury called up for consideration **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, and moved that the House insist on its amendment to the Senate amendment.

A non-record roll call was requested.

The ayes were 50, nays 45.

The motion prevailed and the House insists on its amendment to the Senate amendment.

CONFERENCE COMMITTEE APPOINTED
(House File 2454)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2454: Sturgeon of Woodbury, Chair; Fey of Scott, Rosenberg of Story, Mullins of Kossuth and Shoning of Woodbury.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2291.

Senate File 2291, a bill for an act creating an Iowa economic development bond bank program within the Iowa finance authority to provide financing for economic development and making an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Swartz of Marshall offered the following amendment H–6104 filed by the committee on appropriations and moved its adoption:

H–6104

Amend Senate File 2291 as amended, passed, and reprinted by the Senate as follows:

1. Page 9, by striking lines 14 through 17.
2. Page 9, by striking lines 22 through 35.
3. Renumber as necessary.

The committee amendment H–6104 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2291)

The ayes were, 87:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Diemer	Fey	Fogarty	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	Lonergan	McIntee
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Oxley	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.

Platt	Poncy	Renaud	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, 11:

De Groot	Grandia	Maulsby	McKean
Metcalf	Miller	Osterberg	Pellett
Renken	Rensink	Welden	

Absent or not voting, 2:

Doderer	Jay

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

IMMEDIATE MESSAGE
(Senate File 2291)

Norland of Worth asked and received unanimous consent that Senate File 2291 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **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, deferred and placed on the unfinished business calendar on April 2, 1986.

Arnould of Scott in the chair at 6:27 p.m.

Teaford of Black Hawk offered the following amendment H–5664 filed by her:

H–5664

Amend Senate File 2208 as amended, passed, and reprinted by the Senate as follows:

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

"Sec._____. Section 524.805, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A state bank shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110."

2. Page 1, by inserting after line 21 the following:

"Sec. 2. NEW SECTION. 533.48 CREDITING OF CHECKS.

A credit union shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110.

Sec. 3. NEW SECTION. 534.309 CREDITING OF CHECKS.

An association shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110.

Sec. 4. NEW SECTION. 554.4110 CREDITING OF CHECKS.

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

a. "Account" means a demand deposit account at a financial institution.

b. "Business day" means any day other than Saturday, Sunday, or a legal holiday.

c. "Cashier's check" means a check which is drawn on a financial institution, is signed by an officer or employee of the financial institution, and is a direct obligation of the financial institution.

d. "Certified check" means a check with respect to which a financial institution certifies that the signature on the check is genuine and the financial institution has set aside funds from the account which are equal to the amount of the check and are to be used only to pay the check.

e. "Check" means any negotiable demand draft drawn on or payable through a financial institution.

f. "Depository check" means a cashier's check, certified check, teller's check, or other functionally equivalent instrument.

g. "Financial institution" means a bank, savings and loan association, savings bank, or credit union.

h. "Teller's check" means a check issued by a financial institution and drawn on another depository institution.

2. Funds deposited in an account at a financial

institution doing business in this state by check shall be available on the business day following the

business day on which the check was deposited if any of the following are applicable:

a. The check is in an amount of one hundred dollars or less.

b. The check is deposited in the same financial institution which it is drawn or is deposited in a branch of the same financial institution on which it is drawn.

c. The check is endorsed only by the person to whom it is issued and the check is drawn either on the treasury of the United States, the treasury of a state in the United States, or the treasury of a political subdivision of this state.

d. The check is a depository check and is endorsed only by the person to whom it was issued.

3. Not more than one business day shall intervene between the business day on which funds are deposited in an account at a financial institution doing business in this state by a check drawn on a financial institution located in this state and the business day on which the funds are available for withdrawal.

4. Not more than six business days shall intervene between the business day on which funds are deposited in an account at a financial institution doing business in this state by a check drawn on a financial institution located in a state other than this state and the business day on which the funds are available for withdrawal.

5. The time limitations contained in subsections 2, 3, and 4 may be extended by one business day if the deposit is at a shared automatic teller machine.

6. The time limitations contained in subsections 2, 3, and 4 do not apply to a check deposited in an account that has been open less than thirty calendar days.

7. A financial institution shall post in a conspicuous place in each location where deposits are accepted by individuals employed by the financial institution, a specific notice which describes the time periods applicable to the availability of funds deposited in a customer's account.

8. In the case of an automated teller machine at which funds are received for deposit in an account at a financial institution, the owner or operator of the automated teller machine shall post a general notice that funds deposited in the machine may not be immediately available for withdrawal.

Sec. 5. This Act is effective on July 1, 1987."

Parker of Jasper offered the following amendment H—6094, to amendment H—5664, filed from the floor by Parker, Swartz and Hummel:

H–6094

Amend the amendment, H–5664, to Senate File 2208, as amended, passed, and reprinted by the Senate as follows:

1. By striking page 1, line 3 through page 2, line 50 and inserting the following:

"_____. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 22.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Applications and accompanying information filed pursuant to sections 524.1808 and 524.1809 regarding acquisition of a bank or bank holding company by an out-of-state holding company.

Sec. 2. Section 524.803, subsection 1, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Subject to the prior approval of the superintendent, organize, acquire, or invest in a subsidiary for the purpose of engaging in the selling of securities pursuant to section 524.825.

Sec. 3. Section 524.814, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. To provide any margin for trading financial futures, forward, or standby contracts under section 524.901, subsection 1, paragraph "f".

Sec. 4. Section 524.805, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A state bank shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110.

Sec. 5. NEW SECTION. 524.825 SECURITIES ACTIVITIES.

Subject to the prior approval of the superintendent, a subsidiary of a state bank organized or acquired pursuant to section 524.803, subsection 1, paragraph "f" may engage in directly, or may organize, acquire, or invest in a subsidiary for the purpose of engaging in securities activities and any aspect of the securities industry, including, but not limited to, any of the following:

1. Issuing, underwriting, selling, or distributing stocks, bonds, debentures, notes, mutual funds, money market type mutual funds, or other securities.

2. Organizing, sponsoring, and operating one or more mutual funds.

3. Acting as a securities broker-dealer licensed under chapter 502. The business relating to securities shall be conducted through, and in the name of, the broker-dealer.

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The requirements of chapter 502 apply to any business of the broker-dealer transacted in this state.

Sec. 6. Section 524.901, subsection 1, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Subject to the prior approval of the superintendent and pursuant to applicable federal laws and regulations governing such contracts; futures, forward, and standby contracts to purchase and sell any of the securities permitted in this subsection. However, the activity shall be conducted in accordance with safe and sound banking practices and with levels of the activity being reasonably related to the state bank's business needs and capacity to fulfill its obligations under the contracts.

Sec. 7. Section 524.901, subsection 3, paragraph d, Code Supplement 1985, is amended to read as follows:

d. Shares in a corporation which the state bank is authorized to acquire and hold pursuant to section 524.803, subsection 1, paragraphs "c", "d", ~~and~~ "e", and "f".

Sec. 8. Section 524.901, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. i. Shares or obligations of a corporation or a fund established by a corporation which has been approved by the superintendent and whose shares or obligations are secured by the United States government or by an agency or instrumentality of the United States government, or whose investments are guaranteed by the United States government or by an agency or instrumentality of the United States government. However, the aggregate amount invested in any one corporation or fund under this paragraph shall not exceed twenty percent of the capital and surplus of the state bank.

Sec. 9. Section 524.901, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A state bank may invest in obligations, bonds, notes, shares, certificates or securities, as provided in subsections 1 through 5, in amounts that exceed the allowable percentage of the capital and surplus of the bank provided in those subsections with the approval of and pursuant to any conditions prescribed by the superintendent. The state bank shall submit a written application to the

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superintendent setting forth such information as the superintendent deems necessary to determine whether and on what conditions to grant a waiver of the limitations provided in subsections 1 through 5. A waiver granted pursuant to this subsection shall be for a limited time, to be determined by the superintendent at the time the waiver is granted. A waiver granted pursuant to this subsection means that the superintendent will not take administrative action to enforce the normal capital and surplus standards. set forth in this section. The superintendent shall adopt rules that establish conditions under which this subsection may be used. In establishing the conditions, the superintendent shall take into account procedures adopted by the federal deposit insurance corporation.

Sec. 10. Section 524.904, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A state bank may make or maintain loans which exceed the limitations set forth in subsection 2 with the approval of and pursuant to any conditions prescribed by the superintendent. The state bank shall submit a written application to the superintendent setting forth such information as the superintendent deems necessary to determine whether and on what conditions to grant a waiver of the limitations set forth in subsection 2. A waiver granted pursuant to this subsection shall be for a limited time, to be determined by the superintendent at the time the waiver is granted. A waiver granted pursuant to this subsection means that the superintendent will not take administrative action to enforce the normal capital and surplus standards set forth in this section. The superintendent shall adopt rules that establish conditions under which this subsection may be used. In establishing the conditions, the superintendent shall take into account procedures adopted by the federal deposit insurance corporation.

Sec. 11. Section 524.910, subsection 2, Code Supplement 1985, is amended to read as follows:

2. Real property purchased by a state bank at sales upon foreclosure of mortgages or deeds of trust owned by it, or acquired upon judgments or decrees obtained or rendered for debts due it, or real property conveyed to it in satisfaction of debts previously contracted in the course of its business, or real property obtained by it through redemption as a junior mortgagee or judgment creditor, shall be sold or otherwise disposed of by the state bank within five

years after title is vested in the state bank, unless the time is extended by the superintendent. Agricultural land held by a state bank pursuant to this subsection shall be valued on the books of the bank at a value determined by obtaining the per acre average of the valuations for the current year and the four previous years for agricultural land in the county in which the agricultural land is located as published by Iowa state university of science and technology. If an appraisal conducted by an independent real estate appraiser is available for the current year, the five-year county average shall be adjusted by either adding or subtracting from the five-year average the percentage by which the particular farm's current appraised value exceeds or is less than the current year's county average value. To the extent permitted by federal law, national banks may value agricultural land on the same basis as state banks. Before the state bank sells or otherwise disposes of agricultural land held pursuant to this subsection, the state bank shall first offer the immediately prior owner the opportunity to repurchase the agricultural land on the terms the state bank proposes to sell or dispose of the agricultural land if less than five years have passed since the bank has acquired that land. The immediately prior owner has thirty days from the time the offer is made to exercise the right to accept the offer. After the lapse of that time, the bank may sell or otherwise dispose of that land to any other person on the terms upon which it has offered the land to the immediately prior owner. As used in this subsection, "immediately prior owner" means the titleholder which immediately prior to the foreclosure had owned the property. However, if the titleholder had entered into a land sales contract, then "immediately prior owner" means the latest holder of the contract that was not in default on the contract obligations at the time of the foreclosure. If there is no such holder of the contract, then the titleholder is the immediately prior owner.

Sec. 12. Section 524.1805, Code 1985, is amended to read as follows:

524.1805 OUT-OF-STATE HOLDING COMPANIES.

1. ~~Nothing in~~ Except as provided in subsection 2 and sections 524.1808 and 524.1809, this division ~~shall be construed to~~ does not authorize a bank holding company which is with respect to the state of Iowa an "out-of-state bank holding company", as defined or referred to in 12 U.S.C. § 1842(d), as

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amended to January 1, 1971, to acquire any of the voting shares of, any interest in, all or substantially all of the assets of, or power to control in any manner the election of any of the directors of ~~any~~ a bank in this state, unless ~~such~~ the bank holding company was on January 1, 1971 registered with the federal reserve board as a bank holding company, and on that date owned at least two banks in this state.

2. Notwithstanding the restrictions of subsection 1, an out-of-state bank holding company which had entered into a contract on or before July 1, 1984 to directly or indirectly acquire voting shares, an interest in all or substantially all of the assets of, or control of a bank holding company or a bank located in this state is declared to have established a specific presence in this state as of the date on which the respective contract was executed, and may on or after January 1, 1988, consummate the transaction and acquire the voting shares, an interest in or substantially all of the assets of, or control of the bank holding company or bank located in this state as provided in the contract upon approval by the appropriate regulatory authorities and may make changes as may be required by the regulatory authorities in the terms of the acquisition. This subsection shall be void and of no force or effect if, prior to the implementation of any transactions authorized and accommodated by this subsection, it is determined by any court or federal regulatory agency having jurisdiction over the parties to the transaction that the United States congress has passed and the president has approved a federal law which provides that the enactment of this subsection and the implementation of any transaction authorized by this section results in the loss, whether immediately or as of a subsequent date, of the right of this state to restrict the acquisition of Iowa banks by out-of-state bank holding companies on the basis of the states in which out-of-state bank holding companies are located.

Sec. 13. NEW SECTION. 524.1808 EMERGENCY ACQUISITION OF FAILED BANK.

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

a. "Acquire" means either of the following:

(1) To acquire all or a portion of the capital stock of a failed bank, or purchase all or a portion of the assets and assume all or a portion of the liabilities of a failed bank.

(2) To acquire all or a portion of the capital

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stock of a new state bank or new national bank which will merge or consolidate with, or which will purchase all or a portion of the assets and assume all or a portion of the liabilities of a failed bank.

b. "Failed bank" means a state or national bank which has its principal place of business in this state, is insolvent, and is under the receivership of the federal deposit insurance corporation.

c. "Qualified bidder" means any person who in the judgment of the superintendent is financially, legally, and otherwise qualified to submit a binding bid or offer to acquire a failed bank.

d. "Reasonable good-faith bid" means a bid or offer which is submitted to the federal deposit insurance corporation pursuant to an auction or other procedure involving the purchase of assets and assumption of liabilities of a failed bank, and which is determined by the superintendent to be a reasonable bid or offer submitted in good faith by a qualified bidder.

2. Effective July 1, 1986, a bank holding company which is with respect to this state an "out-of-state bank holding company", as defined or referred to in 12 U.S.C. § 1842(d), as amended to January 1, 1971, and which is located in either Illinois, Minnesota, Missouri, Nebraska, South Dakota, or Wisconsin may acquire a failed bank upon a written application submitted to and approved by the superintendent as provided in this section. For purposes of this subsection, a bank holding company is deemed to be located in the state in which the operations of its banking subsidiaries are "principally conducted", as defined in 12 U.S.C. § 1842(d), as amended to January 1, 1971.

3. An emergency acquisition under this section shall be subject to the following terms and conditions:

a. The superintendent shall not approve an acquisition if the superintendent determines that a reasonable good-faith bid for the acquisition of the failed bank is received from any person who is eligible to acquire ownership or control of the failed bank without reliance on this section, or if the superintendent is unable to make this determination.

b. The superintendent shall not approve an acquisition if the terms and conditions of that acquisition are materially different from those which were presented by the federal deposit insurance corporation for the purpose of soliciting bids from qualified bidders who are eligible to acquire

ownership or control of the failed bank without reliance on this section. If a material change is made in any of the terms and conditions during the bidding process, an acquisition shall not be approved unless all qualified bidders are afforded an opportunity to submit a bid based upon the modified terms and conditions.

c. The superintendent shall not approve an acquisition unless the superintendent finds that all of the following conditions are satisfied:

(1) Approval of the acquisition is, on balance and without applying any presumptions, preferable to permitting the liquidation of the failed bank, considering both of the following:

(a) The convenience and needs of the communities principally served by the failed bank.

(b) The extent to which, if any, the closing of the failed bank would be more detrimental to its depositors and creditors, considering the availability of insurance, guarantees, and assets which would be available for distribution, than the effects upon those persons if the acquisition were to be approved. For purposes of this subparagraph part, "creditors" does not include creditors who also are shareholders or officers of the failed bank or of a bank holding company which owns the failed bank.

(2) The applicant has done all of the following:

(a) Provided all information and documents requested by the superintendent under this section.

(b) Demonstrated an acceptable prior record of meeting the credit needs of the local communities in which it has engaged in the banking business.

(c) Demonstrated a commitment and willingness to meet the credit needs of the local Iowa communities it will serve if the application is approved.

(d) Demonstrated financial resources, prior investment policies, and managerial capabilities which will enable it adequately to serve the local Iowa communities in which it will engage in the banking business if the acquisition is approved.

(3) The application and the applicant has satisfied any other conditions or requirements established by the superintendent.

d. The acquisition shall be limited to the business locations constituting the principal place of business and bank offices of the failed bank as of the date it was closed, or such fewer number of business locations as may be agreed upon by the applicant and the federal deposit insurance corporation. An out-of-state bank holding company which acquires a failed

bank under this section shall not acquire direct or indirect ownership or control, within the meaning of section 524.1802, of any other state or national bank located in this state, except that it may acquire other failed banks upon application and approval under this section and subject to the limitation contained in section 524.1802.

4. An application for an approval under this section shall be in the form and contain the information required by rules adopted by the superintendent under chapter 17A. The applicant shall submit a nonrefundable filing fee of one thousand dollars at the time the application is filed. An application not approved or denied within thirty days following the date of filing shall be deemed denied.

5. Until such time as a failed bank has been acquired under this section or its disposition otherwise has been determined by the federal deposit insurance corporation, information regarding the failed bank, any applications and supporting information received under this section, and all other information received by the superintendent of the department of banking in relation to the failed bank shall be confidential and not subject to public disclosure under chapters 21 or 22. This subsection does not restrict the authority of the superintendent to communicate with bank regulatory agencies or otherwise to perform official duties.

6. The superintendent may investigate the books, records, and financial affairs of a failed bank and an affiliate of a failed bank as deemed necessary by the superintendent to permit the proper consideration of an application under this section. The superintendent may make any examinations, investigations, or inquiries deemed necessary by the superintendent for the proper performance of duties established by this section including, but not limited to, the seeking of the advice and counsel of federal bank regulatory officials.

7. The superintendent shall consult with the federal deposit insurance corporation prior to adopting administrative rules and prior to granting any approval under this section. It is the intent of the general assembly that this section shall not be implemented unless the federal deposit insurance corporation cooperates with the superintendent by establishing procedures for submitting all bids or other offers for acquisitions of failed banks for review by the superintendent, and by adopting policies and procedures as may be necessary to enable the

superintendent to make the determinations required by subsection 3, paragraphs "a" and "b".

8. This section is enacted in the exercise of the police powers of this state, and the provisions of this section are not severable. If any court or administrative officer or agency of this state or of the United States determines that a condition or requirement of this section is invalid or is unenforceable as against a bank or a bank holding company for any reason whatever, then this section shall be void, and any pending or subsequent acquisition based upon the authority of this section shall be ineffective. However, any acquisition that has been consummated may be maintained.

Sec. 14. NEW SECTION. 524.1809 EMERGENCY ACQUISITION OF DISTRESSED BANK HOLDING COMPANY.

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

a. "Acquire" means any of the following:

(1) To directly or indirectly acquire all of the assets of a distressed bank holding company, including, but not limited to the Iowa bank subsidiaries of a distressed bank holding company.

(2) To directly or indirectly acquire all of the capital stock of a distressed bank holding company.

(3) To directly or indirectly acquire the capital stock of another bank holding company which will acquire a distressed bank holding company.

(4) To merge or consolidate with a distressed bank holding company.

b. A "distressed bank holding company" means a bank holding company which meets both of the following conditions:

(1) Has two or more Iowa bank subsidiaries that have in the aggregate over one billion dollars in time and demand deposits as determined by the superintendent on the basis of the most recent reports of those banks submitted to their supervisory authorities and available to the superintendent.

(2) Is subject to the jurisdiction of the United States bankruptcy court for the southern or northern districts of Iowa under chapter 11 of the United States bankruptcy code.

c. "Iowa bank" means a state or national bank having its principal place of business in this state.

d. "Qualified bidder" means any person who in the judgment of the superintendent is financially, legally, and otherwise qualified to submit a binding bid or offer to acquire a distressed bank holding company.

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2. Subject to subsections 3, 4, 5, and 7, an out-of-state bank holding company which is located in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, or Wisconsin may acquire one or more distressed bank holding companies. This section shall not be deemed, construed, or interpreted to authorize any acquisition except one consisting of a transfer of ownership of a distressed bank holding company as a whole, in its entirety, and in a single transaction.

3. An acquisition pursuant to subsection 2 is subject to the approval of the bankruptcy court and the superintendent. The out-of-state bank holding company desiring to make an acquisition under subsection 2 and the distressed bank holding company which is proposed to be acquired shall file an application with the bankruptcy court and the superintendent. The application shall contain information the bankruptcy court and the superintendent deem necessary or appropriate for the purpose of making a determination under this section. The application and the supporting information thus obtained shall be confidential and privileged and not subject to public disclosure, except that the application and supporting information may be disclosed to appropriate federal or state bank regulatory agencies.

4. If applications are submitted by a qualified bidder who is eligible to acquire a distressed bank holding company without reliance on this section, and by a qualified bidder who is an out-of-state bank holding company, and the terms and conditions of the proposed acquisitions are not materially different, including the amounts of assistance requested or the premiums bid for the assets and liabilities, the bankruptcy court and the superintendent shall give preference to and shall approve the application of the qualified bidder who is eligible to acquire the distressed bank holding company without reliance on this section.

5. In determining whether to approve an application under this section, the bankruptcy court and the superintendent shall consider all of the following:

a. The financial institution structure of this state.

b. The economy of this state and the need for access to credit, financial services, and capital.

c. The convenience and needs of the communities principally served by the Iowa bank subsidiaries of

the distressed bank holding company.

d. Alternative actions that may be taken without reliance on this section to resolve the difficulties of the distressed bank holding company.

e. Other factors deemed relevant by the court or the superintendent.

f. Whether the applicant has done all of the following:

(1) Provided all information and documents requested under this section.

(2) Demonstrated an acceptable prior record of meeting the credit needs of the communities in which it has engaged in the banking business, if applicable.

(3) Demonstrated a commitment and willingness to meet the credit needs of the Iowa communities it will serve if the application is approved.

(4) Demonstrated financial resources, prior investment policies, and managerial capabilities which will enable it to adequately serve the Iowa communities in which it will engage in the banking business if the application is approved.

6. An out-of-state bank holding company which acquires a distressed bank holding company under the authority of this section thereafter may acquire direct or indirect ownership or control, within the meaning of section 524.1802, of other state or national banks located in this state, subject to the limitation contained in section 524.1802.

7. An application for the acquisition of a distressed bank holding company pursuant to this section shall not be filed or approved prior to January 1, 1988.

Sec. 15. Section 527.2, subsection 2, Code 1985, is amended to read as follows:

2. "Data processing center" means a facility, wherever located, at which electronic impulses or other indicia of a transaction originating at a satellite terminal are received and are processed in order to enable the satellite terminal to perform any function for which it is designed. However, "data processing center" does not include a facility which is directly connected to a satellite terminal and which performs only the functions of direct transmission of all requested transactions from that terminal to a data processing facility without performing any review of the requested transactions for the purpose of categorizing, separating, or routing.

Sec. 16. Section 527.2, Code 1985, is amended by adding the following new subsections:

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NEW SUBSECTION. 8. "Municipal corporation" means an incorporated city.

NEW SUBSECTION. 9. "Unincorporated area" means a location within this state not within the boundaries of a municipal corporation.

NEW SUBSECTION. 10. "On-line real time basis" means the immediate and instantaneous delivery or return of an individual message through transmission of electronic impulses.

NEW SUBSECTION. 11. "Batch basis" means the periodic delivery of an accumulation of messages representing electronic funds transfer transactions authorized or rejected at a prior time.

Sec. 17. Section 527.4, subsection 3, paragraph a, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

a. A financial institution may establish any number of satellite terminals in any of the following locations:

(1) Within the boundaries of a municipal corporation if the principal place of business or an office of the financial institution is also located within the boundaries of the municipal corporation.

(2) Within an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex if the principal place of business or an office of the financial institution is also located in the urban complex.

(3) Within the unincorporated area of a county in which the financial institution has its principal place of business or an office if another financial institution does not have its principal place of business or an office located within a one-mile radius of the proposed location of the satellite terminal.

(4) Within a municipal corporation located in the same county as the principal place of business or an office of the financial institution if another financial institution has not located its principal place of business or an office within the municipal corporation.

(5) At any location within this state if the satellite terminal is designed or configured to not accept deposits and to not dispense cash or script or other negotiable instruments and if the satellite terminal is utilized only for the purpose of making payment to a retailer for goods or services purchased at the location of the satellite terminal.

A financial institution shall not establish a

satellite terminal at any other location except pursuant to an agreement with a financial institution which is authorized by this paragraph "a" to establish a satellite terminal at that location and which will utilize the satellite terminal at that location. Nothing in this paragraph "a" shall be interpreted to amend, modify, or supersede any provision of chapter 524 regulating the number or locations of bank offices of a state or national bank, or to authorize the establishment by a financial institution of any offices or other facilities except satellite terminals at locations permitted by this paragraph "a".

Sec. 18. Section 527.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Satellite terminals located in this state shall be directly connected to either of the following:

a. A central routing unit licensed pursuant to this chapter.

b. A data processing center which is directly connected to a central routing unit licensed pursuant to this chapter.

If a data processing center which is directly connected to a satellite terminal located in this state does not authorize a transaction originated at that terminal, the transaction shall be immediately transmitted by the data processing center to a central routing unit licensed pursuant to this chapter, unless either the transaction is not authorized because of a mechanical failure of the data processing center or satellite terminal, or the transaction does not relate to a deposit account held by a financial institution with its principal office in this state.

This subsection does not limit the authority of a data processing center to authorize or reject transactions requested by customers of a financial institution pursuant to an agreement in which the data processing center authorizes transactions on behalf of the financial institution and provides to the financial institution, on a batch basis and not on an on-line real time basis, information concerning authorized or rejected transactions of customers of the financial institution.

Sec. 19. Section 527.5, subsection 5, Code 1985, is amended to read as follows:

5. The satellite terminal shall bear a sign or label identifying each type of financial institution utilizing the terminal. A satellite terminal location shall not be used to advertise individual financial institutions or ~~any~~ a group of financial institutions.

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However, if a satellite terminal is located inside or consolidated into the wall of the principal place of business or any other authorized office of a financial institution which has established the terminal, the satellite terminal may bear a sign or other advertisement of the establishing institution. The administrator ~~is empowered to~~ may authorize ~~such~~ methods of identification as the administrator deems necessary to enable the general public to determine the accessibility of the satellite terminal.

Sec. 20. Section 527.9, subsection 2, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. A representation and undertaking that the proposed central routing unit is directly connected to every data processing center that is directly connected to a satellite terminal located in this state, and that the proposed central routing unit will provide for direct connection in the future with any data processing center that becomes directly connected to a satellite terminal located in this state.

Sec. 21. Section 527.9, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. Effective July 1, 1986, a person owning or operating a central routing unit authorized under this section shall include public representation on any board setting policy for the central routing unit. Four public members shall be appointed to the board in the following manner:

(1) Two members shall be appointed by the superintendent of banking.

(2) One member shall be appointed by the administrator of the credit union department.

(3) One member shall be appointed by the supervisor of savings and loan associations.

b. The superintendent of banking, administrator of the credit union department, and the supervisor of savings and loan associations shall form a committee to set, in conjunction with the entity owning or operating the central routing unit, the term of office, the rate of compensation, and the rate of reimbursement for each public member. However, the public members shall be entitled to reasonable compensation and reimbursement from the board.

c. Each public member is entitled to all the rights of participation and voting as any other member of the board. The public members are to represent the interest of consumers and the business and agricultural communities in establishing policies for

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the central routing unit.

d. It is the intention of the general assembly that the ratio of public members to the overall membership of the board shall not be less than one public member for each seven members of the board. If the number of members on the board is increased, then the number of members appointed pursuant to paragraph "a" shall be increased to maintain the minimum ratio. In this event, a committee composed of the superintendent of banking, the administrator of the credit union department, and the supervisor of savings and loan associations shall appoint additional public members in order to maintain the minimum ratio.

e. An individual shall not be appointed as a public member pursuant to this subsection if the individual is directly employed by a financial institution doing business in this state.

Sec. 22. Section 533.4, subsection 5, Code Supplement 1985, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. Deposits, obligations, participations, or other instruments insured by a state-chartered deposit insurance corporation.

NEW PARAGRAPH. j. Commercial paper issued by United States corporations as defined by the administrator by rule.

Sec. 23. Section 533.5, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

533.5 MEMBERSHIP.

The membership of a credit union shall consist of those persons in the common bond, duly admitted, who have paid any required one-time or periodic membership fee, or both, have subscribed to one or more shares, and have complied with other requirements the articles of incorporation and bylaws specify. To continue membership, a member shall comply with any changes in the par value of the share. The common bond shall be determined by the board of directors. If adopted as a policy by the board of directors of a credit union, members who cease to meet qualifications of membership may retain their credit union membership and all membership privileges. Organizations, incorporated or otherwise, may be members.

Sec. 24. Section 533.9, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Within five days following the organization meeting and each annual meeting the directors shall elect from their own number a chairperson of the board, a vice chairperson, ~~president and~~ a secretary, ~~of whom~~ the

~~last two may be the same individual, and also~~ a chief elected financial officer whose title shall be designated by the board of directors, a credit committee of not less than three members, and an auditing committee of not less than three members, and may also elect alternate members of the credit committee. ~~It shall be the duty of the~~ The board may appoint an executive committee to act on its behalf when designated for that purpose. The directors ~~to~~ have responsibility for the general management of the affairs of the credit union~~, particularly to:~~.

Sec. 25. Section 533.9, subsections 1 through 7, Code 1985, are amended by striking the subsections.

Sec. 26. Section 533.9, unnumbered paragraph 2, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 27. Section 533.11, subsections 1 and 2, Code 1985, are amended to read as follows:

1. Make or cause to be made an examination of the affairs of the credit union at least ~~quarterly~~ semi-annually, including an audit of its books and, ~~in the event said~~ if the committee feels ~~such~~ the action to be necessary, it shall call the members together ~~thereafter~~ after the examination and submit to them its report.

2. ~~Make~~ In addition, make or cause to be made an annual ~~audit and~~ report and submit ~~the same~~ it at the annual meeting of the members.

Sec. 28. Section 533.34, subsection 1, Code 1985, is amended to read as follows:

1. A state credit union may convert into a federal credit union with the approval of the administrator of the national credit union administration and by the affirmative vote of a majority of the credit union's members ~~eligible to~~ who vote on the proposal. This vote, if taken, shall be at a ~~special~~ meeting called for that purpose and shall be in the manner prescribed by the bylaws. ~~Any member eligible to vote and not present at the meeting may, within twenty days after the date on which the meeting was held, vote in favor of conversion by signing a statement in a form satisfactory to the administrator of the credit union department. This vote shall have the same force and effect as if cast at the meeting.~~

Sec. 29. Section 533.38, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A corporate central credit union may be established. Credit unions organized under this chapter, the Federal Credit Union Act, or any other credit union ~~act~~ Act, and credit union organizations

may be members. In addition, regulated financial institutions, nonprofit organizations, and cooperative organizations may be members to the extent and manner provided for in the bylaws of the corporate central credit union. The corporate central credit union ~~shall have~~ has all the powers, restrictions, and obligations imposed upon, or granted to a credit union under this chapter, except that the corporate central credit union may exercise any of the following additional powers subject to the adoption of rules by the administrator pursuant to chapter 17A and with the prior written approval of the administrator:

Sec. 30. NEW SECTION. 533.48 CREDITING OF CHECKS.

A credit union shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110.

Sec. 31. NEW SECTION. 533.49 INVESTMENT IN BANKS OR SAVINGS AND LOAN ASSOCIATIONS.

1. With the prior approval of the administrator and the superintendent of banking, a credit union may invest in the capital stock, obligations, or other securities of a bank.

2. With the prior approval of the administrator and the supervisor of savings and loan associations, a credit union may invest in the capital stock, obligations, or other securities of a state savings and loan association.

3. The administrator shall not grant an approval under subsection 1 or 2, except after making one of the following findings:

a. Based upon a preponderance of the evidence presented, the proposed investment will not have the immediate effect of significantly reducing competition between depository financial institutions located in the same community in which the institution whose shares would be acquired is located.

b. Based upon a preponderance of the evidence presented, the proposed investment would have the anticompetitive effect specified in paragraph "a", but other factors, to be specifically cited, outweigh the anticompetitive effect so that there will be a net public benefit as a result of the investment.

4. An investment under this section shall not be grounds for denying the incorporation of another bank or savings and loan association in the community of the acquired bank or savings and loan association.

Sec. 32. Section 534.102, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 34. "Mutual holding company"

means a corporation which is organized under chapter 496A and of which the sole shareholders are persons who would be members of a stock association which is wholly owned by the corporation if the stock association were a mutual association.

NEW SUBSECTION. 35. "Stock holding company" means an association holding company which is not a mutual holding company.

Sec. 33. Section 534.207, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Loans secured by ~~first~~ liens or ~~first~~ claims on residential real estate, participation interests in groups of loans secured by ~~first~~ liens or ~~first~~ claims on residential real estate, securities that are secured by groups of loans secured by ~~first~~ liens or ~~first~~ claims on residential real estate, or property improvement loans for the making of improvements upon residential real property, or a combination of these.

Sec. 34. Section 534.209, subsection 2, Code 1985, is amended to read as follows:

2. As an annual average, based on monthly computations, an association ~~may~~ shall hold not more than one percent of its assets in commercial loans~~, provided that~~. However, this limitation shall increase to two percent of assets on July 1, 1983, to three percent of assets on July 1, 1984, to four percent of assets on July 1, 1985, and to five percent of assets on July 1, 1986~~, but further provided that~~. In addition, commencing on the effective date of any federal statute or federal rule or regulation removing all limitations or controls on the rates of interest that may be paid by banks and savings and loan associations on savings accounts, an association may hold not more than ~~ten~~ forty percent of its assets in commercial loans and consumer loans.

Sec. 35. NEW SECTION. 534.309 CREDITING OF CHECKS.

An association shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110.

Sec. 36. NEW SECTION. 534.518 MUTUAL HOLDING COMPANY SHAREHOLDERS.

A mutual holding company shall not issue stock certificates to its shareholders. A shareholder shall have all voting rights as specified in chapter 496A. A shareholder is entitled to the same number of votes the shareholder would have in a mutual association if the stock association which is a wholly owned subsidiary of the mutual holding company were the mutual association. Upon dissolution of the mutual

holding company, each shareholder has the same rights relative to other shareholders as the shareholder would have upon dissolution of a mutual association if the stock association which is a wholly owned subsidiary of the mutual holding company were such mutual association. This section supersedes conflicting provisions of chapter 496A and other sections of this chapter.

Sec. 37. NEW SECTION. 534.519 FORMATION OF MUTUAL HOLDING COMPANY.

A mutual holding company may be formed as provided in one or more transactions authorized in this section.

1. PLAN OF REORGANIZATION. The board of directors of a mutual association shall adopt a plan of reorganization providing for all of the following:

a. The organization of a corporation under chapter 496A to become the mutual holding company.

b. The incorporation of a stock association under this chapter.

c. The transfer from the mutual association to the stock association of a substantial part of its assets.

d. The assumption by the stock association of all of the deposit account liabilities of the mutual association.

e. The transfer from the mutual association to the mutual holding company of a portion of its assets.

f. The issuance by the stock association of all of its common stock to the mutual holding company.

g. The members of the mutual association becoming shareholders of the mutual holding company.

h. Any other lawful provisions as determined by the board of directors.

2. APPROVAL AND NOTIFICATION. The approval of the plan of reorganization by the members of the mutual association is not required. The plan of reorganization shall be submitted to the supervisor for approval as provided in section 534.509, subsection 4, for a plan of conversion. The board of directors shall also submit to the supervisor for approval a summary of the plan of reorganization which shall be mailed to the members of the mutual association after approval of the plan of reorganization by the supervisor.

Sec. 38. NEW SECTION. 534.520 CONVERSION OF MUTUAL HOLDING COMPANY.

A mutual holding company may be converted to a stock holding company as provided in this section.

1. PLAN OF CONVERSION. The board of directors of the mutual holding company shall adopt a plan of

conversion providing for the issuance of stock certificates to the shareholders of the mutual holding company as of a specified date of conversion and providing for any other lawful provisions as determined by the board of directors.

2. APPROVAL AND NOTIFICATION. The approval of the plan of conversion by the shareholders of the mutual holding company is not required. The plan of conversion shall be submitted to the supervisor for approval as provided in section 534.509, subsection 4, for a plan of conversion of an association. The board of directors shall also submit to the supervisor for approval a summary of the plan of conversion which shall be mailed to the shareholders of the mutual holding company after approval of the plan of conversion by the supervisor.

Sec. 39. Section 535.8, subsection 2, paragraph b, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon request of the borrower, the lender shall provide the borrower with a copy of any document or report that the lender used in processing the loan and for which the borrower was charged under this paragraph "b". The borrower's right to copies under this paragraph is retroactive and may be exercised for any loan on property in which the borrower has an ownership interest at the time of the request.

Sec. 40. Section 535.10, subsection 2, Code 1985, is amended by striking the subsection and inserting the following:

2. A home equity line of credit is subject to chapter 537 regardless of whether the amount financed, as defined in section 537.1301, subsection 4, paragraph "b", exceeds twenty-five thousand dollars and regardless of whether the debt is incurred primarily for a personal, family or household purpose as long as the account is secured by real estate which is the consumer's principal dwelling. However, sections 537.2307, 537.2402, and 537.2510 do not apply to a home equity line of credit.

Sec. 41. Section 536A.22, Code 1985, is amended to read as follows:

536A.22 THRIFT CERTIFICATES.

Licensed industrial loan companies may sell senior debt to the general public in the form of thrift certificates, installment thrift certificates, certificates of indebtedness, promissory notes, or similar evidences of indebtedness. The total amount of ~~such~~ the thrift certificates, installment thrift

certificates, certificates of indebtedness, promissory notes, or similar evidences of indebtedness outstanding and in the hands of the general public shall not at any time exceed ten times the total amount of capital, surplus, and undivided profits ~~and subordinated debt that gives priority to such securities~~ of the issuing industrial loan company. Except as provided in chapter 536B, the sale of ~~such~~ the securities ~~shall be~~ is subject to ~~the provisions of~~ chapter 502, and ~~shall~~ is not ~~be construed to be~~ exempt ~~therefrom~~ from chapter 502 by reason of ~~the provisions of~~ section 502.202, subsection 10, except that the sale of thrift certificates or installment thrift certificates which are redeemable by the holder ~~thereof~~ either upon demand or within a period not in excess of one hundred eighty days ~~shall be~~ are exempt from sections 502.201 and 502.602.

Sec. 42. NEW SECTION. 554.4110 CREDITING OF CHECKS.

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

a. "Account" means a demand deposit account or other similar transaction account including, but not limited to, a negotiable order of withdrawal account or a share draft account at a financial institution.

b. "Business day" means any day other than Saturday, Sunday, or a legal holiday.

c. "Cashier's check" means a check which is drawn on a financial institution, is signed by an officer or employee of the financial institution, and is a direct obligation of the financial institution.

d. "Certified check" means a check with respect to which a financial institution certifies that the signature on the check is genuine and the financial institution has set aside funds from the account which are equal to the amount of the check and are to be used only to pay the check.

e. "Check" means any negotiable demand draft drawn on or payable through a financial institution.

f. "Depository check" means a cashier's check, certified check, teller's check, or other functionally equivalent instrument.

g. "Financial institution" means a bank, savings and loan association, savings bank, or credit union.

h. "Teller's check" means a check issued by a financial institution and drawn on another depository institution.

2. Funds deposited in an account at a financial institution doing business in this state by check shall be available on two business days following the

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business day on which the check was deposited if either of the following is applicable:

a. The check is an amount of one hundred dollars or less.

b. The check is deposited in the same financial institution on which it is drawn or is deposited in an office or a branch of the same financial institution on which it is drawn.

3. Not more than four business days shall intervene between the business day on which funds are deposited in an account at a financial institution doing business in this state by a check drawn on a financial institution located in this state and the business day on which the funds are available for withdrawal.

4. The time limitations contained in subsections 2 and 3 may be extended by one business day if the deposit is at a shared automatic teller machine.

5. The time limitations in subsections 2 and 3 may be extended by one business day if the financial institution in which the check is deposited utilizes a correspondent or depository financial institution in the check clearing process.

6. The time limitations contained in subsections 2 and 3 do not apply to a check deposited in an account that has been open less than thirty calendar days.

7. In the case of funds deposited on any business day in an account at a financial institution by checks the aggregate amount of which exceeds five thousand dollars, subsections 2 and 3 shall apply only with respect to the first five thousand dollars of such aggregate amount.

8. In the case of a check which was returned unpaid by the originating financial institution, subsections 2 and 3 shall not apply to any subsequent redeposit of such check in an account at a financial institution.

9. In any case in which, on three separate and distinct occasions within any six-month period, any account (or successor account) of a depositor has been the subject of checks which were written by such depositor and which were in excess of the available funds in the account involved, subsections 2 and 3 shall not apply to any such account for a period of six months following the last occasion involved.

10. Subsections 2 and 3 shall not apply in any case in which a check is drawn on a financial institution, or an office of a financial institution, located outside of the United States.

11. A financial institution shall post in a

conspicuous place in each location where deposits are accepted by individuals employed by the financial institution, a specific notice which describes the time periods applicable to the availability of funds deposited in a customer's account.

12. In the case of an automated teller machine at which funds are received for deposit in an account at a financial institution, the owner or operator of the automated teller machine shall post a general notice that funds deposited in the machine may not be immediately available for withdrawal.

Sec. 43. NEW SECTION. 654.2A FORECLOSURE ON HOMESTEAD — NOTICE, RIGHT TO CURE DEFAULT.

1. A creditor shall not initiate an action pursuant to this chapter to foreclose on a deed of trust or mortgage on a homestead, as defined in chapter 561, until the creditor has complied with this section.

2. A creditor who believes in good faith that a borrower on a deed of trust or mortgage on a homestead is in default shall give the borrower a notice of right to cure as provided in section 654.2B. A creditor gives the notice when the creditor delivers the notice to the consumer or mails the notice to the borrower's residence.

3. The borrower has a right to cure the default within thirty days from the date the creditor gives the notice.

4. a. The creditor shall not accelerate the maturity of the unpaid balance of the obligation, demand or otherwise take possession of the land, otherwise than by accepting a voluntary surrender of it, or otherwise attempt to enforce the obligation until thirty days after a proper notice of right to cure is given.

b. Until the expiration of thirty days after notice is given, the borrower may cure the default by tendering either the amount of all unpaid installments due at the time of tender, without acceleration, or the amount stated in the notice of right to cure, whichever is less, or by tendering any other performance necessary to cure a default which is described in the notice of right to cure.

5. The act of curing a default restores to the borrower the borrower's rights under the obligation and the deed of trust or mortgage.

6. This section does not prohibit a borrower from voluntarily surrendering possession of the homestead and does not prohibit the creditor from enforcing the creditor's interest in the land at any time after the

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creditor has complied with this section and the borrower did not cure the alleged default.

Sec. 44. NEW SECTION. 654.2B REQUIREMENTS OF NOTICE OF RIGHT TO CURE.

The notice of right to cure shall be in writing and shall conspicuously state the name, address, and telephone number of the creditor to which payment is to be made, a brief identification of the obligation secured by the deed of trust or mortgage and of the borrower's right to cure the default, a statement of nature of the right to cure the default, a statement of the nature of the alleged default, a statement of the total payment or other performance necessary to cure the alleged default, the exact date by which the amount must be paid or performance tendered and a statement that if the borrower does not cure the alleged default that the creditor is entitled to proceed with initiating a foreclosure action.

Sec. 45. Section 654.18, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The agreement provided for in subsection 1 is not enforceable against the mortgagor if the agreement is entered into more than three months prior to the recording of the conveyance from the mortgagor to the mortgagee described in subsection 1, subparagraph (a). A prior agreement or arrangement between the mortgagor and mortgagee, that they will enter into an agreement provided for in subsection 1 if the mortgagor is unable to make payments or otherwise is in danger of default, is void.

Sec. 46. Sections 43 and 44 of this Act shall apply to any foreclosure on a homestead in which an action pursuant to chapter 652 was initiated on or after January 1, 1986.

Sec. 47. If the federal government enacts legislation concerning the subject matter contained in sections 4, 30, 35, and 42 of this Act, the attorney general shall determine whether the federal legislation preempts any part of this subject matter contained in those sections. If the attorney general determines that there is any preemption, sections 4, 30, 35, and 42 of this Act shall be deemed totally preempted and shall be void.

Sec. 48. Sections 4, 30, 35, and 42 of this Act are effective January 1, 1987."

_____. Title page, by striking lines 1 through 4 and inserting the following: "An Act relating to financial transactions." "

Schnekloth of Scott moved that action on amendment H—6094 be deferred.

Roll call was requested by Schnekloth of Scott and Renken of Grundy.

On the question "Shall amendment H—6094 be deferred?"

The ayes were, 18:

Bennett	Branstad	Carpenter	Clark
Daggett	De Groot	Grandia	Hanson
Hester	Maulsby	McKean	Miller
O'Kane	Pellett	Royer	Schnekloth
Stromer	Van Maanen		

The nays were, 77:

Avenson	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Connolly	Connors
Cooper	Corey	Diemer	Fey
Fogarty	Groninga	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hatch	Haverland	Hermann	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lloyd-Jones	Lonergan	McIntee
Metcalf	Muhlbauer	Norland	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rensink	Rosenberg	Running	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker (Arnould)			

Absent or not voting, 5:

Cochran	Doderer	Harbor	Mullins
Welden			

The motion to defer lost.

Speaker Avenson in the chair at 6:43 p.m.

Parker of Jasper moved the adoption of amendment H—6094, to amendment H—5664.

A non-record roll call was requested.

The ayes were 63, nays 34.

Amendment H—6094 was adopted, placing out of order amendment H—6095 (to amendment H—5664), filed by Schnekloth of Scott from the floor.

Schnekloth of Scott rose on a point of order that amendment H—5664, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5664, as amended, not germane.

Norland of Worth asked for unanimous consent to suspend the rules to consider amendment H—5664.

Objection was raised.

Norland of Worth moved that the rules be suspended to consider amendment H—5664, as amended.

A non-record roll call was requested.

The ayes were 59, nays 34.

The motion prevailed and the rules were suspended.

Hatch of Polk moved that amendment H—5664, as amended, be deferred.

Roll call was requested by Hatch of Polk and Schnekloth of Scott.

On the question "Shall amendment H—5664, as amended, be deferred?"

The ayes were, 28:

Baxter	Branstad	Buhr	Carpenter
Clark	Connors	De Groot	Grandia

Halvorson, R. N.	Hatch	Haverland	Jay
Maulsby	McIntee	McKean	Metcalf
O'Kane	Pellett	Poncy	Rensink
Running	Schnekloth	Sherzan	Spear
Sturgeon	Van Camp	Van Maanen	Zimmerman

The nays were, 65:

Arnould	Beatty	Bennett	Black
Blanshan	Brammer	Carl	Carter
Chapman	Cochran	Cooper	Corey
Daggett	Diemer	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Hermann	Hester	Holveck	Hughes
Hummel	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Miller	Muhlbauer	Norland	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Renken	Rosenberg	Royer	Shoning
Shoultz	Siegrist	Skow	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Teaford	Varn	Welden
Mr. Speaker			

Absent or not voting, 7:

Connolly	Groth	Jochum	Mullins
Paulin	Renaud	Woods	

The motion to defer lost.

On motion by Teaford of Black Hawk, amendment H—5664, as amended, was adopted, placing out of order amendment H—6106 filed by Hatch, Schnekloth and O'Kane from the floor.

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?" (S.F. 2208)

The ayes were, 67:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors

Cooper	Daggett	Diemer	Doderer
Fey	Fogarty	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson
Harbor	Hatch	Haverland	Hermann
Holveck	Hummel	Jochum	Knapp
Koenigs	Lloyd-Jones	Lonergan	McIntee
Metcalf	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Parker	Pavich
Peterson, M. K.	Poncy	Running	Sherzan
Shoning	Shoultz	Siegrist	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Teaford	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 31:

Branstad	Corey	De Groot	Grandia
Hammond	Handorf	Hester	Hughes
Johnson	Kremer	Lageschulte	Maulsby
McKean	Miller	Osterberg	Oxley
Paulin	Peick	Pellett	Petersen, D. F.
Platt	Renken	Rensink	Rosenberg
Royer	Schnekloth	Skow	Spear
Van Camp	Van Maanen	Welden	

Absent or not voting, 2:

Jay	Renaud

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 6:48 p.m., until the fall of the gavel.

The House resumed session at 11:05 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 members of the conference committee, appointed May 1, 1986, to 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, on the part of the Senate, are: The Senator from Dubuque, Senator Welsh, Chair; the Senator from Marion, Senator Dieleman; the Senator from Polk, Senator Gentleman; the Senator from Jefferson, Senator Schwengels; and the Senator from Linn, Senator Wells.

Also: That the Senate has on May 1, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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 redemption of a homestead in relation to a foreclosure on agricultural land, providing a procedure for the waiver of homestead exemption, providing for the ownership of agricultural land by certain nonresident aliens, providing for a farm mediation program, designating a farm crisis program coordinator, and providing an effective date.

Also: That the Senate has on May 1, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2480, a bill for an act relating to membership sales, by exempting cooperatives organized under chapter 499 and certain mutual or cooperative telephone companies organized under chapter 491.

Also: That the Senate has on May 1, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 133, relating to the board of regents' ten-year building program and providing for the purchase of equipment.

Also: That the Senate has on May 1, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 134, relating to the board of regents' ten-year building program and providing for Gilman hall remodeling, phase II, at Iowa state university of science and technology.

Also: That the Senate has on May 1, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 135, relating to the board of regents' ten-year building program and providing for the construction and equipping of a classroom/office building at the university of northern Iowa.

Also: That the Senate has on May 1, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 136, relating to the board of regents' ten-year building program and providing for the chemistry-botany remodeling, phase II at the university of Iowa.

Also: That the members of the conference committee, appointed May 1, 1986, to Senate File 447, a bill for an act to license operators of radiation emitting equipment, on the part of the Senate, are: The Senator from Dubuque, Senator Carr, Chair; the Senator from Marion, Senator Dieleman; the Senator from Linn, Senator Horn; the Senator from Sioux, Senator Ritsema; and the Senator from Jefferson, Senator Schwengels.

Also: That the Senate has, on May 1, 1986, adopted the conference committee and passed 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 May 1, 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 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 distribution of income under a foreclosure continuance.

Also: That the Senate has on May 1, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2302, a bill for an act relating to the local option sales and services tax and the local option earnings tax and providing effective dates.

Also: That the Senate has on May 1, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2303, a bill for an act relating to restoring provisions of legislation relating to appropriations which had been removed from the comprehensive legislation on the subject of state government reorganization.

Also: That the Senate has on May 1, 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 2305, a bill for an act relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund.

K. MARIE THAYER, Secretary

INTRODUCTION OF BILL

House File 2492, by committee on appropriations, a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code.

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

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2492.

CONSIDERATION OF BILLS

House File 2492, a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code, was taken up for consideration.

The House stood at ease at 11:07 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2492 at 11:42 p.m., Speaker Avenson in the chair.

Stromer of Hancock offered the following amendment H–6121 filed by him from the floor and moved its adoption:

H–6121

Amend House File 2492 as follows:
1. Page 1, by inserting after line 14 the following:
"4. The members of the employment services board who shall be compensated within salary range 2."

Amendment H–6121 was adopted.

Van Camp of Scott offered the following amendment H–6120 filed by him from the floor and moved its adoption:

H–6120

Amend House File 2492 as follows:
1. Page 1, line 30, by striking the words "department of elder affairs,".
2. Page 1, line 33, by inserting after the word "affairs," the following: "department of elder affairs,".

Amendment H–6120 lost.

Poncy of Wapello offered the following amendment H–6113 filed from the floor by Poncy, Doderer and Lloyd-Jones and moved its adoption:

H—6113

Amend House File 2492 as follows:

1. Page 2, lines 1 and 2, by striking the words "executive secretary of the state board of regents,".

2. Page 2, line 8, by inserting after the partial word "portation," the following: "executive secretary of the state board of regents,".

A non-record roll call was requested.

The ayes were 36, nays 47.

Amendment H—6113 lost.

Blanshan of Greene offered the following amendment H—6117 filed from the floor by Blanshan, Chapman and Jay and moved its adoption:

H—6117

Amend House File 2492 as follows:

1. Page 2, by inserting after line 21 the following:

"Sec._____. STATE COURT ADMINISTRATOR.

The following annual salary range is effective for the position of state court administrator for the fiscal year beginning July 1, 1986, and for subsequent fiscal years until otherwise provided by law. The salary shall be paid to the state court administrator at a rate determined as otherwise provided by law within the salary range from funds appropriated to the judicial department.

	1986-87 FISCAL YEAR	
	Minimum	Maximum
For the state court administrator	$42,000	$55,000".

2. By numbering sections as necessary.

Amendment H—6117 lost.

Carpenter of Polk offered the following amendment H—6123 filed by her from the floor and moved its adoption:

H–6123

Amend House File 2492 as follows:
1. Page 3, line 10 by striking the words "~~twenty five~~ thirty-five" and inserting the word "twenty-five".

A non-record roll call was requested.

The ayes were 32, nays 50.

Amendment H–6123 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass, for the remainder of the day, on request of Stromer of Hancock.

Lageschulte of Bremer offered the following amendment H–6114 filed by him and Maulsby of Calhoun from the floor and moved its adoption:

H–6114

Amend House File 2492 as follows:
1. By striking page 2, line 22 through page 3, line 22.
2. By renumbering sections as necessary.
3. Amend the title, by striking lines 2 through 4 and inserting the following: "other public officials by specifying salary ranges, and providing for compensation adjustments."

Roll call was requested by Lageschulte of Bremer and Handorf of Marshall.

Rule 75 was invoked.

On the question "Shall amendment H–6114 be adopted?"

The ayes were, 38:

Bennett	Black	Carpenter	Clark
Cooper	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Harbor	Hermann	Hester	Hummel
Koenigs	Kremer	Lageschulte	Maulsby

McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Ollie	Paulin
Petersen, D. F.	Poncy	Renken	Royer
Shoning	Skow	Stromer	Stueland
Swearingen	Van Maanen		

The nays were, 57:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Connolly	Connors	Doderer
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hanson	Hatch
Haverland	Holveck	Hughes	Jay
Jochum	Johnson	Knapp	Lloyd-Jones
Lonergan	Norland	O'Kane	Osterberg
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Platt	Renaud	Rensink
Rosenberg	Running	Schnekloth	Sherzan
Shoultz	Siegrist	Spear	Sturgeon
Sullivan	Swartz	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 5:

Branstad	Cochran	Groth	Pellett
Welden			

Amendment H—6114 lost.

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

On the question "Shall the bill pass?" (H.F. 2492)

The ayes were, 54:

Arnould	Baxter	Beatty	Blanshan
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Cochran	Connolly
Connors	Doderer	Fey	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hanson
Hatch	Haverland	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Lloyd-Jones	Lonergan	Norland	O'Kane
Osterberg	Parker	Pavich	Peterson, M. K.
Renaud	Rensink	Rosenberg	Schnekloth

Sherzan	Shoultz	Spear	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Camp	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 43:

Bennett	Black	Branstad	Clark
Cooper	Corey	Daggett	De Groot
Diemer	Fogarty	Grandia	Halvorson, R. A.
Handorf	Harbor	Hermann	Hester
Hummel	Koenigs	Kremer	Lageschulte
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Ollie
Oxley	Paulin	Peick	Petersen, D. F.
Platt	Poncy	Renken	Royer
Running	Shoning	Siegrist	Skow
Stromer	Stueland	Van Maanen	

Absent or not voting, 3:

Groth	Pellett	Welden

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

IMMEDIATE MESSAGE
(House File 2492)

Norland of Worth asked and received unanimous consent that House File 2492 be immediately messaged to the Senate.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2304.

Senate File 2304, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, with report of committee recommending passage was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H–6109 filed by him from the floor and moved its adoption:

H–6109

Amend Senate File 2304 as amended and passed by the Senate as follows:

1. Page 5, line 9, by inserting after the word "program," the following: "hypertension program,".

Amendment H–6109 was adopted.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H–6074 filed by him on April 30, 1986.

Jochum of Dubuque offered the following amendment H–6122 filed by him from the floor and moved its adoption:

H–6122

Amend Senate File 2304 as amended and passed by the Senate as follows:

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

"Sec._____. The governor may transfer funds not exceeding one million one hundred eighty thousand (1,180,000) dollars from funds already appropriated from the general fund of the state before June 30, 1986, to the department of human services for purposes specified in the 1985 Iowa Acts, chapter 268, section 9, subsection 3.

Sec._____. This Act, being deemed of immediate importance, takes effect on and after its publication in the Ames Daily Tribune, a newspaper published in Ames, Iowa, and in the Grinnell Herald-Register, a newspaper published in Grinnell, Iowa."

2. Title page, line 6, by inserting after the word "grants" the following: "and providing an effective date".

Amendment H–6122 was adopted.

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?" (S.F. 2304)

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	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	Pellett	Welden

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2052)

Blanshan of Greene called up for consideration the report of the conference committee on Senate File 2052 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2052

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2052, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date, respectively make the following report:

1. That the Senate recedes from its amendment, H–5805.

2. That the House recedes from its amendment, S–5587.

3. That Senate File 2052, as passed by the Senate, is amended as follows:

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

"Section 1. Section 602.9104, subsection 1, Code 1985, as amended by 1985 Iowa Acts, chapter 197, section 27, is amended by striking the subsection and inserting in lieu thereof the following:

1. Each judge coming within the purview of this article shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this article a sum equal to four percent of such basic salary. Provided that the maximum amount which any judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.

Sec. 2. This Act takes effect upon the final decision in the case of Junkins v. Branstad, No. CL 062 36310 (Polk County Dist. Ct.), and is retroactive to July 1, 1985."

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
GENE BLANSHAN, Chair	WILLIAM W. DIELEMAN, Chair
MINETTE DODERER	JOHN N. NYSTROM
JOHNIE HAMMOND	FORREST SCHWENGELS
BOB RENKEN	
GEORGE R. SWEARINGEN	

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2052)

The ayes were, 92:

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
Hammond	Handorf	Hanson	Hatch
Haverland	Hermann	Hester	Holveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lloyd-Jones
Lonergan	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

The nays were, 4:

Halvorson, R. A.	Halvorson, R. N.	Harbor	Hummel

Absent or not voting, 4:

Groth	Lageschulte	Pellett	Welden

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

SENATE AMENDMENT CONSIDERED

Knapp of Dubuque called up for consideration **Senate File 2305,** a bill for an act relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6119 to the House amendment:

H—6119

Amend the House amendment S-5936 to Senate File 2305 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 21, by striking the figure "$2,000,000" and inserting the figure "$3,000,000".

2. Page 1, by striking lines 22 and 23.
3. Page 1, line 35, by striking the figure "$1,000,000" and inserting the figure "$1,500,000".
4. Page 1, by striking line 36.

A non-record roll call was requested.

The ayes were 48, nays 47.

The motion prevailed and the House concurred in the Senate amendment H—6119.

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

On the question "Shall the bill pass?" (S.F. 2305)

The ayes were, 73:

Arnould	Baxter	Black	Blanshan
Brammer	Branstad	Carl	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hanson	Haverland	Hermann
Hester	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Muhlbauer
Norland	Ollie	Oxley	Parker
Pavich	Peterson, M. K.	Platt	Poncy
Renaud	Rensink	Rosenberg	Schnekloth
Sherzan	Shoning	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Teaford	Van Maanen	Varn	Woods
Mr. Speaker			

The nays were, 24:

Beatty	Bennett	Buhr	Carpenter
Grandia	Halvorson, R. N.	Handorf	Harbor
Hatch	Holveck	Metcalf	Miller
Mullins	O'Kane	Osterberg	Paulin
Peick	Petersen, D. F.	Renken	Royer
Running	Siegrist	Van Camp	Zimmerman

Absent or not voting, 3:

Groth Pellett 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 and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2296.

Senate File 2296, a bill for an act relating to the movement of vehicles of excessive size and weight, with report of committee recommending amendment and passage, was taken up for consideration.

Fey of Scott offered the following amendment H–6060 filed by the committee on ways and means:

H–6060

Amend Senate File 2296 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 12, by inserting after the word "~~truck.~~" the following: "A "special truck" does not include a truck tractor operated more than seventy-five hundred miles annually."

2. Page 1, by striking lines 13 through 18 and inserting the following:

"Sec._____. Section 321.121, Code 1985, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE.

The registration fee for a special truck shall be eighty dollars for a gross weight of six tons, one hundred dollars for a gross weight of seven tons, one hundred twenty dollars for a gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons and not exceeding eighteen tons. The registration fee for a special truck with a gross weight registration exceeding eighteen tons but not exceeding nineteen tons shall be three hundred twenty-five dollars and for a gross weight registration exceeding nineteen tons but not exceeding twenty tons the registration fee shall be three hundred seventy-five dollars. ~~Any~~ The additional registration fee for a special truck for a gross weight registration in excess of twenty tons is twenty-five dollars for each

ton over twenty tons and not exceeding thirty-two tons.

PARAGRAPH DIVIDED. A person convicted of or found by audit to be using a ~~truck~~ motor vehicle registered as a special truck for any purpose other than permitted by section 321.1, subsection 71, shall, in addition to any other penalty imposed by law, be required to pay regular motor ~~truck~~ vehicle registration fees upon such ~~truck~~ motor vehicle.

Sec._____. Section 321.122, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

1. The annual registration fee for truck tractors, road tractors, and motor trucks, except motor trucks registered as special trucks, shall be based on the combined gross weight of the vehicle or combination of vehicles. All trucks, truck tractors, or road tractors shall be registered for a gross weight equal to or in excess of the unladen weight of the vehicle or combination of vehicles. The annual registration fee for such vehicles or combination of vehicles, except truck tractors registered as special trucks, shall be:"

Doderer of Johnson offered the following amendment H—6070, to the committee amendment H—6060, filed by her and moved its adoption:

H—6070

Amend the committee on ways and means amendment, H—6060, to Senate File 2296 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, line 48, by striking the words "truck tractors registered as".

Amendment H—6070 was adopted.

Black of Jasper asked and received unanimous consent to withdraw amendment H—6089, to the committee amendment H—6060, filed by him from the floor.

On motion by Fey of Scott, the committee amendment H—6060, as amended, was adopted.

Blanshan of Greene offered the following amendment H—6102 filed by him from the floor and moved its adoption:

H—6102

Amend Senate File 2296, as amended, passed and reprinted by the Senate, as follows:

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

"Sec._____. Section 321.1, subsection 43, unnumbered paragraphs 1 and 4, Code Supplement 1985, is amended to read as follows:

"Chauffeur" means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation or hire, or a person who operates a truck tractor, road tractor or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt. A person is not a chauffeur when the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner or operator's principal business.

Subject to section 321.179, a farmer or the farmer's hired help is not a chauffeur when operating a truck, other than a truck tractor, owned by the farmer and used exclusively in connection with the transportation of the farmer's own products or property."

2. Renumber as necessary.

Woods of Polk rose on a point of order that amendment H—6102 was not germane.

The Speaker ruled the point well taken and amendment H—6102 not germane.

Blanshan of Greene asked for unanimous consent to suspend the rules to consider amendment H—6102.

Objection was raised.

Blanshan of Greene moved that the rules be suspended to consider amendment H—6102.

A non-record roll call was requested.

The ayes were 55, nays 24.

The motion prevailed and the rules were suspended.

On motion by Blanshan of Greene, amendment H—6102 was adopted.

O'Kane of Woodbury offered the following amendment H—6062 filed by him and Woods of Polk:

H—6062

Amend Senate File 2296 as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by inserting after line 11 the following:

"Sec._____. Section 321.473, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The department may issue annual special permits for the operation of ~~compacted rubbish~~ compacted-rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area, exceeding the ~~weight limitation~~ provisions of section 321.463, but not exceeding a rear axle gross weight for two-axle vehicles of ~~twenty-two~~ twenty-four thousand pounds ~~for the period commencing July 1, 1978 and ending June 30, 1986 and twenty thousand pounds commencing July 1, 1986 and thereafter,~~ and for tandem axle vehicles or transferable auxiliary axle vehicles not exceeding a gross weight on the rear axles of ~~thirty-six~~ forty thousand pounds. The maximum gross weight of the vehicle shall not exceed sixty thousand pounds. Annual special permits for the operation on secondary roads shall be approved by the county engineer. Annual special permits for a particular vehicle shall not be issued by the department unless prior approval is given by the county engineer of the county in which the vehicle will be operated. Annual special permits for operation on primary roads shall be approved by the state department of transportation. ~~Compacted rubbish~~ Compacted-rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area operated pursuant to an annual special permit shall be operated only over routes designated by the local authority. Annual special permits for a particular vehicle shall not be issued by the department unless approved by the local authority responsible for the roads over which the vehicle will be operated. Annual special permits

approved by the issuing authority shall be issued upon payment of an annual fee, in addition to other registration fees imposed, of one hundred dollars to be paid to the department for all nongovernmental vehicles. As used in this section, a compacted-rubbish vehicle includes such vehicles utilizing roll-off systems. If a violation occurs relating to the weight limitations imposed under this paragraph, the weight limitations of section 321.463 shall apply to the vehicle and the fine shall be assessed in accordance with that section."

Parker of Jasper rose on a point of order that amendment H—6062 was not germane.

The Speaker ruled the point well taken and amendment H—6062 not germane.

O'Kane of Woodbury moved that the rules be suspended to consider amendment H—6062.

A non-record roll call was requested.

The ayes were 21, nays 49.

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" (S.F. 2296)

The ayes were, 60:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Branstad	Clark
Cochran	Connolly	Cooper	Corey
Daggett	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gruhn
Handorf	Hanson	Hermann	Hester
Hughes	Hummel	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Metcalf
Miller	Muhlbauer	Mullins	Norland
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Rensink

Schnekloth	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Van Maanen	Mr. Speaker

The nays were, 34:

Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Connors	Halvorson, R. A.
Halvorson, R. N.	Hammond	Harbor	Hatch
Haverland	Holveck	Jay	Johnson
Lonergan	Ollie	Osterberg	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Sherzan	Shoultz
Sullivan	Teaford	Van Camp	Varn
Woods	Zimmerman		

Absent or not voting, 6:

De Groot	Groth	O'Kane	Pellett
Tabor	Welden		

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

IMMEDIATE MESSAGES
(Senate Files 2296 and 2304)

Norland of Worth asked and received unanimous consent that Senate Files 2296 and 2304 be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 2493, by Norland and Stromer, a bill for an act relating to criminal penalties arising from the operation of a motor vehicles.

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

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 judiciary and law enforcement meeting upon adjournment.

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 1st day of May, 1986: House Files 2219, 2303, 2350, 2354, 2363, 2380, 2400, 2433 and 2458.

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 May 1, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 2158, an act to make the birthday of Dr. Martin Luther King, Jr. a legal public holiday.

Senate File 505, an act relating to the regulation of motor carriers and making penalties applicable.

Senate File 2101, an act relating to Martin Luther King, Jr.'s birthday and Veterans Day as paid state holidays and providing an effective date.

Senate File 2253, an act relating to municipally owned utilities.

COMMUNICATION FROM SECRETARY OF STATE

May 1, 1986

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

Dear Mr. O'Hern:

I hereby certify that instead of Senate File 2183, Senate File 2193 was published in the Diamond Trail News, Sully, Iowa, on April 16, 1986, and in the Moulton Weekly Tribune, Moulton, Iowa, on April 16, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 30, 1986. Had I been present, I would have voted "aye" on House File 2349; Senate Files 2295, 2294 and 2289.

CONNOLLY of Dubuque

On May 1, 1986, I inadvertently voted "nay" on House File 2066 and intended to vote "aye."

HERMANN of Scott

On May 1, 1986, I intended to vote "nay" on amendment H—6073 to House File 2066.

CARL of Poweshiek

On May 1, 1986, I inadvertently pushed the wrong button and would have voted "aye" on amendment H—6114 to House File 2492.

RUNNING of Linn

PRESENTATION OF VISITORS

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

Thirty-three fifth grade students from Rippey Elementary School, Rippey, accompanied by Barb Kueber. By Blanshan of Greene.

Fifty fifth grade students from Orange City Elementary School, Orange City, accompanied by Mr. Koets. By Rensink of Sioux.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 798 Ways and Means

Relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

1986-21 Mark Hendricks, LeMars – Achieving the title of Iowa Academic All Stater, 1986.

JOSEPH O'HERN
Chief Clerk of the House

RESOLUTION FILED

HR 102, by Carpenter and Doderer, a resolution providing for an interim study committee to study the House Code of Ethics and House Rules Governing Lobbyists.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–6103	H.F.	2484	Senate Amendment
H–6108	H.F.	2484	Van Maanen of Mahaska
H–6110	H.F.	2484	Halvorson of Webster
Woods of Polk			Van Camp of Scott
Renaud of Polk			Running of Linn
Osterberg of Linn			Mullins of Kossuth
Clark of Cerro Gordo			Jay of Appanoose
H–6112	H.F.	2473	Senate Amendment
H–6115	S.F.	2270	Senate Amendment
H–6116	H.F.	2484	Halvorson of Webster
H–6118	H.F.	2484	Teaford of Black Hawk
H–6124	H.F.	2473	Carter of Henry
			Gruhn of Dickinson

On motion by Norland of Worth, the House adjourned at 1:08 a.m., May 2, 1986 until 9:30 a.m., Friday, May 2, 1986.

JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day—Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 2, 1986

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

Prayer was offered by the Honorable Mark Haverland, state representative from Polk County.

The Journal of Thursday, May 1, 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 May 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2065, a bill for an act relating to nonsubstantive Code corrections.

Also: That the Senate has on April 30, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2478, a bill for an act relating to the exemption from the use tax of transactions subject to the sales tax.

Also: That the Senate has on May 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2481, a bill for an act relating to the size of a board of review for property tax assessments.

Also: That the Senate has on May 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2491, a bill for an act relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date.

Also: That the Senate has on April 30, 1986, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 127, urging the Congress not to reduce federal funding of the Job Training Partnership Act.

Also: That the Senate has on May 2, 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 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.

Also: That the Senate has on May 2, 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 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.

K. MARIE THAYER, Secretary

IMMEDIATE MESSAGE
(Senate File 2208)

Norland of Worth asked and received unanimous consent that Senate File 2208 be immediately messaged to the Senate.

RULES SUSPENDED

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2493.

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

House File 2493, a bill for an act relating to criminal penalties arising from the operation of motor vehicles.

Fiscal Note is not required.

Recommended **Do Pass** May 2, 1986.

CONSIDERATION OF BILLS

House File 2493, a bill for an act relating to criminal penalties

arising from the operation of a motor vehicles, was taken up for consideration.

Jay of Appanoose offered the following amendment H–6126 filed by him from the floor and moved its adoption:

H–6126

Amend House File 2493 as follows:

1. Page 4, line 35, by striking the figure "321J.23" and inserting the following: "321J.22".

2. Page 6, line 28, by inserting before the word "license" the words "motor vehicle".

3. Page 7, line 3, by striking the word "drive".

4. Page 18, line 31, by striking the word and figure "321J.14. If" and inserting the following: "321J.14 if".

5. Page 19, line 3, by inserting before the word "director's" the word "the".

6. Page 20, line 14, by striking the words "license or permit" and inserting the following: "motor vehicle license".

7. Page 20, line 15, by striking the words "privilege to drive" and inserting the words "nonresident operating privilege".

8. Page 21, line 10, by striking the word "certificate" and inserting the word "certification".

9. Page 21, line 11, by inserting before the word "treatment" the words "substance abuse".

10. Page 26, line 12, by inserting after the word "administrative" the words "rules for the consideration of the administrative".

11. Page 28, line 3, by inserting after the word "section." the following: "This paragraph shall apply to only the first two such violations which occur within any twelve month period."

12. Page 32, by striking lines 9 through 13, and inserting the following:

"4. A class "D" felon, not an habitual offender, shall be confined for no more than five years, and in addition may be sentenced to a fine of not more than seven thousand five hundred dollars. A class "D" felon, such felony being for a violation of section 321J.2, may be sentenced to imprisonment for up to one year in the county jail.".

13. Title page, line 2, by striking the word "a".

Amendment H–6126 was adopted.

The House stood at ease at 10:56 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 2493 at 11:12 a.m., Speaker Avenson in the chair.

McKean of Jones offered the following amendment H–6129 filed from the floor by McKean, Mullins, Shoning, Miller, Osterberg, Lloyd-Jones, Halvorson of Clayton and Carter:

H–6129

Amend House File 2493 as follows:
1. By striking page 27, line 31, through page 28, line 3.
2. By renumbering as necessary.

The House stood at ease at 11:36 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H–6129 to House File 2493 at 12:10 p.m., Speaker Avenson in the chair.

McKean of Jones moved the adoption of amendment H–6129.

A non-record roll call was requested.

The ayes were 51, nays 17.

Amendment H–6129 was adopted, placing out of order lines 25 through 28 of amendment H–6126, previously adopted.

Bennett of Ida offered the following amendment H–6132 filed by him and Carpenter of Polk from the floor and moved its adoption:

H–6132

Amend House File 2493 as follows:
1. Page 31, by inserting after line 25 the following:
"Sec._____. Section 805.8, subsection 2, paragraph "g", unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:
For excessive speed violations when in excess of the limit under those sections by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is one hundred forty

dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit."

2. By numbering and renumbering as necessary.

A non-record roll call was requested.

The ayes were 42, nays 47.

Amendment H—6132 lost.

Sherzan of Polk offered the following amendment H—6130 filed by him from the floor and moved its adoption:

H—6130

Amend House File 2493 as follows:

1. By striking page 31, line 26 through page 32, line 13.

A non-record roll call was requested.

The ayes were 55, nays 22.

Amendment H—6130 was adopted, placing out of order lines 29 through 37 of amendment H—6126, 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. 2493)

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	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	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	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	Zimmerman	Mr. Speaker	

The nays were, 3:

Renaud	Running	Woods

Absent or not voting, 2:

Jochum	Pellett

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 2493)

Norland of Worth asked and received unanimous consent to immediately message House File 2493 to the Senate.

SENATE AMENDMENT CONSIDERED
House Refused To Concur

Doderer of Johnson called up for consideration **House File 2491,** a bill for an act relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H–6127:

H–6127

Amend House File 2491 as passed by the House as follows:

1. Page 2, line 19, by striking the word "This" and inserting in lieu thereof the words "Except for section 100, this".

2. Page 2, by inserting after line 20 the following:

"Sec. 100. In computing the items of tax preference for purposes of the Iowa minimum tax for a tax year beginning in the 1983 calendar year, the gain or loss from the forfeiture of an installment real

estate contract, the transfer of property to a creditor in cancellation of a debt, or the sale or exchange of property as a result of actual notice of foreclosure shall not be taken into account in computing net capital gain if, immediately before the forfeiture, transfer, or sale or exchange, the taxpayer's liabilities exceed the fair market value of the taxpayer's assets and the taxpayer's net worth at the end of the tax year is less than one hundred thousand dollars. For purposes of this section, actual notice of foreclosure includes, but is not limited to, bankruptcy or written notice from a creditor of the creditor's intent to foreclose where there is reasonable belief that the creditor can force a sale of the property. In computing the Iowa minimum tax for a tax year beginning in the 1983 calendar year, the Iowa minimum tax of a taxpayer whose items of tax preference include the gain or loss from the forfeiture of an installment real estate contract, the transfer of property to a creditor in cancellation of a debt, or the sale or exchange of property as a result of actual notice of foreclosure where the fair market value of the taxpayer's assets exceeds the taxpayer's liabilities immediately before the forfeiture, transfer, or sale or exchange shall not be greater than such excess. A taxpayer who has filed a state return for such tax year may file an amended state return for such tax year with the state minimum tax calculated on the basis of what the federal minimum tax would have been if such items had not been included in the federal minimum tax calculation of net capital gain or with the state minimum tax calculated on the basis of such limitation on the amount of state minimum tax. A taxpayer who has filed a state return for such tax year and wishes to file an amended state return for such tax year as a result of this Act has until July 1, 1987 to file such amended state return, notwithstanding any other provision of law.

Sec. 101. Section 100 of this Act is retroactive

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to January 1, 1983 for tax years beginning on or after January 1, 1983 and beginning before January 1, 1984."

The motion lost and the House refused to concur in the Senate amendment H--6127.

SENATE AMENDMENT CONSIDERED
House Refused To Concur

Blanshan of Greene called up for consideration **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, amended by the following Senate amendment H—6125 to the House amendment:

H—6125

Amend the House amendment, S—5776, to Senate File 97 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, line 8, by inserting after the word "purpose" the following: "and a person who was born after September 1, 1967 and who is age nineteen or twenty shall be treated as a person who is age twenty-one or older for the purpose of determining whether a licensee or permittee has violated section 123.49, subsection 2, paragraph "h" or whether a person has violated section 123.47. A person born after September 1, 1967 who is age nineteen or twenty who purchases or possesses alcoholic liquor, wine or beer is guilty of a simple misdemeanor punishable by a fine of ten dollars, and a person who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to such a person is guilty of a simple misdemeanor punishable by a fine of twenty-five dollars".

2. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The House stood at ease at 12:48 p.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—6125, to the House amendment, to Senate File 97 at 1:21 p.m., Speaker Avenson in the chair.

QUORUM CALL

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

Blanshan of Greene moved that the House concur in the Senate amendment H—6125, to the House amendment.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 51.

The motion lost and the House refused to concur in the Senate amendment H—6125, to the House amendment.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message House File 2491 and Senate File 97 to the Senate.

SENATE AMENDMENTS CONSIDERED

Blanshan of Greene called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6115 to the House amendment:

H—6115

Amend the House amendment, S—5806, to Senate File 2270 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting after line 19 the following:

"Sec. 100. 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 628."

2. Page 1, line 39, by inserting after the word "entity." the following: "This requirement is satisfied if there was such a condition at the time the original loan was made."

3. Page 2, lines 34 through 36, by striking the words and figure "and does not exercise the homestead exemption under section 561.16".

4. Page 2, line 38, by striking the word "twenty" and inserting the word "ten".

5. Page 2, lines 41 and 42, by striking the words and figure "the homestead exemption under section 561.16 or".

6. Page 2, line 47, by striking the word "twenty" and inserting the word "ten".

7. Page 5, by inserting after line 35 the following:

"Sec._____. 1986 Iowa Acts, House File 2353, section 5, is amended to read as follows:

SEC. 5. There is appropriated from the general fund of the state to the ~~Iowa family farm~~ agricultural development authority for the fiscal ~~year~~ period beginning July 1, 1985 and ending ~~June~~ August 30, 1986, the amount of five million (5,000,000) dollars

Page 2

or so much thereof as is necessary, to be used for providing financial assistance to Iowa farmers under and through the agricultural loan assistance program, by providing moneys for grants under agreements subject to section 175.35 entered into on or after March 1, 1986 but before ~~July~~ September 1, 1986. If the grants under the agreements exceed two million dollars, the excess shall be transferred from the Iowa plan fund for economic development, notwithstanding the provisions of 1985 Acts, chapter 33. Not more than one hundred thousand (100,000) dollars, or so much thereof as is necessary, shall be used for general administration, including salaries, support, and miscellaneous purposes. Moneys appropriated by this section which are committed for grants under agreements entered into on or after March 1, 1986 but before ~~July~~ September 1, 1986, do not revert to the general fund or the Iowa plan fund. Moneys appropriated by this section which are committed for agreements but which are not utilized for the grants by July 1, 1987 revert on a pro rata basis to the general fund and the Iowa plan fund."

8. Page 5, by inserting after line 45 the following:

"Sec._____. This Act applies to actions filed on or after the effective date of this Act."

9. Page 6, line 3, by inserting after the word "Iowa" the following: ", but not later than July 1, 1986".

10. Page 6, lines 5 and 6, by striking the words "the enforcement of".

11. Page 6, line 6, by inserting after the word "certain" the following: "loans,".

12. Page 6, line 7, by inserting before the word "delaying" the words "providing for the separate redemption of a homestead".

13. Page 6, line 7, by striking the word "delinquency" and inserting the word "deficiency".

14. Page 6, line 18, by inserting after the word "emergency," the following: "extending the period for grants under the agricultural assistance program,".

15. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6115.

Blanshan of Greene 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. 2270)

The ayes were, 75:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Carl
Carpenter	Carter	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Diemer	Doderer	Fey
Fogarty	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	Lloyd-Jones	Maulsby
McIntee	McKean	Metcalf	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Peterson, M. K.	Poncy	Rosenberg	Running

Sherzan	Shoning	Shoultz	Skow
Spear	Stromer	Swartz	Swearingen
Tabor	Teaford	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 23:

Bennett	Buhr	Chapman	De Groot
Grandia	Jay	Knapp	Lonergan
Miller	Paulin	Petersen, D. F.	Platt
Renaud	Renken	Rensink	Royer
Schnekloth	Siegrist	Stueland	Sturgeon
Sullivan	Van Camp	Welden	

Absent or not voting, 2:

Mullins	Pellett

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

Carter of Henry called up for consideration **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, amended by the following Senate amendment H–6112:

H–6112

Amend House File 2473 as amended, passed, and reprinted by the House as follows:

1. Page 2, line 4, by inserting after the word "cases" the following: ", but shall not engage in the prosecution of frivolous or harassing actions on behalf of the farmers".

2. Page 3, by inserting after line 23 the following:

"Sec._____. NEW SECTION. 554.9319 SALE OF A PRODUCT SUBJECT TO A LIEN OR SECURITY INTEREST.

1. An individual who in the ordinary course of business sells a product including a farm product which is subject to a security interest or a lien pursuant to chapter 570, 571, 572, 574, 576, 577, 578, 579, 580, or 582 may assert a claim against the proceeds of the product in order to meet the necessary living expenses of the individual or the individual's

household. The individual shall assert the lien by filing with the secured party or the lienholder and the county recorder of the county in which the person resides at least three days prior to the sale a sworn affidavit stating all of the following:

a. That the individual is asserting a claim under this section.

b. That the proceeds are from the sale of a product.

c. That the individual or the individual's household requires the amount claimed to meet necessary living expenses.

d. The name of all individuals in the household.

e. The amount claimed by the individual under this section on the basis of the affidavit.

f. That the total amount claimed by the individual under this section, including the amount claimed on the affidavit that is being sworn, in the preceding twelve months does not exceed the appropriate amount permitted in subsection 2 based upon the size of the individual's household.

2. a. Until superseded by rule pursuant to paragraph "b", the maximum amount that an individual may claim under this section during any twelve-month period is the following, based upon the size of the individual's household:

(1) For a household with one member, the annual maximum is five thousand three hundred sixty dollars.

(2) For a household with more than one member the annual maximum is that amount permitted under subparagraph (1) and in addition one thousand eight hundred eighty dollars for each additional member of the household.

Page 2

b. The department of human services shall review maximum limitations at least once each twelve months and may revise the limitations by rule adopted pursuant to chapter 17A. In establishing new standards, the department shall consider any revisions in the federal poverty guidelines, the current condition of the state's economy, the changes in the consumer price index and any other factors which the department deems relevant. The department shall send a copy of any new standard adopted to each county recorder who shall maintain the standards on file.

c. In applying the annual maximums established under this subsection, an individual shall deduct from the applicable maximum standard any income received during the twelve-month period of time by a member of

the household from sources of income other than from the sale of products subject to security interests and liens.

3. A secured party or a lienholder may contest a claim on an affidavit filed under this section by filing a petition in the district court of the county in which the individual asserting the claim under this section resides.

4. The county recorder shall maintain for eighteen months from the date of filing any affidavit filed under this section. The affidavit shall be recorded under the name of the individual making the affidavit.

5. As used in this section, "individual's household" includes any individual residing in the same house as the individual filing the affidavit or any individual for which the individual filing the affidavit has provided at least fifty percent of the individual's support for the preceding twelve months."

3. Page 4, by striking lines 25 through 28 and inserting the following: "agricultural land so acquired shall be sold or otherwise disposed of within two years after title is transferred. Pending the sale or disposition, the land shall not be used for any".

4. Page 4, line 33, by inserting after the figure "172C.4." the following: "Agricultural land which has been acquired pursuant to this paragraph shall not be acquired or utilized by the nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, under either paragraph "d" or paragraph "e"."

5. Page 8, line 4, by inserting after the word "appointment." the following: "Upon the agreement of the parties in mediation under chapter 654A, the mortgagor shall have the right to rent the

Page 3

agricultural land. If there is a foreclosure sale on the agricultural land, the mortgagor shall have the first right of refusal to repurchase the agricultural land during any period the mortgagee is holding the land."

6. Page 8, by striking lines 6 through 24.

7. By striking page 10, line 35 through page 11, line 6 and inserting the following:

"After receiving the mediation request, the farm mediation service may refer the borrower to a financial analyst, and the farm".

8. Page 14, line 2, by inserting after the word "Iowa" the following: ", but not later than July 1,

1986".

9. Title page, line 3, by striking the word "default," and inserting the words "default and".

10. Title page, lines 3 and 4, by striking the words ", and the separate redemption of a homestead".

11. Title page, line 7, by inserting before the word "providing" the words "providing for the enforcement of security interests and liens,".

12. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Carter of Henry offered the following amendment H—6124, to the Senate amendment H—6112, filed by him and Gruhn of Dickinson:

H—6124

Amend the Senate amendment, H—6112, to House File 2473 as amended, passed, and reprinted by the House as follows:

1. By striking page 1, line 3 through page 3, line 23, and inserting the following:

"_____. Page 4, by striking lines 25 through 28 and inserting the following: "agricultural land so acquired shall be sold or otherwise disposed of within two years after title is transferred. Pending the sale or disposition, the land shall not be used for any".

_____. Page 4, line 33, by inserting after the figure "172C.4." the following: "Agricultural land which has been acquired pursuant to this paragraph shall not be acquired or utilized by the nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, under either paragraph "d" or paragraph "e"."

_____. Page 8, by striking lines 6 through 24.

_____. Page 14, line 2, by inserting after the word "Iowa" the following: ", but not later than July 1, 1986".

_____. By renumbering, relettering, or redesignating and correcting internal references as necessary.

_____. Title page, line 3, by striking the word "default," and inserting the words "default and".

_____. Title page, lines 3 and 4, by striking the words ", and the separate redemption of a homestead"."

Norland of Worth asked and received unanimous consent that House File 2473 be temporarily deferred and that the bill retain its place on the calendar.

(Amendment H—6124, to the Senate amendment H—6112, pending.)

ADOPTION OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2412

Connolly of Dubuque called up for consideration the report of the conference committee on House File 2412 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2412

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 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, respectfully make the following report:

1. That the Senate recede from its amendment.

2. That House File 2412, as amended, passed, and reprinted by the House, be amended as follows:

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

"Section 1. 1985 Iowa Acts, chapter 33, section 301, subsection 1, paragraphs a and b, are amended to read as follows:

a. The first ~~eleven~~ five million ~~ninety-two~~ two hundred seventeen thousand dollars to the "Jobs Now Capitals" account.

b. After the allotment in paragraph "a", ten million dollars to the "Community Economic Betterment" account, ~~eight~~ seven million ~~five hundred~~ fifty thousand dollars to the "Jobs Now" account, and ~~twelve~~ eleven million ~~five hundred thousand~~ dollars to the "Education and Agriculture Research and Development" account.

Sec. 2. 1985 Iowa Acts, chapter 33, section 301, subsection 2, is amended by adding after paragraph e the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Funds for guaranteeing business loans by local development corporations as described in section 28.29.

Sec. 3. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph a, is amended to read as follows:

a. To the state conservation commission the sum of two million ~~five hundred thousand (2,500,000)~~ (2,000,000) dollars for the development of parks, recreation areas, forest, fish and wildlife areas, and natural areas, and for related technical services for carrying out these projects. Not more than five hundred thousand (500,000) dollars

shall be set aside to match private funds available for the acquisition of natural areas with unique or unusual features. Not more than four hundred thousand (400,000) dollars shall be set aside for the acquisition of land for expansion or development of state forests, parks and recreation areas, and state fish and wildlife areas. Not more than seven hundred fifty thousand (750,000) dollars shall be set aside for use in providing grants-in-aid to county conservation boards for carrying out acquisition and development projects as provided in chapter 111A. Any of the above funds can be matched with any available federal funds or with any available federal or local funds in the case of grants-in-aid to county conservation boards.

Sec. 4. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph d, is amended by striking the paragraph.

Sec. 5. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph f is amended to read as follows:

f. To the Iowa development commission the sum of two million six hundred fifty thousand ~~(2,600,000)~~ (2,650,000) dollars for the purposes designated as follows:

(1) Business incubators.

(2) Satellite centers under division VI of this Act.

(3) Federal procurement offices.

(4) Tourism and marketing.

(5) Iowa main street program.

(6) Foreign trade for which up to fifty thousand (50,000) dollars may be used for cooperative trade activities in conjunction with the farm progress show.

Sec. 6. 1985 Iowa Acts, chapter 33, section 301, subsection 4, paragraphs a, b, and c, are amended by striking the paragraphs.

Sec. 7. 1985 Iowa Acts, chapter 33, section 301, subsection 4, paragraph d, is amended to read as follows:

d. To the Iowa development commission the sum of ten million (10,000,000) dollars to be allocated by the Iowa development commission for economic development and research and development purposes at an institution of higher education under the control of the state board of regents or at an independent college or university of the state. The Iowa development commission shall allocate for the fiscal year beginning July 1, 1985 the first five hundred thousand (500,000) dollars, for the fiscal year beginning July 1, 1986, the first three million seven hundred fifty thousand (3,750,000) dollars, and for the fiscal year beginning July 1, 1987 and for each succeeding fiscal year the first four million two hundred fifty thousand (4,250,000) dollars to the Iowa state university of science and technology for agricultural biotechnology research and development. From the money allocated to the Iowa state university of science and technology for agricultural biotechnology research and development the amount of fifty thousand (50,000) dollars for each of the fiscal years beginning July 1, 1986 and July 1, 1987 shall be used to develop a program in bioethics for research at the univer-

sity. This program should address socio-economic and environmental implications of biotechnology research. The institutions under control of the state board of regents may present proposals to the state board of regents for the use of the funds. The proposals may include, but are not limited to, endowing faculty chairs, conducting studies and research, establishing centers, purchasing equipment, and constructing facilities in the areas of entrepreneurial studies, foreign language translation and interpretation, management development, genetics, molecular biology, laser science and engineering, biotechnology, third crop development, and value-added projects. The proposals shall include certification from the institution, college or university that it will receive from other sources an amount equal to the amount requested in the proposal. The state board of regents shall, for institutions under its control, determine the specific proposals for which it requests funding and submit them to the Iowa development commission. An independent college or university shall submit requests directly to the Iowa development commission. The Iowa development commission shall disburse to the regents' institutions or an independent college or university the moneys for the various proposals requested unless the Iowa development commission disapproves of a specific proposal as inconsistent with the plan for economic development for this state. The applicants may submit additional proposals for those not approved by the Iowa development commission. Those funds allocated by the Iowa development commission under this paragraph that are not expended by the institution of higher education shall not revert to the commission. The Iowa development commission shall consult with the Iowa high technology council in making grants under this paragraph.

Sec. 8. 1985 Iowa Acts, chapter 33, section 301, subsection 4, paragraphs e and f, are amended by striking the paragraphs.

Sec. 9. 1985 Iowa Acts, chapter 33, section 301, subsection 5, paragraph a, is amended by striking the paragraph.

Sec. 10. 1985 Iowa Acts, chapter 33, section 301, subsection 5, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. f. To the Iowa family farm development authority the sum of three million (3,000,000) dollars for the agricultural loan assistance program provided in House File 2353 of the Seventy-first General Assembly. If House File 2353 is not enacted or the full appropriation under this paragraph is not committed for grants as provided in House File 2353, the funds appropriated or the funds not committed, whichever is appropriate, shall be transferred from the jobs now capitals account to the accounts specified in subsection 1, paragraph "b". The funds so transferred are considered as allotments made to those other accounts for the fiscal year beginning July 1, 1985.

NEW LETTERED PARAGRAPH. g. To the Iowa state university of science and technology the sum of two hundred fifty thousand (250,000) dollars for allocation to the center for industrial research and service for a hazardous waste research program and a solar energy conversion program. Of the amount allocated under this paragraph, the sum of fifty thousand (50,000) dollars shall be used for a solar energy conversion program. The hazardous waste research program shall be created within the civil engineering department. This research program shall concentrate its efforts in the cleanup of industrial hazardous waste in the state with special emphasis upon new waste disposal techniques and applications. The center for industrial research and ser-

vice shall administer the research funds and report to the general assembly on the program's progress and result.

NEW LETTERED PARAGRAPH. h. To the legislative council for the use of the world trade advisory committee for the period beginning on the effective date of this Act and ending June 30, 1986, the sum of one hundred twenty-five thousand (125,000) dollars, or so much thereof as is necessary, to pay expenses of the members of the committee and other expenses approved by the committee. Any moneys expended by the committee which were paid from the general fund of the state during the period beginning on January 1, 1986 and ending on the effective date of this Act shall be repaid to the general fund of the state not later than June 30, 1986, from this appropriation. Any moneys not expended by the committee by June 30, 1986 shall not revert and shall be available for use by the committee during the next fiscal year.

Sec. 11. 1985 Iowa Acts, chapter 33, section 302, subsection 1, paragraphs a and b, are amended to read as follows:

a. In ~~each of~~ the fiscal ~~years~~ year beginning July 1, 1986 ~~and~~ the first three million four hundred thirty-eight thousand dollars, in the fiscal year beginning July 1, 1987 the first ~~ten~~ one million ~~two hundred fifty thousand~~ dollars, in the fiscal year beginning July 1, 1988 the first ~~three~~ one million ~~two hundred fifty thousand~~ dollars and in the fiscal year beginning July 1, 1989 the first one million dollars to the jobs now capitals account.

b. In each of the four fiscal years after the allotment in paragraph "a", ten million dollars to the community economic betterment account, eight million five hundred thousand dollars to the jobs now account, and twelve million five hundred thousand dollars to the education and agriculture research and development account. However, the allotment to the jobs now account for the fiscal year beginning July 1, 1986 shall be eight million five hundred fifty thousand dollars.

Sec. 12. 1985 Iowa Acts, chapter 33, section 302, subsection 2, is amended by adding after paragraph e the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Funds for guaranteeing business loans by local development corporations as described in section 28.29.

Sec. 13. 1985 Iowa Acts, chapter 33, section 302, subsection 3, paragraphs a, c, and d, are amended to read as follows:

a. To the state conservation commission for the purposes designated in section 301, subsection 3, paragraph "a" of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated is two million five hundred thousand (2,500,000) dollars.

c. To the office for planning and programming for the purposes designated in section 301, subsection 3, ~~paragraphs "d" and~~ paragraph "e" of this Act.

d. To the Iowa development commission for the purposes designated in section 301, subsection 3, paragraph "f" of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated is two million six hundred thousand (2,600,000) dollars.

Sec. 14. 1985 Iowa Acts, chapter 33, section 302, subsection 3, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. e. For the fiscal year beginning July 1, 1986 only, the sum of two hundred thousand (200,000) dollars for the targeted small business loan guarantee program established pursuant to Senate File 2175 of the Seventy-first General Assembly.

NEW LETTERED PARAGRAPH. f. For the fiscal year beginning July 1, 1986 only, to the Iowa conservation corps account the sum of one million (1,000,000) dollars. Of the funds appropriated under this paragraph, five hundred thousand (500,000) dollars shall be used for a summer jobs program for young adults, as a part of the Iowa youth corps and designed to provide part-time public service employment to work on conservation-oriented projects.

Sec. 15. 1985 Iowa Acts, chapter 33, section 302, subsection 4, paragraphs a and b, are amended to read as follows:

a. To the Iowa college aid commission for the forgivable loan program established in division VII of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated is seven hundred fifty thousand (750,000) dollars.

b. To the Iowa development commission for the purposes and under the conditions specified in section 301, subsection 4, ~~paragraphs "b" and~~ paragraph "d" of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated is ten million seven hundred fifty thousand (10,750,000) dollars.

Sec. 16. 1985 Iowa Acts, chapter 33, section 302, subsection 4, paragraph c, is amended by striking the paragraph.

Sec. 17. 1985 Iowa Acts, chapter 33, section 302, subsection 5, paragraph a, is amended by striking the paragraph.

Sec. 18. 1985 Iowa Acts, chapter 33, section 302, subsection 5, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. c. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of public safety for the acquisition and interface with a fingerprint computer the sum of four hundred thousand (400,000) dollars. There is established an automated fingerprint identification system (AFIS) computer committee. This committee shall have the authority to prepare and implement guidelines, rules, and regulations pertaining to the placement, use, and access to the AFIS computer and any remote terminal designed to interface with the main computer located at the department of public safety. The AFIS committee will be chosen for two-year terms with four sheriffs chosen by the Iowa state sheriffs and deputies association and four chiefs of police chosen by the Iowa police executive forum. The commissioner of public safety, or the designee, will be chairperson of the AFIS committee.

After the initial committee is selected effective July 1, 1986, new members will serve staggered terms of two years. Beginning July 1, 1988, the Iowa state sheriffs and deputies association and the Iowa police executive forum will each choose two new

members, who will make up the nine member AFIS committee. Thereafter, the staggered terms will take effect between the sheriffs' representatives and the police chiefs' representatives. Nothing herein shall limit the number of terms any one person may serve.

NEW LETTERED PARAGRAPH. d. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the Iowa state university of science and technology for funding for the small business development centers the sum of seven hundred thousand (700,000) dollars.

NEW LETTERED PARAGRAPH. e. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the Iowa state university of science and technology the sum of one hundred thousand (100,000) dollars for allocation to the center for industrial research and service for the hazardous waste research program.

NEW LETTERED PARAGRAPH. f. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of human services the sum of three hundred fifty thousand (350,000) dollars for the purchase of computer equipment for establishing a child support recovery central clearinghouse.

NEW LETTERED PARAGRAPH. g. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of justice the sum of three hundred twenty-five thousand (325,000) dollars for office automation and related personnel costs. The moneys appropriated under this paragraph which have not been expended by the end of the fiscal year shall not revert under section 8.33 or any other provision of law.

NEW LETTERED PARAGRAPH. h. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of public defense for the architect, engineering, equipment and construction of the armory in Mason City the sum of four hundred thirty-eight thousand (438,000) dollars.

NEW LETTERED PARAGRAPH. i. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the legislative council for the use of the world trade advisory committee the sum of one hundred twenty-five thousand (125,000) dollars, or so much thereof as is necessary, to pay expenses of the members of the committee and other expenses approved by the committee. Notwithstanding subsection 7, any moneys not expended under this paragraph by June 30, 1987 shall revert to the Iowa plan fund to be allotted for the fiscal year beginning July 1, 1987 to the various accounts in the Iowa plan fund.

Sec. 19. 1985 Iowa Acts, chapter 33, section 303, as amended by 1985 Iowa Acts, chapter 256, section 12, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this section, the amount appropriated for each of the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, from the allotments to be made to the

community economic betterment account, jobs now account, and the education and agriculture research and development account to each of the funds, agencies, boards, or commissions for the purposes specified in subsections 2, 3, and 4 of section 302 of this Act shall be the amounts appropriated to each of those funds, agencies, boards, or commissions for the fiscal year beginning July 1, 1985 for those purposes in subsections 2, 3, and 4 of section 301 of this Act, except where a different amount is specified by the general assembly for that fiscal year.

Sec. 20. Section 99E.10, subsection 1, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

The Iowa plan fund for economic development, also to be known as the Iowa plan fund, is created in the office of the treasurer of state. Lottery revenue remaining after expenses are determined shall be transferred to the Iowa plan fund on a quarterly basis. Revenues generated during the last quarter of the fiscal year which are transferred to the Iowa plan fund during the following fiscal year shall be considered revenues transferred during the previous fiscal year for purposes of the allotments made to and appropriations made from the separate accounts in the Iowa plan fund for that previous fiscal year. However, upon the request of the commissioner and subject to approval by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery revenue. Prior to the quarterly transfer to the Iowa plan fund, the commissioner may direct that lottery revenue shall be deposited in the lottery fund and in interest bearing accounts designated by the treasurer of state in the financial institutions of this state or invested in the manner provided in section 452.10. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the Iowa plan fund in the same manner as other lottery revenue. Money in the Iowa plan fund shall be deposited in interest bearing accounts in financial institutions in this state or invested in the manner provided in section 452.10. The interest or earnings on the deposits or investments shall be considered part of the Iowa plan fund and shall be retained in the fund unless appropriated by the general assembly.

Sec. 21. 1986 Iowa Acts, House File 2443, section 8, is repealed.

Sec. 22. This Act, being deemed of immediate importance, takes effect from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Forest City Summit, a newspaper published in Forest City, Iowa."

ON THE PART OF THE HOUSE:

MIKE CONNOLLY, Chair
JOHN GRONINGA
EDWARD G. PARKER
CLIFFORD O. BRANSTAD
JOSEPH M. KREMER

ON THE PART OF THE SENATE:

ARTHUR A. SMALL, Jr., Chair
JOE WELSH
CHARLES BRUNER
DALE TIEDEN
DOUGLAS RITSEMA

The motion prevailed and the conference committee report was adopted.

Skow of Guthrie in the chair at 1:53 p.m.

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, 80:

Arnould	Avenson	Baxter	Beatty
Bennett	Black	Brammer	Buhr
Carl	Carter	Chapman	Cochran
Connolly	Connors	Cooper	Corey
Diemer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hatch
Haverland	Hermann	Hester	Hólveck
Hughes	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lloyd-Jones
Lonergan	McIntee	Metcalf	Miller
Muhlbauer	Norland	O'Kane	Ollie
Oxley	Parker	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Teaford	Van Camp	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Skow)

The nays were, 16:

Branstad	Carpenter	Clark	Daggett
De Groot	Doderer	Grandia	Halvorson, R. A.
Hummel	Maulsby	McKean	Osterberg
Renken	Rensink	Royer	Van Maanen

Absent or not voting, 4:

Blanshan	Lageschulte	Mullins	Pellett

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 134

Norland of Worth called up for consideration Senate Concurrent Resolution 134, relating to interim studies, and moved its adoption.

The motion prevailed and the resolution was adopted.

Speaker Avenson in the chair at 2:00 p.m.

SENATE AMENDMENT CONSIDERED
House Refused To Concur

Jay of Appanoose called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H–6131 to the House amendment:

H–6131

Amend the House amendment, S–5757, to Senate File 2084, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, lines 19 and 20, by striking the words ", except a rental company, which" and inserting the word "who".

2. Page 1, lines 23 and 24, by striking the words ", except a dealer or dealer affiliated leasing company,".

3. Page 2, lines 12 and 13, by striking the words "dealers, dealer-affiliated leasing companies" and inserting the following: "dealers for sale or lease to dealer-affiliated leasing companies, rental companies".

4. Page 2, by striking lines 16 through 20 and inserting the words "line make on a nondiscriminatory basis. A manufacturer shall not knowingly make an incentive available with respect to any motor vehicle that is to be sold to a fleet buyer for the purpose of entering into a retail lease unless the same or equivalent incentives are available to dealers for retail sales transactions; provided however, that a manufacturer may make incentives available to dealers or dealer-affiliated leasing companies in connection with their retail leases without having to grant the same or equivalent incentives to dealers for retail sales."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 46.

The motion lost and the House refused to concur in the Senate amendment H—6131, to the House amendment.

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **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, and amendment H—6124 (found on page 2049 of the House Journal) to the Senate amendment H—6112 (found on pages 2046 through 2049 of the House Journal), temporarily deferred.

Skow of Guthrie offered the following amendment H—6133, to amendment H—6124, to the Senate amendment H—6112, filed by him from the floor and moved its adoption:

H—6133

Amend amendment H—6124 to the Senate amendment H—6112 to House File 2473 as amended, passed and reprinted by the House as follows:

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

"_____. Page 3, line 31, by striking the word "ten" and inserting the word "twenty"."

2. Page 1, by inserting after line 18 the following:

"_____. Page 7, line 23, by striking the word "ten" and inserting the word "twenty"."

3. Page 1, by inserting after line 19, the following:

"_____. Page 9, line 30, by striking the word "ten" and inserting the word "twenty".

_____. Page 13, line 26, by striking the word "ten" and inserting the word "twenty"."

Amendment H—6133 was adopted.

On motion by Carter of Henry, amendment H—6124, as amended, (to the Senate amendment H—6112) was adopted.

On motion by Carter of Henry, the House concurred in the Senate amendment H—6112, as amended.

Carter of Henry 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. 2473)

The ayes were, 93:

Arnould	Baxter	Beatty	Bennett
Black	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.	Hammond	Handorf	Hanson
Harbor	Hatch	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
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			

The nays were, none.

Absent or not voting, 7:

Blanshan	Daggett	Haverland	Knapp
Paulin	Pellett	Welden	

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

IMMEDIATE MESSAGES
(House Files 2412 and 2473)

Norland of Worth asked and received unanimous consent that House Files 2412 and 2473 be immediately messaged to the Senate.

SPECIAL RECOGNITION

Jochum of Dubuque, Arnould of Scott and Paulin of Plymouth invited to the well of the House the following members who will be retiring at the conclusion of the Seventy-first General Assembly or who are candidates for offices other than the House: Carl of Poweshiek, Baxter of Des Moines, Groth of Buena Vista, Lloyd-Jones of Johnson, Lonergan of Boone, Cochran of Webster, O'Kane of Woodbury, Sullivan of Van Buren, Hughes of Union, Norland of Worth, McIntee of Black Hawk, Varn of Johnson, Woods of Polk, Welden of Hardin, Carter of Henry, Rensink of Sioux, Zimmerman of Dallas and Sturgeon of Woodbury.

Humorous gifts befitting each member were presented in appreciation of their service and dedication to the House of Representatives.

The House rose and expressed its appreciation.

Connors of Polk in the chair at 2:39 p.m.

PRESENTATION OF GIFTS

Avenson of Fayette, Norland of Worth and Stromer of Hancock were invited to the Speaker's station by Fey of Scott and Harbor of Mills for a special presentation.

Fey of Scott and Harbor of Mills, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Seventy-first General Assembly.

The House rose and expressed its appreciation.

SPECIAL PRESENTATION AND HONOR

M. Maxine Mann, Assistant Legal Counsel for the Iowa House of Representatives and employee of the House of Representatives since 1970, who will be retiring, was invited to the Speaker's station for a special presentation and honor.

On behalf of all of the members of the House, a plaque was presented in appreciation for her many years of dedication and service to the Iowa House of Representatives.

Clark of Cerro Gordo offered the following poem in her honor:

There are those
Who do their daily work
Every detail in order
Prompt to an absolute fault
Perfectly — as human imperfection will allow.

And there are those
Who do all of this with
A sense of service
A touch of humor
A large dose of caring
For those they work with
And those they work for

Such a one is Maxine.
We're not sure we can manage here without her
Yet we know we must.
How should we say goodbye—
How express our feelings?

The young have a phrase
To express the ultimate quantity,
You've heard it, they say "to the max!"

And so we'll borrow that phrase
And say with all the gusto we can muster—
Our love "to the max"
For our Max!

The House rose and expressed its appreciation to Mrs. Mann for her many years of service.

Speaker Avenson in the chair at 2:47 p.m.

The House stood at ease at 2:47 p.m., until the fall of the gavel.

The House resumed session at 3:58 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 May 2, 1986, insisted on its amendment to the House amendment to 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, and the members of the conference committee, on the part of the Senate, are: The Senator from Woodbury, Senator Doyle, Chair; the Senator from Muscatine, Senator Drake; the Senator from Polk, Senator Mann; the Senator from Sioux, Senator Ritsema; and the Senator from Johnson, Senator Small.

Also: That the Senate has, on May 2, 1986, adopted the conference committee report and passed Senate File 447, a bill for an act to license operators of radiation emitting equipment.

Also: That the Senate has on May 2, 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 2304, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

K. MARIE THAYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(Senate File 97)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 97: Jay of Appanoose, Chair; Halvorson of Webster, Varn of Johnson, Hermann of Scott and Van Camp of Scott.

The House stood at ease at 3:59 p.m., until the fall of the gavel.

The House resumed session at 4:01 p.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan on request of Swearingen of Keokuk; Royer of Page on request of Corey of Louisa.

SENATE AMENDMENT CONSIDERED

Lonergan of Boone called up for consideration **Senate File 2304,** a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants or more or less than anticipated or if categorical grants are consolidated into new or existing block grants, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H–6134 to the House amendment:

H–6134

Amend House amendment S–5944 to Senate File 2304 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 11, by inserting after the figure "1986," the words "and funds shall not revert to the general fund prior to such transfer".

The motion prevailed and the House concurred in the Senate amendment H–6134.

Lonergan of Boone 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. 2304)

The ayes were, 92:

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	Jochum	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.	Poncy	Renaud	Renken
Rensink	Rosenberg	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:

Carter	Cochran	Kremer	Maulsby
Pellett	Platt	Royer	Sullivan

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 4:07 p.m., until the fall of the gavel.

The House resumed session at 4:50 p.m., Speaker Avenson in the chair.

QUORUM CALL

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(Senate File 447)

Blanshan of Greene called up for consideration the report of the

conference committee on Senate File 447 and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 447

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the difference between the Senate and the House of Representatives on Senate File 447, a bill for an act to license operators of radiation emitting equipment, respectfully make the following report:

1. That the House amendment, S–5254, to Senate File 447, as passed by the Senate, is amended as follows:

1. Page 1, by inserting after line 21 the following:

"The department shall establish a technical advisory committee made up of two radiologic technologists, two physicians, including one radiologist and one private practitioner, and a representative of the department. The advisory committee shall assist the department in developing and establishing criteria for continuing education and examinations."

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
GENE BLANSHAN, Chair	ROBERT M. CARR, Chair
DALE COCHRAN	WILLIAM W. DIELEMAN
JANE TEAFORD	WALLY HORN
DARRELL HANSON	DOUGLAS RITSEMA
BOB RENKEN	FORREST SCHWENGELS

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 447)

The ayes were, 89:

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	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	Lonergan
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rensink
Rosenberg	Running	Schnekloth	Sherzan
Shoning	Shoultz	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, 11:

Cochran	Groth	Kremer	Maulsby
O'Kane	Parker	Pellett	Royer
Sullivan	Welden	Woods	

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

SENATE AMENDMENT CONSIDERED

Jochum of Dubuque called up for consideration **House File 2484,** a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive, amended by the Senate amendment H—6103 as follows:

H—6103

Amend House File 2484, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 12, by striking the figure "2,789,691" and inserting the figure "3,300,000".

2. Page 1, by striking lines 13 through 15.

3. Page 2, by inserting after line 6 the following:

"The department shall actively pursue the acquisition of the Grant Wood Gothic House in Eldon, Iowa. The department shall cooperate with the historical division of the department of cultural affairs to acquire and maintain the Grant Wood Gothic House and to promote the property as a tourist attraction."

4. Page 2, line 10, by striking the figure "1,000,000" and inserting the figure "500,000".

5. Page 2, line 13, by striking the words "and to" and inserting the words "to be used by the department to".

6. Page 2, line 22, by inserting after the word "program." the words "The department shall secure the necessary private participation from groups and organizations most appropriate for any particular function. In-kind expenditures from the private sector may be considered as a portion of the dollar for dollar match. The department shall give attention to using a portion of these funds to contract and coordinate with international programs at Iowa colleges and universities to develop a network of trade contacts overseas through the use of alumni from Iowa colleges and universities."

7. Page 2, by inserting after line 22 the following:

"The department shall establish this program on or after January 1, 1987."

8. Page 2, line 24, by striking the word "Japan" and inserting the word "Asian".

9. Page 2, line 26, by striking the word "Japan" and inserting the word "Asia".

10. Page 2, line 27, by striking the word "Japanese" and inserting the word "Asian".

11. Page 2, line 29, by striking the words "Japanese market" and inserting the words "Asian market".

12. Page 2, line 29, by striking the words "encourage Japanese" and inserting the words "encourage Asian".

13. Page 2, line 32, by striking the figure "1,000,000" and inserting the figure "500,000".

14. Page 3, by striking lines 3 and 4.

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15. Page 3, line 22, by striking the figure "11,700" and inserting the figure "15,000".

16. Page 3, line 31, by striking the figure "832,709" and inserting the figure "330,000".

17. Page 3, by inserting after line 31 the following:

"13. For additional and supplemental funding for the child care services program and the displaced homemakers program in connection and coordination with the federal Job Training Partnership Act of 1982 and funding for a child care grants program to provide grants of up to ten thousand dollars for start-up funding for before and after school programs using school facilities, infant care programs, child care information and referral centers, and on-site employer day care. An application for a grant under the child care grants program shall include a study documenting a need for the service or program for which the grant is sought and a plan for implementation of the service or program which plan includes a listing of other sources of income, the staff to be employed, and the method to make the service or program self-supporting within three years ..... $ 1,000,000"

18. Page 4, line 25, by striking the figure "15,605,770" and inserting the figure "16,770,770".

19. Page 4, line 34, by striking the figure "127,230" and inserting the figure "270,230".

20. Page 5, by inserting after line 9 the following:

"For salaries, support, and maintenance of the elder law education program $ 95,000"

21. Page 5, line 12, by striking the words "department of revenue and finance" and inserting the words "college aid commission".

22. Page 5, lines 14 and 15, by striking the words and figure "eight hundred twenty-five thousand four hundred ten (825,410)" and inserting the words and figure "four hundred twenty-five thousand four hundred ten (425,410)".

23. Page 5, by striking lines 16 through 29 and inserting the following: "be paid for Iowa resident students at the college of osteopathic medicine and surgery. These funds shall be used to reduce Iowa resident student tuition. These funds are only to be used for students enrolled in each of the final three

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years of classes in the college of osteopathic medicine and surgery."

24. Page 6, by striking lines 34 and 35.

25. Page 7, line 12, by striking the figure "14,623,482" and inserting the figure "15,581,482".

26. Page 8, line 4, by striking the figure "128,532,126" and inserting the figure "128,247,126".

27. Page 8, by striking lines 19 through 22 and inserting the following:

"_____. For area garages for the Tama-Toledo area, Dubuque and Centerville . $ 1,344,000"

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

"Sec._____. The state department of transportation shall operate a commercial vehicle permit issuing center utilizing existing field facilities near the location of the intersection of Iowa highways 151, 61 and 52."

29. By striking page 10, line 35 through page 11, line 24.

30. Page 12, by striking lines 18 through 28.

31. Page 12, by inserting after line 28 the following:

"Sec._____. Section 308.4, subsection 3, Code Supplement 1985, is amended by striking the subsection."

32. By striking page 12, line 29 through page 14, line 13.

33. Page 14, line 31, by striking the words "general fund of the state" and inserting the words "~~general fund of the state~~ road use tax fund".

34. Page 14, lines 32 and 33, by striking the words and figure "eighty-six thousand five hundred thirty-five (86,535)" and inserting the words and figure "one hundred seven thousand (107,000)".

35. Page 15, line 4, by striking the words "general fund of the state" and inserting the words "~~general fund of the state~~ road use tax fund".

36. Page 15, by inserting after line 6 the following:

"Sec._____. Section 324.65, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a licensee or other person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date or pays less than ninety percent of any tax required to be shown on the return, there shall be added to the tax a penalty of five percent of the amount of the tax due. The penalty imposed under this section is not subject to waiver. The taxpayer shall also pay interest on the

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tax or additional tax at the rate in effect under section 421.7 counting each fraction of a month as an entire month, computed from the date the return was required to be filed. If the amount of the tax as determined by the appropriate state agency is less than the amount paid, the excess shall be refunded with interest, the interest to begin to accrue on the first day of the third calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the latest, at the rate in effect under section 421.7 counting each fraction of a month as an entire month under the rules prescribed by the appropriate state agency. In lieu of a refund allowed under this section, the licensee may request that the department allow the refund to be held as a credit for the licensee."

37. Page 15, by inserting after line 6 the following:

"Sec._____. Section 423.1, subsection 1, Code Supplement 1985, is amended to read as follows:

1. "Use" means and includes the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of that property in the regular course of business. Property used in "processing" within the meaning of this subsection shall mean and include (a) any tangible personal property including containers which it is intended shall, by means of fabrication, compounding, manufacturing, or germination, become an integral part of other tangible personal property intended to be sold ultimately at retail, and containers used in the collection, recovery or return of empty beverage containers subject to chapter 455C, or (b) fuel which is consumed in creating power, heat, or steam for processing or for generating electric current, or (c) chemicals, solvents, sorbents, or reagents, which are directly used and are consumed, dissipated, or depleted in processing personal property, which is intended to be sold ultimately at retail, and which may not become a component or integral part of the finished product. The distribution to the public of free newspapers or shoppers guides shall be deemed a retail sale for purposes of the processing exemption."

38. Page 15, by inserting after line 6 the following:

"Sec. 35A. 1985 Iowa Acts, chapter 256, section 11, is amended to read as follows:

SEC. 11. There is appropriated from the general

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fund of the state to the Iowa development commission for the fiscal period beginning on the effective date of this Act and ending June 30, 1985 the sum of two hundred thousand (200,000) dollars, or so much thereof as is necessary, for its advertising and tourism budget. ~~The Iowa development commission shall transfer from any other funds received for its advertising and tourism budget an amount up to or equal to two hundred thousand (200,000) dollars received during the fiscal year beginning July 1, 1985 and ending June 30, 1986 which funds shall be transferred to the general fund of the state not later than June 30, 1986 to replace those funds received under this section for the fiscal period beginning on the effective date of this Act and ending June 30, 1985.~~"

39. Page 15, by inserting after line 11 the following:

"Sec._____. Section 35A of this Act is retroactive to June 1, 1986."

40. Page 15, by inserting after line 25 the following:

"Notwithstanding 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph "e", the lottery moneys allocated to the office for planning and programming shall be reallocated to the arts division of the department of cultural affairs for the fiscal year beginning July 1, 1986 and ending June 30, 1987 for any of the following arts projects: For the Herbert Hoover memorial in West Branch, for the Cedar Rapids science station for development, for the Ottumwa arts council, for the Dubuque great rivers hall of fame for capital improvements, for the Amana art guild-folk art show for the folk art showcase, for the Clinton riverboat theater for rehabilitation, for the Davenport river development project for capital improvements, and for general promotion of the arts."

41. Page 15, by inserting after line 30 the following:

"Notwithstanding sections 18.12 and 18.16, the historical division may directly and independently enter into rental and lease agreements with private vendors for the purpose of selling mementos on the premises of property under the control of the division. All fees and income produced from the sales and rental or lease agreements shall be credited to the account of the division. Retail vendors will not be exempt from the sales and use tax under this provision."

42. Page 15, by inserting after line 30 the

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following:

"Notwithstanding section 303.9, subsection 1, all admission fees charged at the Montauk historical site shall be credited to the account of the historical division and are appropriated to the historical division to be invested and used exclusively for maintenance and improvement of the property and grounds of Montauk."

43. Page 15, line 35, by striking the figure "997,576" and inserting the figure "1,088,693".

44. Page 16, line 15, by striking the figure "127,792" and inserting the figure "137,792".

45. By striking page 16, line 19 through page 17, line 9.

46. Page 17, line 20, by striking the figure "41,700" and inserting the figure "30,000".

47. Page 17, line 24, by striking the figure "30,000" and inserting the figure "20,000".

48. Page 17, by striking lines 25 through 30.

49. By striking page 17, line 33 through page 18, line 3.

50. Page 18, line 31, by striking the figure "4,148,910" and inserting the figure "4,238,910".

51. Page 19, by inserting after line 12 the following:

"It is further the intent of the general assembly to consider any supplemental requests which may occur in the department of education, or in any other department or division of state government, due to a reduction in federal funds."

52. Page 19, line 13, by striking the figure "140,377" and inserting the figure "190,377".

53. Page 19, lines 15 and 16, by striking the words and figure "sixty thousand (60,000)" and inserting the words and figure "one hundred fifty thousand (150,000)".

54. Page 19, line 18, by inserting after the word "process" the words "and to provide increased compensation to individuals employed by the department in consultant positions in order to bring their compensation up to a level that is more competitive with compensation received by individuals employed in other professional positions that have similar education requirements".

55. Page 21, line 4, by striking the figure "10,000" and inserting the figure "210,000".

56. Page 21, by inserting after line 4 the following:

"Of the funds appropriated by this subsection, two hundred thousand (200,000) dollars may be expended as

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supplemental aid pursuant to section 286A.14."

57. Page 24, lines 8 and 9, by striking the words "revenue and finance" and inserting the word "management".

58. Page 26, by striking lines 20 through 27 and inserting the following: "appropriated in this paragraph so that each institution receives a portion of the appropriation equal to the percent that eligible full-time equivalent faculty, professional, and scientific employees at the institution bears to the total full-time equivalent faculty, professional, and scientific employees at all institutions. The funds distributed by the university of northern Iowa for organized faculty shall be distributed either through the collective bargaining agreement in force for the fiscal year beginning July 1, 1986, or according to a different procedure that is acceptable to the collective bargaining representatives for the faculty at the university of northern Iowa and for the university of northern Iowa."

59. By striking page 28, line 17 through page 29, line 9 and inserting the following:

"It is the intent of the general assembly that university hospitals shall not perform heart, liver, pancreas, artificial heart, or heart/lung transplantations on indigent patients referred under chapter 255 unless the patient meets criteria developed by the national heart, lung and blood institute's special advisory group for heart recipients, or the 1983 national institute of health's concensus conference on liver transplants for liver recipients, or unless the patient meets nationally recognized criteria for pancreas transplantations. The total amount of state funds expended for heart, liver, pancreas, artificial heart, or heart/lung transplantations shall not exceed nine-tenths of one percent of the total state indigent funds received by the university hospitals for the fiscal year beginning July 1, 1986 and ending June 30, 1987."

60. Page 29, line 13, by striking the words "state comptroller" and inserting the words "department of management".

61. Page 31, line 15, by striking the figure "10,224,403" and inserting the figure "10,453,403".

62. Page 31, by striking lines 16 through 28 and inserting the following:

"The cooperative extension service in agriculture and home economics and the department of economic development shall enter into an agreement under chapter 28E that provides a procedure for coordinating the

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economic development activities of the cooperative extension service in agriculture and home economics with the economic development activities of the department of economic development."

63. Page 31, line 30, by striking the figure "189,000" and inserting the figure "90,000".

64. Page 31, by inserting after line 30 the following:

"These funds may be matched by private contributions."

65. Page 31, by striking lines 31 and 32 and inserting the following:

"d. Center for industrial research and services

(1) For hazardous waste and cleanup project ..... $ 50,000"

66. Page 32, line 31, by striking the figure "1986" and inserting the following: "1987".

67. Page 32, line 34, by striking the figure "1986" and inserting the following: "1987".

68. Page 33, line 1, by striking the figure "1986" and inserting the following: "1987".

69. Page 35, by striking lines 5 through 8 and inserting the following: "If the applicant is eligible for".

70. Page 35, by striking lines 11 and 12 and inserting the following: "by a maternal and child health program, the".

71. Page 37, by striking lines 17 through 29.

72. Page 38, line 1, by striking the figure "1987" and inserting the figure "1988".

73. Page 38, by inserting after line 1 the following:

"Sec. 114A. Notwithstanding the procedures and appropriation specified in section 273.11, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the director of the department of education may modify the amount due from an area education agency under section 273.11 and the director of the department of revenue and finance shall pay the amount due to an area education agency from moneys appropriated for state school foundation aid under section 114E of this Act.

Sec. 114B. Notwithstanding the procedures and appropriation specified in section 281.12, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the director of the department of education may modify the amount due to a school district or agency providing a special education program under section 281.12 and the director of the department of revenue

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and finance shall pay the amount due to a school district or agency providing a special education program from moneys appropriated for state school foundation aid under section 114E of this Act.

Sec. 114C. Notwithstanding the procedures and appropriation specified in section 282.19, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, if the child does not require special education, the superintendent of the school district shall certify the costs of instruction under section 282.19 to the director of the department of education not later than September 1 of each year for the preceding fiscal year. The director of the department of education shall review the costs of instruction and may modify them and submit a requisition to the department of revenue and finance. The amount due shall be paid by the department of revenue and finance to the school district from moneys appropriated for state school foundation aid under section 114E of this Act.

For the purpose of this section, "costs of instruction" means the tuition fee of the school district in which the child is enrolled calculated under section 282.24 and multiplied by the portion of the school year in which the child was enrolled.

Sec. 114D. Notwithstanding the procedures and appropriation specified in section 282.27, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, if a child requiring special education is not counted in the weighted enrollment of any district under section 281.9 and payment is not made by any district, the director of the department of education may modify the special education instructional costs certified to the director of the department of education under section 282.27 by a school district and the director of the department of revenue and finance shall pay the amount due from moneys appropriated for state school foundation aid under section 114E of this Act.

Sec. 114E. Notwithstanding section 442.26, from moneys appropriated pursuant to section 442.26 for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the department of revenue and finance shall deduct the total of the amounts due under sections 114A through 114D, not to exceed the total amounts paid under sections 273.11, 281.12, 282.19, and 282.27, for the fiscal year beginning July 1, 1985. If the total of the amounts due under this section is more than the total of the amounts paid for the fiscal year beginning July 1, 1985, the department of revenue

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and finance shall allocate an amount to be paid under each of sections 114A through 114D based upon the proportion the amount paid under each of sections 273.11, 281.12, 282.19, and 282.27 for the fiscal year beginning July 1, 1985 bears to the total amount paid for that fiscal year. The payments to area education agencies under section 114A, to school districts or other agencies under section 114B, and to school districts under sections 114C and 114D, shall be prorated based upon the moneys allocated for the respective sections."

74. Page 40, by striking lines 12 through 18.

75. By striking page 40, line 19 through page 41, line 11.

76. Page 45, line 26, by striking the word "An" and inserting the words "Commencing July 1, 1987, an".

77. Page 45, lines 33 and 34, by striking the words "state board of public instruction" and inserting the words "department of education".

78. Page 46, by striking lines 4 through 24.

79. By striking page 47, line 2 through page 50, line 7.

80. By striking page 54, line 32 through page 55, line 10.

81. By striking page 55, line 11 through page 56, line 11.

82. Page 56, line 30, by striking the words "revenue and finance" and inserting the word "management".

83. Page 56, line 31, by inserting after the word "allocations." the words "However, an area school shall be allocated an amount at least equal to the state general aid allocated for the base year unless the formula is fully funded under this chapter."

84. Page 57, line 23, by striking the word "education" and inserting the word "management".

85. Page 57, lines 25 and 26, by striking the words "The department shall notify the department of revenue and finance of the amount.".

86. Page 58, by striking lines 17 through 21 and inserting the words "The department of management shall determine for the base year beginning July 1, 1985, the state average cost per contact hour for each instructional cost center. The state".

87. Page 58, line 25, by striking the word "education" and inserting the word "management".

88. Page 58, lines 30 and 31, by striking the words "The department shall notify the department of management."

89. Page 60, line 8, by striking the word

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"education" and inserting the word "management".

90. Page 60, lines 11 and 12, by striking the words "The department shall notify the department of management."

91. Page 61, line 2, by striking the word "education" and inserting the word "management".

92. Page 61, lines 5 and 6, by striking the words "The department shall notify the department of management."

93. Page 64, line 19, by inserting after the word "hours." the words "The department of education shall calculate the difference between the amount of state general aid each area school that has fewer than one million contact hours would receive if a foundation support level of seventy percent were used in lieu of the sixty-five percent specified in this chapter and the amount the area school would receive under this chapter. The area school shall receive that difference in lieu of the fifty thousand dollars granted under this subsection if the difference is greater than fifty thousand dollars."

94. Page 65, line 11, by striking the words "public instruction" and inserting the word "education".

95. Page 66, by striking line 30 and inserting the words and figure "1985, are repealed."

96. Page 68, line 12, by inserting after the word "two" the following: "and eight-tenths".

97. Page 68, line 15, by striking the figure "68,222" and inserting the figure "93,937".

98. Page 69, line 18, by striking the word "division" and inserting the word "department".

99. Page 71, line 3, by striking the word "thirteen" and inserting the word "twelve".

100. Page 71, line 6, by striking the figure "479,884" and inserting the figure "412,745".

101. Page 71, line 12, by striking the figure "98,393" and inserting the figure "96,093".

102. Page 71, line 19, by striking the figure "587,035" and inserting the figure "574,876".

103. Page 71, line 27, by striking the figure "517,947" and inserting the figure "506,774".

104. Page 71, line 33, by striking the figure "330,248" and inserting the figure "323,019".

105. Page 80, by inserting after line 32, the following:

"Sec._____. It is the intent of the general assembly that the department of inspections and appeals initiate a demonstration waiver project to encourage the development of residential care

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facilities, which serve persons with mental retardation, chronic mental illness, and other developmental disabilities, which have five or fewer residents for persons specified in section 225C.26. The project shall be exempt from section 135.63 through June 30, 1988.

A provider may apply for a demonstration waiver from the department. Before the waiver is granted, the provider shall meet all of the requirements:

1. Compliance with program requirements pursuant to chapter 135C and administrative rules relating to residential care facilities adopted by the state board of health or standards adopted by the accreditation council for services for persons with mental retardation and other developmental disabilities. The program shall emphasize age appropriate and least restrictive programs.

2. The proposed facility shall be housing located in areas zoned for single or multiple-family housing, shall have been constructed after 1950, shall meet local housing codes and fire safety requirements in accordance with minimum procedures and subsequent rules promulgated by the state fire marshal that are in accordance with the concepts of least restriction and the applicable sections of the appendix of chapter 21 of the national fire protection association, fire safety code of 1985.

3. The proposed facility shall have appropriate accessibility for the disabilities of the proposed residents.

4. Written plans shall demonstrate that the proposed facility meets the needs of the proposed residents pursuant to individual program plans meeting age appropriate and least restrictive program requirements.

5. Written plans shall demonstrate that proposed residents will have reasonable access to employment or job-related training, education, generic community resources, and integrated opportunities to promote community interaction.

The director of the department of inspections and appeals shall appoint a temporary waiver committee not to exceed nine members, to provide monitoring of program progress and initial project approval recommendations which are subject to final approval by the director. The committee shall include but not be limited to representatives from the following interested organizations, designated by the respective organizations and appointed by the director: the association for retarded citizens of Iowa, the Iowa

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association of rehabilitation and residential facilities, the developmental disabilities council, the mental health and mental retardation commission of the department of human services, the mental health association of Iowa, and the Iowa state association of counties. The state fire marshal or the fire marshal's designee shall also be a member of the committee.

The housing for persons with mental retardation, chronic mental illness, and other developmental disabilities, developed under the demonstration waiver project pursuant to this section shall be eligible for funding utilized by licensed residential care facilities for the mentally retarded, including but not limited to, the social services block grant funds, state supplementary assistance funds, state community mental health and mental retardation services funds, and county funds.

The allocation of waiver sites shall be based upon equitable distribution within the districts of the department of human services. The total number of waivers approved shall not exceed a capacity for more than two hundred twenty-five residents before July 1, 1987, unless otherwise changed by rules adopted by the state board of health to no more than four hundred by July 1, 1987. Total waiver approval for housing shall not exceed approval for more than a total of eight hundred residents before July 1, 1988.

Prior to July 1, 1988 the waiver committee shall be responsible for recommending the appropriate licensure standards to the state board of health for continuation of the project on and after July 1, 1988.

The waiver committee may recommend to the general assembly the number of full-time equivalent employees needed within the office of the state fire marshal to conduct the health and fire safety inspections of housing developed under the demonstration waiver project pursuant to this section during the fiscal year ending June 30, 1987.

Sec._____. There is appropriated from the general fund of the state to the department of inspections and appeals for each year of the fiscal biennium beginning July 1, 1986 and ending June 30, 1988, one hundred ten thousand (110,000) dollars, or so much thereof as is necessary, for three full-time equivalent positions specifically designated to provide staff support for the demonstration waiver project."

106. Page 82, by inserting after line 25 the following:

"If the state of Minnesota receives approval of its

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federal waiver request involving self-employed individuals, the department shall analyze the impact of such a waiver request for Iowa's program and report the impact to the general assembly by January 15, 1987. The department shall work with other states in seeking to develop a federal waiver request for self-employed individuals."

107. Page 83, line 13, by striking the figure "126,500,000" and inserting the following: "128,000,000".

108. Page 84, by inserting after line 26 the following:

"The department may expend up to forty thousand (40,000) dollars of the appropriation made under this subsection to expand the state's drug utilization review program.

The department shall seek a federal waiver to eliminate the co-payment requirements for generic drugs."

109. Page 85, line 28, by striking the figure "5,119,000" and inserting the following: "5,219,000".

110. Page 85, line 35, by striking the word "one" and inserting the following: "two".

111. Page 86, line 1, by striking the figure "191,450" and inserting the following: "291,450".

112. Page 86, line 8, by striking the figure "26,900,000" and inserting the following: "24,200,000".

113. Page 86, by striking lines 29 through 34 and inserting the following: "director of human services shall consult with the bill of rights advisory committee, the bill of rights interim study committee and other oversight personnel in the establishment of the contract. The director shall appoint an oversight committee to provide ongoing assistance in the monitoring and oversight of the contract regarding fiscal and programatic decisions. The oversight committee shall include but not be limited to representatives of the developmental disabilities council, the association for retarded citizens of Iowa, the Iowa association of rehabilitation and residential facilities, the mental health association of Iowa, and the Iowa state association of counties, all of whom shall be selected from names submitted by their respective organizations. The director shall provide periodic updates on the contract to the legislative council and the fiscal committee of the legislative council and shall provide a progress report making recommendations regarding the contract to the general assembly not later than February 1,

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1987.

e. The department shall review the contract at least quarterly relating to the expenditure of funds appropriated by this subsection. If the department determines that a surplus exists in funds appropriated by this subsection, the department shall use the surplus funds to restore, in whole or in part, the reductions in reimbursement rates made by section 309, subsections 2 and 3, and the department may transfer funds appropriated by this subsection to accomplish the reimbursement rate restorations."

114. Page 86, by inserting before line 35 the following:

"f. Of the funds appropriated by this subsection, the department may expend up to thirty thousand (30,000) dollars to contract with universities to provide ongoing research assistance into programs operated or supervised by the department involving foster care. Such contracts shall make maximum use of any matching resources from the universities with which the department contracts."

115. Page 88, by inserting after line 31 the following:

"12. As a condition of the appropriations made for aid to families with dependent children, medical assistance, state supplementary assistance, and foster care under subsections 1, 2, 5, and 8, the following shall apply:

a. Notwithstanding section 8.39, and except as provided in subsection 2 for the women, infants, and children program, in subsection 4 for child support recoveries, and in subsection 8, paragraph "e" for foster care, funds appropriated for aid to families with dependent children, medical assistance, state supplementary assistance, and foster care shall not be subject to transfer. Department of human services' programs shall not be modified for the purpose of transferring other funds appropriated to the department of human services into the aid to families with dependent children, medical assistance, state supplementary assistance, and foster care accounts.

b. Except as provided in paragraph "c", the director of human services shall not modify programs funded under the aid to families with dependent children, medical assistance, state supplementary assistance, and foster care appropriations in order to meet any projected budget shortfalls, but shall request supplemental appropriations from the general assembly to meet those shortfalls.

c. Notwithstanding the concept of allotments in

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section 8.31, for the purpose of any across-the-board budget reductions ordered by the governor, the appropriations for the aid to families with dependent children, medical assistance, state supplementary assistance, and foster care shall be deemed to include amounts needed to operate the programs for the entire fiscal year beginning July 1, 1986, under the July 1986 program guidelines and mandated subsequent changes. The across-the-board budget reductions shall be applied to the appropriations, and the estimate of revenues needed to balance the state's budget shall be made so as to operate the July 1, 1986 programs, as modified by mandated changes for the entire fiscal year.

d. Notwithstanding section 8.31, for deficit appropriations, the department shall apply the across-the-board budget reductions to the aid to families with dependent children, medical assistance, state supplementary assistance, and foster care appropriations, and to additional anticipated needs according to the July 1, 1986 guidelines and mandated subsequent changes. For surplus appropriations, the across-the-board budget reductions shall be applied first to the surplus appropriations and then to amounts needed to maintain the July 1, 1986 programs and any mandated subsequent changes."

116. Page 94, by striking lines 16 through 19 and inserting the following:

"c. For the fiscal year beginning July 1, 1986, the incentive and inflation factors shall be reinstated as in place on July 1, 1985. Beginning July 1, 1986, the basis for establishing the maximum medical".

117. Page 94, line 21, by striking the word "fiftieth" and inserting the following: "fifty-fifth".

118. Page 94, line 22, by striking the word and figure "December 31" and inserting the following: "June 30".

119. By striking page 96, line 27 through page 97, line 15 and inserting the following:

"Sec._____. ADMINISTRATIVE RULES INTERIM STUDY — DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF PUBLIC HEALTH, AND DIVISION OF VOCATIONAL REHABILITATION OF THE DEPARTMENT OF EDUCATION. It is the intent of the general assembly that the legislative council create an interim study committee, or charge an interim study committee, to review the administrative rules of the department of human services, the department of public health, and the division of vocational rehabilitation

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of the department of education relating to the purchase of service methodologies and licensure, certification, and accreditation, and other program rules under the state supplementary assistance program, the foster care program, the purchase of local services program funded with federal social services block grant funds, and the vocational rehabilitation program. The review shall also include the federal and Iowa licensure rules for intermediate care facilities for the mentally retarded, residential care facilities, residential facilities for the mentally retarded, and residential care facilities for the mentally ill; the accreditation rules for community mental health centers; and the approval standards for community, supervised apartment living arrangements. The committee shall be composed of two senators, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate, two representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives, the administrative rules coordinator, two representatives of the department of human services appointed by the director of the department, two representatives of the department of public health appointed by the director of the department, two representatives of the division of vocational rehabilitation of the department of education appointed by the director of the department, and representatives of the Iowa association of rehabilitation and residential facilities, the coalition for family and children's services in Iowa, the provider advisory committee to the department of human services, and other provider representatives appointed by the legislative council, which are regulated or reimbursed in some manner by the department of human services, the department of public health, or the division of vocational rehabilitation. The committee shall identify administrative rules which are alleged to be burdensome, duplicative, or cost-inefficient. After weighing the impact of the rules on the delivery of services to clients and the impact of the rules on the providers of the services, the committee shall make recommendations concerning the retention, modification, or rescission of the departments' or division's administrative rules."

120. Page 97, by striking lines 16 through 24.

121. Page 98, by inserting after line 18, the following:

"Sec._____. BILL OF RIGHTS INTERIM STUDY. It is

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the intent of the general assembly that the legislative interim study committee on the bill of rights for the mentally retarded, developmentally disabled and chronically mentally ill coordinate a study to assess the existing framework of service delivery, planning, coordination, and funding in order to determine the appropriateness of the framework and the modifications necessary to create an efficient and quality system for implementation of section 225C.28.

The study shall include an opportunity for participation and recommendations by targeted constituencies, including eligible consumers, advocates of persons with disabilities eligible under the bill of rights, providers of community-based services, members of county boards of supervisors, state and district level representatives of affected governmental agencies, and others whose perspective would benefit the comprehensive evaluation of the system.

The study shall include all of the following:

1. Review and evaluation of funding, service coordination, and models which effectively respond to the needs of clients eligible under the bill of rights.

2. An assessment of the impact of coordinating inter-and intragovernmental resources.

3. The identification of targeted constituencies whose involvement in planning, services delivery, and support may enhance systemic coordination and service provision.

4. An assessment of a regionalized system and its effectiveness in maximizing revenue sources directed to, or available for, the appropriate implementation of the intent embodied within the bill of rights."

122. Page 98, by inserting before line 19 the following:

"Sec._____. Chapter 252B, Code 1985, is amended by adding the following new sections:

NEW SECTION. 252B.13 COLLECTION SERVICES CENTER.

The department shall establish within the unit a collection services center for the receipt and disbursement of all support payments as defined in section 598.1. The judicial department and the department of human services shall cooperate in the establishment of the center which will receive and disburse support payments.

NEW SECTION. 252B.14 SUPPORT PAYMENTS — CLERK OF COURT — COLLECTION SERVICES CENTER — DEFAULTS — SECURITY.

Sections 252B.13 through 252B.17 apply to all

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initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 675, or any other chapter of the Code. All orders or judgments for support entered on or before March 31, 1987, shall direct the payment of such sums to the clerk of the district court for the use of the person for whom the payments have been awarded. All orders or judgments for support entered on or after April 1, 1987, shall direct the payment of such sums to the collection services center established pursuant to section 252B.13. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by such orders or judgments, except as provided for trusts in section 252D.1, 598.22, 598.23 or for tax refunds or rebates in section 602.8102, subsection 47.

NEW SECTION. 252B.15 TRANSFER OF INFORMATION AND SUPPORT ORDERS.

The clerks of the district court shall transmit information regarding any order of support which is entered or modified on or after April 1, 1987 and a copy of the support order, if appropriate, to the collection services center no later than ten days after the order is entered. Where possible the transmission of data between the courts and the center shall be accomplished by electronic data transmission. Otherwise the transmission shall be accomplished by the transfer of notices, abstracts of orders and other documents. The form and content of the transmissions shall be prescribed by the department of human services after consultation with the judicial department.

NEW SECTION. 252B.16 CONVERSION — PROCESSING OF SUPPORT PAYMENTS.

For existing orders of support entered before April 1, 1987, which direct the payments of support to the clerk of the district court, the following procedure shall be implemented to convert the processing of those payments to the collection services center on or before April 1, 1988:

1. The department of human services and the judicial department shall establish a mutually agreed effective date, between April 1, 1987 and April 1, 1988, to effectuate the transfer of these functions from each clerk of the district court to the collection services center. The department shall cause to be published in the administrative bulletin a cumulative list of effective dates by county, once agreed upon and determined, which list shall be final and inclusive of all counties on the next date of

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publication subsequent to April 1, 1988.

2. In addition, for orders of support entered before April 1, 1987, the judicial department or the child support recovery unit shall notify the payee and the obligor that the obligor will be directed to pay future support payments to the collection services center as of the date provided in the notice. The notice to the obligor shall be equivalent of a court order directing the payment of the sums to the collection services center.

3. The notice of the change in the direction of payments shall be sent by ordinary mail to the payee's and the obligor's last known addresses or the persons shall be personally served with the notice in the manner provided for service of an original notice at least fifteen days prior to the date provided in the notice for the redirection of the payments. The notice shall include the following:

a. The name of the payee and, if different in whole or part, the names of the persons to whom the obligation of support is owed by the obligor.

b. The name of the obligor.

c. The amount of the periodic support payment, the due dates of the payments and any arrearages, and

d. The beginning date for sending payments to the collection services center.

4. Sixty days prior to the mutually agreed effective date in subsection 1, the clerk of the district court shall transfer to the collection services center information regarding all existing orders of support which direct the payment of support to the clerk of the district court. The form and content of the transfer shall be prescribed by the department after consultation with the judicial department but at a minimum shall include the data elements required for the notice in subsection 3.

5. On or after the mutually agreed effective date in subsection 1, but in any event not later than April 1, 1988, any payments received by the clerk of the district court for support or for the satisfaction of arrearages shall be sent by the clerk to the address specified by the collection services center within 10 days of receipt of the payments.

NEW SECTION. 252B.17 ADMISSIBILITY AND IDENTIFICATION OF SUPPORT PAYMENT RECORDS.

Copies of support payment records maintained by the collection services center, when certified over the signature of a designated employee of the center, shall be considered to be satisfactorily identified and shall be admitted in any proceeding as prima facie

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evidence of the transactions. Additional proof of the official character of the person certifying the record or the authenticity of the person's signature shall not be required. Whenever an employee of the collection services center is served with a summons, subpoena, subpoena duces tecum, or order directing that person to produce such records, the employee may comply by transmitting a copy of the payment records certified as described above to the clerk of the district court.

Sec. 316A. Section 252D.1, subsection 2, Code Supplement 1985, is amended by striking the subsection.

Sec._____. NEW SECTION. 252D.6 ADMINISTRATION OF WAGE WITHHOLDING PROCEDURES.

The collection services center, established pursuant to section 252B.13, is designated as the public agency of the state to administer wage withholding in accordance with procedure specified for keeping adequate records to document, track and monitor support payments in accordance with Title IV-D of the United States Social Security Act.

Sec._____. Section 598.22, unnumbered paragraph 1, Code Supplement 1985, is amended by striking the paragraph and inserting the following:

This section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 675, or any other chapter of the Code. All orders or judgments for support entered on or before March 31, 1987, shall direct the payment of those sums to the clerk of the district court for the use of the person for whom the payments have been awarded. All orders or judgments for support entered on or after April 1, 1987, shall direct the payment of those sums to the collection services center established pursuant to section 252B.13. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by the orders or judgments, except as provided for trusts in section 252D.1, 598.23, or this section or for tax refunds or rebates in section 602.8102, subsection 47.

Sec._____. Section 598.22, unnumbered paragraphs 2, 3, and 4, Code Supplement 1985, are amended to read as follows:

Upon a finding of previous failure to pay child support, the court may order the person obligated for permanent child support to make an assignment of periodic earnings or trust income to the clerk of court or the collection services center established

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pursuant to section 252B.13 for the use of the person for whom the assignment is ordered. The assignment of earnings ordered by the court shall not exceed the amounts set forth in 15 U.S.C. §1673(b)(1982). The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon that person of notice that the assignment has been made. The payor shall withhold from the earnings or trust income payable to the person obligated the amount specified in the assignment and shall transmit the payments to the clerk or the collection services center, as appropriate. However, for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the payor shall transmit the payments to the alternate payee in accordance with the federal Act. The payor may deduct from each payment a sum not exceeding two dollars as a reimbursement for costs. An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

An order or judgment entered by the court for temporary or permanent support or for an assignment shall be filed with the clerk. The orders have the same force and effect as judgments when entered in the judgment docket and lien index and are records open to the public. The clerk or the collection services center, as appropriate, shall disburse the payments received pursuant to the orders or judgments within ten working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in a record book kept by the clerk, or the collection services center, as appropriate, which shall be open to the public. The clerk or the collection services center shall not enter any moneys paid in the record book if not paid directly to the clerk or the center, as appropriate, except as provided for trusts in section 252D.1, 598.23 or this section or for tax refunds or rebates in section 602.8102, subsection 47.

If the sums ordered to be paid in a support payment order are not paid to the clerk or the collection services center, as appropriate, at the time provided in the order or judgment, the clerk or the collection services center, as appropriate, shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23."

123. Page 98, by inserting after line 29 the following:

"Sec._____. Section 316A of this Act is effective April 1, 1988."

124. Page 103, line 4, by striking the figure

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"933,006" and inserting the figure "833,006".

125. Page 105, lines 14 and 15, by striking the words and figure "four hundred seventy-eight thousand one hundred three (16,478,103)" and inserting the words and figure "four hundred ninety-five thousand nine hundred ten (16,495,910)".

126. Page 107, line 33, by striking the figure "51,545,266" and inserting the figure "51,445,266".

127. Page 111, by striking lines 24 through 26.

128. Page 112, by striking line 10 and inserting the following:

"coordinator, provided that an amount not to exceed twenty thousand dollars shall be spent upon expenses related to administering federal funds for highway safety, and provided that the governor authorizes the commissioner of public safety, pursuant to section 7.15, to accept and expend funds provided by any Act of Congress for highway safety, and designates the department of public safety to administer these funds ..... $ 17,174,415"

129. Page 113, line 13, by striking the word "candidate".

130. Page 113, by inserting after line 17 the following:

"Sec._____. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of twenty-three thousand five hundred eighty-six (23,586) dollars, or so much thereof as is necessary, for jailer training and technical assistance."

131. Page 117, line 10, by striking the figure "3,391,635" and inserting the figure "3,440,635".

132. Page 117, by inserting after line 10 the following:

"_____. INDEMNITY FUND AND ESCROW.

From the general fund of the state as an advance for administration of the indemnity fund and escrow provision created by the 1986 Iowa Acts, Senate File 2116, for not more than five full-time equivalent positions ..... $ 100,000

It is a condition of the funds appropriated by this subsection that the general fund be reimbursed from the interest accruing to the indemnity fund, no later than June 30, 1987, for the advance made by this subsection. Not withstanding 1986 Iowa Acts, Senate File 2116, section 33, only interest accruing to the

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indemnity fund may be used for administration costs of the indemnity fund. In addition, interest accruing to the indemnity fund may be used for the expenses of administration of the escrow provision, subject to the approval of the Iowa grain indemnity fund board, not withstanding 1986 Iowa Acts, Senate File 2116, section 33."

133. Page 117, line 30, by striking the words and figure "sixty thousand (60,000)" and inserting the words and figure "seventy-four thousand two hundred fifty (74,250)".

134. Page 118, by inserting after line 34 the following:

"Sec._____. There is appropriated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1986 and ending June 30, 1987 from the funds available under section 99D.13 the sum of seventy-eight thousand one hundred seventy-five (78,175) dollars, or as much thereof as necessary, for volunteer assistance and not more than two full-time equivalent positions for the administration of section 99D.22."

135. Page 120, by inserting after line 20 the following:

"i. It is the intent of the general assembly to encourage greater use of no-till, strip cropping, contour, and other management practices rather than permanent structures thereby increasing participation in soil conservation."

136. Page 122, by striking lines 24 and 25 and inserting the following:

"of the elderly in conservation and outdoor recreation related fields to be known as the green thumb program in coordination with other agencies as provided by law ..... $ 138,730"

137. Page 125, line 11, by striking the figure "2276" and inserting the figure "2488".

138. Page 125, by inserting after line 18 the following:

"Sec._____. Section 99D.13, subsection 2, Code 1985, is amended to read as follows:

2. Winnings forfeited under subsection 1 shall escheat to the state and be paid over to the director of revenue and finance and to the extent appropriated by the general assembly shall be used for the benefit of the department of agriculture and land stewardship to the extent necessary to administer section 99D.22 and the remainder shall be deposited as ~~per~~ provided in chapter 556."

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139. Page 126, line 4, by striking the figure "17,500" and inserting the figure "42,000".

140. Page 126, line 18, by striking the figure "61,913" and inserting the figure "138,000".

141. Page 126, line 23, by striking the figure "119,056" and inserting the figure "146,000".

142. Page 127, line 23, by striking the figure "350,000" and inserting the figure "1,650,000".

143. Page 127, by striking lines 31 through 34.

144. Page 128, line 5, by inserting after the word "advocate" the words "to be used as startup funding for the utilities division revolving fund".

145. Page 128, by inserting after line 5 the following:

"_____. ALCOHOL BEVERAGE CONTROL DIVISION

For salaries, support, maintenance, and other operational purposes, including funds to maintain the existing warehouse distribution personnel for the transition period of July 1, 1986 through June 30, 1987 ..... $ 10,000,000

The state liquor inventory shall be placed on a bailment system."

146. Page 128, line 16, by striking the figure "1,793,877" and inserting the figure "1,943,000".

147. Page 128, line 26, by striking the figure "2,561,948" and inserting the figure "2,664,790".

148. Page 129, line 4, by striking the figure "24,523" and inserting the figure "47,000".

149. Page 129, line 8, by striking the figure "1,007,086" and inserting the figure "1,079,000".

150. By striking page 129, line 22 through page 130, line 6.

151. Page 130, lines 31 and 32, by striking the words and figure "three million six hundred fifty thousand (3,650,000)" and inserting the words and figure "three million nine hundred five thousand (3,905,000)".

152. Page 131, lines 24 and 25, by striking the words and figure "two million four hundred fifty thousand (2,450,000)" and inserting the words and figure "one million one hundred fifty thousand (1,150,000)".

153. Page 132, lines 10 and 11, by striking the words and figure "three million six hundred twenty-five thousand (3,625,000)" and inserting the words and figure "three million seven hundred eighty-nine thousand four hundred (3,789,400)".

154. Page 132, lines 16 and 17, by striking the

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words and figure "eight hundred sixty-six thousand (866,000)" and inserting the words and figure "eight hundred ninety-two thousand (892,000)".

155. Page 132, line 19, by inserting after the word "office." the words "Of the funds deposited in the utilities trust fund, the treasurer of state shall transfer from the fund and credit to the general fund of the state the sum of seven hundred twenty-five thousand (725,000) dollars for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to reimburse the general fund of the state for startup funding provided for the utilities trust fund from the general fund of the state."

156. Page 133, line 24, by inserting after the word "basis." the words "Assessments may be made quarterly based upon estimates of the utility division's and the consumer advocate's expenditures for the fiscal year. Beginning with the fiscal year beginning July 1, 1987, the first assessment for any fiscal year may be made by the utility division by May 15 of the preceding fiscal year and shall be paid by the utility on or before the following July 1. Not more than ninety days following the close of the fiscal year, the utilities division shall conform the amount of the prior fiscal year's assessments to the requirements of this section."

157. Page 134, line 25, by striking the words "The utilities" and inserting the words "Subject to section 476.10, the utilities".

158. Page 134, by striking lines 29 through 31 and inserting the words "division. No part of the funds held by the treasurer".

159. Page 134, by striking lines 33 through 35 and inserting the words "fund of the state or any other fund. The funds held by".

160. Page 135, line 21, by striking the word "The".

161. By striking page 135, line 22 through page 136, line 16 and inserting the following: "However, fees paid for the inspection or examination of an insurer or other entity subject to regulation by the department shall be deposited in a special trust fund. The treasurer of state shall hold these funds in an account that shall be established in the name of the commissioner for the payment of the inspection and examination expenses of the department upon appropriation by the general assembly. This fund is subject at all times to the warrant of the department of revenue, drawn upon written requisition of the commissioner or the commissioner's designated

representative, for the payment of all salaries and other expenses necessary to carry out the inspection or examination duties of the insurance department. The commissioner may keep on hand with the treasurer of state funds in excess of the current needs of the department. Transfers shall not be made from the general fund of the state or any other fund for the payment of the inspection and examination expenses of the department. No part of the funds held by the treasurer of state for the account of the commissioner shall be transferred to the general fund of the state or any other fund. The funds held by the treasurer of state for the account of the commissioner shall be invested by the treasurer of state and the income derived from these investments shall be credited to the general fund of the state.

The commissioner shall account for receipts and disbursements according to the separate inspection and examination duties imposed upon the commissioner by the laws of this state and each separate inspection and examination duty shall be fiscally self-sustaining."

162. Page 140, line 29, by striking the words "department of job service" and inserting the words "job services division of the department of employment services".

163. Page 142, by inserting after line 11, the following:

"Sec._____. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND EXPENDITURES.

1. Notwithstanding the provisions of section 96.13, subsection 3, which restrict the use of moneys in the special employment security contingency fund, moneys in the fund on June 30, 1986, shall not be transferred by the treasurer of state to either the temporary emergency surcharge fund or to the unemployment compensation fund, but shall be available to the department of job service, for the fiscal year beginning July 1, 1986, and ending June 30, 1987, for expenditure under subsection 2.

2. The department of job service shall only expend moneys, which are credited to the special employment security contingency fund during the fiscal year beginning July 1, 1986, and ending June 30, 1987, including moneys which are available to the department of job service under subsection 1, in accordance with the following restrictions:

a. The department may expend up to fifty thousand (50,000) dollars from the fund for the purchase and installation of an electrical transformer for its

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state administrative office building.

b. The department may expend up to two hundred thousand (200,000) dollars from the fund for the support of county labor survey economic development teams.

c. Any balance of moneys in the special employment security contingency fund shall be deposited in a separate account in the state treasury to be known as the department approved training fund. Notwithstanding section 453.7, interest and earnings from moneys deposited in the department approved training fund shall be credited to the fund. The department shall use moneys from the fund only to pay the instructional costs of training, relating to tuition and course fees, approved by the department pursuant to section 96.4 and 370 I.A.C. §4.39, §4.40, for individuals who demonstrate, to the department's satisfaction, that they are financially incapable of paying the instructional costs of the approved training. However, the department may expend up to thirty thousand (30,000) dollars from the fund for administrative costs related to payments for department approved training.

The payments shall not be made to the individual receiving approved training but shall be made directly to the institution or person providing the approved training. Payments shall not exceed one thousand dollars per individual trainee in any two-year period.

The department shall distribute information on the qualification requirements for and availability of payment for department approved training to individuals filing claims for benefits or receiving benefits under chapter 96."

164. Page 143, line 1, by striking the figure "675,712" and inserting the figure "643,650".

165. Page 143, line 3, by striking the figure "5,607" and inserting the figure "5,439".

166. Page 143, line 7, by striking the figure "58,482" and inserting the figure "56,728".

167. Page 143, line 22, by striking the figure "17,134" and inserting the figure "15,706".

168. Page 143, line 26, by striking the figure "60,187" and inserting the figure "58,053".

169. Page 145, line 6, by striking the figure "4,437,424" and inserting the figure "4,590,964".

170. Page 145, by inserting after line 6 the following:

"It is the intent of the general assembly that the department of general services insure that each state agency and department obtains the lowest cost possible

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in procuring computer equipment and computer equipment maintenance services. All contracts for computer equipment, whether new or used, and all contracts for computer maintenance, whether with the original manufacturer or a third party vendor, should be let in accordance with competitive bidding practices. Evaluation of bids should also consider vendor experience, depth of training, problem determination equipment, parts supply and the ability of the vendor to meet the requirements of the state. The department of general services shall summarize in report form the bids received and accepted for the procurement of computer equipment and computer equipment maintenance services. The report shall cover the period May 1, 1986 through February 28, 1987 and shall be submitted to the state government appropriations subcommittees of the senate and house on or before March 15, 1987."

171. Page 145, by inserting after line 26 the following:

"_____. To provide a public employee salary list report for public distribution as provided by section 18.75 ..... $ 6,500".

172. Page 148, line 2, by striking the words "and banquet".

173. Page 149, line 4, by striking the figure "5,295,236" and inserting the figure "3,195,236".

174. Page 149, by inserting after line 4 the following:

"Sec._____. The treasurer of state shall apportion all moneys in the county indemnification fund to the county treasurers of the respective counties. The moneys in the fund, including interest income received by the fund, shall be allocated to each county in the same proportion that the county contributed to the fund. The treasurer of state shall apportion and remit the funds on or before July 15, 1986."

175. Page 149, line 22, by striking the figure "44,099,400" and inserting the figure "44,597,000".

176. Page 150, lines 8 and 9, by striking the words and figure "sixteen million six hundred sixty-seven thousand nine hundred forty (16,667,940)" and inserting the words and figure "seventeen million six hundred sixty-seven thousand nine hundred forty (17,667,940)".

177. Page 150, line 26, by striking the figure "2,928,227" and inserting the figure "2,977,981".

178. Page 152, by inserting after line 4 the following:

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"Sec._____. Section 18.75, Code 1985, is amended by inserting the following new subsection after subsection 7:

NEW SUBSECTION. By September 1 of each year supply an inexpensively bound report which contains the name, county of residence, official title, salary received during the previous fiscal year, base salary as computed on July 1 of the current fiscal year, and traveling and subsistence expense of the personnel of each of the departments, boards, and commissions of the state government except personnel who receive an annual salary of less than one thousand dollars. The number of the personnel and the total amount received by them shall be shown for each department in the report. All employees who have drawn salaries, fees, or expense allowances from more than one department or subdivision shall be listed separately under the proper departmental heading. On the request of the superintendent, the head of each department, board, or commission shall furnish the data covering that agency. The report shall be paid for out of moneys in the general fund not otherwise appropriated. The report shall be distributed upon request without charge to each member of the general assembly, elected state officer, and department head. Other persons may purchase a copy for a fee not less than the amount required to print the copy. All funds from the sale of the report shall be deposited in the general fund."

179. Page 154, by striking lines 12 and 13 and inserting the following:

"Sec. 722A. Section 123.3, subsection 21, Code Supplement 1985, is amended to read as follows:

21. "State liquor store" means a store established by the department under this chapter on premises owned or leased by the department and operated exclusively by the department with its own employees for the sale of alcoholic liquor and wine in the original package for consumption off the premises.

Sec. 723. Section 123.3, subsection 21, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2484, section 722A, is amended by striking the subsection."

180. By striking page 156, line 25 through page 157, line 12 and inserting the following:

"Sec. 731A. Section 123.22, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The ~~department~~ division has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in this chapter,

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and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding one quart or, in the case of alcoholic liquor personally obtained outside the United States, one gallon for personal consumption only in a private home or other private accommodation. No distillery shall sell any alcoholic liquor within the state to any person but only to the ~~department~~ division, except as otherwise provided in this chapter. It is the intent of this section to vest in the ~~department~~ division exclusive control within the state both as purchaser and vendor of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter. The ~~department~~ division may continue to purchase wine from persons holding a vintner's certificate of compliance or a class "A" wine permit ~~for resale~~, but shall resell it only at retail in state liquor stores.

Sec. 732. Section 123.22, unnumbered paragraph 1, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2484, section 731A, is amended to read as follows:

The division has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in this chapter, and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding one quart or, in the case of alcoholic liquor personally obtained outside the United States, one gallon for personal consumption only in a private home or other private accommodation. No distillery shall sell any alcoholic liquor within the state to any person but only to the division, except as otherwise provided in this chapter. ~~It is the intent of this~~ This section ~~to vest~~ vests in the division exclusive control within the state ~~both~~ as purchaser ~~and vendor~~ of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter. ~~The division may continue to purchase wine from persons holding a vintner's certificate of compliance or a class "A" wine permit but shall resell it only at retail in state liquor stores.~~ The division shall act as the sole wholesaler of alcoholic liquor to class "E" liquor control licensees. The department shall not otherwise sell any alcoholic beverages."

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181. By striking page 161, line 26 through page 162, line 28, and inserting the following:

"Sec. 739A. Section 123.30, subsection 3, paragraphs a, b, and c, Code Supplement 1985, are amended to read as follows:

a. CLASS "A". A class "A" liquor control license may be issued to a club and ~~shall authorize~~ authorizes the holder to purchase alcoholic liquors from only the ~~department~~ division, wine from ~~the department or~~ only class "A" wine permittees, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

b. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and ~~shall authorize~~ authorizes the holder to purchase alcoholic liquors from only the ~~department~~ division, wine from ~~the department or~~ only class "A" wine permittees, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only,; however, beer may also be sold for consumption off the premises. Each license ~~shall be~~ is effective throughout the premises described in the application.

c. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business, and ~~shall authorize~~ authorizes the holder to purchase alcoholic liquors from only the ~~department~~ division, wine from ~~the department or~~ only class "A" wine permittees, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only,; however, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued, and ~~shall authorize~~ authorizes the holder to purchase wine from ~~the department or~~ class "A" wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only,; however, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited.

Sec. 740. Section 123.30, subsection 3, paragraphs a, b, and c, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2484, section 739A, is amended to read as follows:

a. CLASS "A". A class "A" liquor control license

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may be issued to a club and authorizes the holder to purchase alcoholic liquors from class "E" liquor control licensees only ~~the division~~, wine from ~~only~~ class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

b. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and authorizes the holder to purchase alcoholic liquors from class "E" liquor control licensees only ~~the division~~, wine from ~~only~~ class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises. Each license is effective throughout the premises described in the application.

c. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business, and authorizes the holder to purchase alcoholic liquors from class "E" liquor control licensees only ~~the division~~, wine from ~~only~~ class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued, and authorizes the holder to purchase wine from class "A" wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited."

182. Page 170, by striking lines 21 through 27 and inserting the following: "fill vacant positions within the division."

183. Page 170, line 33, by striking the figure "1986" and inserting the figure "1987".

184. Page 170, line 35, by striking the words "However, the division shall not operate a state".

185. Page 171, by striking lines 1 through 3.

186. Page 171, line 13, by striking the figure "3,067,210" and inserting the figure "3,191,828".

187. By striking page 171, line 23 through page 177, line 4.

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188. Page 177, by inserting before line 5 the following:

"Sec._____. Section 29A.9, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The governor shall also provide for the participation of the national guard, or any part of it, in training at such times and places as ~~designated by the secretary of defense~~ necessary to insure readiness for public defense or federal service."

189. Page 178, by inserting after line 24 the following:

"Sec._____. If after exhausting the requirements of collective bargaining agreements a vacancy still exists in any other state department or agency, the other state department or agency shall give preference to qualified persons previously employed by the executive branch of state government whose jobs are terminated as a result of reorganization."

190. Page 178, by inserting after line 24 the following:

"Sec._____. Section 331.404, Code 1985, is repealed.

Sec._____. Sections 723 through 742, 744 through 749, 754, 755, and 756 of this Act take effect March 1, 1987.

Notwithstanding the amendments to sections 123.3, 123.22 and 123.30 in sections 723, 732 and 740 of this Act, the amendment to sections 123.3, 123.22 and 123.30 in sections 721A, 731A and 739A in this Act take effect July 1, 1986. The amendment to section 123.178 in section 752 of this Act takes effect July 1, 1986."

191. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Jochum of Dubuque offered amendment H—6138, to the Senate amendment H—6103, filed by him from the floor. Division was requested as follows:

H—6138

Amend the Senate amendment, H—6103, to House File 2484, as amended, passed, and reprinted by the House, as follows:

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1. Page 1, line 4, by striking the figure "3,300,000" and inserting the figure "3,000,000".
2. Page 1, by striking lines 15 and 16.
3. Page 1, by striking lines 32 through 35.
4. Page 1, by striking lines 48 and 49.
5. Page 2, lines 43 and 44, by striking the words and figure "four hundred twenty-five thousand four hundred ten (425,410)" and inserting the words and figure "seven hundred twenty-five thousand four hundred ten (725,410)".
6. By striking page 2, line 45 through page 3, line 2 and inserting the following:
"_____. Page 6, line 33, by striking the figure "1,000,000" and inserting the figure " 620,000".
7. Page 3, by striking line 21.
8. Page 3, by inserting after line 38 the following:
"_____. Page 15, by inserting after line 6 the following:
"Sec. 1001. Section 573.2, Code 1985, is amended to read as follows:
573.2 PUBLIC IMPROVEMENTS – BOND AND CONDITIONS.
Contracts for the construction of a public improvement shall, when the contract price equals or exceeds twenty-five thousand dollars, be accompanied by a bond, with surety, conditioned for the faithful performance of the contract, and for the fulfillment of other requirements as provided by law. The bond may also be required when the contract price does not equal that amount. However, if a contractor provides a performance or maintenance bond as required by a public improvement contract governed by this chapter and subsequently the surety company becomes insolvent and the contractor is required to purchase a new bond, the contractor may apply for reimbursement from the governmental agency that required a second bond and the claims shall be reimbursed from funds allocated for road construction purposes." "
9. Page 5, by inserting before line 17 the following:
"_____. Page 15, by inserting after line 11 the following:
"Sec. 1003. Section 1001 shall apply retroactively to July 1, 1985 and the reimbursement may be applied for until August 31, 1986." "
10. Page 5, by striking lines 21 through 37.
11. Page 6, line 10, by striking the figure

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"1,088,693" and inserting the figure "1,058,693".

12. Page 6, by striking lines 13 and 14.

13. Page 6, by striking lines 15 through 18.

14. Page 6, by striking lines 19 through 21.

15. Page 6, by striking lines 22 and 23.

16. Page 6, by striking lines 24 through 30.

17. Page 6, by striking lines 31 and 32.

18. Page 6, by striking lines 33 through 44.

19. Page 6, line 46, by striking the figure "210,000" and inserting the figure "110,000".

20. Page 6, lines 49 and 50, by striking the words and figure "two hundred thousand (200,000)" and inserting the words and figure "one hundred thousand (100,000)".

21. Page 7, line 7, by inserting after the word "institution" the following: "of higher education".

22. Page 7, lines 9 and 10, by striking the words ", professional, and scientific employees".

23. Page 7, lines 11 and 12, by striking the words ", professional, and scientific employees".

24. Page 7, line 12, by inserting after the word "institutions" the following: "of higher education".

25. Page 7, line 44, by striking the figure "10,453,403" and inserting the figure "10,343,403".

26. Page 8, by inserting after line 31 the following:

"_____. Page 38, by inserting after line 1 the following:

"Sec._____. The Iowa college aid commission shall notify eligible high school seniors in writing that the supplemental grant program established in sections 261.61 through 261.63 has been retained by the general assembly and nine hundred thousand (900,000) dollars is appropriated in section 261.63 for the payments. The letter shall include notification that it supersedes correspondence previously received by the student stating that the program was abolished." "

27. Page 9, line 47, by striking the figure "1985" and inserting the following: "1984".

28. Page 9, line 50, by striking the figure "1985" and inserting the following: "1984".

29. Page 10, line 5, by striking the figure "1985" and inserting the following: "1984".

30. Page 10, by striking lines 12 through 16.

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31. Page 10, by striking lines 23 and 24.

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32. Page 11, by striking lines 25 and 26.
33. By striking page 16, line 40 through page 17, line 46.
34. By striking page 17, line 48 through page 18, line 34 and inserting the following:

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"_____. Page 98, line 18, by inserting after the word "requires." the following: "The department shall maintain the confidentiality of all information which would identify any person named in a report. However, the identifying information may be released for bona fide research purposes if the confidentiality of the identifying information is maintained by the researchers, or the identifying information may be released by the person with the brain injury or by the person's guardian or, if the person is a minor, by the person's parent." "
35. Page 23, by inserting after line 22 the following:
"_____. Page 113, by striking lines 10 and 11 and inserting the following: "academy. However, no charge shall be made to officer candidates being tested on behalf of state agencies." "
36. Page 23, by inserting after line 24 the following:
"_____. Page 113, by striking line 17 and inserting the following: "officers employed by state agencies." "
37. Page 23, line 35, by striking the figure "3,440,635" and inserting the figure "3,420,635".
38. Page 24, by striking lines 8 through 11.
39. Page 25, by inserting before line 9 the following:
"_____. Page 127, by inserting after line 30 the following:
"Notwithstanding section 99D.5, subsection 4, members of the racing commission shall receive an annual salary of six thousand (6,000) dollars for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and the fiscal year beginning July 1, 1987 and ending June 30, 1988. This section shall prevail over any inconsistent provisions of 1986 Iowa Acts, Senate File 2175 and any provision of 1986 Iowa Acts, Senate File 2175 relating to compensation for members of the

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racing commission shall not be applicable for the fiscal year beginning July 1, 1986 and ending June 30, 1987 or the fiscal year beginning July 1, 1987 and ending June 30, 1988." "

40. Page 25, by striking lines 13 through 24.

41. Page 25, line 26, by striking the figure "1,943,000" and inserting the figure "1,868,000".

42. Page 25, line 28, by striking the figure "2,664,790" and inserting the figure "2,614,790".

43. Page 25, by striking lines 29 and 30.

44. Page 25, line 32, by striking the figure "1,079,000" and inserting the figure "1,044,000".

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45. Page 25, by striking lines 33 and 34 and inserting the following:

"_____. By striking page 129, line 22 through page 130, line 6, and inserting the following:

"Sec._____. Notwithstanding section 123.53, there is appropriated from the beer and liquor control fund to the alcoholic beverages control division of the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of nine million two hundred thirty-five thousand (9,235,000) dollars for salaries, support, maintenance and other operational purposes, including funds to maintain existing warehouse distribution positions for the fiscal year beginning July 1, 1986 and ending June 30, 1987 or additional funds as necessary for the orderly and efficient operation of the liquor system, subject to the approval of the department of management. Funds appropriated by this section may also be expended for the transition expenses.

The state liquor inventory shall be placed on a bailment system." "

46. Page 25, by inserting before line 35 the following:

"_____. Page 130, by inserting after line 20 the following:

"It is the intent of the general assembly that the discount table for commutations in 500 Iowa Admin. Code §6.3, which was in effect immediately prior to March 20, 1985 and which was based on a simple rather than compound interest factor, shall be uniformly applied to all commutations approved by the industrial commissioner prior to March 20, 1985 as a valid interpretation of the general assembly's intent to commute future workers' compensation payments to a present worth lump sum payment pursuant to sections

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85.45 and 85.47. It is further the intent of the general assembly that the supreme court's reinterpretation of the general assembly's intent, concerning the commutation of future workers' compensation payments to a present worth lump sum payment under sections 85.45 and 85.47, shall be uniformly applied to all commutations approved by the industrial commissioner on or after March 20, 1985." "

47. Page 26, by striking lines 30 through 32.

48. By striking page 28, line 46 through page 29, line 17.

49. Page 29, by striking lines 18 through 24.

50. Page 29, line 40, by striking the figure "44,597,000" and inserting the figure "44,000,000".

51. Page 29, lines 44 through 46, by striking the

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words and figure "seventeen million six hundred sixty-seven thousand nine hundred forty (17,667,940)" and inserting the words and figure "sixteen million six hundred seventeen thousand nine hundred forty (16,617,940)".

52. Page 29, by striking lines 47 and 48.

53. By striking page 29, line 49 through page 30, line 28.

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54. By striking page 30, line 29 through page 33, line 46 and inserting the following:

"_____. Page 155, by striking lines 9 and 10 and inserting the following: "127.8, subsection 1, and offer for sale and deliver such intoxicating liquors ~~and wine for sale through the state liquor stores~~ to class "E" ".

_____. Page 157, line 27, by inserting after the word "licensees" the following: "without regard for the quantity of purchase or the distance for delivery".

_____. Page 158, line 31, by striking the words "at least equal" and inserting the words "of up".

_____. Page 158, line 34, by striking the word "reduce" and inserting the word "increase".

_____. Page 159, line 2, by striking the words "equals or exceeds" and inserting the words "does not exceed".

_____. Page 160, line 15, by inserting after the word "chapter." the following: "The department shall deliver alcoholic liquor purchased by class "E" liquor

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control licensees. Class "E" liquor control licensees may deliver alcoholic liquor purchased by class "A", "B", or "C" liquor control licensees, and class "A", "B", or "C" liquor control licensees may transport alcoholic liquor purchased from class "E" liquor control licensees."

_____. Page 160, line 29, by striking the words "a class "E" ".

_____. Page 163, line 31, by inserting after the word "sum" the following: "of not less than seven hundred and fifty dollars, and not more than seven thousand five hundred dollars as".

_____. By striking page 168, line 13 through page 169, line 1.

_____. Page 170, line 35, by inserting after the word "retailers." the following: "The division shall not close a state liquor store before June 30, 1987 unless a class "E" liquor control licensee begins operations within the particular store's market area. However, the division shall not operate a liquor store after June 30, 1987."

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_____. Page 171, line 1, by striking the word and figures "December 31, 1986" and inserting the following: "June 30, 1987. The provisions of the Code concerning the operation of state liquor stores shall remain in effect to the extent applicable in the form as they existed prior to the effective date of this Act and they shall so remain in effect until the division ceases operation of any liquor stores."

_____. Page 171, by inserting after line 3 the following:

"Sec._____. Effective July 1, 1986 the division shall cease offering for sale and selling wine at wholesale to liquor control licensees and class "B" wine permittees. The state shall continue to sell wine at retail to purchasers at state liquor stores as provided by this Act.

Sec._____. Notwithstanding section 741 of this Act which creates a new lettered paragraph "e" to section 123.30, subsection 3, Code Supplement 1985, a person operating an agency store may obtain a class "E" liquor control license for the premises designated as an agency store despite the fact that gasoline is also sold on the premises.

Sec._____. The division shall not contract for any other agency stores nor allow the operation of any other ageney stores other than those agency stores

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operating on May 1, 1986.

Sec._____. No state liquor store shall be discontinued before March 1, 1987 and no class "E" liquor control licensee shall be allowed to begin doing business before March 1, 1987. However, the division shall not operate a liquor store after June 30, 1987.

Sec._____. The division shall adopt rules prior to October 1, 1986 for the approval of applications for class "E" liquor control licenses." "

55. Page 33, by striking lines 49 and 50 and inserting the following:

"_____. Page 177, by inserting after line 4 the following:

"Sec. 765. Section 8.33, unnumbered paragraph 2, Code 1985, is amended to read as follows:

No payment of an obligation for goods and services shall be charged to an appropriation subsequent to the last day of the fiscal term for which the appropriation is made unless such goods or services are received on or before ~~September 15~~ the last day of the ~~following~~ fiscal year, except that repair projects, purchase of specialized equipment and furnishings, and other contracts for services and

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capital expenditures for the purchase of land or the erection of buildings or new construction or remodeling, which were committed and in progress prior to the end of the fiscal term are excluded from this provision." "

56. Page 34, by inserting after line 22 the following:

"_____. Page 178, by inserting after line 29 the following:

"Sec._____. Section 765 of this Act is retroactive to March 1, 1986." "

57. Page 34, by striking lines 23 through 32 and inserting the following:

"_____. Page 178, line 30, by striking the figure "139" and inserting the figure "144"."

On motion by Jochum of Dubuque, amendment H—6138A was adopted, placing out of order amendment H—6108, filed by Van Maanen of Mahaska on May 1, 1986.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—6116 (to amendment H—6110, to the Senate amendment H—6103) filed by him on May 1, 1986.

Handorf of Marshall offered the following amendment H—6136, to the Senate amendment H—6103, filed by him from the floor and moved its adoption:

H—6136

Amend the Senate amendment, H—6103, to House File 2484, as amended, passed and reprinted by the House as follows:

1. Page 3, line 11, by striking the word "area".

A non-record roll call was requested.

The ayes were 28, nays 40.

Amendment H—6136 lost.

Swartz of Marshall offered the following amendment H—6137, to the Senate amendment H—6103, filed by him from the floor and moved its adoption:

H—6137

Amend the Senate amendment, H—6103, to House File 2484, as amended, passed and reprinted by the House as follows:

1. Page 6, by inserting before line 45 the following:

"_____. Page 19, by inserting before line 19 the following:

"Of the funds identified in this paragraph for funding for the evaluator approval process, an amount not to exceed ten thousand (10,000) dollars of those funds shall be used by the department of education to develop a mental retardation model curriculum. The department shall develop a model curriculum for teachers of grades one through twelve on mental retardation prevention and related issues. The department may use existing staff members or may contract with outside parties for developing the model curriculum. The model curriculum shall be distributed to school districts and area education agencies prior to July 1, 1988. The funds allocated for the development of the mental retardation model curriculum are not subject to reversion pursuant to section 8.33 until June 30, 1988." "

Amendment H—6137 was adopted.

Teaford of Black Hawk asked and received unanimous consent to withdraw amendment H–6118, to the Senate amendment H–6103, filed by her on May 1, 1986.

The House resumed consideration of amendment H–6138B.

On motion by Jochum of Dubuque, amendment H–6138B was adopted.

Jochum of Dubuque offered the following amendment H–6135, to the Senate amendment H–6103, filed by him from the floor and moved its adoption:

H–6135

Amend the Senate amendment, H–6103, to House File 2484 as amended, passed and reprinted by the House, as follows:

1. Page 29, by inserting after line 17 the following:

"_____. Page 145, by inserting after line 6 the following:

"Savings achieved in providing telecommunications services shall be used by the department of general services to increase efficiencies in the provision of those services." "

Amendment H–6135 was adopted.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H–6110 filed by him on May 1, 1986.

The House resumed consideration of amendment H–6138C.

Halvorson of Webster offered the following amendment H–6140, to amendment H–6138, to the Senate amendment H–6103, filed from the floor by Halvorson of Webster, Van Camp, Renaud, Running, Osterberg, Clark, Jay and McKean and moved its adoption:

H–6140

Amend House amendment, H–6138, to Senate amendment, H–6103, to House File 2484 as amended, passed and reprinted by the House as follows:

1. Page 5, by striking lines 42 and 43 and

inserting the following:
"_____. Page 168, line 22, by striking the words "and served".
_____. Page 168, line 26, by striking the words "sold to and served the" and inserting the words "sold the beer, wine, or intoxicating liquor and served a".
_____. Page 168, line 33, by inserting before the word "beer" the following: "or C" "."
2. Page 7, by striking line 11 and inserting the following: "to March 1, 1986.
Sec._____. If both this Act and Senate File 2265 are enacted by the Seventy-first General Assembly, the amendment to section 123.92, enacted as a part of this Act shall prevail over the amendment to section 123.92 enacted as a part of Senate File 2265."

Amendment H—6140 lost.

On motion by Jochum of Dubuque, amendment H—6138C was adopted

The House stood at ease at 5:33 p.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—6103, as amended, to House File 2484 at 5:42 p.m., Speaker Avenson in the chair.

Zimmerman of Dallas offered the following amendment H—6142, to the Senate amendment H—6103, filed by her and Stueland of Clinton from the floor and moved its adoption:

H—6142

Amend the Senate amendment, H—6103, to House File 2484, as amended, passed, and reprinted by the House, as follows:
1. Page 8, by striking lines 11 through 16.

Amendment H—6142 lost.

On motion by Jochum of Dubuque, the House concurred in the Senate amendment H—6103, as amended.

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

On the question "Shall the bill pass?" (H.F. 2484)

The ayes were, 77:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Connolly
Connors	Cooper	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Groth	Gruhn	Halvorson, R. A.	Hammond
Hanson	Harbor	Haverland	Hermann
Hester	Holveck	Hughes	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Metcalf	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rensink	Rosenberg
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Tabor	Teaford	Varn	Woods
Mr. Speaker			

The nays were, 15:

Bennett	Branstad	Clark	Corey
Grandia	Halvorson, R. N.	Handorf	Hatch
Paulin	Renken	Swearingen	Van Camp
Van Maanen	Welden	Zimmerman	

Absent or not voting, 8:

Cochran	Daggett	Kremer	Maulsby
O'Kane	Pellett	Royer	Sullivan

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 5:52 p.m., until the fall of the gavel.

The House resumed session at 6:07 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 May 2, 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 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 redemption of a homestead in relation to a foreclosure on agricultural land, providing a procedure for the waiver of homestead exemption, providing for the ownership of agricultural land by certain nonresident aliens, providing for a farm mediation program, designating a farm crisis program coordinator, and providing an effective date.

Also: That the Senate has on May 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2483, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation.

Also: That the Senate has on May 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2489, a bill for an act relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas.

Also: That the Senate has on May 2, 1986, receded from its amendment to, and passed the following bill:

House File 2491, a bill for an act relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date.

Also: That the Senate has on May 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2492, a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code.

K. MARIE THAYER, Secretary

SENATE AMENDMENT CONSIDERED

Blanshan of Greene called up for consideration **House File 2483**, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation, amended by the Senate amendment H–6139 as follows:

H–6139

Amend House File 2483, as amended, passed, and reprinted by the House, as follows:

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

"Section 1A. Section 97A.6, subsection 4, Code 1985, is amended to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon retirement for ordinary disability a member shall receive an ordinary disability retirement allowance which shall consist of a pension which shall equal ~~forty~~ fifty percent of the member's average final compensation except if the member has not had five or more years of membership service, the member shall receive a pension equal to one-fourth of the member's average final compensation."

2. Page 1, line 19, by striking the word "one-fourth" and inserting the following: "forty percent".

3. Page 2, by inserting after line 22 the following:

"Sec._____. Section 97A.6, subsection 14, paragraph d, Code 1985, is amended to read as follows:

d. A retired member eligible for benefits under the provisions of subsection 1 is not eligible for the annual readjustment of pensions provided in this subsection unless the member served twenty-two years and attained the age of ~~fifty-five~~ fifty years prior to the member's termination of employment."

4. Page 2, by inserting before line 23 the following:

"Sec._____. Section 97B.8, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The board shall consist of ~~seven~~ eight members. ~~Five~~ Six of the members shall be appointed by the governor, one of whom shall be an executive of a domestic life insurance company, one an executive of a state or national bank operating within the state of Iowa, one an executive of a major industrial corporation located within the state of Iowa, and ~~two~~ three shall be ~~active~~ members of the system, one of whom shall be an active member who is an employee of a school district, area education agency, or merged area, ~~and~~ one of whom shall be an active member who is not ~~be~~ an employee of a school district, area education agency, or merged area, and one of whom is a retired member of the system. The president of the senate shall appoint one member from the membership of the senate and the speaker of the house of representatives shall appoint one member from the membership of the house. The two members appointed by the president of the senate and the speaker of the

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house of representatives and the two active members of the system appointed by the governor are ex officio members of the board."

5. Page 5, by striking line 30 and inserting the following:

"A conservation peace officer who retires on or after July 1, 1986 and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a conservation peace officer multiplied by a fraction of years of service as a conservation peace officer. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as a conservation peace officer, divided by twenty-five years. On or after July 1, 1986, if the conservation peace officer has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the conservation peace officer's retirement precedes the date on which the conservation peace officer attains sixty years of age.

Each employee eligible for benefits under this subsection shall annually contribute, in addition to the contribution under section 97B.11, an amount equal to forty-seven hundredths of the employee's covered wages to pay for a portion of the cost of the benefits provided under this section.

PARAGRAPH DIVIDED. There is appropriated from the general fund of the state to".

6. Page 6, line 31, by striking the figure "1984" and inserting the following: "~~1984~~ 1986".

7. Page 11, by inserting after line 33 the following:

"Sec._____. Section 97B.72, Code 1985, is amended to read as follows:

97B.72 MEMBERS OF GENERAL ASSEMBLY.

Persons who are ~~members of the Seventy-first General Assembly or a succeeding~~ or have been members of the general assembly who submit proof to the department of membership in the general assembly during any period beginning July 4, 1953 may make contributions to the system for service equal to the accumulated contributions as defined in section 97B.41, subsection 12, which would have been made if the member of the general assembly had been a member of the system during the member's service in the general assembly. The proof of membership in the

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general assembly and payment of accumulated contributions shall be transmitted to the department. Persons eligible to receive retirement allowances under this section shall be eligible to commence receiving retirement allowances on January ~~14, 1985~~ 12, 1987.

There is appropriated from the general fund of the state to the Iowa department of job service an amount sufficient to pay the contributions of the employer based on service of the members in an amount equal to the contributions which would have been made if the members of the general assembly who made employee contributions had been members of the system during their service in the general assembly plus two percent interest plus interest dividends for all completed calendar years and for any completed calendar year for which the interest dividend has not been declared and for completed months of partially completed calendar years at two percent interest plus the interest dividend rate calculated for the previous year, compounded annually, from the end of the calendar year in which contribution was made to the first day of the month of such date."

8. Page 11, lines 34 and 35, by striking the words "MEMBERS AND".

9. Page 12, line 1, by striking the words "member or".

10. Page 12, by striking lines 4 through 6 and inserting the following: "system for all or a portion of the period of employment as a temporary employee of the general assembly, at any time on or".

11. Page 12, line 8, by striking the words "service or".

12. Page 12, line 11, by striking the words "member or".

13. Page 12, line 14, by striking the words "membership or".

14. Page 12, line 33, by striking the word "three" and inserting the following: "four".

15. Page 12, line 34, by inserting after the word "senate" the following: "in consultation with the minority leader".

16. Page 12, line 34, by striking the word "three" and inserting the following: "four".

17. Page 13, line 1, by inserting after the word "house" the following: "in consultation with the minority leader".

18. Page 14, by inserting after line 26 the following:

"Sec._____. NEW SECTION. 97B.77 VETERANS' CREDIT.

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An active member in service on July 1, 1986 who at any time on or after July 1, 1950 served on active duty in the armed forces of the United States, upon submitting verification of the dates of the active duty service in the armed forces to the department, may make employer and employee contributions to the system based upon the member's covered wages for the calendar year beginning January 1, 1985 at the rates in effect under section 97B.11 on January 1, 1985 for the period of time of the active duty service, not to exceed four years, and receive credit for membership service and prior service for the period of time for which the contributions are made. Verification of active duty service and payment of contributions shall be made to the department not later than June 30, 1987. However, a member is not eligible to make contributions under this section if the member is receiving or is eligible to receive retirement pay from the United States government for active duty in the armed forces."

19. Page 14, by inserting after line 26 the following:

"Sec._____. Section 410.6, subsections 1 and 2, Code 1985, are amended to read as follows:

1. ~~As of the first of July each year~~ On each July 1 and January 1, the monthly pension authorized in this chapter payable to each retired member and to each beneficiary, except children, of a deceased member shall be recomputed. The applicable formulas authorized in this chapter which were used to compute the retired member's or beneficiary's pension at the time of retirement or death shall be used in the recomputation except the earnable compensation payable on each July 1 or January 1 to an active member having the same or equivalent rank or position as was held by such retired or deceased member at the time of retirement or death, shall be used in lieu of the final compensation which the retired or deceased member was receiving at the time of retirement or death. At no time shall the monthly pension or payment to the beneficiary be less than the amount which was paid at the time of such member's retirement or death.

2. All monthly pensions adjusted as provided in this section shall be payable beginning on July 1 or January 1 of the year which the adjustment is made and shall continue in effect until the next ~~following July 1~~ adjustment at which time the monthly pension shall again be recomputed and all monthly pensions adjusted in accordance with the computations."

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20. Page 14, by inserting before line 27 the following:

"Sec._____. Section 411.6, subsection 4, Code 1985, is amended to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon retirement for ordinary disability a member shall receive an ordinary disability retirement allowance which shall consist of a pension which shall equal ~~forty~~ fifty percent of the member's average final compensation except if the member has not had five or more years of membership service the member shall receive a pension equal to one-fourth of the member's average final compensation."

21. Page 15, line 10, by striking the word "one-fourth" and inserting the following: "forty percent".

22. Page 16, by inserting after line 13 the following:

"Sec._____. Section 411.6, subsection 12, paragraph d, Code 1985, is amended to read as follows:

d. A retired member eligible for benefits under subsection 1 of this section is not eligible for the readjustment of pensions provided in this subsection unless the member served twenty-two years and attained the age of ~~fifty-five~~ fifty years prior to the member's termination of employment."

23. Page 17, by inserting after line 3 the following:

"Sec._____. NEW SECTION. 411.30 TRANSFER OF MEMBERSHIP.

A vested member of the Iowa public employees' retirement system on June 30, 1986 who meets all of the following requirements shall become a member of a retirement system under this chapter on the effective date of this Act:

1. Was a vested member of the retirement system established in this chapter on June 30, 1973.

2. Was an elected bailiff of a municipal court on June 30, 1973.

3. Became a deputy sheriff on July 1, 1973 and pursuant to 1972 Iowa Acts, chapter 1124, section 43, continued coverage under a retirement system under this chapter.

4. Upon election as a county sheriff, was transferred from membership under this chapter to membership in a retirement system established in chapter 97B.

The Iowa public employees' retirement system shall transfer to the board of trustees of the applicable retirement system under this chapter an amount equal to the total of the accumulated contributions of the

member as defined in section 97B.41, subsection 12, and the board of trustees of the applicable retirement system under this chapter shall credit the member whose contributions are transferred under this section with membership service under this chapter for the period for which the member was covered under the Iowa public employees' retirement system. If the amount transferred is less than the amount that would have been contributed under section 411.8, subsection 1, paragraph "f", at the rates in effect for the period for which contributions were made plus the interest that would have accrued on the amount, the member shall pay the difference together with interest that would have accrued on the amount.

The board of trustees of the applicable retirement system under this chapter shall determine the remaining contribution amount due. The amount due is the amount that would have been paid by the employer under section 411.8, subsection 1, paragraph "f", plus the interest that would have accrued on that amount. The board of trustees shall notify the county board of supervisors of the county in which the sheriff was elected of the remaining amount to be paid to the retirement system under this chapter.

The county board of supervisors shall forthwith pay to the board of trustees of the applicable retirement system the remaining amount to be paid from moneys in the county general fund.

From the effective date of this Act, the county board of supervisors of the county in which the sheriff was elected shall deduct the contribution required of the member under section 411.8, subsection 1, paragraph "f", from the member's earnable compensation and the county shall pay from the county general fund an amount equal to the normal rate of contribution multiplied by the member's earnable compensation to the applicable retirement system for the period in which the member remains sheriff or deputy sheriff of that county."

24. Page 17, by inserting after line 3 the following:

"Sec._____. Section 453.4, Code 1985, is amended to read as follows:

453.4 LOCATION OF DEPOSITORIES.

Deposits by the treasurer of state shall be in depositories located in this state; by a county officer or county public hospital officer or merged area hospital officer, in depositories located in the county or in an adjoining county within this state; by a memorial hospital treasurer, in a depository located

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within this state which shall be selected by the memorial hospital treasurer and approved by the memorial hospital commission; by a city treasurer or other city financial officer, in depositories located in the county in which the city is located or in an adjoining county, but if there is no depository in the county in which the city is located or in an adjoining county then in any other depository located in this state which shall be selected as a depository by the city council; by a school treasurer or by a school secretary in a depository within this state which shall be selected by the board of directors or the trustees of the school district; by a township clerk in a depository located within this state which shall be selected by the township clerk and approved by the trustees of the township. However, deposits may be made in depositories outside of Iowa for the purpose of paying principal and interest on bonded indebtedness of any municipality when the deposit is made not more than ten days before the date the principal or interest becomes due. Further, the treasurer of state may maintain an account or accounts outside the state of Iowa for the purpose of providing custodial services for the state and state retirement fund accounts."

25. Page 17, by inserting after line 3 the following:

"Sec._____. Section 509A.13, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section applies to employees who retired on or after January 1, 1981."

26. Page 17, by inserting after line 3 the following:

"Sec._____. Section 422.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Add the four percent of the basic salary of a judge, who is a member of the judicial retirement system established in chapter 602, article 9, which is exempt from federal income tax under the Internal Revenue Code of 1954.

Sec._____. Section 602.1611, subsections 1 and 2, Code 1985, are amended to read as follows:

1. ~~Justices~~ Judges of the supreme court~~, judges of the~~ and court of appeals, ~~and~~ district judges, and district associate judges are members of the judicial retirement system ~~as determined under~~ established in article 9, part 1, and are not members of the public employees' retirement system established in chapter 97B, except as provided in paragraphs "a" and "b".

a. District associate judges who exercised the

election under section 602.11115, subsection 1, are members of the public employees' retirement system and are not members of the judicial retirement system. District associate judges who exercised the election under section 602.11115, subsection 2, are members of the judicial retirement system and are inactive members of the public employees' retirement system.

b. District associate judges appointed after June 30, 1984, judges of the supreme court and court of appeals, and district judges, who were vested members of the public employees' retirement system at the time they became members of the judicial retirement system, and whose contributions in the public employees' retirement system were not refunded to them prior to the repeal of section 97B.69, are members of the judicial retirement system and are inactive vested members of the public employees' retirement system until they become qualified to receive retirement benefits from the judicial retirement system and become retired members of the public employees' retirement system or voluntarily withdraw their contributions from the public employees' retirement system.

2. ~~District associate judges are members of the judicial retirement system under article 9, part 1, or the Iowa public employees' retirement system.~~ Alternate district associate judges whose appointment is authorized under section 602.6303 are not members of either the judicial retirement system or the ~~Iowa~~ public employees' retirement system.

Sec. _____. Section 602.9104, Code 1985, is amended to read as follows:

602.9104 ~~DEPOSIT BY JUDGE~~ — DEDUCTIONS FROM JUDGES' SALARIES — CONTRIBUTIONS BY ~~GOVERNING BODY~~ STATE.

1. ~~Each judge coming within the purview of this article shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this article a sum equal to four percent of such basic salary. Provided that the maximum amount which any~~

~~judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.~~ A judge to whom this article applies, shall be paid an amount equal to ninety-six percent of the basic salary of the judge as set by the general assembly. An amount equal to four percent of the basic salary of the judge as set by the general assembly is designated as the judge's contribution to the judicial retirement fund, and shall be paid by the state in the manner provided in subsection 2.

2. ~~The amounts so deducted and withheld from the basic salary of each said judge~~ The amount designated in subsection 1 as the judge's contribution to the judicial retirement fund shall be paid by the state comptroller from the general fund of the state to the court administrator for deposit with the treasurer of state to the credit of the judicial retirement fund~~, and said~~. Moneys in the fund ~~is hereby~~ are appropriated for the payment of annuities, refunds, and allowances ~~herein~~ provided by this article, except that the amount of ~~such~~ the appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court ~~shall be~~ is limited to that part of ~~said~~ the fund accumulated for their benefit as ~~hereinafter~~ provided in this article. The corpus and income of the fund shall be used only for the exclusive benefit of the judges covered under this article or their survivors.

3. ~~The judges of the municipal, superior, district and supreme court, and the court of appeals, including district associate judges, coming within the provisions of~~ A judge covered under this article ~~shall be~~ is deemed to consent ~~and agree~~ to the ~~deductions from~~ reduction in basic salary as provided ~~herein and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such judges during the period covered by such payment, except the right to the benefits to which they shall be entitled under the provisions of this article~~ in subsection 1.

4. The state shall contribute ~~a sum not exceeding~~ an amount equal to three percent of the basic salary of all judges ~~of the district and supreme court for the years 1949 and 1950 and thereafter~~ covered under this article, or such sums as may be necessary over

the amount contributed by the ~~district and supreme court~~ judges to finance the system, but only to the extent that the system applies to them. ~~After June 30, 1973, the state shall contribute such sums as may be necessary over the amount contributed by district associate judges to finance the system as to them for the portion of their tenure after July 1, 1973, and thereafter such sums as may be necessary over the amount contributed by the district associate judges to finance the system, but only to the extent the system applies to them. After July 1, 1976, the state shall contribute such sums as may be necessary over the amount contributed by judges of the court of appeals to finance the system, but only to the extent the system applies to them.~~

Sec. _____. Section 602.9107, Code 1985, is amended to read as follows:

602.9107 AMOUNT OF ANNUITY.

1. The annual annuity of a judge under this system ~~shall be~~ is an amount equal to three percent of the judge's average annual basic salary for the judge's last three years as a judge of one or more of the courts included in this article, multiplied by the judge's years of service as a judge of one or more of ~~such~~ the courts, ~~but no such~~ for which contributions were made to the system. However, an annual annuity shall not exceed an amount equal to fifty percent of the basic annual salary ~~that~~ which the judge is receiving at the time the judge becomes separated from ~~such~~ service. Forfeitures shall not be used to increase the annuities a judge or survivor would otherwise receive under the system.

2. A judge shall not receive under this article in any calendar year an annuity benefit which, if received in the form of a straight life annuity with no ancillary benefits, exceeds the lesser of the following:

a. A dollar limitation of ninety thousand dollars adjusted each January 1 to the dollar limitation determined by the federal commissioner of internal revenue pursuant to section 415(d) of the United States Internal Revenue Code of 1954, as amended.

b. A compensation limit of one hundred percent of the average compensation paid to the judge during those three consecutive calendar years as a judge of one or more of the courts included in this article which give the highest average.

The limitations of this subsection do not apply to an annuity benefit which is less than ten thousand dollars.

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3. The limitations in subsection 2 shall be adjusted as follows:

a. If the annuity begins prior to the sixty-second birthday of the judge, the dollar limitation shall be equal to an annual annuity benefit which is equal to the actuarial equivalent of an annuity benefit commencing on the sixty-second birthday of the judge, but not below seventy-five thousand dollars.

b. If the annuity begins after the sixty-fifth birthday of the judge, the dollar limitation shall be equal to an annual annuity benefit which is the actuarial equivalent of an annuity benefit commencing on the sixty-fifth birthday of the judge.

c. If the annuity begins prior to the judge having ten years of creditable service, the dollar limitation, the one hundred percent of average compensation limitation, and the exception for an annuity benefit which is less than ten thousand dollars, shall be reduced by a fraction, the numerator of which is the total years and months of creditable service, and the denominator of which is ten.

For purposes of the limitations of this subsection, the actuarial equivalent shall be determined from actuarial tables using the 1983 group annuity table for males and five percent interest compounded annually. The value of the joint and survivorship feature of an annuity shall not be taken into account in applying the limitations of this section.

4. This section is intended to meet the requirements of section 415 of the United States Internal Revenue Code and shall be construed in accordance with that section, and shall, by this reference, incorporate any subsequent changes to that section which apply to the judicial retirement system.

Sec._____. Section 602.9108, Code 1985, is amended to read as follows:

602.9108 INDIVIDUAL ACCOUNTS — REFUNDING.

The ~~amounts deducted and withheld from the basic salary of each judge of the municipal, superior, district or supreme court, or court of appeals, including district associate judges, for the credit of~~ amount designated as the judge's contribution to the judicial retirement fund in section 602.9104, subsection 1, and all amounts paid into ~~such~~ the fund by ~~each~~ a judge shall be credited to the individual account of ~~such~~ the judge. ~~In the event~~ If a judge ~~of the municipal, superior, district or supreme court, or court of appeals, including district associate judges,~~ covered under this article becomes separated from service as ~~such~~ a judge before the judge completes an

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aggregate of six years of service as a judge of one or more of ~~such~~ the courts, the total amount ~~of the judge's contribution to the fund~~ in the judge's individual account shall be returned to ~~said~~ the judge or the judge's legal representatives~~, and in the event~~ within one year of the separation. If a judge, who is covered under this article and who has completed an aggregate of six years or more of service as a judge of one or more of ~~such~~ the courts, dies before retirement, without a survivor, the total amount ~~of the judge's contribution to the fund~~ in the judge's individual account shall be paid in one sum to the judge's legal representatives~~, and in the event~~ within one year of the judge's death. If an annuitant under this section dies without a survivor, and without having received in annuities an amount equal to the total amount ~~remaining to the annuitant's credit~~ in the judge's individual account at the time of separation from service, the amount remaining to the annuitant's credit shall be paid in one sum to the annuitant's legal representatives within one year of the annuitant's death.

Sec. _____. Section 602.9114, Code 1985, is amended to read as follows:

602.9114 FORFEITURE OF BENEFITS — REFUND.

~~In the event~~ If a judge ~~of the supreme, district or municipal court including a district associate judge, or a judge of the court of appeals,~~ covered under this part is removed for cause other than permanent disability the judge and the judge's survivor shall forfeit the right to any retirement benefits under the system but the total amount ~~of the judge's contribution to the fund~~ in the judge's individual account shall be returned to the judge or the judge's legal ~~representative~~ representatives within one year of the removal.

Sec. _____. Section 602.9115, Code 1985, is amended to read as follows:

602.9115 ANNUITY FOR SURVIVOR OF ANNUITANT.

The survivor of a judge who was qualified for retirement compensation under the system at the time of the judge's death, is entitled to receive an annuity of one-half of the amount of the annuity the judge was receiving or would have been entitled to receive at the time of the judge's death, or if the judge died before age sixty-five, then one-half of the amount the judge would have been entitled to receive at age sixty-five based on the judge's years of service for which contributions were made to the system. The annuity shall begin on the judge's death

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or upon the ~~survivor~~ survivor's reaching age sixty, whichever is later. However, a survivor less than sixty years old may elect to receive a decreased retirement annuity to begin on the judge's death by filing a written election with the state court administrator. The election is subject to the approval of the state court administrator. The amount of the decreased retirement annuity shall be the actuarial equivalent of the amount of the annuity otherwise payable to the survivor under this section.

For the purposes of this article "survivor" means the surviving spouse of a person who was a judge, if married to the judge for at least ~~five years next~~ one year preceding the judge's death, ~~but does not include a surviving spouse who remarries~~.

~~In the event~~ If the judge dies leaving a survivor but without receiving in annuities an amount equal to the judge's credit, the balance shall be credited to the account of the judge's survivor, and if the survivor dies ~~without remarrying and~~ without receiving in annuities an amount equal to ~~said~~ the balance, the amount ~~then~~ remaining shall be paid to the survivor's legal ~~representative~~ representatives within one year of the survivor's death.

Sec. _____. NEW SECTION. 602.9115A OPTIONAL ANNUITY FOR JUDGE AND SURVIVOR.

In lieu of the annuities and refunds provided for judges and judges' survivors under sections 602.9107, 602.9108, 602.9115, 602.9204, 602.9208, and 602.9209, judges may elect to receive an optional retirement annuity during the judge's lifetime and have the optional retirement annuity, or a designated fraction of the optional retirement annuity, continued and paid to the judge's survivor after the judge's death and during the lifetime of the survivor.

The judge shall make the election request in writing to the state court administrator prior to retirement. The election is subject to the approval of the state court administrator. The judge may revoke the election prior to retirement by written request to the state court administrator, but cannot revoke the election after retirement.

The optional retirement annuity shall be the actuarial equivalent of the amounts of the annuities payable to judges and survivors under sections 602.9107, 602.9115, 602.9204, 602.9208, and 602.9209. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 602.9107, subsection 3.

If the judge dies without a survivor, prior to re-

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tirement or prior to receipt in annuities of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election is null and void and the refunding provisions of section 602.9108 apply.

If the judge dies with a survivor prior to retirement, the election remains valid and the survivor is entitled to receive the annuity beginning at the death of the judge.

If the judge dies with a survivor and the survivor subsequently dies prior to receipt in annuities by both the judge and the survivor of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election remains valid and the refunding provision of section 602.9115 applies.

Sec._____. Section 602.9204, Code 1985, is amended to read as follows:

602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED SENIOR JUDGE.

A senior judge or a retired senior judge shall not be paid a salary. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section 602.9109, but computed under this section in lieu of section 602.9107, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to three percent of the current ~~base~~ basic salary, as of the time each payment is made, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this ~~chapter~~ article, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed fifty percent of ~~such~~ the current ~~base~~ basic salary."

27. Page 17, by inserting after line 3 the following:

"Sec._____. A member of the peace officers' retirement system employed by the department of public safety as an arson investigator on the effective date of this Act who became a member of the peace officers' retirement system on July 1, 1976 shall receive credit for membership service under the peace officers' retirement system for the member's period of employment as an arson investigator prior to July 1, 1976."

28. Page 17, by inserting after line 3 the fol-

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lowing:
"Sec._____. Section 1A of this Act takes effect July 1, 1986 for members receiving an ordinary disability retirement allowance prior to the effective date of this Act."
29. Page 17, by inserting after line 3 the following:
"Sec._____. Section 602.9105, Code 1985, is repealed. Section 602.9103, Code Supplement 1985, is repealed."
30. Page 17, line 8, by inserting after the word "members" the following: ", to determine the cost of vested buybacks, to determine the cost of providing earlier retirement benefits for motor vehicle enforcement officers employed by the department of transportation,".
31. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Blanshan of Greene offered the following amendment H—6144, to the Senate amendment H—6139, filed from the floor by Blanshan, Swearingen, Carpenter, Doderer and Hammond and moved its adoption:

H—6144

Amend the Senate amendment, H—6139, to House File 2483 as amended, passed, and reprinted by the House, as follows:
1. Page 1, by striking lines 18 through 27.
2. Page 2, by inserting after line 3 the following:
"_____. Page 5, line 15, by striking the figure "7." and inserting the following: "~~7.~~ 7.a." "
3. Page 2, line 6, by striking the word "A" and inserting the following: "b. A".
4. Page 2, by striking lines 25 through 30 and inserting the following:
"The annual contribution necessary to pay for the additional benefits provided in this paragraph, shall be paid by the employer and employee in the same proportion that employer and employee contributions are made under section 97B.11."
5. Page 2, line 31, by inserting after the word "DIVIDED." the following: "c."
6. Page 2, by inserting after line 32 the following:
"_____. Page 5, line 35, by striking the words

"this subsection" and inserting the following: "paragraph "a" and for the employer portion of the benefits provided in paragraph "b" "."

7. By striking page 2, line 35 through page 3, line 37.

8. Page 3, line 39, by striking the word "four" and inserting the following: "five".

9. Page 3, line 44, by striking the word "four" and inserting the following: "five".

10. By striking page 3, line 48 through page 4, line 20.

11. Page 5, by striking lines 16 through 25.

12. Page 5, line 30, by striking the word "A" and inserting the following: "Upon the written approval of the applicable county board of supervisors and city council, to the Iowa public employees' retirement system, a".

13. Page 6, line 2, by striking the words "and the" and inserting the following: "together with the employer contribution for that period of service plus the interest that accrued on the contributions for that period equal to two percent plus the interest dividend rate applicable for each year. The".

14. Page 6, line 7, by inserting after the word "amount" the following: "of the accumulated contributions as defined in section 97B.41, subsection 12,".

15. Page 6, line 15, by striking the word "The"

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and inserting the following:

"If the amount of the employer contributions transferred is less than the amount that would have been contributed by the employer under section 411.5, subsection 12, paragraph "b", plus the interest that would have accrued on the contributions, the".

16. Page 6, by striking lines 17 through 20 and inserting the following: "remaining contribution amount due."

Amendment H—6144 was adopted.

On motion by Blanshan of Greene, the House concurred in the Senate amendment H—6139, as amended.

Blanshan of Greene 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. 2483)

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	Haverland
Hermann	Hester	Holveck	Hughes
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
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	Running	Schnekloth
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Cochran	Hummel	Kremer	Maulsby
O'Kane	Pellett	Royer	Skow
Sullivan	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:

Sullivan of Van Buren and Skow of Guthrie on request of Black of Jasper; Cochran of Webster on request of Carter of Henry.

IMMEDIATE MESSAGES
(House Files 2483 and 2484)

Norland of Worth asked and received unanimous consent that House Files 2483 and 2484 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE (House File 665)

Black of Jasper called up for consideration the report of the second conference committee on House File 665 and moved the adoption of the second conference committee report and the amendments contained therein as follows:

REPORT OF SECOND CONFERENCE COMMITTEE ON HOUSE FILE 665

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 665, a bill for an act relating to the operation of motorboats, respectfully make the following report:

1. That the Senate recede from its amendment H–5859.

2. That House File 665 as amended, passed, and reprinted by the House be amended as follows:

1. Page 1, by striking lines 7 and 8 and inserting the following: "under the custody of the commission. However, on Big Creek lake and lake Macbride, a motorboat with a power unit exceeding ten horsepower may be operated only when permitted by rule and the rule shall not authorize such use during the period beginning on the Friday before Memorial Day and ending on Labor Day inclusively. This paragraph does not limit motorboat".

ON THE PART OF THE HOUSE:

DENNIS BLACK, Chair
MARVIN DIEMER
MARK HAVERLAND
DONALD PAULIN
RICHARD VARN

ON THE PART OF THE SENATE:

BERL E. PRIEBE, Chair
EMIL J. HUSAK
JIM RIORDAN
FORREST SCHWENGELS

The motion prevailed and the second conference committee report 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. 665)

The ayes were, 59:

Arnould	Bennett	Blanshan	Brammer
Branstad	Connolly	Corey	Daggett
De Groot	Diemer	Doderer	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Hughes	Jay	Jochum	Johnson
Knapp	Lageschulte	Muhlbauer	Norland
Ollie	Oxley	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Peterson, M. K.
Renaud	Renken	Rensink	Rosenberg
Running	Schnekloth	Shoning	Shoultz
Siegrist	Spear	Stromer	Stueland
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Woods	Mr. Speaker	

The nays were, 29:

Baxter	Beatty	Black	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cooper	Fey	Grandia
Handorf	Holveck	Koenigs	Lloyd-Jones
Lonergan	McKean	Metcalf	Miller
Mullins	Osterberg	Platt	Poncy
Sherzan	Sturgeon	Teaford	Varn
Zimmerman			

Absent or not voting, 12:

Cochran	Connors	Hummel	Kremer
Maulsby	McIntee	O'Kane	Pellett
Royer	Skow	Sullivan	Welden

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

IMMEDIATE MESSAGE
(House File 665)

Norland of Worth asked and received unanimous consent to immediately message House File 665 to the Senate.

SENATE AMENDMENT CONSIDERED

Jochum of Dubuque called up for consideration **House File 2492,** a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code, amended by the Senate, and moved that the House concur in the following Senate amendment H–6141:

H–6141

Amend House File 2492 as passed by the House as follows:

1. Page 1, line 15, by striking the word "services" and inserting the following: "appeal".

2. Page 1, line 16, by striking the figure "2" and inserting the following: "3".

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

"The salary ranges referred to in subsections 2 through 4 mean the salary ranges specified in 1983 Iowa Acts, chapter 205, section 7."

4. Page 1, line 32, by striking the words "department of elder affairs,".

5. Page 1, line 35, by inserting after the word "affairs," the following: "department of elder affairs,".

6. Page 2, lines 3 and 4, by striking the words "executive secretary of the state board of regents,".

7. Page 2, line 10, by inserting after the word "transportation," the following: "executive secretary of the state board of regents,".

8. Page 2, by striking line 24 through page 3, line 22.

9. Page 3, by striking lines 23 through 24.

10. Page 3, by inserting before line 25 the following:

Sec._____. Section 14.13, subsection 1, paragraphs c and d, Code Supplement 1985, are amended to read as follows:

c. Correct internal references to sections which are cited erroneously or have been repealed, and names of agencies, officers, or other entities which have been changed, when there appears to be no doubt as to the proper methods of making the corrections. The Code editor shall ~~compile a list~~ maintain a record of the corrections made under this paragraph ~~in Code editor's notes to the edition of the Code in which the corrections are made. This list~~ The record shall be available to the public.

d. Transpose sections or divide sections so as to give to distinct subject matters a section number but without changing the meaning and add or amend headnotes to sections and subsections. Pursuant to section 3.3, the headnotes are not part of the law.

Sec._____. Section 14.13, subsections 2 and 3, Code Supplement 1985, are amended to read as follows:

2. The Code editor or designee, in carrying out the duties specified in this chapter relating to publication of the Code and the Iowa administrative code, shall edit ~~the Code~~ them in order that words

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which designate one gender will be changed to reflect both genders when the provisions of law apply to persons of both genders. The Code editor or designee shall not make any substantive changes to the Code or Iowa administrative code while performing the editorial work. The Code editor or designee shall seek direction from the senate committee on judiciary and the house committee on judiciary and law enforcement when making ~~any~~ Code changes, and from the administrative rules review committee and the administrative rules coordinator when making Iowa administrative code changes, which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the Code editor's authority. The Code editor or designee shall maintain a record of the changes made under this subsection. The record shall be available to the public.

3. The effective date of all editorial changes in an edition of the Code or supplement to the Code is the date the legislative council approves the printing contract for publication of that edition or supplement. The effective date of all editorial changes for the Iowa administrative code is the date those changes are published in the Iowa administrative code."

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

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 38.

The motion prevailed and the House concurred in the Senate amendment H—6141.

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

On the question "Shall the bill pass?" (H.F. 2492)

The ayes were, 73:

Arnould	Baxter	Beatty	Bennett
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	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
Holveck	Hughes	Jay	Jochum
Johnson	Knapp	Lageschulte	Lonergan
McIntee	Muhlbauer	Norland	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rensink	Rosenberg
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Sturgeon	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Woods
Mr. Speaker			

The nays were, 15:

Black	Branstad	Clark	Halvorson, R. N.
Hester	Koenigs	McKean	Metcalf
Miller	Mullins	Parker	Renken
Stueland	Varn	Zimmerman	

Absent or not voting, 12:

Blanshan	Cochran	Hummel	Kremer
Lloyd-Jones	Maulsby	O'Kane	Pellett
Royer	Skow	Sullivan	Welden

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

SENATE AMENDMENT CONSIDERED

Varn of Johnson called up for consideration **House File 2489**, a bill for an act relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas, amended by the Senate, and moved that the House concur in the following Senate amendment H—6143:

H–6143

Amend House File 2489 as passed by the House as follows:

1. Page 1, line 33, by striking the words "All or a portion" and inserting the following: "Up to sixty percent".

2. Page 2, line 7, by striking the words "stamp revenue".

3. Page 2, line 24, by inserting after the word "acquisition." the following: "However, the commission shall not have a total principal amount of bonds outstanding at anytime in excess of eight million dollars."

4. Page 2, line 29, by striking the words "wildlife habitat stamp".

5. Page 4, line 23, by striking the words "wildlife habitat stamp".

6. Page 6, by striking lines 1 through 10 and inserting the following:

"1. Provide that the bonds be secured by a first lien on the revenues and receipts received or to be received into the wildlife habitat bond fund from income from the investment of the wildlife habitat bond fund, from moneys received from the sale of bonds, and from any other moneys which are available for the payment of bond service charges.

2. Pledge for the benefit of the bondholders any part of the receipts in the wildlife habitat bond fund. The pledge shall be effective without physical delivery or further act and moneys in the fund may be applied for the purposes as pledged without the necessity of an Act of appropriation."

7. Page 7, lines 10 and 11, by striking the words "wildlife habitat stamp".

8. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H–6143.

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

On the question "Shall the bill pass?" (H.F. 2489)

The ayes were, 73:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Clark
Connolly	Connors	Cooper	Corey
Daggett	Diemer	Doderer	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Hatch	Haverland	Hester	Holveck
Hughes	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lonergan	McIntee
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Shoning	Shoultz	Siegrist
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 10:

Carpenter	De Groot	Grandia	Handorf
Metcalf	Petersen, D. F.	Renken	Rensink
Schnekloth	Van Maanen		

Absent or not voting, 17:

Branstad	Cochran	Groth	Hermann
Hummel	Jay	Kremer	Lloyd-Jones
Maulsby	McKean	O'Kane	Pellett
Royer	Sherzan	Skow	Sullivan
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 6:55 p.m., until the fall of the gavel.

The House resumed session at 7:08 p.m., Speaker Avenson in the chair.

MOTION TO RECONSIDER LOST

Jay of Appanoose moved to reconsider the vote by which the House refused to concur in the Senate amendment H—6131 (found

on page 2058 of the House Journal) on May 2, 1986 to 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.

A non-record roll call was requested.

The ayes were 36, nays 41.

The motion to reconsider lost.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 128

Buhr of Polk called up for consideration House Concurrent Resolution 128, relating to the Iowa General Assembly urging support of the Civil Rights Restoration Act of 1985.

Tabor of Jackson in the chair at 7:18 p.m.

On motion by Buhr of Polk, the motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 132

Lloyd-Jones of Johnson called up for consideration House Concurrent Resolution 132, relating to teaching of global studies and conflict resolution in elementary and secondary schools, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 7:29 p.m., until the fall of the gavel.

The House resumed session at 8:24 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 May 2, 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 2484, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

Also: That the Senate has on May 2, 1986, passed the following bill in which the concurrence of the Senate was asked:

House File 2485, a bill for an act to legalize the proceedings of the city council of Bloomfield, Iowa, to transfer certain moneys to the general fund of the city.

Also: That the Senate has on May 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2490, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986.

Also: That the Senate has adopted the conference committee report and passed 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.

K. MARIE THAYER, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Handorf of Marshall on request of Corey of Louisa.

SENATE AMENDMENT CONSIDERED

Carter of Henry called up for consideration **House File 2490**, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986, amended by the Senate amendment H–6145 as follows:

H–6145

Amend House File 2490, as passed by the House, as follows:

1. Page 1, lines 2 and 3, by striking the words and figure "one hundred thousand (100,000)" and inserting the words and figure "fifty thousand (50,000)".

2. Page 1, by striking lines 8 through 22.

The following amendment H—6146, to the Senate amendment H—6145, filed by Carter of Henry from the floor was adopted by unanimous consent:

H—6146

Amend the Senate amendment H—6145 to House File 2490 as follows:

1. Page 1, by striking line 7.

On motion by Carter of Henry, the House concurred in the Senate amendment H—6145, as amended.

Carter of Henry 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. 2490)

The ayes were, 85:

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	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Hatch	Haverland	Hester	Holveck
Hughes	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	McIntee	Metcalf
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Sturgeon
Swartz	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Varn	Welden
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Cochran	Groth	Handorf	Hermann

Kremer	Maulsby	McKean	O'Kane
Pellett	Royer	Skow	Stueland
Sullivan	Woods	Zimmerman	

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 2, 1986, adopted the conference committee report and passed House File 2412, a bill for an act relating to the alloction of lottery funds and programs for which the funds may be used and providing an effective date.

Also: That the Senate has, on April 24, 1986, adopted the conference committee report and passed Senate File 2175, a bill for an act relating to the reorganization and structure of state government.

K. MARIE THAYER, Secretary

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bill and resolutions to the Senate: House File 2490 and House Concurrent Resolutions 128 and 132.

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 May 2, 1986, adopted the second conference committee report and passed House File 665, a bill for an act relating to the operation of motorboats.

Also: That the Senate has on May 2, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2493, a bill for an act relating to criminal penalties arising from the operation of motor vehicles.

Also: That the Senate has, on May 2, 1986, adopted the conference committee report and passed 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.

K. MARIE THAYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate Joint Resolution 1)

Lloyd-Jones of Johnson called up for consideration the report of the conference committee on Senate Joint Resolution 1 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE JOINT RESOLUTION 1

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate 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, respectfully make the following report:

1. That the House recede from its amendment S—5185.

2. That Senate Joint Resolution 1 as passed by the Senate be amended as follows:

1. By striking page 1, line 1 through page 4, line 6 and inserting the following:

"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. 2. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 15 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 second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

2. Section 18 of Article IV of the Constitution of the State of Iowa is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

3. Section 19 of Article IV of the Constitution of the State of Iowa as amended by amendment number 2 of the amendments of 1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Sec. 3. The foregoing proposed amendments to the Constitution of the State of Iowa are referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause them to be published for three consecutive months before the date of that election as provided by law."

ON THE PART OF THE HOUSE:

JEAN LLOYD-JONES, Chair
ROD HALVORSON
HORACE DAGGETT
DON SHONING

ON THE PART OF THE SENATE:

BILL HUTCHINS, Chair
ROBERT CARR
MICHAEL GRONSTAL
CALVIN HULTMAN
JOHN JENSEN

The motion prevailed and the conference committee report was adopted.

Lloyd-Jones of Johnson 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:

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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.

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SEC. 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

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1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Sec. 3. The foregoing proposed amendments to the Constitution of the State of Iowa are referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause them to be published for three consecutive months before the date of that election as provided by law."

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 1)

The ayes were, 70:

Arnould	Black	Blanshan	Brammer
Carl	Carpenter	Carter	Chapman
Clark	Connolly	Connors	Cooper
Corey	Daggett	Diemer	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Hammond	Hanson	Harbor
Hatch	Haverland	Hermann	Hester
Holveck	Hughes	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lloyd-Jones	McIntee	Metcalf
Muhlbauer	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Peick
Petersen, D. F.	Peterson, M. K.	Platt	Rensink
Rosenberg	Running	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Sturgeon	Swartz	Swearingen

Teaford	Van Camp	Van Maanen	Varn
Welden	Mr. Speaker		

The nays were, 18.

Baxter	Beatty	Bennett	Branstad
Buhr	De Groot	Doderer	Halvorson, R. N.
Lonergan	Miller	Mullins	Pavich
Poncy	Renaud	Renken	Tabor
Woods	Zimmerman		

Absent or not voting, 12:

Cochran	Fey	Handorf	Kremer
Maulsby	McKean	O'Kane	Pellett
Royer	Skow	Stueland	Sullivan

The joint resolution having received a constitutional majority was declared adopted and agreed to by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the evening, on request of Pavich of Pottawattamie.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 97)

Jay of Appanoose called up for consideration the report of the conference committee on Senate File 97 as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 97

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 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, respectfully make the following report:

1. That the Senate recede from its amendment to the House amendment.

2. That the House recede from its amendment.

3. That Senate File 97 as amended, passed, and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 1 through 6 and inserting the following:

"Section 1. Chapter 123, Code 1985, is amended by adding the following new section:

NEW SECTION. 123.47A PERSONS AGE NINETEEN AND TWENTY.

A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age nineteen or twenty. A person age nineteen or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age nineteen or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge and consent of the person's parent or guardian, and a person age nineteen or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee. A person, other than a licensee or permittee, who violates this section commits a scheduled violation of section 805.8, subsection 10. A licensee or permittee who violates this section is guilty of a simple misdemeanor punishable by a fine of not more than fifty dollars. The penalty provided under this section against a licensee or permittee who violates this section is the only penalty which shall be imposed against a licensee or permittee who violates this section.

Sec. 2. Section 1 of this Act does not apply to persons born on or before September 1, 1967.

Sec. 3. Section 805.8, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. ALCOHOLIC BEVERAGE VIOLATIONS. For violations of section 123.47A, the scheduled fine is fifteen dollars.

ON THE PART OF THE HOUSE:

DANIEL J. JAY, Chair
ROD HALVORSON
RICHARD J. VARN
DONALD F. HERMANN
MIKE VAN CAMP

ON THE PART OF THE SENATE:

DONALD V. DOYLE, Chair
TOM MANN, JR
ARTHUR A. SMALL, Jr.
RICHARD F. DRAKE

The House stood at ease at 9:20 p.m., until the fall of the gavel.

The House resumed session and consideration of the conference committee report on Senate File 97 at 9:39 p.m., Speaker Avenson in the chair.

On motion by Jay of Appanoose, the conference committee report and the amendments contained therein 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 97)

The ayes were, 51:

Arnould	Bennett	Black	Blanshan
Brammer	Branstad	Carpenter	Chapman
Clark	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fogarty	Grandia	Groth	Hatch
Haverland	Hermann	Hester	Hughes
Knapp	Lageschulte	McIntee	Metcalf
Muhlbauer	Ollie	Parker	Paulin
Pavich	Peick	Petersen, D. F.	Platt
Renken	Rensink	Schnekloth	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stromer	Swartz	Swearingen	Tabor
Van Camp	Van Maanen	Welden	

The nays were, 36:

Baxter	Beatty	Buhr	Carl
Carter	Doderer	Fey	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Lloyd-Jones
Lonergan	Miller	Mullins	Norland
Osterberg	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Sturgeon	Teaford
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 13:

Cochran	Handorf	Harbor	Kremer
Maulsby	McKean	O'Kane	Oxley
Pellett	Royer	Skow	Stueland
Sullivan			

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 9:40 p.m., until the fall of the gavel.

The House resumed session at 10:00 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 May 2, 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 2066, a bill for an act relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect current practices.

Also: That the Senate has on May 2, 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 2483, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation.

K. MARIE THAYER, Secretary

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2454

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on 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, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
AL STURGEON, Chair	JOE WELSH, Chair
THOMAS H. FEY	WILLIAM W. DIELEMAN
SUE MULLINS	FORREST SCHWENGELS
RALPH ROSENBERG	JAMES D. WELLS

SECOND CONFERENCE COMMITTEE APPOINTED (House File 2454)

The Speaker announced the appointment of the second conference committee report to consider the differences between the House and Senate concerning House File 2454: Sturgeon of Woodbury, Chair; Connors of Polk, Carl of Poweshiek, Hermann of Scott and Bennett of Ida.

RULE 31.8 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend Rule 31.8, (relating to the copy of the amendment being on the desks prior to consideration) on the Senate amendment H—6147 to House File 2493.

SENATE AMENDMENT CONSIDERED

Jay of Appanoose called up for consideration **House File 2493**, a bill for an act relating to criminal penalties arising from operation of motor vehicles, amended by the Senate, and moved that the House concur in the following Senate amendment H–6147:

H–6147

Amend House File 2493 as amended, passed and reprinted by the House as follows:

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

"Section 1. NEW SECTION. 321J.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Alcohol concentration" means the number of grams of alcohol per any of the following:

a. One hundred milliliters of blood.

b. Two hundred ten liters of breath.

c. Sixty-seven milliliters of urine.

2. "Alcoholic beverage" includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.

3. "Arrest" includes but is not limited to taking into custody pursuant to section 232.19.

4. "Department" means the state department of transportation.

5. "Director" means the director of transportation or the director's designee.

6. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle in this state, including but not limited to an operator, chauffeur, or motorized bicycle license and an instruction or temporary permit.

7. "Peace officer" means:

a. A member of the highway patrol.

b. A police officer under civil service as provided in chapter 400.

c. A sheriff.

d. A regular deputy sheriff who has had formal police training.

e. Any other law enforcement officer who has satisfactorily completed an approved course relating to motor vehicle operators under the influence of alcoholic beverages at the Iowa law enforcement academy or a law enforcement training program approved by the department of public safety.

8. "Serious injury" means a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily organ or major bodily member, or which causes the loss of any bodily member.

Sec. 2. NEW SECTION. 321J.2 OPERATING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OR WHILE

HAVING AN ALCOHOL CONCENTRATION OF .10 OR MORE. (OWI)

1. A person commits the offense of operating while intoxicated if the person operates a motor vehicle in

Page 2

this state in either of the following conditions:

a. While under the influence of an alcoholic beverage or other drug or a combination of such substances.

b. While having an alcohol concentration as defined in section 321J.1 of .10 or more.

2. A person who violates this section commits:

a. A serious misdemeanor for the first offense and shall be imprisoned in the county jail for not less than forty-eight hours to be served as ordered by the court, less credit for any time the person was confined in a jail or detention facility following arrest, and assessed a fine of not less than five hundred dollars nor more than one thousand dollars. As an alternative to a portion or all of the fine, the court may order the person to perform not more than two hundred hours of unpaid community service. The court may accommodate the sentence to the work schedule of the defendant.

b. An aggravated misdemeanor for a second offense and shall be imprisoned in the county jail or community-based correctional facility not less than seven days, which minimum term cannot be suspended notwithstanding section 901.5, subsection 3 and section 907.3, subsection 2, and assessed a fine of not less than seven hundred fifty dollars.

c. A class "D" felony for a third offense and each subsequent offense and shall be imprisoned in the county jail or community-based correctional facility for not less than thirty days, which minimum term cannot be suspended notwithstanding section 901.5, subsection 3, and section 907.3, subsection 2, and assessed a fine of not less than seven hundred fifty dollars.

3. No conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than six years prior to the date of the violation charged shall be considered in determining that the violation charged is a second, third, or subsequent offense. For the purpose of determining if a violation charged is a second, third, or subsequent offense, deferred judgments pursuant to section 907.3 for violations of this section and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the one defined in this section and can therefore be considered corresponding

Page 3

statutes. Each previous violation shall be considered a separate previous offense without regard to whether each was complete as to commission and conviction or deferral of judgment following or prior to any other previous violation.

4. A person shall not be convicted and sentenced for more than one violation of this section if the violation is shown to have been committed by either or both of the means described in subsection 1 in the same occurrence.

5. The clerk of court shall immediately certify to the department a true copy of each order entered with respect to deferral of judgment, deferral of sentence or pronouncement of judgment and sentence for a defendant under this section.

6. This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in section 155.3, subsection 11, if there is no evidence of the consumption of alcohol and the medical practitioner had not directed the person to refrain from operating a motor vehicle.

7. In any prosecution under this section, evidence of the results of analysis of a specimen of the defendant's blood, breath, or urine is admissible upon proof of a proper foundation. The alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time of driving or being in physical control of the motor vehicle.

8. The court shall order a defendant convicted of or receiving a deferred judgment for a violation of this section to make restitution, in an amount not to exceed two thousand dollars, for damages resulting directly from the violation. An amount paid pursuant to this restitution order shall be credited toward any adverse judgment in a subsequent civil proceeding arising from the same occurrence. However, other than establishing a credit, a restitution proceeding pursuant to this section shall not be given evidentiary or preclusive effect in a subsequent civil proceeding arising from the same occurrence.

9. In any prosecution under this section, the results of a chemical test may not be used to prove a violation of paragraph "b" of subsection 1 if the

alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal an alcohol concentration of .10 or more.

Sec. 3. NEW SECTION. 321J.3 COURT ORDERED SUBSTANCE ABUSE EVALUATION OR TREATMENT.

1. On a conviction for a violation of section 321J.2, the court may order the defendant to attend a course for drinking drivers under section 321J.22. If the defendant submitted to a chemical test on arrest for the violation of section 321J.2 and the test indicated an alcohol concentration of .20 or higher, the court shall order the defendant, on conviction, to undergo a substance abuse evaluation and the court may order the defendant to follow the recommendations proposed in the substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86. If a defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the area school conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. A defendant who fails to carry out the order of the court or who fails to successfully complete or attend a course for drinking drivers or an ordered substance abuse treatment program shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be

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placed on probation for one year with a violation of this probation punishable as contempt of court.

2. As a condition of a suspended sentence or portion of sentence for a second, third, or subsequent offense in violation of section 321J.2, the court upon hearing may commit the defendant for inpatient treatment of alcoholism or drug addiction or dependency to any hospital, institution, or community correctional facility in Iowa providing such treatment. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44.

Sec. 4. NEW SECTION. 321J.4 REVOCATION OF MOTOR VEHICLE LICENSE ON CONVICTION OR COURT ORDER.

1. If a defendant is convicted of a violation of section 321J.2 and the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's motor vehicle license or nonresident operating privilege for one hundred eighty days if the defendant has had no previous conviction under section 321J.2 or revocation under section 321J.9 or 321J.12 within the previous six years and for one year if the defendant has had one or more previous convictions or revocations under those sections within the previous six years.

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose. The court shall immediately require the defendant to surrender to it all Iowa licenses or

permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment.

3. a. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of six years. The court shall require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order for revocation.

b. After two years from the date of the order for revocation, the defendant may apply to the court for restoration of the defendant's eligibility for a motor vehicle license. The application may be granted only if all of the following are shown by the defendant by a preponderance of the evidence:

(1) The defendant has completed an evaluation and, if recommended by the evaluation, a program of treatment for chemical dependency and is recovering, or has substantially recovered, from that dependency on or tendency to abuse alcohol or drugs.

(2) The defendant has not been convicted, since the date of the revocation order, of any subsequent violations of section 321J.2 or 123.46, or any comparable city or county ordinance, and the defendant has not, since the date of the revocation order, submitted to a chemical test under this chapter that indicated an alcohol concentration as defined in section 321J.1 of .10 or more, or refused to submit to chemical testing under this chapter.

(3) The defendant has abstained from the excessive consumption of alcoholic beverages and the consumption of controlled substances, except at the direction of a licensed physician or pursuant to a valid prescription.

(4) The defendant's motor vehicle license is not currently subject to suspension or revocation for any other reason.

c. The court shall forward to the department a record of any application submitted under paragraph "b" and the results of the court's disposition of the application.

4. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a personal injury, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a serious injury was sustained by any person other than

the defendant and, if so, whether the defendant's conduct in violation of section 321J.2 caused the serious injury. If the court so determines, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of one year in addition to any other period of suspension or revocation. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

5. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a death, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a death occurred and, if so, whether the defendant's conduct in violation of section 321J.2 caused the death. If the court so determines, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of six years. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

6. If a license or permit to operate a motor vehicle is revoked or denied under this section or section 321J.9 or 321J.12, the period of revocation or denial shall be the period provided for such a revocation or until the defendant reaches the age of eighteen whichever period is longer.

Sec. 5. NEW SECTION. 321J.5 PRELIMINARY SCREENING TEST.

When a peace officer has reasonable grounds to believe that a motor vehicle operator may be violating or has violated section 321J.2, or the operator has been involved in a motor vehicle collision resulting in injury or death, the peace officer may request the operator to provide a sample of the operator's breath for a preliminary screening test using a device approved by the commissioner of public safety for that purpose. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made and whether to request a chemical test authorized in this chapter, but shall not be used in any court action except to prove that a chemical test was properly requested of a person pursuant to this chapter.

Sec. 6. NEW SECTION. 321J.6 IMPLIED CONSENT TO TEST.

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1. A person who operates a motor vehicle in this state under circumstances which give reasonable grounds to believe that the person has been operating a motor vehicle in violation of section 321J.2 is deemed to have given consent to the withdrawal of specimens of the person's blood, breath, or urine and to a chemical test or tests of the specimens for the purpose of determining the alcohol concentration or presence of drugs, subject to this section. The withdrawal of the body substances and the test or tests shall be administered at the written request of a peace officer having reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2, and if any of the following conditions exist:

a. A peace officer has lawfully placed the person under arrest for violation of section 321J.2.

b. The person has been involved in a motor vehicle accident or collision resulting in personal injury or death.

c. The person has refused to take a preliminary breath screening test provided by this chapter.

d. The preliminary breath screening test was administered and it indicated an alcohol concentration as defined in section 321J.1 of .10 or more.

e. The preliminary breath screening test was administered and it indicated an alcohol concentration of less than .10 and the peace officer has reasonable grounds to believe that the person was under the influence of a drug other than alcohol or a combination of alcohol and another drug.

2. The peace officer shall determine which of the three substances, breath, blood, or urine, shall be tested. Refusal to submit to a chemical test of urine or breath is deemed a refusal to submit, and section 321J.9 applies. A refusal to submit to a chemical test of blood is not deemed a refusal to submit, but in that case, the peace officer shall then determine which one of the other two substances shall be tested and shall offer the test. If the peace officer fails to offer a test within two hours after the preliminary screening test is administered or refused or the arrest is made, whichever occurs first, a test is not required, and there shall be no revocation under section 321J.9.

3. Notwithstanding subsection 2, if the peace officer has reasonable grounds to believe that the person was under the influence of a drug other than alcohol or a combination of alcohol and another drug, a urine test may be required even after a blood or

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breath test has been administered. Section 321J.9 applies to a refusal to submit to a chemical test of urine requested under this subsection.

Sec. 7. NEW SECTION. 321J.7 DEAD OR UNCONSCIOUS PERSONS.

A person who is dead, unconscious, or otherwise in a condition rendering the person incapable of consent or refusal is deemed not to have withdrawn the consent provided by section 321J.6, and the test may be given if a licensed physician certifies in advance of the test that the person is dead, unconscious, or otherwise in a condition rendering that person incapable of consent or refusal.

Sec. 8. NEW SECTION. 321J.8 STATEMENT OF OFFICER.

A person who has been requested to submit to a chemical test shall be advised by a peace officer of the following:

1. If the person refuses to submit to the test, the person's license or operating privilege will be revoked by the department for the applicable period under section 321J.9.

2. If the person submits to the test and the results indicate an alcohol concentration as defined in section 321J.1 of .10 or more, the person's license or operating privilege will be revoked by the department for the applicable period under section 321J.12.

This section does not apply in any case involving a person described in section 321J.7.

Sec. 9. NEW SECTION. 321J.9 REFUSAL TO SUBMIT — REVOCATION.

If a person refuses to submit to the chemical testing, a test shall not be given, but the department, upon the receipt of the peace officer's certification, subject to penalty for perjury, that the officer had reasonable grounds to believe the person to have been operating a motor vehicle in violation of section 321J.2, that specified conditions existed for chemical testing pursuant to section 321J.6, and that the person refused to submit to the chemical testing, shall revoke the person's motor vehicle license and any nonresident operating privilege for a period of two hundred forty days if the person has no previous revocation within the previous six years under this chapter; and five hundred forty days if the person has one or more previous revocations within the previous six years under this chapter; or if the person is a resident without a license or permit to operate a motor vehicle

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in this state, the department shall deny to the person the issuance of a license or permit for the same period a license or permit would be revoked, subject to review as provided in this chapter. The effective date of revocation shall be twenty days after the department has mailed notice of revocation to the person by certified mail or, on behalf of the department, a peace officer offering or directing the administration of a chemical test may serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. If the peace officer serves that immediate notice, the peace officer shall take the Iowa license or permit of the driver, if any, and issue a temporary license effective for only twenty days. The peace officer shall immediately send the person's license to the department along with the officer's certificate indicating the person's refusal to submit to chemical testing.

Sec. 10. NEW SECTION. 321J.10 TESTS PURSUANT TO WARRANTS.

1. Refusal to consent to a test under section 321J.6 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 707.5 if all of the following grounds exist:

a. A traffic accident has resulted in a death or personal injury reasonably likely to cause death.

b. There are reasonable grounds to believe that one or more of the persons whose driving may have been the proximate cause of the accident was violating section 321J.2 at the time of the accident.

2. Search warrants may be issued under this section in full compliance with chapter 808 or they may be issued under subsection 3.

3. Notwithstanding section 808.3, the issuance of a search warrant under this section may be based upon sworn oral testimony communicated by telephone if the magistrate who is asked to issue the warrant is satisfied that the circumstances make it reasonable to dispense with a written affidavit. The following shall then apply:

a. When a caller applies for the issuance of a warrant under this section and the magistrate becomes aware of the purpose of the call, the magistrate shall place under oath the person applying for the warrant.

b. The person applying for the warrant shall prepare a duplicate warrant and read the duplicate warrant, verbatim, to the magistrate who shall enter,

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verbatim, what is read to the magistrate on a form that will be considered the original warrant. The magistrate may direct that the warrant be modified.

c. The oral application testimony shall set forth facts and information tending to establish the existence of the grounds for the warrant and shall describe with a reasonable degree of specificity the person or persons whose driving is believed to have been the proximate cause of the accident and from whom a specimen is to be withdrawn and the location where the withdrawal of the specimen or specimens is to take place.

d. If a voice recording device is available, the magistrate may record by means of that device all of the call after the magistrate becomes aware of the purpose of the call. Otherwise, the magistrate shall cause a stenographic or longhand memorandum to be made of the oral testimony of the person applying for the warrant.

e. If the magistrate is satisfied from the oral testimony that the grounds for the warrant exist or that there is probable cause to believe that they exist, the magistrate shall order the issuance of the warrant by directing the person applying for the warrant to sign the magistrate's name on the duplicate warrant. The magistrate shall immediately sign the original warrant and enter on its face the exact time when the issuance was ordered.

f. The person who executes the warrant shall enter the time of execution on the face of the duplicate warrant.

g. The magistrate shall cause any record of the call made by means of a voice recording device to be transcribed, shall certify the accuracy of the transcript, and shall file the transcript and the original record with the clerk. If a stenographic or longhand memorandum was made of the oral testimony of the person who applied for the warrant, the magistrate shall file a signed copy with the clerk.

h. The clerk of court shall maintain the original and duplicate warrants along with the record of the telephone call and any transcript or memorandum made of the call in a confidential file until a charge, if any, is filed.

4. Search warrants issued under this section shall authorize and direct peace officers to secure the withdrawal of blood specimens by medical personnel under section 321J.11. Reasonable care shall be exercised to ensure the health and safety of the persons from whom specimens are withdrawn in execution

of the warrants. If a person from whom a specimen is to be withdrawn objects to the withdrawal of blood, and the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the warrant may be executed by the withdrawal of a specimen of breath for chemical testing.

5. The act of any person knowingly resisting or obstructing the withdrawal of a specimen pursuant to a search warrant issued under this section constitutes a contempt punishable by a fine not exceeding one thousand dollars or imprisonment in a county jail not exceeding one year or by both such fine and imprisonment. Also, if the withdrawal of a specimen is so resisted or obstructed, sections 321J.9 and 321J.16 apply.

6. Nonsubstantive variances between the contents of the original and duplicate warrants shall not cause a warrant issued under subsection 3 of this section to be considered invalid.

7. Specimens obtained pursuant to warrants issued under this section are not subject to disposition under section 808.9 or chapter 809.

8. Subsections 1 to 7 of this section do not apply where a test may be administered under section 321J.7.

9. Medical personnel who use reasonable care and accepted medical practices in withdrawing blood specimens are immune from liability for their actions in complying with requests made of them pursuant to search warrants or pursuant to section 321J.11.

Sec. 11. NEW SECTION. 321J.11 TAKING SAMPLE FOR TEST.

Only a licensed physician, physician's assistant as defined in section 148C.1, subsection 6, medical technologist, or registered nurse, acting at the request of a peace officer, may withdraw a specimen of blood for the purpose of determining the alcohol concentration or the presence of drugs. However, any peace officer, using devices and methods approved by the commissioner of public safety, may take a specimen of a person's breath or urine for the purpose of determining the alcohol concentration or the presence of drugs. Only new equipment kept under strictly sanitary and sterile conditions shall be used for drawing blood.

The person may have an independent chemical test or tests administered at the person's own expense in addition to any administered at the direction of a peace officer. The failure or inability of the person to obtain an independent chemical test or tests does

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not preclude the admission of evidence of the results of the test or tests administered at the direction of the peace officer. Upon the request of the person who is tested, the results of the test or tests administered at the direction of the peace officer shall be made available to the person.

Sec. 12. NEW SECTION. 321J.12 TEST RESULT REVOCATION.

Upon certification, subject to penalty for perjury, by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation of section 321J.2, that there existed one or more of the necessary conditions for chemical testing described in section 321J.6, subsection 1, and that the person submitted to chemical testing and the test results indicated an alcohol concentration as defined in section 321J.1 of .10 or more, the department shall revoke the person's motor vehicle license or nonresident operating privilege for a period of one hundred eighty days if the person has had no revocation within the previous six years under this chapter, and one year if the person has had one or more previous revocations within the previous six years under this chapter.

The effective date of the revocation shall be twenty days after the department has mailed notice of revocation to the person by certified mail. The peace officer who requested or directed the administration of the chemical test may, on behalf of the department, serve immediate notice of revocation on a person whose test results indicated an alcohol concentration of .10 or more.

If the peace officer serves that immediate notice, the peace officer shall take the person's Iowa license or permit, if any, and issue a temporary license valid only for twenty days. The peace officer shall immediately send the person's driver's license to the department along with the officer's certificate indicating that the test results indicated an alcohol concentration of .10 or more.

The results of a chemical test may not be used as the basis for a revocation of a person's motor vehicle license or nonresident operating privilege if the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal an alcohol concentration of .10 or more.

Sec. 13. NEW SECTION. 321J.13 HEARING ON REVOCATION —APPEAL.

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1. Notice of revocation of a person's motor vehicle license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person wishes to request a temporary restricted license only or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within twenty days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter.

2. The department shall grant the person an opportunity to be heard within thirty days of receipt of a request for a hearing if the request is made not later than twenty days after receipt of notice of revocation served pursuant to section 321J.9 or 321J.12. The hearing shall be before the department in the county where the alleged events occurred, unless the director and the person agree that the hearing may be held in some other county, or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing. The hearing may be recorded and its scope shall be limited to the issues of whether a peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2 and either of the following:

a. Whether the person refused to submit to the test or tests.

b. Whether a test was administered and the test results indicated an alcohol concentration as defined in section 321J.1 of .10 or more.

3. After the hearing the department shall order that the revocation be either rescinded or sustained. In the event that the revocation is sustained, the administrative hearing officer who conducted the hearing has authority to issue a temporary restricted license to the person whose motor vehicle license or operating privilege was revoked. Upon receipt of the decision of the department to sustain a revocation, the person contesting the revocation shall have ten days to file a request for review of the decision by the director. The director or the director's designee shall review the decision within fifteen days and shall either rescind or sustain the revocation or order a new hearing. If the director orders a new hearing, the department shall grant the person a new

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hearing within thirty days of the director's order.

4. A person whose motor vehicle license or operating privilege has been revoked under section 321J.9 or 321J.12 may reopen a department hearing on the revocation if the person submits a petition stating that new evidence has been discovered which provides grounds for rescission of the revocation, or if the person submits a petition stating that a criminal action on a charge of a violation of section 321J.2 filed as a result of the same circumstances which resulted in the revocation has resulted in a decision in which the court has held that the peace officer did not have reasonable grounds to believe that a violation of section 321J.2 had occurred to support a request for or to administer a chemical test or which has held the chemical test to be otherwise inadmissible or invalid. Such a decision by the court is binding on the department.

5. The department shall stay the revocation of a person's motor vehicle license or operating privilege for the period that the person is contesting the revocation under this section or section 321J.14 if it is shown to the satisfaction of the department that the new evidence is material and that there were valid reasons for failure to present it in the contested case proceeding before the department.

6. If the department fails to comply with the time limitations of this section regarding granting a hearing, review by the director or the director's designee, or granting a new hearing, and if the request for a hearing or review by the director was properly made under this section, the revocation of the motor vehicle license or operating privilege of the person who made the request for a hearing or review shall be rescinded. This subsection shall not apply in those cases in which a continuance to the hearing has been granted at the request of either the person who requested the hearing or the peace officer who requested or administered the chemical test.

Sec. 14. NEW SECTION. 321J.14 JUDICIAL REVIEW.

Judicial review of an action of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of that chapter, a petition for judicial review may be filed in the district court in the county where the alleged events occurred or in the county in which the administrative hearing was held.

Sec. 15. NEW SECTION. 321J.15 EVIDENCE IN ANY ACTION.

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Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a motor vehicle in violation of section 321J.2, evidence of the alcohol concentration or the presence of drugs in the person's body substances at the time of the act alleged as shown by a chemical analysis of the person's blood, breath, or urine is admissible. If it is established at trial that an analysis of a breath specimen was performed by a certified operator using a device and methods approved by the commissioner of public safety, no further foundation is necessary for introduction of the evidence.

Sec. 16. NEW SECTION. 321J.16 PROOF OF REFUSAL ADMISSIBLE.

If a person refuses to submit to a chemical test, proof of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of section 321J.2.

Sec. 17. NEW SECTION. 321J.17 CIVIL PENALTY — SEPARATE FUND — REINSTATEMENT.

When the department revokes a person's motor vehicle license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of one hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in a separate fund dedicated to and used for the purposes of chapter 912, and for the operation of a missing person clearinghouse and domestic abuse registry by the department of public safety. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 18. NEW SECTION. 321J.18 OTHER EVIDENCE.

This chapter does not limit the introduction of any competent evidence bearing on the question of whether a person was under the influence of an alcoholic beverage or a drug, including the results of chemical tests of specimens of blood, breath or urine obtained more than two hours after the person was operating a motor vehicle.

Sec. 19. NEW SECTION. 321J.19 INFORMATION RELAYED TO OTHER STATES.

When it has been finally determined under this chapter that a nonresident's privilege to operate a motor vehicle in this state has been revoked or

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denied, the department shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which the person has a license.

Sec. 20. NEW SECTION. 321J.20 TEMPORARY RESTRICTED LICENSE.

1. The department may, on application, issue a temporary restricted license to a person whose motor vehicle license is revoked under this chapter allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, and court-ordered community service responsibilities if the person's motor vehicle license has not been revoked under 321J.4, 321J.9, or 321J.12 within the previous six years and if any of the following apply:

a. The person's motor vehicle license is revoked under section 321J.4, subsection 1, 2, 4, or 6.

b. The person's motor vehicle license is revoked under section 321J.9 and the person has entered a plea of guilty on a charge of a violation of section 321J.2 which arose from the same set of circumstances which resulted in the person's motor vehicle license revocation under section 321J.9 and the guilty plea is not withdrawn at the time of or after application for the temporary restricted license.

c. The person's motor vehicle license is revoked under section 321J.12.

However, a temporary restricted license may be issued if the person's motor vehicle license is revoked under section 321J.9, and the revocation is a second revocation under this chapter, and the first three hundred and sixty days of the revocation have expired.

2. This section does not apply to a person whose license was revoked under section 321J.4, subsection 3 or 5, or to a person whose license is suspended or revoked for another reason.

3. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

Sec. 21. NEW SECTION. 321J.21 DRIVING WHILE LICENSE DENIED OR REVOKED.

A person whose motor vehicle license or nonresident operating privilege has been denied or revoked as provided in this chapter and who drives a motor vehicle upon the highways of this state while the license or privilege is denied or revoked commits a serious misdemeanor. The department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was revoked or denied, shall extend the period of revocation or denial for an additional like period, and the department shall not issue a new license during the additional period.

Sec. 22. NEW SECTION. 321J.22 COURT-ORDERED DRINKING DRIVERS COURSE.

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

a. "Course for drinking drivers" means an approved course designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives.

b. "Satisfactory completion of a course" means receiving at the completion of a course a grade from the course instructor of "C" or "2.0," or better.

2. After a conviction for, or a plea of guilty of, a violation of section 321J.2, the court in addition to its power to commit the defendant for treatment of alcoholism under section 321J.3, may order the defendant, at the defendant's own expense, to enroll in, attend, and successfully complete a course for drinking drivers. The court may alternatively or additionally require the defendant to seek evaluation, treatment or rehabilitation services under section 125.33 at the defendant's expense and to furnish evidence of successful completion. A copy of the order shall be forwarded to the department.

3. The course provided in this section shall be offered on a regular basis at each area school as defined in section 280A.2. Enrollment in the courses is not limited to persons ordered to enroll, attend and successfully complete the course under subsection 2, and any person convicted of a violation of section 321J.2 who was not ordered to enroll in a course may enroll in and attend a course for drinking drivers. The course required by this section shall be taught by the area schools under the department of public instruction and approved by the department. The department of public instruction shall establish

reasonable fees to defray the expense of obtaining classroom space, instructor salaries, and class materials. A person shall not be denied enrollment in a course by reason of the person's indigency.

4. An employer shall not discharge a person from employment solely for the reason of work absence to attend a course required by this section. Any employer who violates this section is liable for damages which include but are not limited to actual damages, court costs, and reasonable attorney fees. The person may also petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment.

5. The department of public instruction shall prepare a list of the locations of the courses taught under this section, the dates and times taught, the procedure for enrollment, and the schedule of course fees. The list shall be kept current and a copy of the list shall be sent to each court having jurisdiction over offenses provided in this chapter.

6. The department of public instruction shall maintain enrollment, attendance, successful and nonsuccessful completion data on the persons ordered to enroll, attend and successfully complete a course for drinking drivers. This data shall be forwarded to the court.

Sec. 23. NEW SECTION. ROADBLOCKS CONDUCTED BY LAW ENFORCEMENT AGENCIES.

1. The law enforcement agencies of this state may conduct emergency vehicle roadblocks in response to immediate threats to the health, safety, and welfare of the public; and otherwise may conduct routine vehicle roadblocks only as provided in this section. Routine vehicle roadblocks may be conducted to enforce compliance with the law regarding any of the following:

a. The licensing of operators of motor vehicles.

b. The registration of motor vehicles.

c. The safety equipment required on motor vehicles.

d. The provisions of chapters 109 and 110.

2. Any routine vehicle roadblock conducted under this section shall meet the following requirements:

a. The location of the roadblock, the time during which the roadblock will be conducted, and the procedure to be used while conducting the roadblock, shall be determined by policymaking administrative officers of the law enforcement agency.

b. The roadblock location shall be selected for

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its safety and visibility to oncoming motorists, and adequate advance warning signs, illuminated at night or under conditions of poor visibility, shall be erected to provide timely information to approaching motorists of the roadblock and its nature.

c. There shall be uniformed officers and marked official vehicles of the law enforcement agency or agencies involved, in sufficient quantity and visibility to demonstrate the official nature of the roadblock.

d. The selection of motor vehicles to be stopped shall not be arbitrary.

e. The roadblock shall be conducted to assure the safety of and to minimize the inconvenience of the motorists involved.

Sec. 24. NEW SECTION. 123.151 POSTING NOTICE ON DRUNK DRIVING LAWS REQUIRED.

State liquor stores and holders of liquor control licenses, wine permits, or beer permits shall post in a prominent place in the state liquor stores or licensed premises notice explaining the operation of and penalties of the laws which prohibit the operation of a motor vehicle by a person who is intoxicated. The size, print size, location, and content of the notice shall be established by rule of the department.

Sec. 25. Section 125.44, unnumbered paragraph 6, Code 1985, is amended to read as follows:

The department is liable for the cost of care, treatment, and maintenance of a substance abuser admitted to the facility voluntarily or pursuant to section 125.75, 125.81, or 125.91 or section ~~321.281, 321.283, subsection 3,~~ 321J.3 or 204.409, subsection 2 only to those facilities that have a contract with the department under this section, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the substance abuser is unable to pay the costs and there is no other person, firm, corporation or insurance company bound to pay the costs.

Sec. 26. NEW SECTION. 217A.30 ASSIGNMENT TO TREATMENT FACILITIES.

1. The director of the department of corrections may assign an offender committed to the custody of the director for a felony violation of chapter 321J to a facility which meets all of the following requirements:

a. Is a treatment facility meeting the licensure standards of the division of substance abuse of the department of public health.

b. Is a facility meeting applicable standards of

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the American corrections association.

c. Is a facility which meets any other rule or requirement adopted by the department pursuant to chapter 17A.

2. The assignment of an offender pursuant to subsection 1 shall be for purposes of substance abuse treatment and education, and may include work programs for the offender at times when the offender is not in substance abuse treatment or education.

3. Offenders assigned to a facility pursuant to this section shall not be included in calculations used to determine the existence of a prison overcrowding state of emergency.

4. The director shall prepare proposed administrative rules for the consideration of the administrative rules review committee for the funding of the program by means of self contribution by the offenders, insurance reimbursement on behalf of offenders, or other forms of funding, program structure, criteria for the evaluation of facilities and offenders for participation in the programs, and all other issues the director shall deem appropriate. Proposed rules prepared pursuant to this subsection shall be submitted to the administrative rules review committee on or before September 15, 1986.

Sec. 27. Section 307.27, subsection 5, Code 1985, is amended to read as follows:

5. Administer the provisions of chapters 321A, ~~321B,~~ 321E, ~~and~~ 321F, and 321J relating to motor vehicle financial responsibility, the implied consent law, the movement of vehicles of excessive size and weight and the leasing and renting of vehicles.

Sec. 28. Section 321.178, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

An approved driver education course as programmed by the department of public instruction shall consist of at least thirty clock hours of classroom instruction, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. An approved course shall include a minimum of two hours of classroom instruction concerning substance abuse as part of its curriculum. After the student has completed three clock hours of street or highway driving and has demonstrated to the instructor an ability to properly operate a motor vehicle and upon written request of a parent or guardian, the instructor may waive the remaining required laboratory instruction.

Sec. 29. Section 321.191, unnumbered paragraph 2,

Code 1985, is amended to read as follows:

There shall be a fee of twenty dollars for reinstatement of a chauffeur's license or operator's license which is, after notice and opportunity for hearing, suspended or revoked pursuant to sections 321.193, 321.209 and 321.210, except subsection 4 thereof, 321.513, 321.560, 321A.6; and chapter ~~321B~~ 321J. The twenty-dollar fee shall be collected only if the person whose license was suspended or revoked was served personally with notice. If the person whose license was suspended or revoked was served notice by certified mail, the reinstatement fee shall be ten dollars.

Sec. 30. Section 321.196, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Prior to the renewal of a license pursuant to this section, the department shall issue to each applicant information on the law relating to the operation of a motor vehicle while intoxicated and statistical information relating to the number of injuries and fatalities occurring as a result of the operation of motor vehicles while intoxicated.

Sec. 31. Section 321.209, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 32. Section 321.210, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall not consider or assess any points for speeding violations of ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit greater than thirty-five miles per hour in determining a license suspension under this section. This paragraph shall apply to only the first two such violations which occur within any twelve-month period.

Sec. 33. Section 321.213, Code 1985, is amended to read as follows:

321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 321A or chapter 321J for which the penalty is greater than a simple misdemeanor, ~~or that the child refused to submit to chemical testing under section 321B.4,~~ the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child

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violated a provision of this chapter or chapter 321A or chapter 321J constitutes a final conviction of a violation of a provision of this chapter or chapter 321A or chapter 321J for purposes of section 321.189, subsection 2, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, and 321A.17. ~~Notwithstanding section 232.55, the director shall revoke the license or permit of a child under section 321B.13 upon receipt of a copy of the final adjudication in a juvenile court that the child refused to submit to chemical testing under section 321B.4.~~

Sec. 34. Section 321.218, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A person whose operator's or chauffeur's license or driving privilege has been denied, canceled, suspended or revoked as provided in this chapter, and who drives a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked commits a simple misdemeanor. However, a person whose license or driving privilege has been revoked under section 321.209 ~~or chapter 321B and~~ who drives a motor vehicle upon the highways of this state while the license or privilege is revoked commits a serious misdemeanor. The sentence imposed under this section shall not be suspended by the court, notwithstanding section 907.3 or any other statute. The department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was suspended or revoked, shall, except for licenses suspended under section 321.513, extend the period of suspension or revocation for an additional like period, and the department shall not issue a new license during the additional period.

Sec. 35. Section 321.228, subsection 2, Code 1985, is amended to read as follows:

2. The provisions of sections 321.261 to 321.274, ~~section~~ and sections 321.277 and ~~sections~~ 321.280 ~~to 321.282~~ shall apply upon highways and elsewhere throughout the state.

Sec. 36. Section 321.233, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

This chapter, except ~~section~~ sections 321.277 and ~~sections~~ 321.280 ~~to 321.282~~ does not apply to persons and motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of section

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321.285, subsection 8, and the provisions of sections 321.297 and 321.298 do not apply to road workers operating maintenance equipment owned by or under lease to any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic.

Sec. 37. Section 321.555, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. Operating a motor vehicle in violation of section ~~321.281~~ 321J.2.

Sec. 38. Section 321A.17, subsection 1, Code 1985, is amended to read as follows:

1. Whenever the director, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail or revokes the license of any person pursuant to chapter ~~321B~~ 321J, the director shall also suspend the registration for all motor vehicles registered in the name of the person, except that the director shall not suspend the registration, unless otherwise required by law, if the person has previously given or immediately gives and thereafter maintains proof of financial responsibility with respect to all motor vehicles registered by the person.

Sec. 39. Section 331.653, subsection 33, Code Supplement 1985, is amended to read as follows:

33. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while under the influence of an alcoholic beverage as provided in chapter ~~321B~~ 321J.

Sec. 40. Section 602.8102, subsection 51, Code Supplement 1985, is amended to read as follows:

51. Forward to the department of transportation a copy of the record of each conviction or forfeiture of bail of a person charged with the violation of the laws regulating the operation of vehicles on public roads as provided in sections ~~321.281~~ 321J.2 and 321.491.

Sec. 41. NEW SECTION. 707.6A HOMICIDE BY VEHICLE.

1. A person commits a class "D" felony when the person unintentionally causes the death of another by either of the following means:

a. Operating a motor vehicle while under the influence of alcohol or a drug or a combination of such substances or while having an alcohol concentration of .10 or more, in violation of section 321J.2.

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b. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

2. A person commits an aggravated misdemeanor when the person unintentionally causes the death of another by operating a motor vehicle in any of the following manners:

a. Drag racing, in violation of section 321.278.

b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279.

3. As used in this section, "motor vehicle" includes any vehicle defined as a motor vehicle in section 321.1.

Sec. 42. Section 804.31, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

This section does not prohibit the request for and administration of a preliminary breath screening test or the request for and administration of a chemical test of a body substance or substances under chapter ~~321B~~ 321J prior to the arrival of a qualified interpreter for a hearing impaired person who is believed to have committed a violation of section ~~321.281~~ 321J.2. However, upon the arrival of the interpreter the officer who requested the chemical test shall explain through the interpreter the reason for the testing, the consequences of the person's consent or refusal, and the ramifications of the results of the test, if one was administered.

Sec. 43. Section 902.3, Code 1985, is amended to read as follows:

902.3 INDETERMINATE SENTENCE.

When a judgment of conviction of a felony, other than a class "A" felony is entered against a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the Iowa department of corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 707.3 or section 902.9 nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided. However, the court may sentence a person convicted of a class "D" felony for a violation of section 321J.2 to imprisonment for up to one year in a county jail under section 902.9, subsection 4, and the person shall not be under the custody of the director of the Iowa department of corrections.

Sec. 44. Section 902.9, subsection 4, Code 1985, is amended to read as follows:

4. A class "D" felon, not an habitual offender, shall be confined for no more than five years, and in

addition may be sentenced to a fine of not more than seven thousand five hundred dollars. A class "D" felon, such felony being for a violation of section 321J.2, may be sentenced to imprisonment for up to one year in the county jail.

Sec. 45. Section 907.3, subsection 1, paragraph g, Code 1985, is amended to read as follows:

g. The offense is a violation of section ~~321.281~~ 321J.2 and, within the previous six years, the person has been convicted of a violation of that section or the person's driver's license has been revoked pursuant to ~~that section or chapter 321B~~ section 321J.4, 321J.9, or 321J.12.

Sec. 46. Section 912.1, subsection 4, Code 1985, is amended to read as follows:

4. "Crime" means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony, an aggravated misdemeanor, or a serious misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. "Crime" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except for violations of section ~~321.281~~ 321J.2 or when the intention is to cause personal injury or death. A plea or verdict of guilty of a charge under section ~~321.281~~ 321J.2 or a license revocation under section ~~321B.13~~ 321J.9 or ~~321B.16~~ 321J.12 shall be considered by the department as evidence of a violation of section ~~321.281~~ 321J.2 for the purposes of this chapter.

Sec. 47. Section 321.281, Code Supplement 1985, is repealed.

Sec. 48. Section 321.282, Code 1985, is repealed.

Sec. 49. Section 321.283, Code Supplement 1985, is repealed.

Sec. 50. Chapter 321B, Code 1985 and Code Supplement 1985, is repealed.

Sec. 51. References in chapter 321J to actions which occurred previously under "this chapter" or "this section" include the preceding Code chapter or section which covers the same or substantially similar actions.

Sec. 52. This Act applies to any judicial or administrative action which arises due to violation of a section of this Act or an implementing rule, and which occurs after the effective date of this Act. This Act also applies to any judicial or

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1 administrative action which arose prior to the
2 effective date of this Act due to a violation of a
3 preceding Code section or implementing rule which was
4 the same or substantially similar to a section in this
5 Act, or an implementing rule if the defendant or
6 defendant's counsel requests that the action proceed
7 under this Act."

The motion prevailed and the House concurred in the Senate amendment H—6147.

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

On the question "Shall the bill pass?" (H.F. 2493)

The ayes were, 59:

Arnould	Baxter	Beatty	Black
Blanshan	Brammer	Branstad	Carl
Chapman	Connolly	Connors	Cooper
De Groot	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. N.
Hammond	Hatch	Hermann	Hester
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Lageschulte	Metcalf
Muhlbauer	Norland	Ollie	Oxley
Parker	Pavich	Peick	Peterson, M. K.
Platt	Poncy	Renaud	Rensink
Running	Schnekloth	Sherzan	Shoning
Spear	Sturgeon	Swartz	Tabor
Teaford	Van Camp	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 29:

Bennett	Buhr	Carpenter	Carter
Clark	Corey	Daggett	Diemer
Grandia	Halvorson, R. A.	Hanson	Haverland
Hummel	Johnson	Lloyd-Jones	Lonergan
McIntee	Miller	Mullins	Osterberg
Paulin	Petersen, D. F.	Renken	Rosenberg
Shoultz	Siegrist	Stromer	Swearingen
Van Maanen			

Absent or not voting, 12:

Cochran	Handorf	Harbor	Kremer
Maulsby	McKean	O'Kane	Pellett
Royer	Skow	Stueland	Sullivan

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 10:12 p.m., until the fall of the gavel.

The House resumed session at 10:52 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 members of the second conference committee to 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, on the part of the Senate, appointed May 2, 1986, are: The Senator from Dubuque, Senator Welsh, Chair; the Senator from Marion, Senator Dieleman; the Senator from Polk, Senator Gentleman; the Senator from Jefferson, Senator Schwengels; and the Senator from Linn, Senator Wells.

Also: That the Senate has on May 2, 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 2490, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986.

K. MARIE THAYER, Secretary

CONSIDERATION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE (House File 2454)

Sturgeon of Woodbury called up for consideration the report of the second conference committee on House File 2454 and moved the adoption of the second conference committee report and the amendments contained therein as follows:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 2454

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on 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, respectfully make the following report:

1. That the House recedes from its amendment, S–5782.

2. That the Senate recedes from its amendment, H–5838.

3. That House File 2454, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 1 through 10 and inserting the following:

"Section 1. Section 232.2, subsection 6, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. n. Who is voluntarily absent without permission from the child's home or placement for a period of time exceeding one week or for a period of time exceeding twenty-four hours on each of three or more separate occasions in a twelve-month period, and whose health, safety and welfare are at risk."

2. Page 1, by striking lines 13 through 26 and inserting the following:

"20. "Guardian ad litem" means a person ~~appointed~~, lay or professional, who accepts an appointment by the court to ~~represent~~ advocate for and protect the best interests of ~~the~~ a child in any judicial proceeding to which the child is a party."

3. By striking page 1, line 31 through page 2, line 7 and inserting the following: "simple misdemeanors if committed by an adult, violations of county or municipal curfew or traffic ordinances, and violations by a child of the provisions of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. Convicted child offenders shall be sentenced pursuant to section 903.1. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe that the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child that appears before it for a violation of section 123.47."

4. Page 2, by striking lines 8 through 16.

5. Page 2, line 29, by striking the words "~~fourteen~~ sixteen" and inserting the following: "fourteen".

6. Page 3, by striking line 2, and inserting the following: "safety of others in ~~the~~ a facility; ~~and~~ or place enumerated in paragraph "a" or "b" of this subsection which is available."

7. Page 3, by striking lines 10 through 29.

8. By striking page 4, line 19 through page 7, line 20 and inserting the following:

"Sec. _____. NEW SECTION. 232.104 DISPOSITIONS —VIOLATION OF COURT ORDER — ABILITY TO HOLD.

1. This section shall be liberally construed in order to address the problems of the chronic runaway at the earliest stage possible, to provide early intervention through the delivery of services to the chronic runaway as a child in need of assistance, and to exercise court jurisdiction which will best serve the interests of the chronic runaway.

2. If the court adjudicates a child as a child in need of assistance pursuant to section 232.2, subsection 6, paragraph "n", the court shall, as soon as practicable, hold a dispositional hearing. Prior to the hearing, the court shall require a social investigation to be conducted and a social report to be submitted to the court in accordance with the applicable requirements of section 232.97. The social report shall include a review of factors and reasons for the child's absence without permission from the child's home or placement.

3. The court may impose a disposition set out in sections 232.100 through 232.102, and may terminate, modify, or vacate the dispositional order as provided in section 232.103. However, the court shall not order the child placed in the Iowa juvenile home, the state training school, or a facility regulated under chapter 356 or 356A. The court order shall notify the child and the child's legal counsel that willful absence from placement in violation of a condition of the court order could subject the child to placement in staff secure shelter care. "Staff secure shelter care" means an optional program service, provided within a shelter care facility, which employs intensive staff supervision and reasonable efforts, other than mechanical and chemical restraints, to ensure the continued custody of a child placed by the court pursuant to subsection 4.

4. A child found in violation of a valid court order placing the child, imposed pursuant to subsection 3, shall not be considered to have committed a delinquent act. A child accused or found to have violated a valid court order placing the child shall not be held in the Iowa juvenile home, the state training school, or a facility regulated under chapter 356 or 356A. However, a child accused of being willfully absent from placement in violation of a valid court order entered pursuant to subsection 3, may be held in staff secure shelter care, other than the Iowa juvenile home, if a court determines within twenty-four hours of placement in staff secure shelter care that probable cause exists to believe that the child willfully violated the condition of the valid court order placing the child. If the child is held pursuant to an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order. The child has the right to counsel in connection with all proceedings related to an alleged violation of a valid court order.

If the court determines that probable cause exists to believe that the child violated a valid court order placing the child, the child may be held in staff secure shelter care, other than the Iowa juvenile home, pending a violation hearing which

shall be held within seventy-two hours of placement in staff secure shelter care, excluding nonjudicial days. The hearing shall be conducted in compliance with all applicable requirements of sections 232.90 through 232.94A and 232.96.

Pursuant to the violation hearing, the court may order a child held in staff secure shelter care, other than the Iowa juvenile home, if the court finds, by clear and satisfactory proof, all of the following:

a. That the child was willfully absent from the placement in violation of a valid court order.

b. That all applicable due process rights were afforded the child.

c. That no less restrictive alternative placement appropriate to the needs of the child exists.

However, the court shall not place the child in detention, shall not place the child in the Iowa juvenile home, the state training school, or a facility regulated under chapter 356 or 356A, and shall not place the child in staff secure shelter care for more than fifteen days."

9. By striking page 7, line 26 through page 8, line 4.

10. Page 8, by striking lines 25 through 28 and inserting the following: "accused of committing a simple misdemeanor under the provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, or of section 123.47, unless an arrest is appropriate pursuant to the factors enumerated in section 805.1, subsection 3, paragraph "b". If an arrest is made, the person shall not be detained or confined in a facility regulated under chapter 356 or 356A."

11. Page 9, line 18, by striking the word "or".

12. Page 9, line 19, by inserting after the word "ordinance," the following: "or a violation of section 123.47,".

13. Page 9, line 22, by inserting after the word "court." the following: "A person found by the court to be in contempt for failing to pay a fine or perform community service as required pursuant to this section, shall not be punished by confinement in a facility regulated under chapter 356 or 356A."

14. By striking page 9, line 26 through page 10, line 14.

15. Page 10, by inserting after line 14 the following:

"Sec. _____. GUARDIAN AD LITEM SERVICES. The judicial department shall establish qualifications and programs, either locally or statewide, for the provision of guardian ad litem services to children. The judicial department shall clarify the differences between an attorney functioning as a child's legal counsel, a guardian ad litem, and a court-appointed volunteer."

16. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
AL STURGEON, Chair	JOE WELSH, Chair
JANET CARL	WILLIAM W. DIELEMAN
JOHN CONNORS	FORREST SCHWENGELS
DONALD HERMANN	JAMES D. WELLS

A non-record roll call was requested.

The ayes were 30, nays 53.

The motion lost and the second conference committee report failed to be adopted.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ON (Senate File 2175)

Lloyd-Jones of Johnson called up for consideration the report of the conference committee on Senate File 2175 and moved the adoption of the conference committee and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2175

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 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; subject 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 relating to state government organization and structure, respectfully make the following report:

1. That the House recede from its amendment.

2. That Senate File 2175 as amended, passed and reprinted by the Senate be amended as follows:

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

"1. DECLARATION OF POLICY: THREE BRANCHES OF GOVERNMENT. The separation of powers within state government among the legislative, the executive, and the judicial branches of the government is a traditional American concept. The legislative branch has the broad objective of determining policies and programs and review of program performance for programs previously authorized, the executive branch carries out the programs and policies, and the judicial branch has the responsibility for adjudicating any conflicts which might arise from the interpretation or application of the laws."

4. Page 1, by striking lines 15 and 16 and inserting the following:

"c. The executive branch shall be organized on a functional basis, so that programs can".

5. Page 2, by inserting immediately after line 11 the following:

"Sec. 2. NEW SECTION. 7E.2 OFFICES, DEPARTMENTS AND INDEPENDENT AGENCIES.

The constitutional and statutory offices, administrative departments, and independent agencies which comprise the executive branch of state government are structured as follows:

1. SEPARATE CONSTITUTIONAL OFFICES. The elective constitutional and statutory officers who do not head operating departments each head a staff to be termed the "office" of the respective elective officer, but the office of the governor shall be known as the "executive office".

2. PRINCIPAL ADMINISTRATIVE UNITS. The principal administrative unit of the executive branch is a "department" and there may be one or more "independent agencies".

3. INTERNAL STRUCTURE.

a. The director of each department, subject to applicable statute, approval by the governor, and the provisions of subsection 4 of this section, may establish the internal structure within the office of the director so as to best suit the purposes of the department.

b. For field operations, departments may establish district or area offices which may cut across divisional lines of responsibility.

c. For their internal structure, all departments shall adhere to the following standard terms unless otherwise specified by law, and independent agencies are encouraged to review their internal structure and to adhere as much as possible to the following standard terms:

(1) The principal subunit of the department is the "division". Each division shall be headed by an "administrator".

(2) The principal subunit of the division is the "bureau". Each bureau shall be headed by a "chief".

(3) If further subdivision is necessary, bureaus may be divided into subunits which shall be known as "sections" and which shall be headed by "supervisors" and sections may be divided into subunits which shall be known as "units" and which shall be headed by "unit managers".

4. INTERNAL ORGANIZATION AND ALLOCATION OF FUNCTIONS. Subject to applicable law, the head of each department or independent agency shall, subject to the approval of the governor, establish the internal organization of the department or independent agency and allocate and reallocate duties and functions not assigned by law to an officer or any subunit of the department or independent agency to promote economic and efficient administration and operation of the department or independent agency.

5. ATTACHMENT FOR LIMITED PURPOSES. Any commission, board, or other unit attached under this section to a department or independent agency, or a specified division of one, shall be a distinct unit of that department, independent agency, or specified division. Any commission, board, or other unit so attached shall exercise its powers, duties, and functions as may be prescribed by law, including rulemaking, licensing and regulation, and operational planning within the area of program responsibility of the commission, board, or other unit independently of the head of the department or independent agency, but budgeting, program coordination, and related management functions shall be performed under the direction and supervision of the head of the department or independent agency, unless otherwise provided by law.

Sec. _____. NEW SECTION. 7E.2A HEADS OF DEPARTMENTS AND INDEPENDENT AGENCIES — POWERS AND DUTIES.

Each head of a department or independent agency shall, except as otherwise provided by law:

1. SUPERVISION. Plan, direct, coordinate, and execute the functions vested in the department or independent agency.

2. BUDGET. Annually compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department or independent agency and each program, subprogram, and activity in the department or agency.

3. ADVISORY BODIES. In addition to any councils specifically created by law, create by rule and appoint such councils or committees as the operation of the department or independent agency requires. Members of councils and committees created under this general authority shall serve without compensation, but may be reimbursed for their expenses.

4. ANNUAL REPORT. Unless otherwise provided by law, submit a report in November of each year to the governor and the legislature on the operation of the department or independent agency during the fiscal year concluded on the preceding June 30, and projecting the goals and objectives of the department or independent agency as developed in the program budget report for the fiscal year underway. Any department or independent agency may issue such additional reports on its findings and recommendations as its operations require.

Sec. _____. NEW SECTION. 7E.2B DEFINITIONS AND TERMINOLOGY FOR EXECUTIVE BRANCH ORGANIZATION.

In statutory references and administrative usage, the following terminology and definitions shall be used as guidelines for the terminology applicable to state governmental structure and organization to the extent practicable:

1. "Department" means a principal administrative agency within the executive branch of state government, but does not include independent agencies.

2. "Division", "bureau", "section", and "unit" mean the subunits of a department, whether specifically created by law or created by the head of the department for the more economic and efficient administration and operation of the programs assigned to the department.

3. "Independent agency" is an administrative unit which, because of its unique operations, does not fit into the general pattern of operating departments.

4. "Authority" means a body with independent power to issue and sell bonds.

5. "Head of the department" means the elective officer, director, or other official in charge of a department.

6. "Commission" means a policymaking body that has rule-making powers.

7. a. "Board" means a policymaking body that has the power to hear contested cases.

b. A policymaking body that has powers for both rule-making and hearing contested cases shall be termed a "board".

8. "Examining board" means a body which sets standards of professional competence and conduct for the profession or occupation under its supervision, which may prepare and grade the examinations of prospective new practitioners when authorized by law, which may issue licenses when authorized by law, which investigates complaints of alleged unprofessional conduct, and which performs other functions assigned to it by law.

9. "Council" means an advisory body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.

10. "Committee" means a part-time body appointed to study a specific problem and to recommend a solution or policy alternative with respect to that problem, and intended to terminate on the completion of its assignment."

6. Page 2, line 17, by striking the word "office" and inserting the following: "department".

7. Page 2, line 31, by striking the word "audits" and inserting the following: "inspections".

8. Page 2, line 35, by inserting after the word "agriculture" the following: "and land stewardship".

9. Page 3, line 4, by inserting after the word "agriculture" the following: "and land stewardship".

10. Page 3, line 5, by striking the words "and industry".

11. Page 3, line 15, by inserting after the word "training," the following: "employment safety, labor standards, workers' compensation,".

12. By striking page 3, line 35 through page 4, line 4 and inserting the following: "education at the elementary and secondary levels and for supervising the merged area schools."

13. Page 4, by striking line 29 and inserting the following: "women, persons with disabilities, community action agencies, deaf,".

14. Page 4, by inserting immediately after line 30 the following:

"u. In the area of higher education, an agency headed by the state board of regents and including all the institutions administered by the state board of regents, which has primary responsibility for state involvement in higher education."

15. By striking page 4, line 31 through page 5, line 2 and inserting the following:

"2. a. There is a civil rights commission, a public employment relations board, an interstate cooperation commission, campaign finance disclosure commission, and an Iowa law enforcement academy."

16. Page 5, line 25, by striking the word "OFFICE" and inserting the word "DEPARTMENT".

17. Page 5, by striking line 27 and inserting the following: "~~There is created an office of state comptroller~~ The department of".

18. Page 6, by inserting after line 10 the following:

"Sec. _____. Section 8.6, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 21. TARGETED SMALL BUSINESSES. To assist the director of the department of economic development as requested in the establishment and implementation of the Iowa targeted small business procurement Act and the targeted small business loan guarantee program.

NEW SUBSECTION. 22. STATE PROGRAMS FOR EQUAL OPPORTUNITY. To perform specific powers and duties as provided in chapter 19B and other provisions of law with respect to oversight and the imposition of sanctions in connection with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and procurement set-aside requirements."

19. Page 6, line 12, by striking the word "office" and inserting the word "department".

20. By striking page 6, line 34 through page 8, line 1.

21. Page 8, line 7, by striking the word "office" and inserting the word "department".

22. Page 8, line 9, by striking the word "office" and inserting the word "department".

23. Page 8, line 33, by striking the word "office" and inserting the word "department".

24. Page 8, by inserting after line 34 the following:

"Sec. 110. Section 24.48, unnumbered paragraphs 4 and 7, Code 1985, are amended to read as follows:

The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's appeal of the decision of the director of the department of management regarding a city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15.

For the purpose of this section, ~~the city finance committee shall be the state appeal board when the political subdivision is a city~~ when the political subdivision is a city, the director of the department of management, and the city finance committee on appeal of the director's decision, shall be the state appeal board."

25. Page 9, line 4, by striking the word "office" and inserting the words "~~office~~ department".

26. Page 9, line 7, by striking the word "office" and inserting the words "~~office~~ department".

27. Page 9, line 12, by striking the word "office" and inserting the words "~~office~~ department".

28. Page 9, line 16, by striking the word "office" and inserting the words "~~office~~ department".

29. Page 9, line 23, by striking the word "office" and inserting the words "~~office~~ department".

30. Page 9, line 30, by striking the word "office" and inserting the words "~~office~~ department".

31. Page 10, line 2, by striking the word "office" and inserting the word "department".

32. Page 11, by striking lines 6 through 12.

33. Page 11, line 27, by striking the word "office" and inserting the word "department".

34. Page 11, line 34, by striking the word "office" and inserting the word "department".

35. Page 12, line 13, by striking the word "office" and inserting the word "department".

36. Page 12, line 21, by striking the word "office" and inserting the word "department".

37. Page 12, line 31, by striking the word "office" and inserting the word "department".

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

"Sec. _____. Section 333A.2, subsection 1 and paragraph b, Code 1985, is amended to read as follows:

1. There is created a county finance committee consisting of ~~nine~~ eight members. The members of the committee shall be:

~~b. The state comptroller or a designee of the state comptroller.~~

Sec. _____. Section 333A.3, subsections 1 and 3, Code 1985, are amended to read as follows:

1. The committee is located for administrative purposes within the ~~office of state comptroller~~ department of management. The ~~state comptroller~~ director shall provide office space, staff assistance, and necessary supplies and equipment for the committee. The ~~state comptroller~~ director shall budget funds to pay the compensation and expenses of the committee.

3. The committee shall select its own officers ~~except that the state comptroller or a designee of the state comptroller shall serve as chairperson~~ and meet at the call of the director of the department of management."

39. Page 13, by striking lines 4 through 14.

40. Page 13, by striking lines 15 through 19 and inserting the following:

"Sec. 119. Section 384.13, unnumbered paragraph 1, and subsections 2, 4, and 5, Code 1985, are amended to read as follows:

As used in this division, unless the context otherwise requires, "committee" means the city finance committee and "director" means the director of the department of management. A ~~ten member~~ nine-member city finance committee is created. Members of the committee are:

~~2. The state comptroller or the state comptroller's designee.~~

4. Five city officials who are regularly involved in budget preparation. One official must be from a city with a population of not over two thousand five hundred, one from a city with a population of over two thousand five hundred but not over fifteen thousand, one from a city with a population of over fifteen thousand but not over fifty thousand, one from a city with a population of over fifty thousand and one from any size city. The governor shall select and appoint ~~subject to confirmation by the senate,~~ the city officials.

5. One certified public accountant experienced in city accounting, to be selected and appointed by the governor, ~~subject to confirmation by the senate.~~"

41. Page 13, by inserting after line 26 the following:

"Sec. 121. Section 384.15, subsection 2, and subsection 7, unnumbered paragraph 1, Code 1985, are amended to read as follows:

2. Select its officers, ~~except that the state comptroller or a designee of the state comptroller shall serve as chairperson~~ and meet at the call of the director of the department of management or upon an appeal of the director's decision.

7. ~~Administer~~ Adopt rules for the administration of a law enforcement officer training reimbursement program by the director of the department of management. A decision of the director may be appealed by a city or county to the committee. The program shall provide reimbursement to a city or county for necessary and actual expenses incurred in training a law enforcement officer who resigns from law enforcement service with the city or county within four years after completion of the law enforcement training. The reimbursable training expenses include mileage, food, lodging, tuition, replacement of an officer while the officer is in training if the replacement officer is a temporary employee hired for that purpose only or is on overtime status, and salary costs of the officer while in training. The law enforcement training eligible for reimbursement is the minimum law enforcement officer training required under chapter 80B and, if funding is available, approved advanced law enforcement training. The committee shall adopt rules prescribing application forms, expense documentation, and procedures necessary to administer the reimbursement program."

42. By striking page 13, line 27 through page 14, line 11.

43. Page 14, by inserting before line 12 the following:

"Sec. _____. Section 602.1301, subsection 2, paragraph b, Code Supplement 1985, is amended to read as follows:

b. Before December 1, the supreme court shall submit to the ~~state comptroller~~ director of management an estimate of the total expenditure requirements of the judicial department. The director of management shall submit this estimate received from the supreme court to the governor for inclusion without change in the governor's proposed budget for the succeeding fiscal year. The estimate shall also be submitted to the chairpersons of the committees on appropriations."

44. Page 14, line 18, by striking the words and figures "and 18.141 through 18.143," and inserting the words and figures "18.141 through 18.143, and 333A.5,".

45. Page 14, lines 19 and 20, by striking the words and figures ", and chapter 333A, Code 1985".

46. Page 15, by inserting after line 12 the following:

"g. Employment relations, including the negotiation and administration of collective bargaining agreements on behalf of the executive branch of the state and its departments and agencies as provided in chapter 20. However, the state board of regents, for the purposes of implementing and administering collective bargaining pursuant to chapter 20, shall act as the exclusive representative of the state with respect to its faculty, scientific, and other professional staff."

47. Page 15, line 15, by striking the words "merit employment" and inserting the word "personnel".

48. By striking page 15, line 35 through page 16, line 4 and inserting the following: "the director. The director shall be appointed by the governor, subject to confirmation by the senate. The director serves at the pleasure of the governor and is subject to reconfirmation after four years in office. The person appointed shall be".

49. Page 16, line 29, by inserting after the figure "2," the figure "3,".

50. Page 16, by inserting after line 34 the following:

"3. "Commission" means the ~~Iowa merit employment~~ personnel commission."

51. By striking page 17, line 22 through page 18, line 14, and inserting the following:

"Sec. _____. Section 19A.3, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.3 APPLICABILITY – EXCEPTIONS.

The merit system shall apply to all employees of the state and to all positions in state government now existing or hereafter established except the following:

1. The general assembly, employees of the general assembly, other officers elected by popular vote, and persons appointed to fill vacancies in elective offices.

2. All judicial officers and court employees.

3. The staff of the governor.

4. All board members and commissioners whose appointments are provided for by the Code.

5. All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the state board of regents. The state board of regents shall adopt rules not inconsistent with the objectives of this chapter for all of its employees not cited specifically in this subsection. The rules are subject to approval by the director of the department of personnel. If at any time the director

determines that the board of regents merit system does not comply with the intent of this chapter, the director may direct the board to correct the rules. The rules of the board are not in compliance until the corrections are made.

6. All appointments which are by law made by the governor.

7. All personnel of the armed services under state jurisdiction.

8. Part-time persons who are paid a fee on a contract-for-services basis.

9. Seasonal employees appointed during the period of April 15 through October 15.

10. Residents, patients, or inmates employed in state institutions, or persons on parole employed in work experience programs for a period no longer than one year.

11. Professional employees under the supervision of the attorney general, the appellate defender, the auditor of state, the treasurer of state, and the public employment relations board. However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, are subject to the merit system.

12. Production and engineering personnel under the jurisdiction of the Iowa public broadcasting board.

13. Members of the Iowa highway safety patrol and other peace officers employed by the department of public safety. The commissioner of public safety shall adopt rules not inconsistent with the objectives of this chapter for the persons described in this subsection.

14. Professional employees of the arts division of the department of cultural affairs.

15. The chief deputy administrative officer and each division head of each executive department not otherwise specifically provided for in this section, and physicians not otherwise specifically provided for in this section. As used in this subsection, "division head" means a principal administrative position designated by a chief administrative officer and approved by the department of personnel or as specified by law.

16. All confidential employees.

17. Other employees specifically exempted by law.

The director of the department of personnel shall negotiate agreements with the administrator of the division for the blind of the department of human rights and with the director of the department of education concerning the applicability of the merit system to the professional employees of their respective agencies."

52. Page 18, by striking line 17 and inserting the following:

"19A.4 ~~MERIT EMPLOYMENT DEPARTMENT~~ PERSONNEL COMMISSION CREATED."

53. Page 18, line 22, by striking the words "merit employment" and inserting the following: "~~merit employment~~ personnel".

54. Page 18, line 25, by striking the figure "4" and inserting the figure "2".

55. Page 18, by inserting after line 26 the following:

"2. The governor shall appoint members of the ~~merit employment~~ personnel commission. Members appointed to the commission are subject to confirmation by the senate. Members shall be appointed to staggered terms of six years beginning and ending as provided in section 69.19. Where a vacancy exists, the governor shall appoint for the unexpired portion of the term."

56. Page 18, by striking lines 27 through 33.

57. Page 19, line 12, by striking the figures "3, and 4" and inserting the following: "and 3".

58. Page 20, by striking lines 12 through 21.

59. Page 20, line 25, by striking the words "~~commission~~ director" and inserting the following: "personnel commission".

60. Page 20, line 27, by striking the words "~~The director~~" and inserting the following: "The director".

61. Page 20, by striking line 28 and inserting the following: "shall prepare and submit proposed rules to the commission."

62. Page 21, lines 1 and 2, by striking the words "as approved by the executive council" and inserting the following: "~~as approved by the executive council~~".

63. Page 21, by striking lines 8 and 9 and inserting the following: "geographical area. After ~~such~~ the classification has been approved by the commission, the director shall allocate".

64. Page 21, line 17, by striking the words "~~the director. An appeal~~" and inserting the words "the director. An appeal".

65. Page 21, by striking line 18 and inserting the following: "may be made to the commission or to a qualified classification".

66. Page 21, line 19, by striking the words "~~commission~~ director" and inserting the word "commission".

67. Page 21, line 30, by striking the words "with the approval of the executive council" and inserting the following: "~~with the approval of the executive council~~".

68. Page 21, line 31, by striking the words "~~commission~~ director" and inserting the word "commission".

69. Page 22, by striking lines 1 and 2 and inserting the following: "reviewed at least once each year by the governor ~~and submitted to the executive council for continuing approval~~."

70. Page 22, by striking lines 11 through 14 and inserting the following: "the commission. ~~The pay plan becomes effective only after it has been approved by the executive council after submission from the commission.~~ Review of the pay plan for revisions shall be made".

71. Page 22, lines 23 and 24, by striking the words "~~commission~~ director" and inserting the word "commission".

72. Page 24, line 10, by striking the words "~~commission~~ director" and inserting the words "personnel commission".

73. Page 24, by striking lines 14 through 20 and inserting the following:

NEW SUBSECTION. 24. For the establishment of a career executive program whereby interested permanent merit system employees qualified by education and experience to fill upper level executive positions are designated for a career executive pool. The career executive pool may be used as a source of candidates for vacant executive level positions in the exempt service. The rules shall provide that an employee accepting an appointment to an exempt position under the career executive program may return to the employee's last merit service status within six months after the date of appointment to the exempt position."

74. By striking page 25, line 15 through page 26, line 7 and inserting the following:

"Sec. _____. Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. EMPLOYEE DISCIPLINE. A merit system employee who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

2. EMPLOYEE GRIEVANCES. A merit system employee who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was received or should

have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not grant the relief sought, the employee may, within thirty calendar days following the date of filing of the appeal, file the appeal with the public employment relations board for hearing. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of substantial compliance with this chapter and the rules of the department of personnel. Decisions by the public employment relations board constitute final agency action."

75. Page 26, by striking lines 8 through 19.

76. Page 26, line 34, by striking the words "~~commission~~ director" and inserting the word "commission".

77. Page 28, line 23, by striking the words "STATE POLICY" and inserting the following: "EQUAL OPPORTUNITY IN STATE EMPLOYMENT — AFFIRMATIVE ACTION".

78. Page 28, by inserting after line 32 the following:

"It is the policy of this state to permit special appointments by bypassing the usual testing procedures for any applicant for whom the division of vocational rehabilitation of the department of education or the commission for the blind of the department of human rights has certified the applicant's disability and competence to perform the job. The department of personnel, in cooperation with the commission for the blind and the division of vocational rehabilitation, shall develop appropriate certification procedures. This paragraph should not be interpreted to bar promotional opportunities for blind and physically or mentally disabled persons. If this paragraph conflicts with any other provisions of this chapter, the provisions of this paragraph govern."

79. Page 28, line 34, by inserting after the word "PERSONNEL" the following: "AND BOARD OF REGENTS".

80. By striking page 28, line 35 through page 30, line 3, and inserting the following:

"1. The department of personnel is responsible for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel by all state agencies except the state board of regents and the institutions under its jurisdiction. In carrying out this responsibility the department shall do all of the following with respect to state agencies other than the state board of regents and its institutions:

a. Designate a position as the state affirmative action administrator.

b. Propose affirmative action standards applicable to each state agency based on the population of the community in which the agency functions, the population served by the agency, or the persons that can be reasonably recruited.

c. Gather data necessary to maintain an ongoing assessment of affirmative action efforts in state agencies.

d. Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans of state agencies.

e. Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.

f. Establish a state recruitment coordinating committee to assist in addressing affirmative action recruitment needs, with members appointed by the director of the department of personnel.

g. Address equal opportunity and affirmative action training needs of all state agencies by:

(1) Providing appropriate training for managers and supervisors.

(2) Insuring that all state agencies make training available for all staff members whose duties relate to personnel administration.

(3) Investigating means for training in the area of career development.

h. Coordinate and develop equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-4 report required by the federal equal employment opportunity commission.

i. Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

j. Adopt equal employment opportunity and affirmative action rules in accordance with chapter 17A.

2. The state board of regents is responsible for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel by the board and the institutions under its jurisdiction. In carrying out this responsibility the board shall do all of the following with respect to the board and its institutions:

a. Designate a position as the regents' affirmative action coordinator.

b. Propose affirmative action standards applicable to the board and each institution under its jurisdiction.

c. Gather data necessary to maintain an ongoing assessment of affirmative action efforts.

d. Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.

e. Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.

f. Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.

g. Address equal opportunity and affirmative action training needs by:

(1) Providing appropriate training for managers and supervisors.

(2) Insuring that the board and its institutions make training available for all staff members whose duties relate to personnel administration.

(3) Investigating means for training in the area of career development.

h. Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-6 reports required by the federal equal employment opportunity commission.

i. Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

j. Adopt equal employment opportunity and affirmative action rules in accordance with chapter 17A."

81. Page 30, by striking lines 6 through 8 and inserting the following:

"1. Each state agency, including the state board of regents and its institutions, shall annually prepare an affirmative action plan. State agencies other than the state board of regents and its institutions shall submit their plans to the department of personnel. Institutions under the jurisdiction of the state board of regents shall submit their plans to that board. The plans shall be submitted between December 15 and December 31 each year. Each plan shall contain a clear and".

82. Page 30, line 11, by inserting after the word "agency" the following: ", including the state board of regents and its institutions,".

83. Page 30, line 16, by inserting after the word "agency" the following: "other than the state board of regents and its institutions".

84. Page 30, by striking lines 22 and 23 and inserting the following: "agencies covered by subsection 1 by January 31 of each year to the department of management.

3. The state board of regents shall submit an annual report of the affirmative action accomplishments of the board and its institutions by January 31 of each year to the department of management."

85. By striking page 30, line 24 through page 31, line 2, and inserting the following:

"Sec. _____. NEW SECTION. 19B.6 RESPONSIBILITIES OF DEPARTMENT OF MANAGEMENT — AFFIRMATIVE ACTION.

The department of management shall oversee the implementation of sections 19B.1 through 19B.5 and shall work with the governor to ensure compliance with those sections, including the attainment of affirmative action goals and timetables, by all state agencies, including the state board of regents and its institutions."

86. Page 32, by inserting after line 5 the following:

"Sec. _____. NEW SECTION. 19B.7A SANCTIONS.

The department of management may impose appropriate sanctions on individual state agencies, including the state board of regents and its institutions, in order to ensure compliance with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and requirements for procurement set-asides for targeted small businesses."

87. Page 32, line 8, by striking the words "PUBLIC INSTRUCTION" and inserting the following: "EDUCATION".

88. Page 33, by inserting after line 1 the following:

"Sec. _____. Section 20.1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:

1. Determining appropriate bargaining units and conducting representation elections.

2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter.

3. Adjudicating and serving as arbitrators regarding state merit system grievances and grievances arising under collective bargaining agreements between public employers and certified employee organizations.

4. Providing mediators, fact-finders, and arbitrators to resolve impasses in negotiations.

5. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.

6. Assisting the attorney general in the preparation of legal briefs and the presentation of oral arguments in the district court and the supreme court in cases affecting the board."

89. Page 33, by inserting before line 2 the following:

"Sec. _____. Section 20.4, subsection 10, Code 1985, is amended by striking the subsection."

90. Page 33, by striking lines 30 through 35.

91. Page 34, line 14, by striking the words "director of the department of personnel" and inserting the words "personnel commission".

92. Page 34, line 31, by inserting before the word "director" the word "the".

93. Page 35, line 4, by striking the words "director of the department of personnel" and inserting the words "personnel commission".

94. By striking page 35, line 6 through page 36, line 4.

95. Page 37, line 25, by striking the words "director of the" and inserting the following: "~~director of the~~".

96. Page 37, line 26, by striking the words "department of personnel" and inserting the words "personnel commission".

97. Page 40, by striking lines 22 through 35.

98. Page 46, line 34, by striking the words "Code Supplement 1985, is" and inserting the following: "unnumbered paragraphs 1 and 2, Code Supplement 1985, are".

99. Page 47, line 35, by striking the word "president" and inserting the following: "~~president~~ majority leader".

91. Page 48, line 4, by striking the word "president" and inserting the words "~~president~~ majority leader".

100. Page 48, by striking lines 9 through 30.

101. Page 51, by striking line 32 through page 52, line 9.

102. Page 52, by inserting before line 10 the following:

"Sec. _____. Section 601A.16, subsection 1, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the commission in accordance with section 601A.15. This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act. A complainant after the proper filing of a complaint with the commission, may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:".

103. Page 52, by inserting before line 13 the following:

"Sec. _____. Section 2.43, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The legislative council in co-operation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council ~~may~~ shall assign the use of areas in the state capitol ~~or other state buildings~~ except for the areas used by the governor and the courts as of January 1, 1986 and, in consultation with the director of the department of general services and the capitol planning commission, may assign areas in other state office buildings for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government."

104. Page 53, by inserting after line 24 the following:

"Sec. _____. Section 18.8, unnumbered paragraph 5, Code 1985, is amended to read as follows:

~~The~~ Except for buildings and grounds described in section 601B.6, subsection 9, and section 2.43, unnumbered paragraph 1, the director shall assign office space ~~in~~ at the capitol ~~building~~, other state buildings~~, except the buildings and grounds referred to in section 601B.6, subsection 9,~~ and elsewhere in the city of Des Moines, for all executive and judicial state agencies. Assignments may be changed at any time. The various officers to whom rooms have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state. The term "capitol" or "capitol building" as used in the Code shall be descriptive of all buildings upon the capitol grounds. The capitol building itself is reserved for the operations of the general assembly, the governor and the courts and the assignment and use of physical facilities for the general assembly shall be pursuant to section 2.43.

Sec. _____. Section 18.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director shall establish, publish, and enforce rules regulating, restricting, or prohibiting the use by state officials, state employees, and the public, of motor vehicle parking facilities at the state capitol complex. The assignment of legislative parking spaces shall be under the control of the legislative council. The rules established by the director may establish fines for violations and a procedure for payment of the fines. The director may order payment of a fine and enforce the order in the district court."

105. Page 53, by inserting after line 30 the following:

"Sec. _____. Section 18.133, subsection 1, Code 1985, is amended to read as follows:

1. "State communications" ~~means a system~~ refers to the transmission of voice, data, video, the written word or other visual signals by electronic means to serve ~~communications~~ the needs of state agencies but does not include communications activities ~~exempt under section 18.135, subsection 3 and~~ of the state board of regents, radio and television facilities under the ~~Iowa department~~ division of public broadcasting, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems."

106. Page 53, line 35, by inserting after the word "agencies." the following: "A political subdivision receiving communications services from the state as of April 1, 1986 may continue to do so until January 1, 1988. The rates charged to the political subdivision shall be the same as the rates charged to state agencies."

107. Page 53, by inserting after line 35 the following:

"Sec. _____. Section 18.135, subsections 2 and 3, Code 1985, is amended by striking the subsections."

108. Page 54, by striking lines 1 through 16.

109. Page 56, line 12, by inserting after the word "services." the following: "In the execution of the duties provided by this chapter, the state registrar of voters and the state commissioner of elections shall provide the maximum public access to the electoral process permitted by law."

110. By striking page 63, line 10 through page 65, line 4.

111. Page 68, line 13, by inserting after the word "revenue" the words "and finance".

112. Page 69, line 1, by striking the word "subsection" and inserting the word "subsections".

113. Page 69, by inserting after line 2 the following:

"NEW SUBSECTION. 28. Assume the accounting functions of the state comptroller's office."

114. Page 70, by inserting after line 24 the following:

"Sec. _____. NEW SECTION. 421.31 POWERS AND DUTIES.

In addition to the powers and duties transferred to the director of revenue and finance, the director has the following powers and duties:

1. AUDIT OF CLAIMS. To audit all demands by the state, and to preaudit all accounts submitted for the issuance of warrants.

2. CONTRACTS. To certify, record, and encumber all formal contracts to prevent overcommitment of appropriations and allotments.

3. ACCOUNTS. To keep the central budget and proprietary control accounts of the state government in accordance with generally accepted accounting principles. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense.

4. FAIR BOARD AND BOARD OF REGENTS. To control the financial operations of the state fair board and the institutions under the state board of regents:

a. By charging all warrants issued to the respective educational institutions and the state fair board to an advance account to be further accounted for and not as an expense which requires no further accounting.

b. By charging all collections made by the educational institutions and state fair board to the respective advance accounts of the institutions and state fair board, and by crediting all such repayment collections to the respective appropriations and special funds.

c. By charging all disbursements made to the respective allotment accounts of each educational institution or state fair board and by crediting all such disbursements to the respective advance and inventory accounts.

d. By requiring a monthly abstract of all receipts and of all disbursements, both money and stores, and a complete account-current each month from each educational institution and the state fair board.

5. CUSTODY OF RECORDS. To have the custody of all books, papers, records, documents, vouchers, conveyances, leases, mortgages, bonds, and other securities appertaining to the fiscal affairs and property of the state, which are not required to be kept in some other office.

6. APPORTIONMENT OF INTEREST. To apportion the interest of the permanent school fund on the first Monday of March of each year, among the area education agencies of this state as provided in section 302.13.

7. DEPARTMENT OF HUMAN SERVICES. Assign an employee of the department of revenue and finance to check and audit all claims against the administrators of the divisions of the department of human services controlling state institutions, before the claims are approved by the human services administrators. The director of the department of revenue and finance shall keep all records and accounts relating to the expenditures of the human services administrators. The employee, in the checking and auditing of claims against the human services directors and keeping the records and accounts of the human services administrators, is under the direction and supervision of the director of the department of revenue and finance, and acts as an agent of that director. The director of the department of human services shall furnish the employee of the director of the department of revenue and finance with office space and help and assistance as necessary to properly perform the duties specified in this subsection.

Sec. _____. NEW SECTION. 421.32 ACCOUNTING.

The director of the department of revenue and finance may at any time require any person receiving money, securities, or property belonging to the state, or having the management, disbursement, or other disposition of them, an account of which is kept in the department of revenue and finance, to render statements thereof and information in reference thereto.

Sec. _____. NEW SECTION. 421.33 STATING ACCOUNT.

If an officer who is accountable to the treasury for any money or property neglects to render an account to the director of the department of revenue and finance within the time prescribed by law, or, if no time is so prescribed, within twenty days after being required so to do by the director of the department of revenue and finance, the director of the department of revenue and finance shall state an account against the officer from the books of the officer's office, charging ten percent damages on the whole sum appearing due, and interest at the rate of six percent per annum on the aggregate from the time when the account should have been rendered; all of which may be recovered by action brought on the account, or on the official bond of the officer.

Sec. _____. NEW SECTION. 421.34 COMPELLING PAYMENT.

If an officer fails to pay into the treasury the amount received by the officer within the time prescribed by law, or, having settled with the director of the department of revenue and finance, fails to pay the amount found due, the director of the department of revenue and finance shall charge the officer with twenty percent damages on the amount due, with interest on the aggregate from the time it became due at the rate of six percent per annum, and the whole may be recovered by an action brought on the account, or on the official bond of the officer, and the officer shall forfeit the officer's commission.

Sec. _____. NEW SECTION. 421.35 DEFENSE TO CLAIM.

The penal provisions in sections 421.33 and 421.34 are subject to any legal defense which the officer may have against the account as stated by the director of the department of revenue and finance, but judgment for costs shall be rendered against the officer in the action, whatever its result, unless the officer rendered an account within the time named in those sections.

Sec. _____. NEW SECTION. 421.36 REQUESTED CREDITS — OATH REQUIRED.

When a county treasurer or other receiver of public money seeks to obtain credit on the books of the department of revenue and finance for payment made to the treasurer, before giving such credit the director of the department of revenue and finance shall require that person to take and subscribe an oath that the person has not used, loaned, nor appropriated any of the public money for the person's private benefit, nor for the benefit of any other person.

Sec. _____. NEW SECTION. 421.37 REQUISITION FOR INFORMATION.

In those cases where the director of the department of revenue and finance is authorized to call upon persons or officers for information, or statements, or accounts,

the comptroller may issue a requisition therefor in writing to the person or officer called upon, allowing reasonable time, which, having been served and return made to the director of the department of revenue and finance, as a notice in a civil action, is evidence of the making of the requisition.

Sec. _____. NEW SECTION. 421.38 LIMITS ON CLAIMS.

The director of the department of revenue and finance is limited in authorizing the payment of claims, as follows:

1. THREE MONTHS LIMIT. A claim shall not be allowed by the department of revenue and finance if the claim is presented after the lapse of three months from its accrual. However, claims by state employees for benefits pursuant to chapters 85, 85A, and 86 are subject to limitations provided in those chapters.

2. CONVENTION EXPENSES. No claims for expenses in attending conventions, meetings, conferences, or gatherings of members of any association or society organized and existing as a quasi-public association or society outside the state of Iowa shall be allowed at public expense, unless authorized by the executive council; and claims for such expenses outside of the state shall not be allowed unless the voucher is accompanied by so much of the minutes of the executive council, certified to by its secretary, showing that the expense was authorized by the council. This section does not apply to claims in favor of the governor, attorney general, Iowa state commerce commissioners, or to trips referred to in section 217.20.

3. PAYMENT FROM FEES. No claims for per diem and expenses payable from fees shall be approved for payment in excess of those fees if the law provides that such expenditures are limited to the special funds collected and deposited in the state treasury.

Sec. _____. NEW SECTION. 421.39 CLAIMS — APPROVAL.

The director of the department of revenue and finance before approving a claim shall determine:

1. That the creation of the claim is clearly authorized by law.

2. That the claim has been authorized by an officer or official body having legal authority to so authorize and that the fact of authorization has been certified to the director of the department of revenue and finance by such officer or official body.

3. That all legal requirements have been observed, including notice and opportunity for competition, if required by law.

4. That the claim is in proper form as the state comptroller may provide.

5. That the charges are reasonable, proper, and correct and no part of the claim has been paid.

Sec. _____. NEW SECTION. 421.40 VOUCHERS —INTEREST.

Before a warrant or its equivalent is issued for a claim payable from the state treasury, the department shall file an itemized voucher showing in detail the items of service, expense, thing furnished, or contract for which payment is sought. The claimant's original invoice shall be attached to a department's approved voucher. The director of the department of revenue and finance shall adopt rules specifying the form and contents for invoices submitted by a vendor to a department. The requirements apply to acceptance of an invoice by a department. A department shall not impose additional or different requirements on submission of invoices than those contained in rules of the director of the department of revenue and finance unless the director exempts the department from the invoice requirements or a part of the requirements upon a finding that compliance would result in poor accounting or management practices.

Sec. _____. NEW SECTION. 421.41 WARRANTS — FORM.

Each warrant shall bear on its face the signature or its facsimile of the director of the department of revenue and finance, or the signature or its facsimile of an assistant in case of a vacancy in the office of the director; a proper number, date, amount, and name of payee; a reference to the law under which it is drawn; whether for salaries or wages, services, or supplies, and what kind of supplies; and from what office or department, or for what other general or special purposes; or in lieu thereof, a coding system may be used, which particulars shall be entered in a warrant register kept for that purpose in the order of issuance; and as soon as practicable after issuing a warrant register, the director shall certify a duplicate of it to the treasurer.

Sec. _____. NEW SECTION. 421.42 REQUIRED PAYEE.

All warrants shall be drawn to the order of the person entitled to payment or compensation, except that when goods or material are purchased in foreign countries, warrants may be drawn upon the treasurer of state, payable to bearer for the net amount of invoice and current exchange, and the treasurer of state shall furnish a foreign draft payable to the order of the person from whom purchase is made.

Sec. _____. NEW SECTION. 421.43 PROHIBITED PAYEE.

In no case shall warrants be drawn in the name of the certifying office, department, board, or institution, or in the name of an employee of it, except for personal service rendered or expense incurred by the employee, unless there is express statutory authority therefor.

Sec. _____. NEW SECTION. 421.44 CLAIMS EXCEEDING APPROPRIATIONS.

No claim shall be allowed when the claim will exceed the amount specifically appropriated for it.

Sec. _____. NEW SECTION. 421.45 CANCELLATION OF STATE WARRANTS.

The director of the department of revenue and finance, as of March 31, June 30, September 30, and December 31 of each year shall cancel and request the treasurer of

state to stop payment on all state warrants which have been outstanding and unredeemed by the state treasurer for one year or longer."

115. By striking page 70, line 30 through page 71, line 5.

116. Page 71, by inserting after line 20 the following:

"Sec. _____. Section 426.6, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The agricultural land tax credit allowed each year shall be computed as follows: On or before the first of June the county auditor shall list by school districts all tracts of agricultural lands which they are entitled to credit ~~hereunder~~, together with the taxable value for the previous year, together with the budget from each school district for the previous year, and the tax rate determined for the general fund of the district in the manner prescribed in section 444.3 for the previous year, and if such tax rate is in excess of five dollars and forty cents per thousand dollars of assessed value, the auditor shall multiply the tax levy which is in excess of five dollars and forty cents per thousand dollars of assessed value by the total taxable value of the agricultural lands entitled to credit ~~hereunder~~ in the district, and on or before the first of June certify the amount ~~thereof~~ to the ~~state comptroller~~ department of revenue and finance.

Sec. _____. Section 426.8, Code 1985, is amended to read as follows:

426.8 APPORTIONMENT BY AUDITOR.

Upon receiving the pro rata percentage from the ~~state comptroller~~ director of revenue and finance, the county auditor shall determine the amount ~~thereof~~ to be credited to each tract of agricultural land, and shall enter upon tax lists as a credit against the tax levied on each tract of agricultural land on which there has been made an allowance of credit before delivering said tax lists to the county treasurer. Upon receipt of the ~~comptroller's~~ director's warrant by the county auditor, the auditor shall deliver said warrant to the county treasurer for apportionment. The county treasurer shall show on each tax receipt the amount of tax credit for each tract of agricultural land. In case of change of ownership the credit shall follow the title.

Sec. _____. Section 426.10, Code 1985, is amended to read as follows:

426.10 RULES PRESCRIBED.

The ~~state comptroller~~ director of revenue and finance shall ~~have the power and authority to~~ prescribe forms and rules, not inconsistent with ~~the provisions of~~ this chapter, necessary to carry out ~~and effectuate~~ its purposes.

Sec. _____. Section 427.17, subsection 3, Code 1985, is amended to read as follows:

3. On or before January 15, 1974, the county auditor of each county shall prepare a statement listing for each taxing district in the county the assessed or taxable values of all livestock assessed for taxation as of January 1, 1973. The statement shall also show the tax rates of the various taxing districts and the total amount of taxes which in the absence of this section would have been levied upon livestock assessed as of

January 1, 1973. The county auditor shall certify and forward copies of the statement to the director of revenue and finance not later than January 15, 1974. The director of revenue and finance shall compute the applicable tax credit and ~~certify to the state comptroller~~ the amount due to each taxing district, which amount shall be the dollar amount which would be payable if all livestock so assessed were taxed, based upon those assessed as of January 1, 1973.

Sec. _____. Section 427A.6, Code 1985, is amended to read as follows:

427A.6 LISTING BY AUDITOR.

On or before July 1 of each year, the auditor of each county shall prepare a statement listing for each taxing district in the county all personal property upon which taxes shall not be collected due to the tax credit granted in this chapter. The statement shall show the tax rates of the various taxing districts and the total amount of taxes which shall not be collected in each district because of the tax credit. The auditor shall certify and forward one copy of the statement to the ~~state comptroller~~ department of revenue and finance on or before July 15 of each year. The department of revenue and finance shall ~~have the responsibility of auditing~~ audit credits allowed in all counties in the state and the assessed values and assessment practices which affect the amounts of credits and the audit shall be completed within twenty-four months from July 1 of the year the claims were filed. A copy of the audit containing disallowed credits shall be sent to the county auditor, and the county treasurer ~~and state comptroller,~~ and ~~the individuals~~ these officers shall be directed to correct their books and records accordingly. A written notice of a disallowance shall be mailed by ordinary mail to the claimant at the claimant's last known address. The amount of any erroneous credit shall be charged to the county ~~by the state comptroller~~. The director of revenue and finance shall disallow any claim ~~where~~ if the audit or investigation revealed that the claimant was not entitled to the credit claimed. ~~Persons and business enterprises~~ Claimants may appeal any disallowed personal property credit to the state board of tax review.

Sec. _____. Section 427B.11, unnumbered paragraph 3, Code 1985, is amended to read as follows:

The county auditor shall certify and forward one copy of the statement to the ~~state comptroller~~ department of revenue and finance not later than July 1 of each year."

117. Page 75, by inserting after line 6 the following new section:

"Sec. _____. Sections 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, and 8.20, Code 1985, are repealed."

118. Page 75, line 7, by striking the word "AUDITS" and inserting the following: "INSPECTIONS".

119. Page 75, line 13, by striking the word "audits" and inserting the following: "inspections".

120. Page 75, line 15, by striking the word "audits" and inserting the following: "inspections".

121. Page 75, line 19, by striking the word "audits" and inserting the following: "inspections".

122. Page 77, by striking lines 7 through 11 and inserting the following: "denial, suspension, or revocation of a license. Hospital records, medical records, or the condition, diagnosis, care, or treatment of a patient or former patient or counselee, or former counselee, including outpatient, shall not be disclosed to the general public. This shall not be construed to prohibit the division from releasing the minimal amount of information necessary in its judgment to conduct audits, inspections, investigations, appeals and hearings, and shall not prohibit the introduction of such information as evidence at any hearing conducted by the department. The department may provide the".

123. Page 77, line 35, by striking the word "audits" and inserting the following: "inspections".

124. Page 78, line 26, by striking the words "Hearings and appeals" and inserting the following: "Appeals".

125. Page 78, by striking lines 32 and 33 and inserting the following:

"Judicial review of the division's actions in these areas may be sought in accordance with the terms of chapter 17A."

126. Page 79, by striking lines 5 through 7 and inserting the following: "facilities. Decisions of the division in this area are subject to review by the department of inspections and appeals.

h. Hearings and appeals relative to the administration of the department of public health. Decisions of the division in this area are subject to review by the department of public health."

127. Page 80, line 5, by striking the word "audits" and inserting the following: "inspections".

128. Page 80, line 29, by striking the word "audits" and inserting the following: "inspections".

129. Page 81, line 30, by striking the word "audits" and inserting the following: "inspections".

130. Page 82, by inserting after line 9 the following: "The division shall be the sole designated licensing authority for these programs and facilities."

131. Page 82, line 23, by striking the word "audits" and inserting the following: "inspections".

132. Page 85, line 15, by striking the word "audits" and inserting the following: "inspections".

133. Page 85, line 25, by striking the word "audits" and inserting the following: "inspections".

134. Page 85, by inserting after line 27 the following:

"Sec. _____. Section 17A.16, subsection 2, Code 1985, is amended to read as follows:

2. Any party may file an application for rehearing, stating the specific grounds therefor and the relief sought, within twenty days after the issuance of any final decision by the agency in a contested case. A copy of such application shall be timely mailed by the ~~applicant~~ presiding agency to all parties of record not joining therein. Such an application for rehearing shall be deemed to have been denied unless the agency grants the application within twenty days after its filing."

135. Page 85, line 34, by striking the word "audits" and inserting the following: "inspections".

136. Page 87, line 30, by striking the word "audits" and inserting the following: "inspections".

137. Page 89, line 22, by striking the word "audits" and inserting the following: "inspections".

138. Page 89, by inserting after line 34 the following:

"Sec. _____. Section 170.1, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 3. "Retail food store sanitation code" means the retail food store sanitation code recommended by the food and drug administration in 1982.

NEW SUBSECTION. 4. "Department" means the department of inspections and appeals.

NEW SUBSECTION. 5. "Director" means the director of the department of inspections and appeals.

Sec. _____. Section 170.2, Code 1985, is amended to read as follows:

170.2 LICENSE REQUIRED.

~~No~~ A person shall not open or operate a food establishment until a license has been obtained from the department of ~~agriculture~~ inspections and appeals. ~~Each~~ A license shall expire one year from date of issue. A license is renewable. This section ~~shall~~ does not require the licensing of establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to section 189A.3.

Sec. _____. Section 170.4, Code 1985, is amended to read as follows:

170.4 OPERATION WITHOUT INSPECTION OR LICENSE.

~~No~~ A person shall not open or operate a food establishment until inspection has been made by the department of ~~agriculture~~ inspections and appeals. Inspections shall be conducted according to the standards of the retail food store sanitation code.

Sec. _____. Section 170.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A food establishment under section 170.2 which is also considered a food service establishment under section 170A.2 shall be inspected by the department, or a local board of health which has contracted with the department, for both purposes at the same time.

Sec. _____. Section 170.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department of ~~agriculture~~ inspections and appeals shall collect the following fees for licenses:

Sec. _____. Section 170.46, Code 1985, is amended to read as follows:

170.46 ~~ANNUAL~~ REGULAR INSPECTION.

The department shall ~~inspect~~ provide for the inspection of each food establishment in the state ~~at least once each calendar year~~ in accordance with the standards of the retail food store sanitation code. The inspector may enter the food establishment at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection.

Sec. _____. NEW SECTION. 170.55 AUTHORITY TO ENFORCE THE RETAIL FOOD STORE SANITATION CODE.

The director has sole and exclusive authority to regulate, license, and inspect food establishments and to enforce the retail food store sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from food establishments except as provided for in agreements entered into between the director and the municipal corporations.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the retail food store sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the director. The director may enter into such an agreement if the director finds that the local board of health has adequate resources to perform the required functions.

Sec. _____. Section 170A.2, subsections 2, 3, 5, and 10, Code 1985, are amended to read as follows:

2. "~~Secretary~~ Director" means the ~~secretary of agriculture~~ director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

3. "Department" means the department of ~~agriculture~~ inspections and appeals.

5. "Food service establishment" means ~~any~~ a place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is

on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service and food service operations in schools and summer camps. The term does not include private homes where food is prepared or stored for individual family consumption, ~~retail food stores,~~ the location of food vending machines, ~~and~~ supply vehicles, and retail food stores except grocery stores and convenience stores which include delicatessen-type operations or otherwise prepare food which is intended for individual portion service. The term does not include child day care facilities, and food service facilities subject to inspection by other agencies of the state and located in nursing homes, health care facilities, or hospitals.

10. "Regulatory authority" means the ~~state~~ department ~~of agriculture~~ or a local board of health that has entered into an agreement with the ~~secretary of agriculture~~ director pursuant to section 170A.4 for authority to enforce the Iowa food service sanitation code in its jurisdiction.

Sec. _____. Section 170A.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

As soon as practicable, the ~~secretary~~ director shall adopt the food service sanitation ordinance, ~~[~~section 170A.2~~(12)]~~, subsection 12, by rule as part of the Iowa food service sanitation code with the following exceptions:

Sec. _____. Section 170A.4, unnumbered paragraphs 1 through 4, Code 1985, are amended to read as follows:

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect food service establishments and ~~to~~ enforce the Iowa food service sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from food service establishments except as provided for in the Iowa food service sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa food service sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the ~~secretary~~ director. The ~~secretary~~ director may enter into such an agreement if the ~~secretary~~ director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa food service sanitation code if it also agrees to enforce the Iowa hotel sanitation code pursuant to section 170B.3 and ~~to enforce~~ the food and beverage vending machine laws pursuant to section 191A.14. To avoid duplication of inspection, the department, not a local board of health, shall inspect a food service establishment located within a food establishment, unless a local board of health has contracted with the department for inspections of food establishments and food service establishments.

If the ~~secretary~~ director enters into an agreement with a municipal corporation as provided by this section, the ~~secretary~~ director shall cause the inspection practices of a municipal corporation to be spot checked on a regular basis.

~~Each~~ A local board of health that is responsible for enforcing the Iowa food service sanitation code within its jurisdiction pursuant to an agreement shall make an annual report to the ~~secretary~~ director providing the following information:

Sec. _____. Section 170A.4, subsection 4 and unnumbered paragraph 5, Code 1985, are amended to read as follows:

4. Other information the ~~secretary~~ director requests.

The ~~secretary~~ director shall monitor local boards of health to determine if they are enforcing the Iowa food service sanitation code within their respective jurisdictions. If the ~~secretary~~ director determines that the Iowa food service sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the ~~secretary~~ director determines that the Iowa food service sanitation code is not enforced by a local board of health, the ~~secretary~~ director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the ~~secretary~~ director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. _____. Section 170A.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A food service establishment under section 170A.2 which is also considered a food establishment under section 170.2 shall be inspected by the department for both purposes at the same time.

Sec. _____. Section 170B.2, subsections 1, 2, and 7, Code 1985, are amended to read as follows:

1. "~~Secretary~~ Director" means the ~~secretary of agriculture~~ director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

2. "Department" means the department of ~~agriculture~~ inspections and appeals.

7. "Regulatory authority" means the ~~state~~ department ~~of agriculture~~ or a local board of health that has entered into an agreement with the ~~secretary~~ director pursuant to section 170B.3 for authority to enforce the Iowa hotel sanitation code in its jurisdiction.

Sec. _____. Section 170B.3, unnumbered paragraphs 1, 2, and 3, Code 1985, are amended to read as follows:

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect hotels and ~~to~~ enforce the Iowa hotel sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from hotels except as provided for in the Iowa hotel sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the ~~secretary~~ director. The ~~secretary~~ director may enter into the agreement if the ~~secretary~~ director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food service sanitation code pursuant to section 170A.4 and ~~to enforce~~ the food and beverage vending machine laws pursuant to section 191A.14.

~~Each~~ A local board of health that is responsible for enforcing the Iowa hotel sanitation code within its jurisdiction, pursuant to an agreement, shall make an annual report to the ~~secretary~~ director providing the following information:

Sec. _____. Section 170B.3, subsection 4 and unnumbered paragraph 4, Code 1985, are amended to read as follows:

4. Other information the ~~secretary~~ director requests.

The ~~secretary~~ director shall monitor local boards of health to determine if they are enforcing the Iowa hotel sanitation code within their respective jurisdictions. If the ~~secretary~~ director determines that the Iowa hotel sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the ~~secretary~~ director determines that the Iowa hotel sanitation code is not enforced by a local board of health, the ~~secretary~~ director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the ~~secretary~~ director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. _____. Section 191A.1, subsections 2, 3, and 10, Code 1985, are amended to read as follows:

2. "~~Secretary~~ Director" means the ~~secretary of agriculture~~ director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

3. "Department" means the department of ~~agriculture~~ inspections and appeals.

10. "Regulatory authority" means the ~~state~~ department ~~of agriculture~~ or a local board of health that has entered into an agreement with the ~~secretary of agriculture~~ director pursuant to section 191A.14 for authority to enforce the food and beverage vending machine laws in its jurisdiction.

Sec. _____. Section 191A.3, Code 1985, is amended to read as follows:

191A.3 APPLICATION.

An application for a vending machine operator's license shall be made upon a form furnished by the regulatory authority. The application form shall provide for obtaining information relating to ownership of commissaries, location of commissaries, location of shops and other servicing centers, and the total number of licensable vending machines by general product type owned and operated by the applicant and other information required by the ~~secretary~~ director. The operator shall agree in the application to maintain within the jurisdiction of the regulatory authority a complete list of all vending machines and machine locations operated by the applicant and to make the list available to the regulatory authority at the time of inspection or auditing.

Sec. _____. Section 191A.7, Code 1985, is amended to read as follows:

191A.7 DISCIPLINARY ACTION.

A license issued under this chapter may be revoked by the regulatory authority for violation by the licensee of a provision of this chapter or an applicable rule of the department. In lieu of license revocation, the regulatory authority may require the immediate discontinuance of operation of a vending machine or commissary ~~whenever~~ if it finds unsanitary conditions or other conditions which constitute a substantial hazard to the public health. The order shall apply only to the vending machines, commissary, or product involved. A person whose license is revoked, or who is ordered to discontinue the operation of a vending machine or commissary, may appeal that decision to the ~~secretary~~ director. The ~~secretary~~ director or the ~~secretary's designee~~ chief hearing officer of the department shall schedule and hold a hearing upon the appeal not later than thirty days from the time of revocation or the order of discontinuance. The ~~secretary~~ director or the chief hearing officer shall issue a decision immediately following the hearing. Judicial review may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. _____. Section 191A.14, Code 1985, is amended to read as follows:

191A.14 AUTHORITY TO ENFORCE THE FOOD AND BEVERAGE VENDING MACHINE LAWS.

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect food and beverage vending machines and operators and to otherwise enforce the food and beverage vending machine laws. Municipal corporations shall not regulate, license, inspect, or collect license fees for food and beverage vending machines or their operation except pursuant to this section.

If a municipal corporation wants its local board of health to enforce the food and beverage vending machine laws within its jurisdiction, the municipal corporation may enter into an agreement to do so with the ~~secretary~~ director. The ~~secretary~~ director may enter into such an agreement if the ~~secretary~~ director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the food and beverage vending machine laws if it also agrees to enforce the Iowa food service sanitation code pursuant to section 170A.4 and to enforce the Iowa hotel sanitation code pursuant to section 170B.3.

~~Each~~ A local board of health that is responsible for enforcing the food and beverage vending machine laws within its jurisdiction pursuant to an agreement shall make an annual report to the ~~secretary~~ director providing the following information:

1. The total number of food or beverage vending machine operator's licenses granted or renewed during the year.

2. The amount of money collected in license fees during the year.

3. Other information the ~~secretary~~ director requests.

The ~~secretary~~ director shall monitor local boards of health to determine if they are enforcing the food and beverage vending machine laws within their respective jurisdictions. If the ~~secretary~~ director determines that the food and beverage vending machine laws are enforced by a local board of health, the ~~secretary~~ director shall accept such enforcement in lieu of enforcement by the department in that jurisdiction.

If the ~~secretary~~ director determines that the food and beverage vending machine laws are not enforced by a local board of health, the ~~secretary~~ director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the ~~secretary~~ director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. _____. The department shall develop and adopt procedures and guidelines for contract agreements with local boards of health under section 170.55 no later than January 1, 1987."

139. Page 90, line 4, by striking the word "audits" and inserting the following: "inspections".

140. Page 90, line 18, by striking the word "audits" and inserting the following: "inspections".

141. Page 90, line 26, by inserting after the word "AGRICULTURE" the following: "AND LAND STEWARDSHIP".

142. Page 90, by inserting after line 26 the following:

"Sec. _____. Section 83.2, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "~~Department~~ Division" means the ~~department~~ division of soil conservation within the department of agriculture and land stewardship.

3. "~~Director~~ Administrator" means the ~~administrative officer~~ division administrator of the ~~department~~ division of soil conservation or a designee.

Sec. _____. Section 83A.2, subsections 1 and 5, Code Supplement 1985, are amended to read as follows:

1. "Administrator" means the ~~administrative officer~~ division administrator of the ~~department responsible for administration or enforcement of this chapter or that officer's~~ division of soil conservation or a designee.

5. "~~Department~~ Division" means the ~~department~~ division of soil conservation within the department of agriculture and land stewardship.

Sec. _____. Sections 83A.4 and 83A.5, Code 1985, are repealed. Sections 83A.3 and 83A.6, Code Supplement 1985, are repealed.

Sec. _____. Section 159.1, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "Secretary" ~~shall mean~~ means the secretary of agriculture.

2. "Department" ~~shall mean~~ means the ~~Iowa~~ department of agriculture and land stewardship and ~~wherever such~~ if the department is required or authorized to do an act, unless otherwise provided, ~~it shall be construed as authorizing performance~~ the act may be performed by an officer, regular assistant, or duly authorized agent of ~~such~~ the department.

Sec. _____. Section 159.2, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. To encourage a relationship between people and the land that recognizes land as a resource to be managed in a manner that avoids irreparable harm.

3. To develop and implement policies that inspire public confidence in the long-term future of agriculture as an economic activity as well as a way of life.

Sec. _____. Section 159.3, Code 1985, is amended to read as follows:

159.3 ~~CO-OPERATION~~ COOPERATION.

The department ~~of agriculture~~ and the Iowa ~~State University~~ state university of science and technology shall ~~co-operate~~ cooperate in all ways that may be beneficial to the agricultural interests of the state, but without duplicating research or educational work conducted by ~~said~~ the university. ~~Nothing herein contained shall be construed to~~ This section does not subordinate either the department or the university in their ~~several~~ spheres of action.

The department ~~of agriculture is hereby authorized to co-operate~~ may cooperate with the United States department of agriculture as the ~~Iowa~~ department ~~may deem~~ deems wise and just.

Sec. _____. Section 159.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The secretary of agriculture ~~shall be~~ is the head of the department of agriculture and land stewardship which shall:

Sec. _____. Section 159.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 2B. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary and shall serve at the pleasure of the secretary."

143. Page 90, by inserting after line 28 the following:

"12A. Coal mining and mines as set forth in chapters 83 and 83A."

144. Page 90, by inserting after line 34 the following:

"Sec. _____. Section 159.20, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

159.20 POWERS OF DIVISION.

A farm commodity division, hereinafter referred to as the division, is created within the Iowa department of agriculture and land stewardship. It is the duty of the division to do or cause to be done those things designed to lead to more advantageous marketing of Iowa farm commodities. To implement this purpose the division is authorized to:

1. Investigate the subject of marketing farm commodities.

2. Promote their sales, distribution and merchandising.

3. Furnish information and assistance concerning farm commodities to the public.

4. Cooperate with the college of agriculture of the Iowa state university of science and technology in its farm marketing education and research.

5. Gather and diffuse useful information concerning all phases of the marketing of Iowa farm commodities in cooperation with other public or private agencies and, in that context, establish a farm commodity informational data base.

6. Investigate methods and practices in connection with the processing, handling, grading, classifying, sorting, weighing, packing, transportation, storage, inspection, and merchandising of farm commodities within this state.

7. Ascertain sources of supply of Iowa farm commodities, and prepare and periodically publish lists of names and addresses of producers and consignors of farm commodities, to be available upon request.

8. Perform inspection or grading, or both, of any farm commodity if requested by the person engaged in the production, marketing, or processing of the farm commodity, except that the person shall pay for the services as provided by the rules of the department.

9. Cooperate with the department of economic development to avoid duplication of efforts between the division and the agricultural marketing program operated by the department of economic development.

The division shall have a division administrator appointed by the secretary of agriculture.

As used in this division of this chapter, "farm commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels. "Commercial channels" means the processes of sale of a farm commodity or unprocessed product from the farm commodity to any person, public or private, who resells the farm commodity for breeding, processing, slaughter, or distribution.

Sec. _____. Section 162.2, subsection 10, Code 1985, is amended by striking the subsection.

Sec. _____. Section 163.26, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. _____. Section 163.35, subsection 2, Code 1985, is amended by striking the subsection.

Sec. _____. Section 163A.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 164.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 165.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~It shall be the duty of each and every~~ An owner of dairy or breeding cattle in the state ~~to~~ shall conform to and abide by the rules laid down by the ~~state~~ department and the federal ~~departments~~ department of agriculture and follow their instructions designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

Sec. _____. Section 165.15, Code 1985, is amended to read as follows:

165.15 ACCREDITED VETERINARIAN.

An accredited veterinarian is one who has successfully passed an examination set by the ~~state~~ department and the federal ~~departments~~ department of agriculture and ~~is authorized to~~ may make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

Sec. _____. Section 166A.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 166B.1, subsection 3, Code 1985, is amended by striking the subsection.

Sec. _____. Section 166C.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. _____. Section 168.1, subsection 2, Code 1985, is amended by striking the subsection.

Sec. _____. Section 172.1, subsection 4, Code 1985, is amended by striking the subsection.

Sec. _____. Section 172A.1, subsections 5 and 6, Code 1985, are amended by striking the subsections.

Sec. _____. Section 172B.1, subsection 4, Code 1985, is amended by striking the subsection."

145. Page 91, line 3, by inserting after the word "agriculture" the words "and land stewardship".

146. Page 91, by inserting after line 3 the following:

"Sec. _____. Section 173.1, subsections 1 and 4, Code 1985, are amended by striking the subsections and inserting in lieu thereof the following:

1. The governor of the state, the secretary of agriculture, and the president of the Iowa state university of science and technology or their qualified representatives, who shall serve as nonvoting members of the board.

4. A secretary appointed by the secretary of agriculture from a list of three candidates nominated by the voting members of the board. The secretary of the board is a nonvoting member of the board.

5. A treasurer elected by the voting members of the board, who is a nonvoting member of the board.

Sec. _____. Section 173.9, unnumbered paragraph 1, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

The secretary of the board shall serve at the pleasure of the secretary of agriculture. However, the voting members of the board shall make an annual recommendation to the secretary of agriculture as to whether the secretary of the board should be retained. The secretary of the board shall:

Sec. _____. Section 175.2, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Authority" means the ~~Iowa family farm~~ agricultural development authority established in section 175.3.

Sec. _____. Section 175.3, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The ~~Iowa family farm~~ agricultural development authority is established~~, and~~ within the department of agriculture and land stewardship. The authority is constituted a public instrumentality and agency of the state exercising public and essential governmental functions. The authority is established to undertake programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming, and programs which provide financing to farmers for permanent soil and water conservation practices on agricultural land within the state or for the acquisition of conservation farm equipment. The powers of the authority are vested in and exercised by a board of eleven members with nine members appointed by the governor subject to confirmation by the senate. The treasurer of state or the treasurer's designee and the secretary of agriculture or the secretary's designee are ex officio nonvoting members. No more than five appointed members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, and other persons specially interested in family farm development.

Sec. _____. Section 175.7, subsection 1, Code 1985, is amended to read as follows:

1. The ~~governor, subject to confirmation by the senate,~~ secretary of agriculture shall appoint an executive director of the authority, who shall serve at the pleasure of the ~~governor~~ secretary. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affilia-

tion. The executive director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

Sec. _____. Section 182.1, subsection 8, Code Supplement 1985, is amended by striking the subsection.

Sec. _____. Section 183A.1, subsection 7, Code Supplement 1985, is amended by striking the subsection.

Sec. _____. Section 185.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 185C.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 187.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 189.1, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "Department" ~~shall mean~~ means the department of agriculture, and land stewardship, and, ~~wherever said~~ if the department is required or authorized to do an act, ~~it shall be construed as authorizing performance~~ the act may be performed by a regular assistant or a duly authorized agent of ~~said~~ the department.

3. "Secretary" ~~shall mean~~ means the secretary of agriculture.

Sec. _____. Section 189A.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. _____. Section 192A.1, subsections 2 and 3, Code 1985, are amended by striking the subsections.

Sec. _____. Section 194.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 195.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 196A.1, subsection 7, Code 1985, is amended by striking the subsection.

Sec. _____. Section 198.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. _____. Section 206.2, subsections 9 and 10, Code 1985, are amended by striking the subsections.

Sec. _____. Section 214A.1, subsection 2, Code Supplement 1985, is amended by striking the subsection.

Sec. _____. Section 467A.2, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

467A.2 DECLARATION OF POLICY.

It is hereby declared to be the policy of the legislature to integrate the conservation of soil and water resources into the production of agricultural commodities to insure the long term protection of the soil and water resources of the state of Iowa, and to encourage the development of farm management and agricultural practices that are consistent with the capability of the land to sustain agriculture, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist and maintain the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and promote the health, safety and public welfare of the people of this state."

147. Page 91, line 8, by inserting after the word "agriculture" the words "and land stewardship".

148. Page 91, by inserting after line 8 the following:

"Sec. _____. Section 467A.3, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Division" means the division of soil conservation created within the department."

149. Page 91, by striking lines 12 through 20, and inserting the following: "~~state and~~ The soil conservation division is established within the department to perform the functions conferred upon it in ~~this chapter, the department of soil conservation~~ chapters 83, 83A, and 467A through 467D. The ~~department~~ division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the ~~department~~ division for the administration of chapters 83, 83A, and 467A through 467D before the rules are adopted pursuant to chapter 17A. The state soil conservation committee ~~shall~~".

150. Page 91, line 21, by striking the word "nine" and inserting the words "ten other".

151. Page 91, lines 23 and 24, by striking the words "state agricultural extension service" and inserting the words "~~state agricultural~~ Iowa cooperative extension service in agriculture and home economics".

152. Page 91, line 29, by striking the word "Seven" and inserting the word "Nine".

153. Page 91, by striking line 35 and inserting the following: "county. The seventh, ~~and~~ eighth, and ninth appointive members".

154. Page 92, lines 1 and 2, by striking the words "~~with one appointed~~" and inserting the following: "with one appointed".

155. Page 92, line 2, by striking the words "~~and one~~" and inserting the words "~~and~~, one".

156. Page 92, by striking line 3, and inserting the following: "appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming operations. The".

157. Page 92, line 19, by striking the word "department" and inserting the words "~~department~~ division".

158. Page 94, line 8, by striking the words "department ~~of soil conservation~~" and inserting the words "~~department~~ division of soil conservation".

159. Page 94, line 9, by striking the word "department" and inserting the word "division".

160. Page 94, line 28, by striking the word "department" and inserting the word "division".

161. Page 95, line 8, by striking the word "department" and inserting the word "division".

162. Page 95, line 14, by striking the words "department, the department" and inserting the word "division, the ~~department~~ division".

163. Page 96, line 2, by striking the word "department" and inserting the word "division".

164. Page 96, line 11, by striking the word "department" and inserting the word "division".

165. Page 96, line 12, by striking the word "department" and inserting the word "division".

166. Page 96, line 29, by striking the word "department" and inserting the word "division".

167. Page 96, line 31, by striking the word "department" and inserting the word "division".

168. Page 97, line 3, by striking the word "department" and inserting the word "division".

169. Page 97, line 12, by striking the word "department" and inserting the word "division".

170. Page 97, line 20, by striking the word "department" and inserting the word "division".

171. Page 97, line 29, by striking the word "department" and inserting the word "division".

172. By striking page 97, line 34, and inserting the following: "division, and the estimates of the ~~committee~~ division as".

173. Page 98, line 1, by striking the word "department" and inserting the words "~~department~~ division".

174. Page 98, by inserting after line 2 the following:

"Sec. _____. Section 467A.42, subsection 1, Code 1985, is amended to read as follows:

1. "Soil loss limit" means the maximum amount of soil loss due to erosion by water or wind, expressed in terms of tons per acre per year, which the commissioners of the respective soil conservation districts shall determine is acceptable in order to meet the objectives expressed in section 467D.1, Code 1985."

175. Page 98, line 9, by striking the word "department" and inserting the word "division".

176. Page 98, line 14, by striking the word "department" and inserting the word "division".

177. Page 98, line 19, by striking the word "department" and inserting the word "division".

178. Page 98, line 24, by striking the word "department" and inserting the word "division".

179. Page 98, line 29, by striking the word "department" and inserting the word "division".

180. Page 98, line 34, by striking the word "DEPARTMENT" and inserting the word "DIVISION".

181. Page 99, line 3, by striking the word "department" and inserting the word "division".

182. Page 99, line 4, by striking the word "department" and inserting the word "division".

183. Page 99, line 5, by striking the word "department" and inserting the word "division".

184. Page 99, line 30, by striking the word "department" and inserting the word "division".

185. Page 100, line 10, by striking the word "department" and inserting the word "division".

186. Page 100, line 19, by striking the word "department" and inserting the word "division".

187. By striking page 101, line 5 through page 102, line 4.

188. Page 102, line 7, by striking the word "department" and inserting the word "division".

189. Page 102, by inserting after line 7 the following:

"Sec. _____. Section 467D.2, subsection 1, Code 1985, is amended to read as follows:

1. "~~Conservancy~~ Watershed planning district" means one of the six ~~conservancy~~ watershed planning districts established by section 467D.3."

190. Page 102, by striking lines 9 through 12 and inserting the following: "amended by striking the subsection and inserting in lieu thereof the following:

4. "Division" means the division of soil conservation established within the department of agriculture and land stewardship."

191. Page 102, by inserting before line 13 the following:

"Sec. _____. Section 467D.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

In furtherance of the policy set forth in section 467D.1, the entire area of the state of Iowa shall be divided into six ~~conservancy~~ watershed planning districts, and the same are hereby established as political subdivisions of the state of Iowa, as follows:".

192. Page 104, by inserting after line 2 the following:

"Sec. _____. Effective July 1, 1988, section 455B.280 and chapter 467D, Code 1985, are repealed, and section 467A.4, subsection 4, paragraphs "g" through "m", Code Supplement 1985, are amended by striking the paragraphs."

193. Page 104, line 6, by inserting after the word "agriculture" the words "and land stewardship".

194. Page 104, line 11, by inserting after the word "agriculture" the words "and land stewardship".

195. Page 104, line 15, by inserting after the word "agriculture" the words "and land stewardship".

196. By striking page 104, line 16 through page 105, line 31 and inserting the following:

"DEPARTMENT OF COMMERCE

Sec. 701. NEW SECTION. 546.1 DEFINITIONS.

When used in this chapter, unless the context otherwise requires:

1. "Department" means the department of commerce.

2. "Director" means the director of the department of commerce.

Sec. 702. NEW SECTION. 546.2 DEPARTMENT OF COMMERCE.

1. A department of commerce is created to coordinate and administer the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state.

2. The chief administrative officer of the department is the director. The director shall be appointed by the governor, subject to the confirmation of the senate, and shall serve at the pleasure of the governor. The director is subject to reconfirmation after four years in office. The director shall be appointed on the basis of executive and administrative abilities but shall not have been an officer or employee of any bank, credit union, savings and loan association, or insurance company. The salary shall be fixed by the governor within a range established by the general assembly.

3. The department is administratively organized into the following divisions:

a. Banking.

b. Credit union.

c. Savings and loan.

d. Gaming.

e. Utilities.

f. Insurance.

g. Alcoholic beverages.

h. Professional licensing and regulation.

4. The director shall have the following responsibilities:

a. To establish general operating policies for the department to provide general uniformity among the divisions while providing for necessary flexibility.

b. To assemble a department structure and strategic plan that will provide optimal decentralization of responsibilities and authorities with sufficient coordination for appropriate growth and development.

c. To coordinate personnel services and shared administrative support services to assure maximum support and assistance to the divisions.

d. To coordinate the development of an annual budget which quantifies the operational plans of the divisions.

e. To identify and, with the chief administrative officers of each division, facilitate the opportunities for consolidation and efficiencies within the department.

f. To maintain monitoring and control systems, procedures, and policies which will permit each level of responsibility to quickly and precisely measure its results with its plan and standards.

5. The chief administrative officer of each division shall have the following responsibilities:

a. To make rules pursuant to chapter 17A except to the extent that rulemaking authority is vested in a policymaking commission.

b. To hire, allocate, develop, and supervise employees of the division necessary to perform duties assigned to the division by law.

c. To supervise and direct personnel and other resources to accomplish duties assigned to the division by law.

d. To establish fees assessed to the regulated industry except to the extent this power is vested in a policymaking commission.

6. Each division is responsible for policymaking and enforcement duties assigned to the division under the law. Except as provided in section 546.11, subsection 3:

a. Each division shall adopt rules pursuant to chapter 17A to implement its duties.

b. Decisions by the divisions are final agency actions pursuant to chapter 17A."

197. Page 106, line 29, by striking the words "COMMERCE COMMISSION" and inserting the following: "UTILITIES".

198. Page 106, line 31, by striking the words "commerce commission" and inserting the following: "utilities".

199. Page 107, line 1, by striking the word "commission" and inserting the following: "governor".

200. Page 107, line 11, by striking the words "BEER AND LIQUOR CONTROL" and inserting the following: "ALCOHOLIC BEVERAGES".

201. Page 107, line 13, by striking the words "beer and liquor control" and inserting the following: "alcoholic beverages".

202. Page 107, line 15, by striking the words "beer and liquor control" and inserting the following: "alcoholic beverages".

203. Page 107, lines 16 and 17, by striking the words "beer and liquor control" and inserting the following: "alcoholic beverages".

204. Page 108, line 21, by striking the words "and industry".

205. Page 109, by inserting after line 15 the following:

"Sec. _____. Section 99D.5, subsection 1, Code 1985, is amended to read as follows:

1. ~~There is created a~~ A state racing commission is created within the department of commerce consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19."

206. Page 109, line 24, by striking the words "the commission" and inserting the following: "~~the commission~~ each member".

207. Page 109, by inserting after line 30 the following:

"Sec. _____. Section 99D.6, Code 1985, is amended to read as follows:

99D.6 CHAIRPERSON — ADMINISTRATOR — EMPLOYEES —DUTIES —BOND.

The commission shall elect in July of each year one of its members chairperson for the succeeding year. The commission ~~may employ a secretary and~~ shall appoint an administrator of the gaming division of the department of commerce subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator may hire other assistants and employees as necessary to carry out ~~its~~ the division's duties. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the ~~commission~~ division if the commission deems it necessary. The ~~secretary~~ administrator shall keep a record of the proceedings of the commission, and preserve the books, records, and documents entrusted to the ~~secretary's~~ administrator's care~~, and perform other duties as the commission prescribes~~. The commission shall require the ~~secretary~~ administrator to post a bond in a sum it may fix, conditioned upon the faithful performance of the ~~secretary's~~ administrator's duties. Subject to the approval of the governor, the commission shall fix the compensation of ~~its secretary~~ the administrator within salary range five as set by the general assembly. ~~The commission shall also fix the compensation of its other employees, subject to the approval of the governor.~~ The ~~commission~~ division shall have its headquarters in the city of Des Moines, and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties."

208. Page 110, line 2, by striking the words "and industry".

209. Page 111, line 13, by striking the words "and industry".

210. Page 111, line 29, by striking the words "and industry".

211. Page 112, line 13, by striking the word "committee" and inserting the following: "~~committee~~ council".

212. Page 113, line 7, by striking the words "and industry".

213. Page 113, line 26, by striking the words "and industry".

214. Page 115, line 14, by striking the words "and industry".

215. Page 116, line 5, by striking the words "and industry".

216. Page 116, line 30, by striking the words "and industry".

217. Page 118, line 2, by striking the words "and industry".

218. Page 118, by striking line 24 and inserting the following:

"An ~~Iowa beer and liquor control department~~ alcoholic beverages division is".

219. Page 118, line 25, by striking the words "and industry".

220. Page 118, by striking lines 34 and 35 and inserting the following:

"~~There is hereby created within the department an Iowa beer and liquor council,~~ An alcoholic beverages commission is created within".

221. By striking page 119, line 35 through page 120, line 1 and inserting the following: "positions of trust a bond with ~~such~~ sureties as the ~~beer and liquor control council shall approve~~ alcoholic beverages commission approves".

222. Page 120, lines 7 and 8, by striking the words "beer and liquor control" and inserting the following: "alcoholic beverages".

223. Page 121, line 4, by striking the word "department" and inserting the following: "~~department~~ division".

224. Page 121, line 7, by striking the word "department" and inserting the following: "~~department~~ division".

225. Page 121, line 8, by striking the word "department" and inserting the following: "~~department~~ division".

226. Page 121, line 13, by striking the word "department" and inserting the following: "~~department~~ division".

227. By striking page 121, line 25 through page 122, line 13 and inserting the following:

"~~The Iowa state commerce commission shall be~~ A utilities division is created within the department of commerce. The policy-making body for the division is the utilities board which is created within the division. The board is composed of three members appointed by the governor and subject to confirmation by the senate, not more than two of whom shall be from the same political party~~, and each commissioner~~. Each member appointed shall serve for six-year staggered terms beginning and ending as provided by section 69.19. Vacancies shall be filled for the unexpired portion of the term in the same manner as full-term appointments are ~~filled~~ made.

~~On the second Tuesday of July of each year, the Iowa state commerce commission~~ The utilities board shall organize by ~~electing one of its members as chairperson, and~~ appointing an executive secretary, who shall take the same oath as the ~~commissioners~~ members. The ~~commission~~ board shall set the salary of the executive secretary within the limits of the pay plan for exempt positions provided for in section 19A.9, subsection 2, unless otherwise provided by the general assembly. The ~~commission~~ board may employ additional personnel as it ~~may find~~ finds necessary. Subject to confirmation by the senate, the governor shall appoint a member as the chairperson of the board. The chairperson shall be the administrator of the utilities division. The appointment as chairperson shall be for a two-year term which begins and ends as provided in section 69.19.

As used in this chapter and ~~chapter~~ chapters 475A, ~~the words~~ 476, 476A, 478, and 479, "~~commission~~ division" and "~~commerce commission~~ utilities division" mean the ~~Iowa state commerce commission~~ utilities division of the department of commerce."

228. Page 122, line 17, by striking the word "commission" and inserting the following: "~~commission~~ board".

229. Page 122, line 21, by striking the word "commission" and inserting the following: "~~commission~~ board".

230. Page 122, line 25, by striking the word "commission" and inserting the following: "~~commission~~ board".

231. Page 122, line 26, by striking the word "commission" and inserting the following: "~~commission~~ board".

232. Page 122, line 28, by striking the word "commission" and inserting the following: "~~commission~~ board".

233. Page 122, line 33, by striking the words "state commerce commissioner" and inserting the following: "~~state commerce commissioner~~ utilities board member".

234. Page 123, lines 17 and 18, by striking the words "as provided" and inserting the following: "~~as provided~~ in the same manner as set forth".

235. Page 123, by inserting after line 18 the following:

"Sec. _____. Section 475A.1, subsection 5, Code 1985, is amended to read as follows:

5. REMOVAL. The ~~governor~~ attorney general may remove the consumer advocate for malfeasance or nonfeasance in office, or for any cause which renders the advocate ineligible for appointment, or incapable or unfit to discharge the duties of the advocate's office; and the advocate's removal, when so made, is final."

236. Page 123, by striking lines 19 through 32 and inserting the following:

"Sec. _____. Section 475A.3, subsections 1 and 2, Code 1985, are amended to read as follows:

1. OFFICE. The office of consumer advocate ~~is at the seat of the government~~ shall be a separate division of the department of justice and located ~~at~~ the same location as the ~~Iowa state commerce commission~~ utilities division of the department of commerce. Administrative support services shall be provided to the consumer advocate division by the utilities division of the department of commerce.

2. EMPLOYEES. The consumer advocate may employ attorneys, legal assistants, secretaries, clerks, and other employees the consumer advocate finds necessary for the full and efficient discharge of the duties and responsibilities of the office. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract in any proceeding in which the consumer advocate division is a party. Employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment except as provided in section 19A.3."

237. Page 124, line 2, by striking the words "and industry".

238. Page 124, by inserting after line 7 the following:

"Sec. _____. Section 475A.7, Code 1985, is amended to read as follows:

475A.7 CONSUMER ADVISORY PANEL.

The ~~governor~~ attorney general shall appoint ~~nine~~ five members and the governor shall appoint four members to a consumer advisory panel to meet at the request of the consumer advocate for consultation regarding public utility regulation. A member shall be appointed from each congressional district with the appointee residing within the congressional district at the time of appointment. The remaining appointees shall be members at large. No more than five members shall belong to the same political party as provided in section 69.16. The members appointed by the attorney general shall serve four-year terms at the pleasure of the ~~governor~~ attorney general and their appointments are not subject to confirmation. The members appointed by the governor shall serve four-year terms at the pleasure of the governor and their appointments are not subject to confirmation. The governor or attorney general shall fill a vacancy in the same manner as the original appointment for the unexpired portion of the member's term. ~~Members of the consumer advisory panel shall serve without compensation, but shall be reimbursed for actual expenses from funds appropriated to the office of consumer advocate.~~"

239. Page 124, line 24, by striking the words "and industry".

240. Page 125, lines 19 and 20, by striking the words "and industry".

241. Page 127, line 10, by striking the words "and industry".

242. Page 127, lines 28 and 29, by striking the words "and industry".

243. Page 128, lines 27 and 28, by striking the words "and industry".

244. Page 129, by inserting after line 4 the following:

"Sec. _____. It is the intent of the general assembly that sections 701 through 799 shall have temporary effect only, that chapter 546 is repealed on July 1, 1988 other than to implement the winding down of the operations of the department of commerce. The amendments in sections 712 through 799 made in this Act shall be stricken when chapter 546 is repealed."

245. Page 129, by inserting after line 23 the following:

"4. "Small business" means any enterprise which is located in this state, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than three million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law.

5. "Targeted small business" means a small business which is fifty-one percent or more owned, operated, and actively managed by one or more women or minority persons. As used in this subsection, "minority person" means an individual who is a Black, Hispanic, Asian or Pacific Islander, or American Indian or Alaskan native."

246. Page 129, line 27, by striking the word "eleven" and inserting the following: "nine".

247. Page 129, line 27, by striking the word "six" and inserting the following: "seven".

248. Page 129, line 30, by inserting after the words "of the" the following: "university of northern Iowa, the".

249. Page 130, line 2, by striking the word "six" and inserting the following: "five".

250. Page 130, line 3, by inserting after the word "party." the following: "The secretary of agriculture shall be one of the voting members."

251. Page 130, line 4, by inserting after the words "appoint the" the following: "remaining eight".

252. Page 131, by striking lines 5 through 21 and inserting the following:

"1. Develop and coordinate the implementation of a twenty-year comprehensive economic development plan of specific goals, objectives, and policies for the state. This plan shall be updated annually and revised as necessary. All other state agencies involved in economic development activities shall annually submit to the board for its review and potential inclusion in the plan their goals, objectives, and policies.

2. Prepare a five-year strategic plan for state economic growth to implement the specific comprehensive goals, objectives, and policies of the state. All other state agencies involved in economic development activities shall annually submit to the board for its review and inclusion in the strategic plan their specific strategic plans and programs. The five-year strategic plan for state economic growth shall be updated annually.

3. Develop a method of evaluation of the attainment of goals and objectives from pursuing the policies of the five-year and twenty-year plans.

4. Implement the requirements of chapter 73."

253. Page 131, line 24, by striking the words "Approve the guidelines or procedures" and inserting the following: "Establish guidelines, procedures, and policies".

254. Page 132, by inserting after line 29 the following:

"9. Have management authority over, prepare the budgets of, and have responsibility over the Iowa high technology council and the Iowa product development corporation.

10. Implement the requirements of chapter 73."

255. Page 135, by inserting after line 3 the following:

"d. Aid in the promotion and development of the agricultural processing industry in the state."

256. Page 137, lines 19 and 20, by striking the word and figure "to 15.204" and inserting the following: "and 15.202".

257. Page 137, line 31, by inserting after the words "by the governor" the following: "and the Iowa district export council which advises the United States department of commerce".

258. Page 141, line 22, by striking the words " "job start" program" and inserting the following: " "self-employment loan program" ".

259. Page 141, by striking lines 30 through 32 and inserting the following: "in the state including, but not limited to, the following:

(1) Evaluating the feasibility and economic viability of proposed employee-owned businesses.

(2) Working with the small business development centers to provide technical assistance and counseling services including, but not limited to, legal, tax, management, marketing, labor, and contract assistance to persons who seek to form employee-owned businesses.

(3) Assisting persons in obtaining financing for the purchase and operation of employee-owned businesses."

260. Page 141, line 34, by inserting after the word "business" the words ", targeted small business,".

261. Page 142, by striking lines 2 through 9 and inserting the following:

"a. Receive and review complaints from individual small businesses that relate to rules or decisions of state agencies, and refer questions and complaints to a governmental agency where appropriate.

b. Establish and administer the regulatory information service provided for in section 28.17.

c. Aid in the development and implementation of the Iowa targeted small business procurement Act established in sections 73.15 through 73.21 and the targeted small business loan guarantee program of the Iowa finance authority established in section 220.95. The duties of the director under this paragraph include the following:

(1) The director, in conjunction with the director of the department of management, shall publicize the procurement set-aside program to targeted small businesses and to agencies of state government, attempt to locate targeted small businesses able to perform set-aside awards, and encourage program participation. The director may request the cooperation of the department of general services, the department of transportation, the state board of regents, or any other agency of state government in publicizing this program.

(2) The director, in conjunction with the director of the department of management, shall publicize the loan guarantee program of the Iowa finance authority to targeted small businesses.

(3) When the director determines, or is notified by the head of another agency of state government, that a targeted small business is unable to perform procurement set-aside awards, the director shall assist the small business in attempting to remedy the causes of the inability to perform. In assisting the small business, the director may use any management or financial assistance programs available through state or governmental agencies or private sources.

The director, in conjunction with the director of the department of management and jointly with the universities under the jurisdiction of the state board of regents, the area community colleges, and the area vocational schools, shall develop and make available in all areas of the state, programs to offer and deliver concentrated, in-depth advice and services to assist targeted small businesses. The advice and services shall extend to all areas of business management in its practical application, including but not limited to accounting, engineering, drafting, grant writing, obtaining financing, locating bond markets, market analysis, and projections of profit and loss.

(4) The director shall establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement set-aside program. The procedure for determination of eligibility shall not include self-certification by a business. Rules and guidelines adopted pursuant to this section are subject to review and approval by the director of the department of management. The director shall maintain a current directory of targeted small businesses which have been certified pursuant to this subparagraph.

(5) The director shall submit an annual report to the governor and the general assembly relating progress toward realizing the goals and objectives of the procurement set-aside program and the loan guarantee program of the Iowa finance authority during the preceding fiscal year. The Iowa finance authority and the director of the

department of management shall assist in compiling the data to be included in the report. The report shall include the following information:

(a) The total dollar value and number of potential set-aside awards identified and the percentage of total state procurements this reflects.

(b) The total dollar value and number of set-aside contracts awarded to targeted small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflects.

(c) The number of contracts which were designated and set aside pursuant to sections 73.15 through 73.21, but which were not awarded to a targeted small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to the normal procurement procedures.

(d) The efforts undertaken to identify targeted small businesses and to publicize and encourage participation in the set-aside and loan guarantee programs during the preceding year.

(e) The efforts undertaken to develop technical assistance programs and to remedy the inability of targeted small businesses to perform on potential set-asides.

(f) Information about the number of applications received and processed by the Iowa finance authority under the loan guarantee program, the value of loans guaranteed, and follow-up information on targeted small businesses which have been awarded loan guarantees.

(g) The director's recommendations for strengthening the set-aside program and delivery of services to targeted small businesses. The director of the department of management shall provide recommendations to the director regarding strengthening contract compliance activities by state agencies.

(h) The department of general services, the department of transportation, the state board of regents, and all other agencies of state government shall provide all relevant information requested by the director for the preparation of the annual report."

262. Page 142, by inserting after line 17 the following:

"e. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to conduct small businesses.

f. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state board of regents, and the department of transportation in performing the following functions:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the

state. This form shall also contain information which can be used to determine certification as a targeted small business pursuant to paragraph "c", subparagraph (4).

(2) Compiling and maintaining a comprehensive source list of small businesses.

(3) Assuring that responsible small businesses are solicited on each suitable purchase.

(4) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

(5) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.

(6) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

(7) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.

(8) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement.

g. In addition, the department may establish a small business advisory council to:

(1) Advise and consult with the board and the department with respect to matters which are of concern to small business.

(2) Submit recommendations to the board relating to actual or proposed activities concerning small business.

(3) Submit recommendations for legislative or administrative actions.

(4) Review and monitor small business programs and agencies in order to determine their effectiveness and whether they complement or compete with each other, and to coordinate the delivery of programs and services aimed at small business.

(5) Initiate special small business economic studies as deemed necessary, including but not limited to analyses of trends and growth opportunities relative to small business.

(6) Provide other information or perform other duties which would be of assistance to small business."

263. Page 143, line 11, by inserting after the word "state." the following: "However, the department in conjunction with other state agencies, including the board of regents, shall provide incentives to inventors whose research is funded in whole or in part by the state for having their products produced in the state. These incentives may include taking a smaller portion of the inventor's royalties or earnings than would otherwise occur under this paragraph or other provisions of the law."

264. Page 143, by inserting after line 11 the following:

"d. Administer or oversee federal rural economic development programs in the state."

265. Page 144, by inserting after line 2 the following:

"7. Aid in the promotion and development of the agricultural processing industry in the state."

266. Page 144, by inserting after line 13 the following:

"Sec. _____. NEW SECTION. 15.202A AGRICULTURAL PRODUCTS ADVISORY COUNCIL.

The department shall establish, in consultation with the department of agriculture and land stewardship, an agricultural products advisory council for the purpose of advising the two departments in relation to the sales, promotion, marketing, export of agricultural commodities, and value added agricultural products processed in Iowa and for the purpose of assisting in the coordination of the respective agricultural marketing programs of the two departments. The council shall consist of one member from each of the following associations, appointed by the secretary of agriculture: Iowa pork producers association, Iowa beef cattle producers association, Iowa sheep and wool promotion board, Iowa egg council, Iowa dairy industry commission, Iowa turkey marketing council, Iowa soybean promotion board, Iowa corn promotion board, Iowa wood industry association, and state horticulture society and up to an additional ten members, appointed by the director, who are experienced in exporting agricultural products, financing the export of agricultural products, and adding value to and processing of agricultural products.

The agricultural products advisory council shall submit recommendations to the departments of economic development and agriculture and land stewardship, the governor, and the general assembly."

267. By striking page 144, line 14 through page 145, line 22.

268. By striking page 147, line 20 through page 148, line 5.

269. Page 148, by inserting after line 5 the following:

"Part 5

Sec. _____. NEW SECTION. 15.251 TITLE.

This part shall be known as the "Iowa Business-Industry Information and Training Network Act".

Sec. _____. NEW SECTION. 15.252 PURPOSE.

The purpose of this part is to establish through the merged areas a statewide network of regional offices to help coordinate job training programs with statewide, regional, and local economic development initiatives, and to promote the economic growth of this state.

Sec. _____. NEW SECTION. 15.253 ACTIVITIES.

The activities of the network may include activities which foster the development of statewide programs designed to improve the coordination of job training programs with local and regional economic development efforts, provide technical assistance and information services to local and regional economic development organizations, promote the development of regional and local labor-management cooperative programs, and improve the quality and availability of business-industry and entrepreneurial training programs through the development of public and private partnerships.

Sec. _____. NEW SECTION. 15.254 COORDINATION.

The network shall be coordinated through the department in cooperation with the departments of education and employment services. Each regional office of the network shall be part of the satellite centers established under section 28.101. The department shall develop the coordination criteria to be used by the regional network offices.

Sec. _____. NEW SECTION. 15.255 FUNDING.

It is intended that multiple federal and state funding sources be used to help finance this network. To facilitate this cooperative funding strategy the following apply:

1. Under the terms of section 123 of the Job Training Partnership Act of 1982, Pub. L. No. 97-300, the department and the department of education shall enter into a cooperative agreement as a condition to providing funds under that section. The cooperative agreement shall focus on how section 123 funds will be used to enhance the following activities:

a. Providing financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas.

b. Industry-wide training.

c. Activities under Title III of the Job Training Partnership Act of 1982.

d. Developing and providing to service delivery areas information on a state and local area basis regarding economic, industrial, and labor market conditions.

e. Providing preservice and inservice training for planning, management, and delivery staffs of administrative entities and private industry councils, as well as contractors for state supported programs.

f. Providing services to populations with special needs as identified by the state job training coordinating council.

2. The department of education shall prepare cooperative agreements with local education agencies reflecting the terms of the cooperative agreement between the department of education and the department of economic development.

Sec. _____. NEW SECTION. 15.256 RULES.

The department shall adopt rules pursuant to chapter 17A to implement this part."

270. Page 148, by inserting before line 6 the following:

"Sec. _____. Section 7B.4, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. Services under this section shall be available for assisting employee-owned businesses and employee-ownership groups which intend to start up an employee-owned business."

271. Page 148, by striking line 11 and inserting the following: "and shall make".

272. Page 148, lines 15 and 16, by striking the words "its bonding activities" and inserting the following: "the amount of bonds outstanding and each new bond issue".

273. Page 148, line 28, by inserting after the word "obligations" the following: ", except that "authority" does not include the state board of regents".

274. By striking page 148, line 31 through page 149, line 25 and inserting the following:

"2. Notwithstanding any other provision of the Code the treasurer shall coordinate the issuance of obligations by authorities. The treasurer, or the treasurer's designee, shall serve as ex officio nonvoting member of each authority. Prior to the issuance of obligations, an authority shall notify the treasurer of its intention to do so. The treasurer shall:

a. Select and fix the compensation for, in consultation with the respective authority, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the treasurer's judgment are necessary to carry out the authority's intention. Prior to the initial selection, the treasurer shall, after consultation with the authorities, establish a procedure which provides for a fair and open selection process including, but not limited to, the opportunity to present written proposals and personal interviews. The treasurer shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take into consideration, but is not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and length of the engagement. The treasurer may waive the requirements for a competitive selection procedure for any specific employment upon written notice to the executive council stating why the waiver is in the public interest. Upon selection by the treasurer, the authority shall promptly employ the individual or firm and be responsible for payment of costs.

b. Submit an account to the respective authority for all costs incurred in each transaction. The treasurer will charge an authority for costs of administration. The authority shall disburse to the treasurer the amounts set forth in the account.

c. Direct the investment or deposit of the proceeds of the sale of the obligations, in accordance with the language of the documents drafted to effectuate issuance of the

obligations, except for the proceeds necessary to fund the ongoing operations of the authority. This paragraph does not apply to proceeds of obligations issued before the effective date of this section.

d. Collect from an authority and other sources, any statistical and financial information necessary to draft an offering document or prepare a presentation necessary for the issuance or marketing of the obligations.

3. Each respective authority shall consult with the treasurer on the following:

a. Amount, terms, and conditions of the obligations to be issued by the authority including other provisions deemed necessary by the treasurer or the authority.

b. The documents or instruments necessary to effectuate issuance of the obligation.

c. Presentations to rating agencies and marketing activities. The treasurer may choose to participate in these presentations.

4. Professional services, including but not limited to attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees employed by a project sponsor may be selected by the project sponsor, if the obligation is issued in behalf of the project sponsor and the purchaser of the obligation does not have recourse to the authority or state.

5. The treasurer may delay implementation of this section for up to six months following the effective date of this section for an authority to facilitate an orderly transition."

275. Page 149, by inserting after line 25 the following:

"Sec. _____. Section 28.51, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The Iowa high technology council, hereafter referred to as the "council" is created. ~~The council shall be administratively integrated into the Iowa development commission for staff support and assistance.~~ The council shall be an advisory body to the Iowa department of economic development. The department may provide staff support and assistance.

Sec. _____. Section 28.52, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The purpose of the council shall be to encourage ~~the development of~~ and advise the Iowa department of economic development regarding high technology industries and research in Iowa which will establish net new employment opportunities for Iowa workers or assist in improving the efficiency, productivity, and viability of family farm operations and which will improve the quality of life in an environmentally sound manner. For high technologies consistent with this purpose, the council shall advise the department on how to:

Sec. _____. Section 28.53, Code 1985, is amended to read as follows:

28.53 GRANTS, GIFTS, AND BEQUESTS.

The council ~~may receive and expend~~ shall advise the department on the receipt and expenditure of grants, gifts, and bequests, including but not limited to appropriations, federal funding, and other funding available for the purposes pursuant to section 28.52.

Sec. _____. Section 28.55, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A public investment in commercial development by the ~~council~~ Iowa department of economic development may be made only in Iowa and in conjunction with private investment and shall be reflected in a public ownership interest in the commercial entity which is established. The public ownership interest shall be negotiated with the other investing parties, including but not limited to, educational institutions, inventors, and private investors. A provision relating to the terms of ownership and the circumstances of disposal of the public ownership interest shall be made at the time of investment.

Sec. _____. Section 28.83, subsections 3 and 6, Code 1985, are amended to read as follows:

3. The board of directors shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary. Members ~~are entitled to receive forty dollars per diem for each day spent in performance of duties and~~ shall be reimbursed for necessary expenses incurred in the performance of duties from funds appropriated to the Iowa department of economic development ~~commission~~.

6. The corporation shall be a part of the Iowa department of economic development ~~commission for administrative purposes only~~ which shall provide all staff and administrative assistance. The corporation shall submit to the department for its approval all plans, programs, initiatives and budgets.

Sec. _____. Section 28.86, Code 1985, is amended to read as follows:

28.86 PRESIDENT.

The ~~board of directors~~ director of the department of economic development shall appoint a president of the corporation who shall serve at the pleasure of the ~~board~~ director and shall receive the compensation determined by the ~~board~~ director. The president is a state employee. The president shall not be a member of the board of directors. The president is the chief administrative and operational officer of the corporation and shall direct and supervise the administrative affairs and the general management of the corporation subject to the direction and oversight of the director. The president may employ other employees as designated by the board. The president shall provide copies of all minutes, documents, and other records of the corporation and shall provide a certificate which attests to truthfulness of the copies, if requested. Persons dealing with the corporation may rely upon the certificates. The president shall keep a record of all proceedings, documents, and papers filed with the corporation."

276. By striking page 149, line 26 through page 151, line 28.

277. Page 151, by inserting before line 29 the following:

"Sec. _____. NEW SECTION. 73.15 TITLE AND DEFINITIONS.

1. Sections 73.15 through 73.21 may be cited as the "Iowa targeted small business procurement Act."

2. As used in sections 73.15 through 73.21, unless the context requires otherwise, "small business" and "targeted small business" mean as defined in section 15.102.

Sec. _____. NEW SECTION. 73.16 PROCUREMENTS FROM SMALL BUSINESSES AND TARGETED SMALL BUSINESSES — SET-ASIDE REQUIREMENTS.

Notwithstanding any provision of law or rule relating to competitive bidding procedures:

1. Every agency, department, commission, board, committee, officer or other governing body of the state shall purchase goods and services supplied by small businesses and targeted small businesses in Iowa. In addition to the other provisions of this section relating to set-asides for targeted small businesses, all purchasing authorities shall assure that a proportionate share of small businesses and targeted small businesses identified under the uniform small business vendor application program of the department of economic development are given the opportunity to bid on all solicitations issued by agencies and departments of state government.

2. The director of each agency or department of state government having purchasing authority shall designate and set aside for awarding to certified targeted small businesses identified pursuant to section 15.108, subsection 7, paragraph "c", at least two percent, and should set a goal of up to ten percent, of the value of anticipated procurements of goods and services, including construction, but not including utility services, each fiscal year. The director of each department and agency of state government shall cooperate with the director of the department of economic development and the director of the department of management and do all acts necessary to carry out the provisions of sections 73.15 through 73.21.

Sec. _____. NEW SECTION. 73.17 TARGETED SMALL BUSINESS SET-ASIDE — PRELIMINARY PROCEDURES.

Quarterly the director of each agency and department of state government shall review the agency's or department's anticipated purchasing requirements. The directors shall notify the director of the department of economic development of their anticipated purchases and recommended set-asides not later than August 15 of each fiscal year and quarterly thereafter. The directors may divide the procurements so designated into contract award units of economically feasible production runs to facilitate offers or bids from targeted small businesses. In designating set-aside procurements, the directors may vary the included procurements so that a variety of goods and services produced by different targeted small businesses may be set aside each year. The director of the department of economic development, in conjunction

with the director of the department of management, shall review the information submitted and may require modifications from the agencies and departments.

Sec. _____. NEW SECTION. 73.18 NOTICE OF SOLICITATION FOR BIDS — IDENTIFICATION OF TARGETED SMALL BUSINESSES.

The director of each agency or department releasing a solicitation for bids or request for proposal under the set-aside program shall notify the director of the department of economic development prior to or upon release of the solicitation. The director of the department of economic development shall notify the soliciting agency or department of any targeted small businesses which have been certified pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (4), and which may be qualified to bid.

Sec. _____. NEW SECTION. 73.19 NEGOTIATED PRICE OR BID CONTRACT.

In awarding a contract under the targeted small business set-aside program, a director of an agency or department having purchasing authority may use either a negotiated price or bid contract procedure. The amount of an award shall not exceed by more than five percent that director's estimated price for the goods or services if they were to be purchased on the open market or under the competitive bidding procedures of any provisions of law or rules relating to competitive bidding procedures, and not under this set-aside program. The director of the department of economic development or the director of the department of management may assist in the negotiation of a contract price under this section. Surety bonds guaranteed by the United States small business administration are acceptable security for a construction award under this section.

Sec. _____. NEW SECTION. 73.20 DETERMINATION OF ABILITY TO PERFORM.

Before announcing the set-aside award, the purchasing authority shall evaluate whether the targeted small business scheduled to receive the award is able to perform the set-aside contract. This determination shall include consideration of production and financial capacity and technical competence. If the purchasing authority determines that the targeted small business may be unable to perform, the director of the department of economic development shall be notified and shall assist the targeted small business pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (3).

Sec. _____. NEW SECTION. 73.21 OTHER PROCUREMENT PROCEDURES.

All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply to procurement set-asides for targeted small businesses to the extent there is no conflict. If sections 73.15 through 73.21 conflict with other laws or rules, then sections 73.15 through 73.21 govern."

278. Page 152, by inserting after line 19 the following:

"Sec. _____. Section 220.1, subsection 28, Code Supplement 1985, is amended by adding after paragraph c the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Small business" includes an employee-owned business which has been an employee-owned business for less than three years or which meets the conditions of paragraphs "a" through "c"."

279. Page 152, by inserting after line 33 the following:

"Sec. _____. NEW SECTION. 220.95 TARGETED SMALL BUSINESS LOAN GUARANTEE PROGRAM.

1. As used in this section:

a. "Small business" means any enterprise which is located in this state, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than three million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law.

b. "Targeted small business" means a small business, as defined in paragraph "a", which small business is fifty-one percent or more owned, operated, and actively managed by one or more women or minority persons. As used in this subsection, "minority person" means an individual who is a Black, Hispanic, Asian or Pacific Islander, or American Indian or Alaskan native.

2. The director of the department of economic development, in conjunction with the director of the department of management, may organize one or more advisory groups composed of representatives of women, minority persons, the business and financial community, and others interested in the loan guarantee program to serve on a volunteer basis in advising the authority concerning the implementation of this section. The authority shall consult with the director of the department of economic development and the director of the department of management to determine whether targeted small businesses which have expressed an interest in doing business with agencies of state government under the provisions of sections 73.15 through 73.21 should be considered for application for guarantees under this section.

3. The authority may require an applicant for a loan guarantee under this section to consult with a designated small business assistance program as described in section 15.108, subsection 7, paragraph "c", subparagraph (3), prior to approval of the loan guarantee.

4. The authority shall adopt rules as necessary for the administration of the loan guarantee program under this section. Rules and guidelines adopted pursuant to this section are subject to review and approval by the director of the department of management.

5. The general assembly is not obligated to appropriate any moneys to pay for any defaults or to appropriate any moneys to be credited to the loan reserve account. The loan guarantee program does not obligate the state except to the extent provided in this section, and the authority in administering the program shall not give or lend the credit of the state of Iowa."

280. Page 153, by striking lines 3 through 9.

281. Page 153, by inserting before line 10 the following:

"Sec. _____. Section 262.9, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. In issuing bonds or notes under this chapter, chapter 262A, chapter 263A, or other provision of law, select and fix the compensation for, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the board's judgment are necessary to carry out the board's intention. Prior to the initial selection, the board shall establish a procedure which provides for a fair and open selection process including, but not limited to, the opportunity to present written proposals and personal interviews. The board shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take into consideration, but are not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and length of engagement. The board may waive the requirements for a competitive selection procedure for any specific employment upon adoption of a resolution of the board stating why the waiver is in the public interest and shall provide the executive council with written notice of the granting of any such waiver."

282. Page 155, line 10, by striking the words "Iowa family farm" and inserting the word "agricultural".

283. Page 155, by inserting after line 23 the following:

"Sec. _____. NEW SECTION. UNDERWRITERS DOING BUSINESS IN IOWA.

An underwriter employed to assist in the issuance of obligations by an authority, as defined in section 12.30, state board of regents, or other political subdivision, instrumentality, or agency of the state, shall meet the requirements for doing business in Iowa sufficient to be subject to tax under rules of the department of revenue."

284. Page 155, line 25, by inserting after the figure "28.10," the following: "28.41 through 28.46,".

285. Page 155, line 26, by striking the figures "159.20, 159.22" and inserting the following: "159.21".

286. Page 155, line 27, by striking the word and figure "section 28.7," and inserting the following: "sections 28.7 and 18.175 through 18.180,".

287. Page 155, by inserting after line 28 the following:

"Sec. _____. NEW SECTION. 84A.1 DEPARTMENT OF EMPLOYMENT SERVICES — DIRECTOR — DIVISIONS — CREATED.

1. The department of employment services is created to administer the laws of this state relating to unemployment compensation insurance, job placement and training, employment safety, labor standards, and workers' compensation.

2. The chief executive officer of the department is the director who shall be appointed by the governor, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The director shall be subject to reconfirmation by the senate, under the confirmation procedures of section 2.32, during the regular session of the general assembly convening in January if the director will complete the director's fourth year in office on or before the following April 30. The governor shall set the salary of the director within the applicable salary range established by the general assembly. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The director of the department of employment services shall prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

3. The department shall include the division of job service, the division of labor services, and the division of industrial services.

Sec. _____. NEW SECTION. 84A.2 DEPARTMENT AND DIVISION RESPONSIBILITIES.

1. The division of job service is responsible for the administration of unemployment compensation benefits and for the collection of employer contributions under chapter 96. The division is responsible for the administration of the free public employment offices established pursuant to chapter 96, other job placement and training programs established pursuant to section 84A.3, and the administration of the offices of the division located throughout the state and for the personnel attached to those offices. The executive head of the division is the job service commissioner, appointed pursuant to section 96.10.

2. The division of labor services is responsible for the administration of the laws of this state relating to occupational health and safety, the inspection of amusement rides, the removal and encapsulation of asbestos, the inspection of boilers, wage payment collection, child labor, employment agency licensing, boxing and wrestling, inspection of elevators, and hazardous chemical risks under chapters 88, 88A, 88B, 89, 91, 91A, 91B, 92, 94, 95, 99C, 104, and 455D, and section 327F.37. The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

3. The division of industrial services is responsible for the administration of the laws of this state relating to workers' compensation under chapters 85, 85A, 85B, 86, and 87. The executive head of the division is the industrial commissioner, appointed pursuant to section 86.1.

4. The director shall form a coordinating committee composed of the job service commissioner, the labor commissioner, and the industrial commissioner. The committee shall monitor federal compliance issues relating to coordination of functions among the divisions.

Sec._____. NEW SECTION. 84A.3 JOB PLACEMENT AND TRAINING PROGRAMS.

1. The job service commissioner, in coordination with the department of economic development, may provide, with or without reimbursement, intake, client eligibility, and a significant portion of job placement services to individuals participating in the job training partnership program established under chapter 7B. The department of employment services and the department of economic development shall work together to develop policies encouraging coordination between job training, labor exchange, and economic development activities.

2. The job service commissioner, in cooperation with the department of elder affairs, shall establish an experimental retired Iowan employment program. The program shall encourage and promote the meaningful employment of retired citizens of the state.

3. The job service commissioner, in cooperation with the department of human rights, shall establish a program to provide job placement and training to persons with disabilities.

Sec. _____. Section 17.3, subsections 8 and 10, Code Supplement 1985, are amended by striking the subsections."

288. Page 158, line 27, by striking the word "its" and inserting the following: "~~its~~ the".

289. Page 159, by striking lines 1 through 9.

290. Page 159, by inserting before line 10 the following:

"Sec. _____. Section 86.8, Code 1985, is amended to read as follows:

86.8 DUTIES.

~~It shall be the duty of the~~ The commissioner shall:

1. ~~To establish~~ Adopt and enforce ~~all necessary~~ rules ~~not in conflict with the provisions of~~ necessary to implement this chapter and chapters 85, 85A, 85B, and 87 ~~for carrying out the purposes thereof~~.

2. ~~To prepare~~ Prepare and distribute the necessary blanks relating to computation, adjustment, and settlement of compensation ~~arising thereunder~~.

3. ~~To prepare~~ Prepare and publish statistical reports and analyses regarding the cost, occurrence, and sources of employment injuries.

4. ~~To administer~~ Administer oaths, and examine books and records of parties subject to ~~such provisions~~ the workers' compensation laws.

~~5. In general to do all things not inconsistent with law in carrying out said provisions according to their true intent and purpose.~~

6 5. ~~To provide~~ Provide a seal for the authentication of orders and records and for ~~such~~ other purposes as required.

~~In carrying out the duties and responsibilities under this chapter, the industrial~~ Subject to the approval of the director of the department of employment services, the commissioner may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of ~~such~~ the agency and with the consent of any state agency or ~~any~~ political subdivision of the state, accept and use the services, facilities, and personnel of ~~any~~ the agency ~~of the state~~ or political subdivision, and employ experts and consultants or organizations in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The ~~provisions of~~ agreements under this paragraph are subject to approval by the executive council ~~where~~ if approval is required by law.

Sec. _____. Section 86.9, Code 1985, is amended to read as follows:

86.9 REPORTS.

The director of the department of employment services, in consultation with the commissioner, shall, at the time provided by law, make ~~a biennial~~ an annual report to the governor setting forth in appropriate form the business and expense of the ~~office~~ division of industrial services for the ~~two~~ preceding ~~years~~ year, the number of claims ~~before~~ processed by the ~~agency~~ division and the disposition of the claims, and other matters pertaining to the ~~office~~ division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 85, 85A, 85B, and 87, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

The commissioner, after consultation with the director of the department of employment services, may ~~make~~ compile an annual report setting forth the final decisions, rulings, and orders of the ~~office~~ division for the preceding year and setting forth other matters or information ~~that~~ which the commissioner considers desirable for publication. These annual reports may be distributed by the state on request to public officials as set forth in chapter 17. Members of the public may obtain the annual report upon payment of its cost as set by the commissioner.

Sec. _____. Section 86.24, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The decision of the industrial commissioner is final agency action and an appeal of the decision shall be made directly to the district court.

Sec. _____. Section 88.2, subsections 1 and 4, Code 1985, are amended to read as follows:

1. The ~~bureau of labor, established in chapter 91, is designated to~~ labor commissioner, appointed pursuant to section 91.2, and the division of labor services of the department of employment services created in section 84A.1 shall administer this chapter.

4. ~~In carrying out responsibilities of the commissioner under this chapter, the~~ Subject to the approval of the director of the department of employment services, the

labor commissioner ~~is authorized to~~ may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of ~~such~~ the agency, and with the consent of any state agency or any political subdivision of the state, accept and use the services, facilities, and personnel of ~~any~~ the agency ~~of the state~~ or political subdivision, and employ experts and consultants or organizations, in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The ~~provisions of~~ agreements under this subsection are subject to approval of the executive council ~~where~~ if approval is required by law.

Sec. _____. Section 88A.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. _____. Section 88B.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. _____. Section 88B.3, subsections 1 and 4, Code 1985, are amended to read as follows:

1. The ~~bureau of labor~~ commissioner shall administer this chapter.

4. At least once a year, during an actual asbestos project, the ~~bureau~~ division shall conduct an on-site inspection of each licensee's procedures for removing and encapsulating asbestos.

Sec. _____. Section 91.1, Code 1985, is amended to read as follows:

91.1 LABOR COMMISSIONER.

The ~~bureau~~ division of labor ~~shall be~~ services of the department of employment services, created under section 84A.1, is under the control of a labor commissioner, who shall have an office at the seat of government and shall devote the commissioner's entire time to the duties of the office.

Sec. _____. Section 91.2, Code 1985, is amended to read as follows:

91.2 APPOINTMENT.

The governor shall appoint ~~in each odd-numbered year~~, subject to confirmation by the senate, a labor commissioner who shall serve for a period of ~~two~~ six years beginning and ending as provided in section 69.19.

Sec. _____. Section 91.4, subsection 5, Code 1985, is amended to read as follows:

5. ~~Report to the governor biennially on all matters pertaining to the bureau of labor.~~ The director of the department of employment services, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the

governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 91A, 91B, 92, 94, 95, 99C, 104, and 455D, and in section 327F.37, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed."

291. Page 160, by inserting after line 30 the following:

"Sec. _____. Section 94.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~It shall be the duty of the director of the department of~~ The job service commissioner, through the free employment service ~~to~~, shall:"

292. Page 163, by striking lines 12 through 22 and inserting the following:

"Sec. _____. Section 96.10, Code 1985, is amended to read as follows:

96.10 ~~DEPARTMENT~~ DIVISION OF JOB SERVICE.

~~There is established an Iowa department of job service.~~ The chief executive officer of the division of job service of the department of employment services is the ~~director of~~ job service commissioner who shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The commissioner shall be subject to reconfirmation by the senate, under the confirmation procedures of section 2.32, during the regular session of the general assembly convening in January if the commissioner will complete the commissioner's fourth year in office on or before the following April 30. The ~~director~~ commissioner shall be selected solely on the ability to administer the duties and functions granted to the ~~department~~ division and shall devote full time to the duties of ~~director~~ commissioner. If the office of ~~director~~ commissioner becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The salary of the ~~director~~ commissioner shall be set by the governor within the applicable salary range established by the general assembly.

~~The director of the department may establish, consolidate, and abolish divisions of the department when necessary for the efficient performance of the department.~~

Sec. _____. Section 96.11, subsection 4, unnumbered paragraph 1, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. _____. Section 96.19, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 39. "Department" means the department of employment services created in section 84A.1.

NEW SUBSECTION. 40. "Commissioner" means the job service commissioner of the division of job service of the department of employment services appointed pursuant to section 96.10."

293. By striking page 163, line 33 through page 164, line 11 and inserting the following:

"Sec. _____. Section 104.1, subsections 3, 4, 15, 16, and 17, Code 1985, are amended to read as follows:

3. "Division" means the ~~elevator safety~~ division of labor services of the department of employment services created ~~by this chapter as a part of the bureau of labor~~ under section 84A.1.

4. "Commissioner" means the labor commissioner, appointed pursuant to section 91.2, or the labor commissioner's designee.

15. "Inspector" means an inspector employed by the ~~bureau of labor~~ division for the purpose of administering this chapter.

16. "Special inspector" means an inspector licensed by the labor commissioner, and not employed by the ~~bureau of labor~~ division.

17. "Provisions of this chapter" includes rules adopted by the labor commissioner pursuant to this chapter.

Sec. _____. Section 241.3, subsection 2, Code 1985, is amended to read as follows:

2. The department shall consult and co-operate with the ~~department~~ division of job service of the department of employment services, the United States commissioner of social security administration, the ~~commission on~~ division of the status of women of the department of human rights, the representative of the administrative agency administering the job training partnership Act, the ~~state~~ department of ~~public instruction~~ education and other persons in the executive branch of the state government as the department considers appropriate to facilitate the co-ordination of multipurpose service programs established under this chapter with existing programs of a similar nature.

Sec. _____. Section 455D.3, subsection 1, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. _____. Section 455D.8, subsections 2 and 4, Code 1985, are amended to read as follows:

2. The ~~bureau~~ division of labor services shall administer this division of the chapter. The ~~bureau~~ division may exercise the enforcement powers set out in chapter 88 and the rules adopted pursuant to chapter 88 to enforce this division of the chapter.

4. In addition to the chemical information required to be reported under federal hazard communication standard 29 C.F.R. sec. 1910.1200(d), the ~~bureau~~ labor commissioner may adopt by rule additional hazardous chemical information to be regulated~~, if the interagency council recommends such action pursuant to section 455D.17~~.

Sec. _____. Section 455D.12, subsection 2, Code 1985, is amended to read as follows:

2. The ~~bureau~~ division of labor services shall receive and handle requests for information and complaints under this division of this chapter which involve employer information covered under division II of this chapter. The ~~bureau~~ labor commissioner shall adopt rules pursuant to chapter 17A regarding requests for information and the investigation and adjudication of complaints.

Sec. _____. Section 455D.15, subsection 1, Code 1985, is amended to read as follows:

1. At the same time that an employer provides the information to employees required under division II, the employer shall submit to the local fire department a list of hazardous chemicals which are consistently generated by, used by, stored at, or transported from the employer's facility. The information shall be provided in sufficient specificity that the local fire department is informed of the nature of the hazardous chemicals, the hazards presented by the chemicals, and the appropriate response in dealing with an emergency involving the hazardous chemicals. The information shall conform to guidelines adopted by the ~~bureau from recommendations of the interagency council under section 455D.19~~ labor commissioner. The employer shall send the information by certified mail. The ~~bureau~~ labor commissioner shall adopt rules exempting employers from this requirement when buildings or structures do not contain significant amounts of a hazardous chemical."

294. Page 164, by inserting after line 12 the following:

"Sec. _____. CODIFICATION. In the codification of this Act, the Code editor may:

1. Transfer chapters 90 and 93A to chapter numbers less than 85 or greater than 97.

2. Transfer chapters 97C, 99C, 104, and 455D to chapter numbers between 84A and 97.

However, if the Code arrangement required by this section is not feasible or is not satisfactory to the Code editor, the Code editor may rearrange the affected chapters as necessary."

295. By striking page 164, line 20 through page 166, line 4 and inserting the following:

"Sec. 1042. LEGISLATIVE FINDINGS AND DECLARATION.

The general assembly finds and declares that:

1. Iowa's elders constitute a fundamental resource which has been undervalued, and the means must be found to recognize and use the competence, wisdom, and experience of our elders for the benefit of all Iowans.

2. The number of persons in this state age sixty and older is increasing rapidly, and of these elders, the number of women, minorities, and persons eighty-five years of age or older is increasing at an even greater rate.

3. The social and health problems of older people are compounded by a lack of access to existing services and by the unavailability of a complete range of services in all areas of the state.

4. The ability of older people to maintain self sufficiency and to live their lives with dignity, productivity, and creativity is a matter of profound importance and concern for this state.

Sec. 1043. NEW SECTION. 249D.3 STATE POLICY AND OBJECTIVES.

The general assembly declares that it is the policy of the state to work toward attainment of the following objectives for Iowa's elders:

1. An adequate income in retirement.

2. Access to physical and mental health care without regard to economic status.

3. Suitable housing, appropriate to the special needs of older people.

4. Full restorative services for those who require institutional care, and a comprehensive array of community-based, long-term care services adequate to sustain older people in their communities and, whenever possible, in their homes.

5. Pursuit of meaningful activity within the widest range of civic, cultural, educational, recreational, and employment opportunities.

6. Suitable community transportation systems to assist in the attainment of independent movement.

7. Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives."

296. Page 168, by striking lines 14 through 26 and inserting the following:

"The commission of elder affairs is established which shall consist of eleven members. Two members shall be appointed by the majority leader of the senate from the members of the senate to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Seven members shall be appointed by the governor subject to confirmation by the senate. Not more than a simple majority of the governor's appointees shall belong to the same political party. At least four of the seven members appointed by the governor shall be fifty-five years of age or older when appointed.

Sec. 1046. NEW SECTION. 249D.12 TERMS.

All members of the commission shall be appointed for terms of four years, with staggered expiration dates. The terms of office shall commence on the first day of July. Any vacancy on the commission shall be filled for the unexpired term of the vacancy in the same manner as the original appointment. If a legislative member ceases to be a member of the general assembly the legislative member may continue to serve until a successor is appointed."

297. By striking page 178, line 21 through page 179, line 2, and inserting the following:

"Sec. 1601. NEW SECTION. COORDINATION WITH JOB TRAINING PARTNERSHIP ACT.

The employment and training program administered by the department shall be coordinated with the training program for older individuals administered by the department of economic development under the job training partnership Act.

A proposed annual plan for coordinating these programs shall be developed jointly by the department of elder affairs, the department of economic development, the department of education, and the division of job service of the department of employment services for submittal to the state job training coordinating council. The state job training coordinating council shall take the proposed plan under advisement in preparing a final annual plan for coordinating these programs which will be submitted to the governor.

After the end of each annual planning period, the department of elder affairs, the department of economic development, the department of education, and the division of job service of the department of employment services shall submit a joint report to the state job training coordinating council describing the services provided to elderly Iowans, assessing the extent to which coordination of programs was achieved, and making recommendations for improving coordination."

298. Page 180, by striking lines 10 through 17.

299. Page 180, line 28, by inserting after the word "Develop" the words ", for legislative review, the mechanisms and procedures necessary to implement, utilizing current personnel,".

300. Page 181, line 14, by striking the word "February" and inserting the following: "January".

301. Page 181, line 35, by striking the word "commissioner" and inserting the following: "~~commissioner~~ commission".

302. Page 182, line 7, by striking the words "director of health" and inserting the following: "the director of public health".

303. Page 182, line 10, by striking the words "seven nonlegislative".

304. Page 182, by striking lines 30 and 31 and inserting the following:

"The director shall possess education and experience in public health."

305. Page 183, line 12, by striking the word "State" and inserting the following: "~~State~~ Iowa".

306. Page 184, line 17, by striking the word "State" and inserting the following: "~~State~~ Iowa".

307. Page 185, line 29, by inserting after the figure "135C," the following: "135D,".

308. Page 186, by inserting after line 5 the following:

"Sec. _____. NEW SECTION. 135.11A PROFESSIONAL LICENSURE DIVISION.

There shall be a professional licensure division within the department of public health. Each board of examiners specified under chapter 147 or under the administrative authority of the department, except the state board of nursing, state board of medical examiners, state board of dental examiners, and state board of pharmacy examiners, shall receive administrative and clerical support from the division and may not employ its own support staff for administrative and clerical duties."

309. Page 186, line 27, by inserting after the word "of" the following: "public".

310. Page 187, line 25, by striking the word "audits" and inserting the following: "inspections".

311. Page 187, line 30, by inserting after the word "department" the following: "of inspections and appeals".

312. Page 187, line 33, by striking the word "audits" and inserting the following: "inspections".

313. By striking page 188, line 16 through page 189, line 19 and inserting the following:

"Sec. _____. Section 135D.1, subsection 2, unnumbered paragraph 3, Code 1985, is amended to read as follows:

A mobile home park must be classified as to whether it is a residential mobile home park or a recreational mobile park or both. ~~Sections 135D.14 and 135D.15 shall apply only to recreational mobile home parks.~~ The mobile home park residential landlord tenant Act ~~shall~~ only ~~apply~~ applies to residential mobile home parks.

Sec. _____. Section 135D.24, subsection 3, Code Supplement 1985, is amended to read as follows:

3. Each mobile home park ~~licensee~~ owner shall notify monthly the county treasurer concerning any mobile home or manufactured home arriving in or departing from the park without a tax clearance statement. The records of the ~~licensee~~ owner shall be open to inspection by a duly authorized representative of any law enforcement agency. Any property owner, manager or tenant shall report to the county treasurer mobile homes parked upon any property owned, managed, or rented by that person.

Sec. _____. Section 331.304, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A county shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for owner-occupied mobile homes including the lots or lands upon which they are located. A county shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. _____. Section 331.756, subsection 28, Code 1985, is amended by striking the subsection.

Sec. _____. Section 364.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A city shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for owner-occupied mobile homes including the lots or lands upon which they are located. A city shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation."

314. Page 189, by inserting before line 20 the following:

"Sec. _____. Section 136.1, Code 1985, is amended to read as follows:

136.1 COMPOSITION OF BOARD.

The state board of health shall consist of the following members: ~~Nine~~ Five members learned in health-related disciplines and four members representing the general public.

The ~~commissioner~~ director of public health shall serve as secretary of the board."

315. Page 190, line 2, by inserting after the word "of" the following: "public".

316. Page 201, line 32, by inserting after the figure "135.37," the following: "135D.2 through 135D.8, 135D.11 through 135D.17, 135D.19 through 135D.21,".

317. Page 201, by inserting after line 33 the following:

"Sec. _____. Notwithstanding section 136.1, the governor shall appoint one member to the state board of health representing the general public in 1987, two members representing the general public in 1988, and one member representing the general public in 1989."

318. Page 202, by striking line 11, and inserting the following:

"5. Division of community action agencies."

319. Page 202, by striking line 13 and inserting the following:

"7. Division for the blind."

320. Page 202, by striking line 15 and inserting the following: "DEPARTMENT COORDINATOR AND ADMINISTRATORS."

321. Page 202, line 16, by striking the word "administrative" and inserting the following: "department".

322. Page 202, line 18, by striking the word "administrative" and inserting the following: "department".

323. Page 202, by striking lines 19 through 23 and inserting the following: "pleasure of the governor. The department coordinator shall:

1. Approve personnel decisions for the department, as submitted by the commissions.

2. Receive budgets submitted by each commission and reconcile the budgets among the divisions. The department coordinator shall submit a budget for the department, subject to the budget requirements pursuant to chapter 8."

324. Page 202, line 24, by striking the words "division directors" and inserting the following: "administrators".

325. Page 202, line 26, by striking the words "division director" and inserting the following: "administrator".

326. Page 202, line 33, by striking the words "division directors" and inserting the following: "administrators".

327. Page 203, line 16, by striking the word "administrative" and inserting the following: "department".

328. Page 203, by striking line 22 and inserting the following:

"2. "Department coordinator" means the department".

329. Page 203, by striking line 33 and inserting the following:

"3. "Administrator" means the administrator of the division".

330. Page 204, line 23, by striking the words "division director" and inserting the following: "administrator".

331. Page 204, by inserting after line 29 the following: "The administrator shall carry out programs and policies as determined by the commission."

332. Page 205, line 16, by striking the word "Be" and inserting the following: "Pursuant to section 601K.2, be".

333. Page 205, by inserting after line 17 the following:

"9. Maintain information on the qualifications of Spanish language interpreters and maintain and provide a list of those deemed qualified to Iowa courts or administrative agencies, as requested."

334. Page 206, by striking line 9 and inserting the following:

"3. "Administrator" means the administrator of the division".

335. Page 206, by striking lines 12 through 24 and inserting the following:

"Sec. _____. NEW SECTION. 601K.31. POLICY FOR CHILDREN, YOUTH, AND FAMILIES.

It is the policy of the state of Iowa to promote the best interests of children, youth, and families. To further this policy there is created a division of children, youth, and families and the commission on children, youth, and their families. The division of children, youth, and families shall:

1. Promote coordination of federal, state and local services by developing a plan to streamline delivery of services and making recommendations to the governor and general assembly by December 1 of each year.

2. Work with state agencies in an advisory capacity to help plan needed services for children, youth, and their families.

3. Provide the administrator, general assembly and governor with recommendations and information to improve services for children, youth, and their families by December 1 of each year.

4. Identify state and federal resources that can be used in local areas; and

5. Provide information to parents to assist and support them in their parenting roles.

The commission shall examine the following issues related to the cycle of dependency which some families have on services, including, but not limited to, child care, chemical dependency, child welfare, youth employment, parent education, health, and education."

336. Page 207, by striking line 3.

337. Page 207, by striking lines 6 and 7 and inserting the following:

"d. One citizen, who shall be a professional family counselor.

e. Seven citizens who have expertise in the areas of child care, child welfare, youth employment, maternal and child health, chemical dependency, education, or law.

f. A person sixteen through eighteen years of age at the time of appointment."

338. Page 207, by striking lines 8 and 9.

339. Page 207, line 35, by striking the word "governor" and inserting the following: "members of the commission".

340. Page 208, by striking lines 1 through 3 and inserting the following: "membership a chairperson of the commission. The commission shall meet at".

341. Page 208, line 19, by striking the word "DIRECTOR" and inserting the following: "ADMINISTRATOR".

342. Page 208, line 20, by striking the words "division director" and inserting the following: "administrator".

343. Page 208, lines 21 and 22, by striking the words "division director" and inserting the following: "administrator".

344. Page 208, line 22, by inserting after the word "and" the following: ", pursuant to section 601K.2,".

345. Page 208, line 25, by inserting after the word "commission." the following: "The administrator shall carry out programs and policies as determined by the commission."

346. Page 209, line 5, by striking the word "The" and inserting the following: "Pursuant to section 601K.2, the".

347. Page 209, by striking line 16 and inserting the following:

"3. "Administrator" means the administrator of the division".

348. Page 209, by striking lines 21 through 23 and inserting the following: "representing a cross section of the citizens of Iowa. No more than a simple majority of the commission shall be of the same political party."

349. Page 209, line 24, by striking the word "governor" and inserting the following: "members of the commission".

350. Page 209, line 25, by inserting after the word "chairperson" the following: "of the commission".

351. Page 210, by striking lines 3 through 5 and inserting the following: "chairperson. The".

352. Page 210, line 28, by striking the words "employees. The" and inserting the following: "employees. Pursuant to section 601K.2, the".

353. Page 210, line 30, by inserting after the word "division." the following: "The administrator shall carry out programs and policies as determined by the commission."

354. Page 211, by striking line 14.

355. Page 212, by striking line 20 and inserting the following:

"3. "Administrator" means the administrator of the division"."

356. Page 212, line 27, by inserting after the word "following" the following: "or designee".

357. Page 212, line 30, by striking the word "commissioner" and inserting the following: "director".

358. Page 212, by striking line 33, and inserting the following:

"3. The director of the department of education."

359. Page 212, by striking line 35 and inserting the following:

"5. The administrator of the division for the blind of the department of human rights."

360. Page 213, by striking line 2 and inserting the following:

"7. The industrial commissioner."

361. Page 213, by striking line 3 and inserting the following:

"8. The job service commissioner."

362. Page 213, by striking lines 4 and 5 and inserting the following:

"9. The director of the department of personnel."

363. Page 213, line 10, by inserting after the words "consist of" the following: "persons with disabilities, family members of persons with disabilities,".

364. Page 213, line 24, by striking the word "governor" and inserting the following: "members of the commission".

365. Page 213, line 25, by striking the word "governor" and inserting the following "commission".

366. Page 213, line 35, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

367. Page 214, line 2, by striking the words "the disabled" and inserting the following: "persons with disabilities".

368. Page 214, lines 4 and 5, by striking the words "the disabled" and inserting the following: "persons with disabilities".

369. Page 214, line 8, by striking the words "the disabled" and inserting the following: "persons with disabilities".

370. Page 214, by striking line 10, and inserting the following: "workers who are persons with disabilities".

371. Page 214, line 11, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

372. Page 214, line 17, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

373. Page 214, line 18, by striking the word "Be" the following: "Pursuant to section 601K.2, be".

374. Page 214, line 20, by striking the words "DIVISION DIRECTOR" and inserting the following: "ADMINISTRATOR".

375. Page 214, line 22, by striking the words "division director" and inserting the following: "administrator".

376. Page 214, line 27, by inserting after the word "part." the following: "The administrator shall carry out programs and policies as determined by the commission."

377. Page 214, by striking line 34 and inserting the following:

"DIVISION OF COMMUNITY ACTION AGENCIES"

378. Page 215, by striking line 12, and inserting the following:

"3. "Administrator" means the administrator of the division of".

379. Page 215, by striking line 13, and inserting the following: "community action agencies of the department of human rights."

380. Page 215, by striking line 16, and inserting the following:

"5. "Division" means the division of community action agencies".

381. Page 215, line 19, by striking the words "division director" and inserting the following: "administrator".

382. Page 219, line 3, by striking the word "director" and inserting the following: "administrator".

383. Page 219, line 5, by inserting after the word "grant," the following: "administer the".

384. Page 219, line 6, by striking the word "and".

385. Page 219, line 7, by striking the word "Iowa" and inserting the following: "Iowa,".

386. Page 219, line 13, by striking the words "division director" and inserting the following: "administrator".

387. Page 219, by striking line 24 and inserting the following:

"3. "Administrator" means the administrator of the division".

388. Page 219, line 30, by striking the words "advisory committee" and inserting the following: "commission".

389. Page 219, line 35, by striking the word "governor" and inserting the following: "members of the commission".

390. Page 219, line 35, by striking the word "select" and inserting the following: "appoint".

391. Page 220, line 12, by striking the words "division director" and inserting the following: "administrator".

392. Page 220, line 14, by inserting after the word "commission." the following: "The administrator shall carry out programs and policies as determined by the commission."

393. Page 221, line 12, by striking the word "Be" and inserting the following: "Pursuant to section 601K.2, be".

394. Page 221, by striking line 32 and inserting the following:

"DIVISION FOR THE BLIND".

395. Page 222, by striking line 2 and inserting the following:

"2. "Division" means the division for the blind".

396. Page 222, by striking line 4 and inserting the following:

"3. "Administrator" means the administrator of the division".

397. Page 222, line 5, by striking the words "of blind persons services" and inserting the following: "for the blind".

398. Page 222, line 8, by striking the words "subject the" and inserting the following: "subject to".

399. Page 222, line 9, by striking the word "committee" and inserting the following: "commission".

400. Page 222, line 14, by striking the word "Committee" and inserting the following: "Commission".

401. Page 222, by striking line 17 and inserting the following: "The members of the commission shall appoint officers for the commission. A".

402. By striking page 222, line 20 through page 224, line 1.

403. Page 224, line 3, by striking the words "division director" and inserting the following: "administrator".

404. Page 224, line 12, by striking the word "clerical".

405. Page 224, line 14, by striking the words "division director" and inserting the following: "administrator".

406. Page 224, line 16, by inserting after the word "commission." the following: "The administrator shall carry out programs and policies as determined by the commission."

407. Page 224, by inserting after line 33 the following:

"Sec. _____. NEW SECTION. 601K.107 REPEAL.

This chapter is repealed effective July 1, 1987."

408. By striking page 224, line 34 through page 225, line 34.

408A. Page 226, by striking lines 13 through 15.

409. By striking page 226, line 21 through page 249, line 23, and inserting the following:

"Sec. 1301. NEW SECTION. 303.1A DEPARTMENT OF CULTURAL AFFAIRS.

1. The department of cultural affairs is created. The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly.

2. The department has primary responsibility for development of the state's interest in the areas of the arts, history, libraries, and other cultural matters. In fulfilling this responsibility, the department will be advised and assisted by the state library commission, the state historical society and its board of trustees, the Iowa arts council, the Terrace Hill commission, and the Iowa public broadcasting board.

The department shall:

a. Develop a comprehensive, co-ordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.

c. Stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation in them.

d. Implement tourism-related art and history projects as directed by the general assembly.

e. Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The department is designated as the state agency for carrying out the plan.

f. Meet the informational needs of the three branches of state government.

g. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.

h. Establish a program of grants to cities and community groups for the development of community programs that provide local jobs for Iowa residents and at the same time promote a city's historical, ethnic, and cultural heritages through the development of festivals, music, drama, or cultural programs, or tourist attractions.

At least twenty-five percent of the funds appropriated for this program shall be used for the purpose of developing community programs eligible for grants under this subsection which were not in existence prior to the due date of grant applications each year.

A city or community group may submit applications to the administrator. Applications shall be reviewed by the arts council, the state historical society board, and the department of economic development, acting as an advisory committee to the department. The advisory committee shall submit recommendations to the director or designee regarding possible recipients and grant amounts.

The amount of a grant shall not exceed fifty percent of the cost of the community program and the application must demonstrate that the city or community group will provide the required matching money. In lieu of providing the entire match in money, a city or community group may substitute in-kind services for up to fifty percent of the matching requirement.

3. The department shall consist of the following:

a. Historical division.

b. Library division.

c. Arts division.

d. Public broadcasting division.

e. Other divisions created by rule.

f. Administrative section.

4. The director may create, combine, eliminate, alter or reorganize the organization of the department by rule except for those matters prescribed by sections 303.75 through 303.83.

5. The department by rule may establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs.

6. The divisions shall be administered by administrators who shall be appointed by the director and serve at the director's pleasure. However, the administrator of the public broadcasting division shall be appointed by and serve at the pleasure of the public broadcasting board and the administrator of the library division shall be appointed by and serve at the pleasure of the library commission. The administrators shall:

a. Organize the activities of the division.

b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.

c. Control all property of the division.

d. Perform other duties imposed by law.

Sec. 1302. NEW SECTION. 303.1B DIRECTOR'S DUTIES.

Except for those matters prescribed by sections 303.75 through 303.83, the director shall:

1. Adopt rules that are necessary for the effective administration of the department.

2. Direct and administer the programs and services of the department.

3. Prepare the departmental budget request by September first of each year on the forms furnished, and including the information required by the office of management.

4. Accept, receive, and administer grants or other funds or gifts from public or private agencies including the federal government for the various divisions and the department.

5. Appoint and approve the technical, professional, secretarial, and clerical staff necessary to accomplish the purposes of the department subject to chapter 19A.

The director may appoint a member of the staff to be acting director who shall have the powers delegated by the director, in the director's absence.

The director may delegate the powers and duties of that office to the administrators. The director is not liable for the activities of the division of public broadcasting.

Sec. 1303. NEW SECTION. 303.1C DIVISION RESPONSIBILITIES.

1. The administrative services section shall provide administrative, accounting, public relations and clerical services for the department, report to the director and perform other duties assigned to it by the director, except for those matters prescribed by sections 303.75 through 303.83. The administrative services section may provide services to the public broadcasting division.

2. The historical division shall:

a. Administer and care for historical sites under the authority of the division, and maintain collections within these buildings.

Except for the state board of regents, a state agency which owns, manages, or administers a historical site must enter into an agreement with the department of cultural affairs under chapter 28E to insure the proper management, maintenance, and development of the site. For the purposes of this section, "historical site" is defined as any district, site, building, or structure listed on the national register of historic sites or identified as eligible for such status by the state historic preservation officer or that is identified according to established criteria by the state historic preservation officer as significant in national, state, and local history, architecture, engineering, archaeology, or culture.

b. Encourage and assist local county and state organizations and museums devoted to historical purposes.

c. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the division. The administrator of the division shall serve as the state historic preservation officer, certified by the governor, pursuant to federal requirements.

d. Administer the archives of the state as defined in section 303.12.

e. Identify and document historic properties.

f. Prepare and maintain a state register of historic places, including those listed on the national register of historic places.

g. Conduct historic preservation activities pursuant to federal and state requirements.

h. Publish matters of historical value to the public, and pursue historical, architectural, and archaeological research and development which may include but are not

limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.

3. The library division:

a. May enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in section 303A.8.

b. Shall determine policy for providing information service to the three branches of state government and to the legal and medical communities in this state.

c. Shall coordinate a statewide interregional interlibrary loan and information network among libraries in this state and support activities which increase cooperation among all types of libraries.

d. Shall establish and administer a program for the collection and distribution of state publications to depository libraries.

e. Shall develop and adopt, in conjunction with the Iowa regional library system, long-range plans for the continued improvement of library services in the state. To insure that the concerns of all types of libraries are addressed, the division shall establish a long-range planning committee to review and evaluate progress and report findings and recommendations to the division and to the trustees of the Iowa regional library system at an annual meeting.

f. Shall develop in cooperation with the Iowa regional library system an annual plan of service for the Iowa regional library system and its individual members to insure consistency with the state long-range plan.

g. Shall establish and administer a statewide continuing education program for librarians and trustees.

h. Shall give to libraries advice and counsel in specialized areas which may include, but are not limited to, building construction and space utilization, children's services, and technological developments.

i. Shall obtain from libraries reports showing the condition, growth, and development of services provided and disseminate this information in a timely manner to the citizens of Iowa.

j. Shall establish and administer certification guidelines for librarians not covered by other accrediting agencies.

4. The arts division shall:

a. Make surveys as deemed advisable of existing artistic and cultural programs and activities within the state, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts.

b. Administer the program of agreements for indemnification by the state in the event of loss of or damage to special exhibit items established by sections 304A.21

through 304A.30.

c. Submit a report to the governor and to the general assembly not later than ten calendar days following the commencement of each first session of the general assembly concerning the studies undertaken during the biennium and recommending legislation and other action as necessary for the implementation and enforcement of this article.

Sec. 1304. NEW SECTION. 303.1D INTRADEPARTMENTAL ADVISORY COUNCIL.

1. The cultural affairs department intradepartmental advisory council is created. The council shall consist of the following:

a. The chairpersons of the historical society board of trustees, the library commission, arts council and public broadcasting board.

b. Two members of the public and a professional historian, professional librarian, and professional artist appointed by the governor.

2. The appointments made under paragraph "b" of subsection 1 shall be for terms of four years, except that two of the initial terms shall be for two years. Not more than three of the members appointed under paragraph "b" of subsection 1 shall be of the same political party.

3. The council shall advise the director of the department on its operations.

Sec. 1305. Section 303.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

303.1 STATE HISTORICAL SOCIETY OF IOWA — BOARD OF TRUSTEES.

A state historical society board of trustees is established consisting of seven members selected as follows:

1. Three members shall be elected by the members of the state historical society according to rules established by the board of trustees.

2. Four members shall be appointed by the governor, two of whom shall be professional historians or archaeologists on the faculty of a college or university in the state.

The term of office of members of the board of trustees is three years commencing and ending as provided in section 69.19.

Sec. 1306. Section 303.2, Code 1985, is amended to read as follows:

303.2 OFFICERS — MEETINGS.

The state historical society board of trustees shall annually elect a chairperson and vice chairperson from its membership, ~~and the executive director shall serve as secretary to the board~~. The board shall meet as often as deemed necessary, upon the call of the chairperson, or at the request of a majority of the members of the board.

Members of the board ~~shall~~ are entitled to be ~~paid a forty-dollar per diem and shall be~~ reimbursed for actual ~~and necessary~~ expenses while engaged in their official duties. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1307. Section 303.4, Code 1985, is amended to read as follows:

303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.

1. The state historical society board of trustees shall ~~establish~~ recommend to the director rules for membership of the general public in the state historical society, including rules relating to membership fees. Members shall be persons who indicate an interest in the history, progress, and development of the state and who pay the prescribed fee. The members of the state historical society may meet at least one time per year to further the understanding of the history of this state. ~~The society may elect officers, and the executive director of the state historical department, or the executive director's designee, shall serve as secretary to the society.~~ The ~~officers~~ members of the society shall not determine policy for the ~~state historical~~ department of cultural affairs but may advise the director and perform functions to stimulate interest in the history of this state among the general public. The society may perform other activities related to history which are not contrary to this chapter~~, subject to the approval of the state historical board~~.

~~1~~ 2. As used in this chapter, "state historical society" means the ~~Iowa~~ state historical society of Iowa, an agency of the state ~~located in Iowa City~~ which is part of the department of cultural affairs. It does not mean or include any private entity.

~~2~~ 3. Unless designated otherwise, a gift, bequest, devise, endowment, or grant to or application for membership in the state historical society shall be presumed to be to or in the state historical society of ~~the~~ Iowa ~~state historical department~~.

Sec. 1308. Section 303.5, subsection 2, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. c. Buy or receive by other means historical materials including, but not limited to, artifacts, art, books, manuscripts and images. Such materials are not personal property under section 18.12 and shall be received and cared for under the rules of the department. The historical division may sell or otherwise dispose of those materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.

Sec. 1309. Section 303.6, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

303.6 POWERS AND DUTIES OF BOARD AND DIVISION.

1. The state historical board shall:

a. Recommend to the department a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Make recommendations to the director on historically related matters.

c. Review and recommend to the director policy decisions regarding the division.

d. Recommend to the director for approval the state preservation plan submitted by the state historic preservation officer.

e. Perform other functions prescribed by law to further historically related matters in the state.

2. The department shall:

a. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.

b. Maintain research centers in Des Moines and Iowa City.

Sec. 1310. Section 303.12, Code 1985, is amended to read as follows:

303.12 ARCHIVES.

~~Archives~~ "Archives" means ~~those~~ documents, books, papers, photographs, sound recordings, or similar material produced or received pursuant to law in connection with official government business, which no longer have administrative, legal, or fiscal value to the office having present custody of them, and which have been appraised by the ~~executive~~ director of the ~~state historical~~ department as having sufficient historical, research, or informational value to warrant permanent preservation. The ~~executive~~ director of the ~~state historical~~ department is the trustee and custodian of the archives of Iowa, except that ~~archives do not include~~ county or municipal archives are not included unless they are voluntarily deposited with the ~~executive~~ director with the written consent of the ~~executive~~ director. The ~~executive~~ director shall prescribe rules for the systematic arrangement of archives as to the proper labeling to indicate the contents and order of filing and the archives must be labeled before the archives may be transferred to the ~~executive~~ director's custody.

Sec. 1311. Section 303.13, Code 1985, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES.

The state~~,~~ executive~~,~~ and administrative departments, officers or offices, councils, boards, bureaus, and commissions, ~~may~~ shall transfer and deliver to the ~~state historical~~ department archives as defined in section 303.12 and as prescribed in the records management manual. Before transferring archives, the office of present custody shall file with the ~~executive~~ director a classified list of the archives being transferred in detail as the ~~executive~~ director prescribes. If the ~~executive~~ director, on receipt of the list, and after consultation with the chief executive of the office filing the classified list or with a representative designated by the executive, finds that, according to the records management manual, certain classifications of the archives listed are not of sufficient historical, legal, or administrative value to justify permanent preservation, the ~~executive~~ director shall not accept the material for deposit in the state archives.

Sec. 1312. Section 303.14, Code 1985, is amended to read as follows:

303.14 REMOVAL OF ORIGINAL.

After archives have been received by the ~~executive~~ director, they shall not be removed from the ~~executive~~ director's custody without the ~~executive~~ director's consent except in obedience to a subpoena of a court of record or a written order of the state executive council.

The ~~executive~~ director is not required to preserve permanently vouchers, claims, canceled or redeemed state warrants, or duplicate warrant registers of the state comptroller and the treasurer of state, but may, after microfilming, destroy by burning or shredding any warrants having no historical value, that have been in the ~~executive~~ director's custody for a period of one year, and may destroy by burning or shredding any vouchers, claims, and duplicate warrant registers which have been in the director's custody for a period of one year. A properly authenticated reproduction of a microfilmed record is admissible in evidence in a court in this state.

Sec. 1313. Section 303.15, Code 1985, is amended to read as follows:

303.15 CERTIFIED COPIES — FEES.

Upon request of a person, the ~~executive~~ director of the ~~state historical~~ department shall make a certified copy of any document, manuscript, or record contained in the archives or in the custody of the ~~state historical~~ department except ~~where~~ if reproduction is inappropriate because of legal, curatorial, or physical considerations. ~~When~~ If a copy is properly authenticated it has the same legal effect as though certified by the officer from whose office it was obtained or by the secretary of state. The copy may be made in writing, or by a suitable photographic process. The ~~executive~~ director shall charge and collect for copies the fees allowed by law to the official in whose office the document originates for certified copies. The ~~executive~~ director shall charge a person requesting a search of census records for the purpose of determining genealogy the actual cost of performing the search.

Sec. 1314. NEW SECTION. 303.16 HISTORICAL RESOURCE DEVELOPMENT PROGRAM.

1. The department shall administer a program of grants and loans for historical resource development throughout the state, subject to funds for such grants and loans being made available through the appropriations process or otherwise provided by law.

2. The purpose of the historical resource development program is to preserve, conserve, interpret, and enhance historical resources that will encourage and support the economic health and development of the state and the communities in which the resources are located. For this purpose, the department may make grants and loans as otherwise provided by law with funds as may be made available by applicable law.

Sec. 1315. Section 303.20, subsection 4, Code 1985, is amended to read as follows:

4. "Department" means the ~~Iowa state historical~~ department of cultural affairs.

Sec. 1316. NEW SECTION. 303.70 TERRACE HILL COMMISSION.

1. The Terrace Hill commission is created within the historical division of the department of cultural affairs. The commission consists of nine persons appointed by the governor who are knowledgeable in business management, and historic preservation and renovation. The governor shall appoint the chairperson. The terms of the committee members are for three years beginning on July 1 and ending on June 30.

2. The Terrace Hill commission may consult with the Terrace Hill Society, Terrace Hill Foundation, the executive and legislative branches of this state and other persons interested in the property and advise the director.

3. The Terrace Hill commission may enter into contracts, subject to chapter 18, to execute its purposes.

4. Notwithstanding section 303.1B, the commission may adopt rules to administer and implement the programs of the commission. The decision of the commission is final agency action under chapter 17A.

Sec. 1317. NEW SECTION. 303.75 DEFINITIONS.

As used in sections 303.75 through 303.83 unless the context otherwise requires:

1. "Board" means the Iowa public broadcasting board.

2. "Administrator" means the administrator of the public broadcasting division of the department of cultural affairs.

3. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 1318. NEW SECTION. 303.76 PUBLIC BROADCASTING DIVISION CREATED.

The public broadcasting division of the department of cultural affairs is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The governor shall set the division director's salary unless otherwise provided by law. Educational programming shall be the highest priority of the division.

Sec. 1319. NEW SECTION. 303.77 BOARD.

1. The Iowa public broadcasting board is created to plan, establish, and operate an educational radio and television facility and other educational communications services as necessary to aid in accomplishing the educational objectives of the state. The board shall be composed of nine members selected in the following manner:

a. Three members shall be appointed by the state board of public instruction from its own membership or from the personnel of the state department of education.

b. Three members shall be appointed by the state board of regents from its own membership or from among its employees or employees of institutions under the jurisdiction of the board.

c. Three members shall be appointed by the governor, at least one of whom shall be from a regionally accredited private four-year college or university.

2. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

3. The board shall appoint at least two advisory committees as follows:

a. Advisory committee on general operations and policy.

b. Advisory committee on curricula and educational matters.

Duties of the advisory committees, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Sec. 1320. NEW SECTION. 303.78 MEETINGS.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board shall meet at least four times annually and shall hold special meetings at the call of the president or in the absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive actual expenses incurred in performing their official duties. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1321. NEW SECTION. 303.79 FACILITIES AND PERMITS.

1. The board may purchase, lease, and improve property, equipment, and services for proper educational communications uses, and may dispose of property and equipment when not necessary for its purposes. The board and division director may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as required for broadcasting.

3. This section does not prohibit institutions under the state board of regents and merged area schools under the department of education from owning, operating, im-

proving, and maintaining educational radio and television stations and transmitters now in existence and operation. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

4. The board may locate its administrative offices and production facilities outside the city of Des Moines.

5. The board may adopt rules to implement and administer the programs of the division.

6. The decision of the board is final agency action under chapter 17A.

Sec. 1322. NEW SECTION. 303.80 COMPETITION WITH PRIVATE SECTOR.

It is the intent of the general assembly that the division shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code. The board, the governor, or the administrator may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 1323. NEW SECTION. 303.82 TRUSTS.

Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the educational radio and television facility to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

Sec. 1324. NEW SECTION. 303.83 REVENUE FROM CONTRACTS.

The board shall retain for its use revenues generated through contracts with nonprofit organizations or their affiliated organizations from the use of the educational radio and television facility and other educational communications services. The administrator may receive services from other divisions and state agencies.

Sec. 1325. NEW SECTION. 303.86 ARTS COUNCIL.

The Iowa state arts council is created as an advisory council, consisting of fifteen members, appointed by the governor from among citizens of Iowa who are recognized for their interest or experience in connection with the performing and fine arts. In making appointments, due consideration shall be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing and fine arts.

The term of office of each member of the Iowa state arts council is three years. The governor shall designate a chairperson and a vice chairperson from the members of the council to serve at the pleasure of the governor. All vacancies shall be filled for the balance of any unexpired term in the same manner as original appointments. The members of the council shall not receive compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of

their duties as members of the council. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1326. NEW SECTION. 303.87 DUTIES OF COUNCIL.

The arts council shall:

1. Advise the director with respect to policies, programs, and procedures for carrying out the administrator's functions, duties, or responsibilities.

2. Review programs to be supported and make recommendations on the programs to the director.

Sec. 1327. NEW SECTION. 303.89 ADMINISTATOR'S POWERS AND AUTHORITY.

The arts division administrator may:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the division.

2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.

3. Accept any federal funds granted, by Act of Congress or by executive order, for all or any purposes of this chapter, and receive and disburse as the official agent of the state any funds made available by the national endowment for the arts.

4. Accept gifts, contributions, bequests or other funds available for all or any of the purposes of the division.

Sec. 1328. NEW SECTION. 303.95 DIVISION OF LIBRARIES —DEFINITIONS.

As used in sections 303.95 through 303.100, unless the context otherwise requires:

1. "Commission" means the state library commission.

2. "State agency" means a legislative, executive, or judicial office of the state and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, except the state institutions of higher education governed by the state board of regents.

3. "State publications" means all multiple-produced publications regardless of format, which are issued by a state agency and supported by public funds, but it does not include:

a. Correspondence and memoranda intended solely for internal use within the agency or between agencies.

b. Materials excluded from this definition by the department through the adoption and enforcement of rules.

Sec. 1329. NEW SECTION. 303.97 STATE LIBRARY COMMISSION ESTABLISHED.

1. The state library commission consists of one member appointed by the state supreme court and six members appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19. Of the governor's appointees, one member shall be from the medical profession and five members selected at large. Not more than three of the members appointed by the governor shall be of the same gender. The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in section 7E.3.

2. The commission shall elect one of its members as chairperson. The commission shall meet at the time and place specified by call of the chairperson. Four members are a quorum for the transaction of business.

3. The department:

a. May receive and expend money for providing programs and services. The department may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.

b. Shall foster public awareness of the condition of libraries in Iowa and of methods to improve library services to the citizens of the state.

c. Shall establish and administer standards for state agency libraries, the Iowa regional library system, and public libraries.

Sec. 1330. NEW SECTION. 303.99 STATE PUBLICATIONS.

Upon issuance of a state publication, a state agency shall deposit with the department at no cost to the department, seventy-five copies of the publication or a lesser number if specified by the department.

Sec. 1331. NEW SECTION. 303.100 MEDICAL AND LAW LIBRARY.

The state library includes, but is not limited to, a medical library and a law library.

1. The medical library shall be headed by a medical librarian, appointed by the director, subject to chapter 19A. The medical librarian shall:

a. Operate the medical library which shall always be available for free use by the residents of Iowa under rules the department adopts.

b. Give no preference to any school of medicine and shall secure books, periodicals, and pamphlets for every legally recognized school of medicine without discrimination.

c. Perform other duties imposed by law or prescribed by the rules of the division.

2. The law library shall be headed by a law librarian, appointed by the director with the approval of the Iowa supreme court, subject to chapter 19A. The law librarian shall:

a. Operate the law library department which shall be maintained in the state capitol or in rooms convenient to the state supreme court and which shall be available for free use by the residents of Iowa under rules the department adopts.

b. Maintain, as an integral part of the law library, reports of various boards and agencies and copies of bills, journals, and other information relating to current or proposed legislation.

c. Arrange to make exchanges of all printed material published by the states and the government of the United States.

d. Perform other duties imposed by law or by the rules of the department.

Sec. 1332. Section 303B.6, subsections 2, 9, 10, and 11, Code Supplement 1985, are amended to read as follows:

2. Subject to the approval of the annual plan of service by the ~~state library commission~~ director of the department of cultural affairs, may receive and expend state appropriated funds.

9. Shall develop and adopt, in cooperation with other members of the regional library system and the ~~state library of Iowa~~ director of the department of cultural affairs, a long-range plan for the region.

10. Shall prepare, in cooperation with all members of the regional library system and the ~~state library commission~~ director of the department of cultural affairs, an annual plan of service.

11. Shall provide data and prepare reports as directed by the ~~state library commission~~ director of the department of cultural affairs.

Sec. 1333. Section 304A.8, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "State building" means any permanent structure, wholly or partially enclosed, which is intended to provide offices, laboratories, workshops, courtrooms, hearing and meeting rooms, storage space and other facilities for carrying on the functions of a state agency, including the board of regents; or auditoriums, meeting rooms, classrooms and other educational facilities; eating or sleeping facilities, medical or dental facilities, libraries and museums which are intended for the use or accommodation of the general public or state employees; together with all grounds and appurtenant structures and facilities; provided, however, it shall not mean maintenance sheds, separate garages, cellhouses or other secure sleeping facilities for prisoners, or buildings used solely as storage or warehouse facilities.

2. "Fine arts" means sculpture, fountains, bas-reliefs, mosaics, frescoes, wall hangings, crafts, photography, pictures or other enhancements to be integrated into the total environment of the building or complex of buildings. Fine arts does not in-

clude the incidental ornamental detail of functional structural elements, or hardware and other accessories.

Sec. 1334. Section 304A.9, Code 1985, is amended to read as follows:

304A.9 CONSULTATION.

Whenever a state building is to be constructed, the contracting officer or principal user shall, at the time of engaging or directing an architect to prepare plans and specifications for the building, ~~co-ordinate with~~ contact the ~~Iowa state~~ arts ~~council~~ division of the department of cultural affairs, which shall ~~provide for consultation~~ have authority to ensure that the fine arts elements will be integrated within, on, or about the total environment of such construction. Notwithstanding this section and sections 304A.11 and 304A.12, if the state building is under the control of the state board of regents the work on the fine arts element shall be administered by the state board of regents in consultation with the arts division.

Sec. 1335. Section 304A.10, Code 1985, is amended to read as follows:

304A.10 COST OF FINE ARTS — PERCENTAGE.

The total estimated cost of the fine arts elements included in a plan and specifications for a state building or group of state buildings in accordance with the purposes of this division shall in no case be less than one-half of one percent of the total estimated cost of such building or group of buildings. This percentage allocation shall not be diminished by professional fees. If deemed in the best interests of the citizens funds allocated for the acquisition of fine arts may be accumulated over more than one appropriation or fiscal period or combined to complete significant projects, however, this sentence does not authorize interproject transfers.

Sec. 1336. Section 304A.11, Code 1985, is amended to read as follows:

304A.11 ~~CO-OPERATING~~ COOPERATING PARTIES.

The arts division shall administer, in consultation with the contracting officer, the principal user and the building architect, ~~shall co-ordinate with the Iowa state arts council~~ all matters relating to the selection of the fine arts elements to be included or purchased for a state building as authorized by section 304A.10.

Sec. 1337. Section 304A.12, Code 1985, is amended to read as follows:

304A.12 SEPARATE CONTRACT.

Contracts for the fine arts elements shall be executed within the limits of the ~~estimated~~ actual costs as determined by section 304A.10. Funds shall be transferred to the arts division for administration of the program. All expenses related to the acquisition of the fine arts elements shall be contracted for separately by the arts division with the funds allocated for these purposes.

Sec. 1338. Section 304A.14, Code 1985, is amended to read as follows:

304A.14 TITLE IN STATE.

Title to all works of art acquired rests with the principal user or contracting agency in the name of the state. The principal user or contracting agency and the ~~Iowa state~~ arts ~~council~~ division upon agreement may loan works of art between state-owned buildings whenever in their judgment the loan will be to the benefit of the citizens of this state. However, all such works shall be returned to the principal user or the contracting agency at its request.

Sec. 1339. Section 103A.45, unnumbered paragraph 1 and subsection 4, Code 1985, are amended to read as follows:

The state ~~historic building code advisory~~, historical society board shall:

4. Consult with state agencies, including the state fire marshal and the ~~Iowa state historical~~ department of cultural affairs, governmental subdivisions, architects, engineers, and others who have knowledge of or interest in the rehabilitation, preservation, restoration, and relocation of historic buildings, with respect to matters relating to the state historic building code.

Sec. 1340. Sections 7.18, 103A.44, 303.3, 303.5, and 304A.1 through 304A.7, and chapter 18B, Code 1985, and sections 7A.51 through 7A.54, 18B.13 and 303A.1 through 303A.7, Code Supplement 1985, are repealed."

410. Page 250, by striking line 9 and inserting the following:

"3. "Director" means the director of the department of education."

411. Page 251, line 12, by striking the word "The" and inserting the following: "Except for the college aid commission, the".

412. Page 252, line 1, by striking the word "commissioner" and inserting the following: "director of the department".

413. Page 252, line 2, by striking the word "commissioner" and inserting the following: "director".

414. Page 252, line 4, by striking the word "commissioner" and inserting the following "director".

415. Page 252, line 25, by striking the word "COMMISSIONER" and inserting the following: "DIRECTOR".

416. Page 252, line 26, by striking the word "The" and inserting the following: "Except for the college aid commission, the".

417. Page 252, line 26, by striking the word "commissioner" and inserting the following: "director".

418. Page 252, by inserting after line 26 the following:

"_____. Carry out programs and policies as determined by the state board."

419. Page 252, line 35, by striking the word "commissioner" and inserting the following: "director".

420. Page 253, by striking line 1 and inserting the following: "director and division administrators deemed necessary. They".

421. Page 253, line 15, by striking the word "commissioner" and inserting the following: "director".

422. Page 253, line 28, by striking the word "commissioner's" and inserting the following: "director's".

423. Page 254, line 17, by striking the word "approved" and inserting the following: "accredited".

424. Page 255, line 5, by striking the word "commissioner's" and inserting the following: "director's".

425. Page 255, line 24, by inserting after the word "administrators" the following: ", members of the general assembly,".

426. Page 256, line 6, by striking the word "commissioner" and inserting the following: "director".

427. Page 256, line 13, by striking the word "commissioner" and inserting the following: "director".

428. Page 256, line 23, by inserting after the word "standards" the following: "and a procedure".

429. Page 256, line 28, by striking the word "approved" and inserting the following: "accredited".

430. Page 260, line 32, by striking the word "commissioner" and inserting the following: "director".

431. Page 260, line 33, by striking the word "commissioner" and inserting the following: "director".

432. Page 261, line 2, by striking the word "commissioner" and inserting the following: "director".

433. Page 261, line 4, by striking the word "commissioner" and inserting the following: "director".

434. Page 261, line 35, by striking the word "commissioner" and inserting the following: "director".

435. Page 262, line 18, by striking the word "commissioner" and inserting the following: "director".

436. Page 262, line 25, by striking the word "accreditation" and inserting the following: "approval".

437. Page 262, by striking lines 31 through 35 and inserting the following:

"10. The state board shall establish an accreditation process for school districts pursuant to this subsection and subsections 11 and 12. The accreditation process shall take effect for one-fifth of the school districts during the school year commencing July 1, 1989 and an additional one-fifth during each of the next following four school years. A school district not subject to the accreditation process is subject to the approval process as provided in section 257.25, Code 1985. Accreditation is valid for a five-year period. In addition to employees of the department of education, the commissioner shall appoint a committee of not more than five individuals one of whom is a".

438. Page 263, line 1, by striking the word "directors," and inserting the following: "directors;".

439. Page 263, line 4, by striking the word "education," and inserting the following: "education;".

440. Page 263, by inserting after line 12 the following:

"Rules adopted by the state board may include provisions for coordination of the accreditation process under this section with activities of accreditation associations."

441. Page 264, by striking lines 10 through 14 and inserting the following: "the state board."

442. Page 266, line 4, by striking the word "commissioner" and inserting the following: "director".

443. Page 267, line 8, by striking the figure "256.12" and inserting the following: "256.13".

444. Page 267, line 21, by striking the figure "1."

445. Page 267, by striking lines 25 through 31.

446. Page 268, line 4, by striking the word "commissioner" and inserting the following: "director".

447. Page 268, line 9, by striking the word "commissioner" and inserting the following: "director".

448. Page 268, line 28, by striking the figure "256.18" and inserting the following: "256.17".

449. Page 269, line 13, by striking the word "personnel" and inserting the following: "its certificated staff using staff members who possess evaluator approval under section 260.33".

450. Page 270, line 5, by striking the word "commissioner" and inserting the following: "director".

451. Page 270, by striking lines 20 and 21 and inserting the following: "approval by the state board of ~~public instruction~~ education pursuant to section ~~257.25~~ 256.11."

452. Page 274, by striking lines 12 through 24.

453. Page 274, by inserting after line 30 the following:

"Sec. _____. NEW SECTION. 258.8 ADMINISTRATION.

The state council on vocational education shall be included in the department of education for administrative purposes."

454. Page 276, line 21, by striking the words "health and human services" and inserting the following: "education".

455. Page 276, lines 31 and 32, by striking the words "health and human services" and inserting the following: "education".

456. Page 279, by striking lines 22 through 31.

457. Page 280, line 6, by striking the figure "259.10" and inserting the following: "259.9".

458. Page 281, line 29, by striking the word "agreement" and inserting the following: "~~agreement~~ agreements".

459. Page 283, line 22, by striking the word "expenditure" and inserting the following: "expenditures".

460. Page 284, by inserting after line 1 the following:

"Sec. _____. NEW SECTION. 260.33 EVALUATOR APPROVAL.

Effective July 1, 1990, in addition to endorsements required under rules adopted pursuant to this chapter, an individual employed as an administrator, supervisor, school service person, or teacher by a school district, area education agency, or area school, who conducts evaluations of the performance of individuals holding certificates under this chapter, shall possess an evaluator approval.

By July 1, 1987, the board of educational examiners shall adopt rules establishing requirements for an evaluator approval including but not limited to approval of courses, renewal requirements, fees, and suspension and revocation of evaluator approvals. An approved program shall include provisions for determining that an applicant for evaluator approval has satisfactorily completed the program. The board of educational examiners shall work with institutions of higher education under the state board of regents, private colleges and universities, merged area schools, and area education agencies to insure that the courses required under subsection 1 are offered throughout the state at convenient times and at reasonable cost. The requirements shall include completion of a program approved by the board of educational examiners as follows:

1. For evaluation of teachers, the development of skills including but not limited to analysis of lesson plans, classroom observation, analysis of data, performance improvement strategies, and communication skills.

2. For evaluation of certificated employees other than teachers, the development of skills including but not limited to communication skills, analysis of employee performance, analysis of data, and performance improvement strategies.

An evaluator approval is valid for a period of five years from its issuance.

Sec. _____. Section 261.3, Code 1985, is amended to read as follows:

261.3 ORGANIZATION -- BYLAWS.

The commission is an autonomous state agency which is attached to the department of education for organizational purposes only.

The commission shall determine its own organization, draw up its own bylaws, adopt rules under chapter 17A, and do such other things as may be necessary and incidental in the administration of this chapter, including the housing, employment, and fixing the compensation and bond of ~~such~~ persons ~~as are~~ required to carry out its functions and responsibilities. A decision of the commission is final agency action under chapter 17A.

The commission shall function at the seat of government or such other place as it might designate.

Sec. _____. Section 261A.5, Code 1985, is amended to read as follows:

261A.5 CREATION AS PUBLIC INSTRUMENTALITY.

The Iowa higher education loan authority is created as a body politic and corporate. The authority is a public instrumentality and the exercise by the authority of the powers conferred by this chapter is the performance of an essential public function. The authority is attached to the college aid commission for administrative purposes."

461. Page 284, line 35, by striking the word and figures "9, and 13" and inserting the following: "and 9".

462. By striking page 285, line 32 through page 286, line 17.

463. By striking page 291, line 15 through page 292, line 4.

464. By striking page 292, line 15 through page 293, line 34.

465. Page 295, by striking lines 20 through 22.

466. Page 298, line 21, by inserting after the word "board." the following: "The state board may affirm, modify, or vacate the decision, or may direct a rehearing before the commissioner."

467. Page 302, by striking lines 21 through 23 and inserting the following: "deaf, and the superintendent of the Iowa braille and sight-saving school, ~~and the superintendent of the state tuberculosis sanatorium~~."

468. Page 304, by striking lines 2 through 24.

469. Page 308, by inserting after line 17 the following:

"Sec. _____. Section 299.2, subsection 5, Code 1985, is amended to read as follows:

5. Who is attending a private college preparatory school ~~approved~~ accredited or probationally ~~approved~~ accredited under ~~the provisions of~~ section ~~257.25~~ 256.11, subsection ~~14~~ 13."

470. Page 309, line 24, by striking the figure "14".

471. By striking page 310, line 20 through page 312, line 29.

472. Page 313, by inserting after line 34 the following:

"Sec. _____. Section 601A.9, unnumbered paragraph 1, and subsections 1, 2, and 3, Code Supplement 1985, are amended to read as follows:

It ~~shall be~~ is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

1. ~~On the basis of sex, exclusion~~ Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;

2. ~~On the basis of sex, denial~~ Denial of comparable opportunity in intramural and interscholastic athletic programs;

3. ~~On the basis of sex discrimination~~ Discrimination among persons in employment and the conditions ~~thereof~~ of employment;".

473. Page 314, by inserting after line 20 the following:

"Sec. _____. Section 714.19, subsection 10, Code 1985, is amended to read as follows:

10. Private college preparatory schools ~~approved~~ accredited or probationally ~~approved~~ accredited under ~~the provisions of~~ section ~~257.25~~ 256.11, subsection 13."

474. Page 314, by striking lines 25 through 31.

475. Page 315, by inserting after line 27 the following:

"Sec. _____. Section 246.805, subsection 7, paragraph a, Code Supplement 1985, is amended to read as follows:

a. Inmates applying to participate in a program shall be approved by the ~~work release committee designated pursuant to section 246.902~~ director of the department of corrections and shall reside at state correctional institutions.

Sec. _____. Section 246.901, Code Supplement 1985, is amended to read as follows:

246.901 PROGRAM.

The Iowa department of corrections, in consultation with the board of parole, shall establish a work release program under which the board of parole may grant inmates sentenced to an institution under the jurisdiction of the department ~~may be granted~~ the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home. ~~An inmate shall receive a unanimous vote from the work release committee to be approved for home work release.~~

Sec. _____. Section 246.903, Code Supplement 1985, is amended to read as follows:

246.903 ~~APPLICATION~~ AGREEMENT BY INMATE.

An inmate ~~eligible~~ approved to participate in the work release program ~~may make application to the superintendent or executive officer of the institution in which confined for permission to participate in the program~~ shall sign a work release agreement. The ~~application~~ agreement shall include a statement that the inmate agrees to abide by all terms and conditions of the particular plan adopted for the inmate by the ~~committee if the application is approved~~ board of parole, shall state the name and address of the proposed employer, if any, and ~~shall contain such other information as the committee may require. The superintendent or executive officer may, at that person's discretion, recommend such application to the committee. The committee may approve, disapprove, or defer action on the recommendation. If the recommendation is approved, the committee shall adopt a work release plan for the applicant which shall~~ contain ~~such~~ terms and conditions ~~as may be~~ the board of parole deems necessary and proper. The plan shall be signed by the inmate prior to participation in the program. Approval may be revoked for any reason by ~~the superintendent or executive officer or by the committee~~ a member of the board of parole at any time after being granted.

Sec. _____. Section 246.904, Code Supplement 1985, is amended to read as follows:

246.904 HOUSING FACILITIES — HALFWAY HOUSES.

Unless the inmate is transferred to the correctional release center, or returns after working hours to the institution under jurisdiction of the department of corrections, the department of corrections shall contract with a judicial district department of correctional services for the quartering and supervision of the inmate in local housing facilities. The ~~committee~~ board of parole shall include as a specific term or condi-

tion in the work release plan of any inmate the place where the inmate is to be housed when not on the work assignment. The ~~committee~~ board of parole shall not place an inmate on work release for longer than six months in any twelve-month period. ~~However, an inmate may be placed on work release for a period in excess of six months in any twelve month period if unanimous~~ unless approval is given by ~~the committee~~ a majority of the full board of parole. Inmates may be temporarily released to the supervision of a responsible person to participate in family and selected community, religious, educational, social, civic, and recreational activities when it is determined that the participation will directly facilitate the release transition from institution to community. The department of corrections shall provide a copy of the work release plan and a copy of any restitution plan of payment to the judicial district department of correctional services quartering and supervising the inmate.

Sec. _____. Section 246.906, Code Supplement 1985, is amended to read as follows:

246.906 STATUS OF INMATES ON WORK RELEASE.

An inmate employed in the community under this chapter is not an agent, employee, or involuntary servant of the department of corrections ~~nor~~, the board of parole, or the judicial district department of correctional services while released from confinement under the terms of a work release plan. If an inmate suffers an injury arising out of or in the course of the inmate's employment under this chapter, the inmate's recovery shall be from the insurance carrier of the employer of the project and no proceedings for compensation shall be maintained against the insurance carrier of the state institution, the state, the insurance carrier of the judicial district department of correctional services, or the judicial district department of correctional services, and there is no employer-employee relationship between the inmate and the state institution, the board of parole, or the judicial district department of correctional services.

Sec. _____. Section 246.908, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Upon request by the Iowa department of corrections, the board of parole, or a judicial district department of correctional services a county shall provide temporary confinement for alleged violators of work release conditions if space is available."

476. Page 315, line 29, by inserting after the words "consist of" the following: "five members,".

477. Page 315, line 30, by inserting after the word "parole" the words "and work release".

478. Page 315, line 30, by inserting after the word "system" the following: "and two members who shall be part time".

479. Page 316, by striking lines 3 through 16, and inserting the following:

"Sec. _____. NEW SECTION. 904A.2 COMPOSITION OF BOARD.

The membership of the board shall be of good character and judicious

background, shall include a member of a minority group, may include a person ordained or designated as a regular leader of a religious community and who is knowledgeable in correctional procedures and issues, and shall meet at least two of the following three requirements:

1. Contain one member who is a disinterested layperson.

2. Contain one member who is an attorney licensed to practice law in this state and who is knowledgeable in correctional procedures and issues.

3. Contain one member who is a person holding at least a master's degree in social work or counseling and guidance and who is knowledgeable in correctional procedures and issues."

480. Page 316, by striking lines 24 through 27, and inserting the following:

"1. The board of parole shall interview and consider inmates for parole or work release and a majority vote of the members is required to grant a parole or work release.

A member of the board of parole shall conduct parole or work release revocation hearings and may revoke a parole or work release, unless prior to the hearing the offender requests that the revocation hearing be conducted by a three person panel of the board of parole, in which case a three member panel of the board of parole shall conduct the revocation hearing and a majority vote of the panel is required to revoke the parole or work release."

481. Page 316, line 30, by striking the word "with" and inserting the following: "between a liaison officer of the board and".

482. Page 316, line 34, by inserting after the word "board" the following: "or the liaison officer".

483. By striking page 316, line 35, through page 317, line 5.

484. Page 317, line 7, by inserting after the word "parole" the words "and work release".

485. Page 317, line 21, by inserting after the word "parole" the words "and work release".

486. Page 317, line 30, by inserting after the word "parole" the words "or work release".

487. Page 318, by inserting after line 20 the following:

"Sec. _____. NEW SECTION. 904A.7 RISK ASSESSMENT PROGRAM.

There is created under the board of parole a risk assessment program, which shall provide risk assessment analysis for the board of parole.

Sec. _____. Section 906.1, Code 1985, is amended to read as follows:

906.1 DEFINITION OF PAROLE AND WORK RELEASE.

Parole is the release of a person who has been committed to the custody of the director of the Iowa department of corrections by reason of the person's commission of a public offense, which release occurs prior to the expiration of the person's term, is subject to supervision by the district department of correctional services, and is on conditions imposed by the district department.

Work release is the release of a person, who has been committed to the custody of the director of the Iowa department of corrections, pursuant to sections 246.901 through 246.909.

Sec. _____. Section 906.3, Code 1985, is amended to read as follows:

906.3 AUTHORITY OF PAROLE BOARD.

The board of parole shall adopt rules regarding a system of paroles from correctional institutions, and shall direct, control, and supervise the administration of the system of paroles. The board of parole shall consult with the director of the department of corrections on rules regarding a system of work release and shall assist in the direction, control, and supervision of the work release system. The board shall determine which of those persons who have been committed to the custody of the director of the Iowa department of corrections, by reason of their conviction of a public offense, shall be released on parole or work release. The grant or denial of parole or work release is not a contested case as defined in section 17A.2.

Sec. _____. Section 906.4, Code 1985, is amended to read as follows:

906.4 STANDARDS FOR RELEASE ON PAROLE OR WORK RELEASE.

A parole or work release shall be ordered only for the best interest of society and the offender, not as an award of clemency. The board shall release on parole or work release any person whom it has the power to so release, when in its opinion there is reasonable probability that ~~such~~ the person can be released without detriment to the community or to the person. A person's release is not a detriment to the community or the person ~~when~~ if the person is able and willing to fulfill the obligations of a law-abiding citizen, ~~as~~ in the ~~board shall determine~~ board's determination.

Sec. _____. Section 906.5, Code Supplement 1985, is amended to read as follows:

906.5 RECORD REVIEWED — ELIGIBILITY OF PRIOR FORCIBLE FELON FOR PAROLE OR WORK RELEASE — RULES.

Within one year after the commitment of a person other than a class "A" felon to the custody of the director of the Iowa department of corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one year, the board shall interview the person and consider the person's prospects for parole or work release. At the time of an interview, the board shall consider all pertinent information regarding ~~this~~ the person, including the circumstances of the person's offense, any presentence report which is available, the previous social history and criminal record of the person, the person's conduct, work, and attitude in prison, and the reports of physical and mental examinations that have been made.

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the person has served at least one-half of the maximum term of the defendant's sentence. However, the mandatory sentence provided for by this section ~~shall~~ does not apply if the sentence being served is for a felony other than a forcible felony and the sentences for the prior forcible felonies expired at least five years before the date of conviction for the present felony.

A person while on parole or work release is under the supervision of the district department of correctional services of the district designated by the board of parole. The department of corrections shall prescribe ~~regulations~~ rules for governing persons on parole or work release. The board may adopt other rules not inconsistent with the rules of the department of corrections as ~~it~~ the board deems proper or necessary for the performance of its functions.

Sec. _____. Section 906.6, Code 1985, is amended to read as follows:

906.6 CO-OPERATION OF CORRECTION PERSONNEL.

~~It shall be the duty of all~~ All persons employed in ~~any~~ a correctional institution ~~to~~ shall grant to the members of the board of parole, or its properly accredited representatives, access at all reasonable times to any person over whom the board has jurisdiction, ~~to~~ shall provide for the board or ~~such~~ its representatives facilities for communicating with and observing ~~such~~ the person, and ~~to~~ shall furnish to the board ~~such~~ reports ~~as~~ the board ~~shall require~~ requires concerning the conduct and character of any person in their custody and any other facts deemed by the board pertinent in determining whether the person shall be released on parole or work release.

Sec. _____. Section 906.16, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The time when a prisoner is on parole or work release from the institution shall be held to apply upon the sentence against the parolee or work releasee even if the parole or work release is subsequently revoked, except that the time when the parolee or work releasee is in violation of the terms of the parole or work release agreement shall not apply upon the sentence."

488. Page 319, by striking line 1 and inserting the following: "1985, and section 246.902, Code Supplement 1985, are repealed."

489. Page 319, line 7, by inserting after the word "One" the following: "full time and one part time".

490. Page 319, line 8, by inserting after the word "One" the following: "full time and one part time".

491. Page 319, by striking lines 12 through 22, and inserting the following:

"Sec. _____. Section 80.26, Code 1985, is amended by striking the section."

492. Page 320, line 4, by striking the word "governor" and inserting the words "~~governor~~ director of public safety".

493. Page 320, by inserting after line 32, the following:

"Sec. _____. Section 692.2, subsection 1, paragraph b, Code Supplement 1985, is amended to read as follows:

b. Other public agencies as authorized by the ~~confidential records council~~ director of public safety.

Sec. _____. Section 692.2, subsection 5, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Notwithstanding other provisions of this section, the department and bureau may provide copies or communicate information from criminal history data to any youth service agency approved by the ~~confidential records council~~ director of public safety. The department shall adopt rules to provide for the qualification and approval of youth service agencies to receive criminal history data.

Sec. _____. Section 692.19, Code 1985, is amended to read as follows:

692.19 CONFIDENTIAL RECORDS ~~COUNCIL~~ — OVERSIGHT BY DIRECTOR.

~~There is hereby created a confidential records council consisting of nine regular members. Two members shall be appointed from the house of representatives to serve as ex officio nonvoting members by the speaker of the house, no more than one of whom shall be from the same party. Two members shall be appointed from the senate to serve as ex officio nonvoting members by the lieutenant governor, no more than one of whom shall be from the same party. The other members of the council shall be: A judge of the district court appointed by the chief justice of the supreme court, one local law enforcement official, appointed by the governor; the commissioner of public safety or the commissioner's designee; and two private citizens not connected with law enforcement, appointed by the governor. The council shall select its own chairperson. The members shall serve at the pleasure of those by whom their appointments are made.~~

~~The council shall meet at least annually and at any other time upon the call of the governor, the chairperson of the council, or any three of its members. Each nonlegislative council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of public safety. Each legislative member shall receive expenses pursuant to section 2.10 and section 2.12.~~

The ~~council~~ director of public safety shall have the following responsibilities and duties:

1. Shall periodically monitor the operation of governmental information systems which deal with the collection, storage, use and dissemination of criminal history or intelligence data.

2. Shall review the implementation and effectiveness of legislation and administrative rules concerning such systems.

3. May recommend changes in said rules and legislation to the legislature and the appropriate administrative officials.

4. May require such reports from state agencies as may be necessary to perform its duties.

5. May receive and review complaints from the public concerning the operation of such systems.

6. May conduct such inquiries and investigations as it finds appropriate to achieve the purposes of this chapter. Each criminal justice agency in this state and each state and local agency otherwise authorized access to criminal history data is authorized and directed to furnish to the ~~council~~ director of public safety, upon ~~its~~ the director's request, such statistical data, reports, and other information in its possession as the ~~council~~ director deems necessary to carry out its functions under this chapter. However, ~~the council and its members, in such capacity,~~ the director of public safety, in the capacity of providing oversight of confidential records, shall not have access to criminal history data or intelligence data unless it is data from which individual identities are not ascertainable or data which has been masked so that individual identities are not ascertainable. However, the ~~council~~ director may examine data from which the identity of an individual is ascertainable if requested in writing by that individual or the individual's attorney with written authorization and fingerprint identification.

7. Shall annually approve rules adopted in accordance with section 692.10 and rules to assure the accuracy, completeness and proper purging of criminal history data.

8. Shall approve all agreements, arrangements and systems for the interstate transmission and exchange of criminal history data."

494. Page 327, by striking lines 7 and 8 and inserting the following:

"3. "Natural resource commission" means the natural resource commission created under section 455A.5."

495. Page 327, line 23, by inserting after the word "capabilities." the following: "The director shall be knowledgeable in the general field of natural resource management and environmental protection."

496. Page 327, line 30, by striking the words "state parks and wildlife" and inserting the following: "natural resource".

497. Page 327, by striking lines 33 through 35 and inserting the following: "vested in the department."

498. Page 328, by striking lines 2 and 3 and inserting the following: "of functions to be administered by the administrators under chapters 84, 93, 106, 107, 108, 108A, 109, 109A, 110, 110A, 110B, 111, 111B, 111D, 112, 305, 321G, 455B, 455C, and 469."

499. Page 328, by striking line 34 and inserting the following:

"Sec. 1805. NEW SECTION. 455A.5 NATURAL RESOURCE".

500. Page 329, by striking line 1 and inserting the following:

"1. A natural resource commission is created, which".

501. Page 329, line 35, by striking the word and figure "or 112" and inserting the following: "112, or 321G".

502. Page 330, line 4, by striking the word and figure "or 112" and inserting the following: "112, or 321G".

503. Page 331, by striking line 15 and inserting the following: "effective administration of chapter 455B,".

504. By striking page 331, line 22 through page 332, line 3, and inserting the following:

"Sec. 1807. NEW SECTION. DIVISIONS CREATED —DEPUTY DIRECTOR AND ADMINISTRATORS APPOINTED BY DIRECTOR.

1. The following divisions are created within the department:

a. Parks and preserves division which is responsible for programs relating to water access development, state parks and recreation areas, and preserves.

b. Forests and forestry division which is responsible for administering programs relating to state forests and forestry and for the operation of the state nursery under section 107.20.

c. Fish and wildlife division which is responsible for programs relating to wildlife, law enforcement, fisheries, and land acquisition and management.

d. Energy and geological resources division which is responsible for programs relating to energy, geological survey, and oil and gas production.

e. Environmental protection division which is responsible for programs relating to wastewater treatment, water supply, hazardous wastes, air and land, and field services.

f. Coordination and information division which has the responsibility for legal services, governmental liaison, information and education, and planning.

g. Administrative services division which is responsible for finance, budget and grants, administrative support, data processing, licensing, and construction services.

h. Additional divisions deemed necessary for the effective and efficient administration of the department.

2. The director shall appoint a deputy director who shall be in charge of the department in the absence of the director. The appointment shall be based on the appointee's training, experience, and capabilities.

3. The director shall appoint an administrator for each division created under subsection 1. The director shall make the appointment based on the appointee's training, experience, and capabilities. Each administrator has the responsibility of administering the programs assigned the division under subsection 1 and other programs assigned by the director. Each administrator shall carry out the duties and responsibilities of office under the general direction and supervision of the director."

505. Page 332, lines 7 and 8, by striking the words "state parks and wildlife" and inserting the following: "natural resources".

506. Page 332, lines 23 and 24, by striking the words "the land rehabilitation advisory board,".

507. By striking page 332, line 31 through page 334, line 17.

508. Page 334, by striking lines 25 and 26 and inserting the following:

"20. "Director" means the director of the department or a".

509. Page 335, line 22, by striking the word "commission" and inserting the following: "department".

510. By striking page 335, line 34 through page 336, line 1, and inserting the following:

"4. "Director" means the director of ~~energy policy~~ the department or a designee."

511. By striking page 336, line 20 through page 337, line 22.

512. Page 337, line 26, by striking the word "commission" and inserting the word "department".

513. Page 338, by striking lines 1 and 2 and inserting the following:

"12. "Commission" means ~~state conservation~~ the natural resource commission."

514. Page 338, by striking lines 9 and 10 and inserting the following:

"Sec. 1838. Sections 106.2, 106.3, and 106.4, Code 1985, are amended by striking the words "state conservation commission" or "conservation commission".

515. Page 338, by striking lines 22 and 23 and inserting the following:

"3. "Commission" means the natural resource commission.

Sec. _____. Section 107.13, Code 1985, is amended to read as follows:

107.13 OFFICERS AND EMPLOYEES.

The director shall, ~~with the consent of the commission,~~ employ the number of assistants, including a professionally trained state forester, that are necessary to carry out the duties imposed on the commission; and, under the same conditions, the director shall appoint the number of full-time officers and supervisory personnel that are necessary to enforce ~~the~~ all laws of the state and rules and regulations, ~~the enforcement of which are imposed on~~ the commission. The full-time officers and supervisory personnel ~~shall~~ have the same powers that are conferred by law on peace officers in the enforcement of ~~the~~ all laws of the state of Iowa and the apprehension of violators. ~~Any~~ A person appointed as a full-time officer shall be at least twenty-one years of age, but not more than sixty-five years of age, on the date of appointment. ~~Officer~~ Full-time officer means any person appointed by the ~~state conservation commission~~ director to enforce the laws of this state ~~under the jurisdiction of the commission~~.

Sec. _____. Section 107.14, Code 1985, is amended to read as follows:

107.14 TEMPORARY APPOINTMENTS.

The ~~commission~~ director may appoint temporary officers for a period not to exceed six months. ~~The commission~~ and may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. ~~The provisions of chapter~~ Chapter 80B ~~shall~~ does not apply to the temporary officers. Temporary officers have all the powers of peace officers in the enforcement of chapters 106 through 111, 111B, 321G, and the trespass laws."

516. Page 338, by striking lines 24 through 32.

517. Page 339, line 6, by striking the word "commission" and inserting the following: "~~commission~~ department".

518. Page 339, by striking lines 19 through 21 and inserting the following: "embraced in the fish and wildlife division ~~of fish and game~~."

519. Page 339, line 28, by striking the word "commission" and inserting the following: "~~commission~~ department".

520. Page 339, by striking lines 30 through 32 and inserting the following: "activities embraced in the fish and ~~game~~ wildlife division."

521. Page 344, by inserting after line 12 the following:

"Sec. _____. Sections 107.20, 107.24, 107.27 through 107.29, and 107.31 through 107.34, Code 1985, are amended by striking the words "state conservation commission", "conservation commission", and "commission" where they appear in those sections and inserting in lieu thereof the word "department"."

522. Page 344, by striking lines 19 and 20 and inserting the following:

"3. "Commission" means the natural resource commission."

523. Page 345, by striking lines 9 and 10 and inserting the following:

"1. "Commission" means the ~~state conservation~~ natural resource commission."

524. Page 345, by striking lines 22 and 23 and inserting the following:

"13. "Commission" means the ~~state conservation~~ natural resource commission."

525. Page 346, by striking lines 2 through 15.

526. Page 346, line 24, by striking the word and number "and 109.19" and inserting the following: "109.19, and 109.58".

527. Page 346, by striking lines 30 and 31 and inserting the following:

"1. "Commission" means the ~~state conservation~~ natural resource commission."

528. Page 347, by striking line 8 and inserting the following:

"3. "Commission" means the natural resource".

529. Page 347, by striking line 16 and inserting the following:

"3. "Commission" means the natural resource".

530. Page 347, by striking lines 20 and 21 and inserting the following:

"2. "Commission" means ~~state conservation~~ the natural resource commission."

531. Page 347, by striking line 31 and inserting the following:

"3. "Commission" means the natural resource".

532. Page 349, lines 28 and 29, by striking the words "state ~~conservation~~ parks and wildlife" and inserting the following: "~~state conservation~~ natural resource".

533. Page 349, line 30, by striking the words "or village" and inserting the following: "~~or village~~".

534. Page 350, by striking lines 3 and 4 and inserting the following: "~~commission~~ department of natural resources or ~~such~~ the county or ~~municipality~~ city and not devoted or dedicated to".

535. Page 350, lines 9 and 10, by striking the words "state ~~conservation~~ parks and wildlife" and inserting the following: "~~state conservation~~ natural resource".

536. Page 350, line 17, by striking the words "state ~~conservation~~ parks and wildlife" and inserting the following: "~~state conservation~~ natural resource".

537. Page 350, lines 20 and 21, by striking the words "state ~~conservation~~ parks and wildlife" and inserting the following: "~~state conservation~~ natural resource".

538. Page 350, line 33, by striking the word "commission" and inserting the following: "natural resource commission".

539. Page 351, by striking lines 27 and 28 and inserting the following:

"7. "Commission" means the natural resource commission."

540. Page 352, line 15, by inserting after the word "~~conservation~~" the following: "natural resource".

541. Page 353, line 8, by inserting after the word "unless" the following: "a".

542. Page 353, line 8, by striking the word "render" and inserting the following: "~~render~~ renders".

543. Page 353, by striking line 20 and inserting the following:

"3. "Commission" means the natural resource".

544. Page 354, lines 8 and 9, by striking the word and figure "and 112.1" and inserting the following: "112.1, 321G.1, and 321G.15".

545. Page 354, lines 24 and 25, by striking the words "state parks and wildlife" and inserting the following: "natural resource".

546. Page 354, by inserting after line 25 the following:

"Sec. _____. Section 258A.3, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148B.7, 153.34, 154A.24, 169.13, ~~455B.219~~ or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;".

547. Page 355, by inserting after line 12 the following:

"Sec. _____. Section 321G.1, subsection 1, Code 1985, is amended to read as follows:

1. "Commission" means the ~~state conservation~~ natural resource commission."

548. Page 355, by striking line 22 and inserting the following: "director of the".

549. Page 355, lines 23 and 24, by striking the words "of the ~~executive~~ director" and inserting the following: "~~of the executive director~~".

550. Page 355, by striking lines 33 and 34.

551. Page 356, by inserting after line 4, the following:

"Sec. _____. NEW SECTION. 455B.111 CITIZEN ACTIONS.

1. Except as provided in subsection 2, a person with standing as provided in subsection 3 may commence a civil action in district court on the person's own behalf against any of the following:

a. A person, including the state of Iowa, for violating any provision of this chapter or a rule adopted pursuant to this chapter.

b. The executive director, the commission, or any official or employee of the department where there is an alleged failure to perform any act or duty under this chapter or a rule adopted pursuant to this chapter which is not a discretionary act or duty.

2. An action shall not be commenced pursuant to subsection 1, paragraph "a", unless the person commencing the action has provided the director and the alleged violator with a written notice at least sixty days prior to commencing the action. The written notice shall specify the nature of the violation and that legal action is contemplated under this section if the violation is not abated and, if necessary, remedial action is not taken. The state may intervene in such an action as a matter of right. In addition, an action shall not be commenced pursuant to subsection 1, paragraph "a", if the department or the state has commenced and is actively prosecuting a civil action or is actively negotiating an out-of-court settlement to require abatement of the violation and, if necessary, remediation of damages. However, any person may intervene as a matter of right in such an action.

3. A person shall have standing to commence an action pursuant to subsection 1 or to intervene in an action pursuant to subsection 2 if the person is adversely affected by the alleged violation or the alleged failure to perform a duty or act.

4. In an action commenced pursuant to subsection 1, the court may award costs of litigation, including reasonable attorney and expert witness fees, to any party.

5. This section does not restrict any right under statutory or common law of a person or class of person to seek enforcement of provisions of this chapter or a rule adopted pursuant to this chapter or seek other relief permitted under the law.

Sec. _____. NEW SECTION. 455B.112 AUTHORITY OF ATTORNEY GENERAL.

In addition to the duty to commence legal proceedings at the request of the director or commission under this chapter, the attorney general may institute civil or criminal proceedings, including an action for injunction, to enforce the provisions of this chapter including orders or permits issued or rules adopted under this chapter."

552. Page 356, by inserting after line 6 the following:

"Sec. _____. Section 455B.212, Code 1985, is amended to read as follows:

455B.212 ~~EXECUTIVE~~ DIRECTOR'S DUTIES.

The ~~executive~~ director shall classify all water treatment plants, water distribution systems, and waste water treatment plants affecting the public welfare with regard to the size, type, character of water and waste water to be treated and other

physical conditions affecting such treatment plants and distribution systems, and according to the skill, knowledge, and experience that an operator must have to supervise the operation of ~~such~~ the facilities to protect the public health and prevent pollution. The director may appoint advisory committees to advise the department in carrying out the requirements of this part."

553. By striking page 357, line 4 through page 358, line 15.

554. Page 360, by striking lines 1 and 2 and inserting the following: "an operator, following a hearing before the ~~board~~ director, when the operator is ~~found~~".

555. Page 361, by inserting after line 11 the following:

"Sec. _____. Sections 455B.131, 455B.135 through 455B.137, 455B.143, 455B.145 through 455B.147, 455B.174, 455B.181, 455B.183, 455B.305, 455B.340, 455B.383, and 455B.391, Code 1985, are amended by striking the word "commission" where it appears in those sections and inserting in lieu thereof the word "department". Sections 455B.262, 455B.264, 455B.265, 455B.266, 455B.271, and 455B.412, Code Supplement 1985, are amended by striking the word "commission" where it appears in those sections and inserting in lieu thereof the word "department"."

556. Page 361, by striking line 15, and inserting the following: "department ~~of water,~~".

557. Page 362, line 27, by striking the word "director" and inserting the following: "administrator of the environmental protection division".

558. Page 364, line 5, by striking the figures "83A.4, 83A.5,".

559. Page 364, line 6, by striking the figure "107.1,".

560. Page 364, line 6, by inserting after the figure "107.12," the following: "107.21,".

561. Page 364, line 7, by inserting after the number "455B.104," the following: "455B.106, 455B.214, 455B.215,".

562. Page 364, by striking lines 8 and 9 and inserting the following: "are repealed. Section 455D.16, Code Supplement 1985, is repealed."

563. Page 364, by inserting after line 34, the following:

"Sec. _____. Section 307.6, Code 1985, is amended to read as follows:

307.6 COMPENSATION — COMMISSION MEMBERS.

Each member of the commission shall ~~receive a salary as fixed by the general assembly~~ be compensated as provided in section 7E.3."

564. By striking page 370, line 26 through page 372, line 21.

565. By striking page 377, line 23, through page 378, line 5.

566. Page 391, by inserting after line 7 the following:

"EXECUTIVE COUNCIL

Sec. _____. Section 1.6, Code 1985, is amended to read as follows:

1.6 CONDITIONS.

Any acquisition by the government of the United States of land and water, or of land or water, under section 1.5 shall be first approved by the state conservation commission, ~~by~~ and the state conservation director of this state, ~~and the executive council~~.

Sec. _____. Section 8.31, unnumbered paragraph 7, Code 1985, is amended to read as follows:

~~The finding by~~ If the governor determines that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, ~~as provided herein, shall be subject to the concurrence in such finding by the executive council before reductions in allotment shall be made, and in the event any reductions in allotment be made, such~~ the reductions shall be uniform and prorated between all departments, agencies and establishments upon the basis of their respective appropriations.

Sec. _____. Section 11.28, Code 1985, is amended to read as follows:

11.28 INDIVIDUAL AUDIT REPORTS.

The individual audit reports shall include exhibits and schedules to report data similar to that now required by section 11.4, and shall as nearly as possible correspond and be prepared similar in form to the audit reports rendered by certified public accountants, and such reports shall include information as to the assets and liabilities of the various departments and institutions audited as of the beginning and close of the fiscal year audited, the receipts and expenditures of cash, the disposition of materials and other properties, and the net income and net operating cost. These reports shall also set forth the cost as to each inmate, member, or student per year in the various classifications of expenses, and shall make comparisons thereof, and shall give such other information, suggestions, and recommendations as may be deemed of advantage and to the best interests of the taxpayers of the state; provided, that the daily audit report of the state treasury shall be submitted to the state comptroller; provided, further, that copies of all individual audit reports of all state departments and establishments shall be transmitted to the ~~executive council and to the~~ state comptroller's office after the completion of each audit, and that copies of all local government audits shall, until otherwise provided, be also supplied to the comptroller's office; provided, further, that copies of such audit reports shall also be supplied to the officers of the counties, schools, and cities, as now provided by law; and, provided further, that summaries of the findings, recommendations, and comparisons, together with any other information deemed essential, shall be printed and distributed to members of the ~~legislature, and such officials, including state officers, as may be designated by the executive council~~ general assembly.

Sec. _____. Section 18.6, unnumbered paragraph 2, Code 1985, is amended by striking the unnumbered paragraph.

Sec. _____. Section 18.115, subsection 4, Code Supplement 1985, is amended to read as follows:

4. The state vehicle dispatcher shall purchase all new motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the commission for the blind, and any other agencies exempted by law. Before purchasing any motor vehicle the dispatcher shall make requests for public bids by advertisement and shall purchase the vehicles from the lowest responsible bidder for the type and make of motor vehicle designated ~~at a purchase price approved by the executive council~~.

Sec. _____. Section 18.116, Code 1985, is amended to read as follows:

18.116 VIOLATIONS — WITHDRAWING USE OF VEHICLE.

If any state officer or employee violates any of the provisions of this chapter, the state vehicle dispatcher shall have the authority to withdraw the assignment of any state-owned motor vehicle to any such state officer or employee. ~~An appeal from such order by the state vehicle dispatcher may be taken to the executive council whose decision shall be final.~~

Sec. _____. Section 18.117, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A state officer or employee shall not use a state-owned motor vehicle for personal private use, nor shall the officer or employee be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the state vehicle dispatcher, and in that case the officer or employee shall receive twenty-two cents per mile effective July 1, 1981, and twenty-four cents per mile effective July 1, 1982. A statutory provision stipulating necessary mileage, travel, or actual expenses reimbursement to a state officer falls under the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section. However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services ~~and approved by the executive council~~. If a state motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned vehicle unless the state vehicle assigned is not usable.

Sec. _____. Section 26.1, Code 1985, is amended to read as follows:

26.1 FEDERAL AND STATE CO-OPERATION.

The ~~executive council~~ secretary of state is authorized, so far as practicable, to co-operate with the census bureau of the United States in the gathering, compilation, and publication of census statistics.

Sec. _____. Section 96.25, Code 1985, is amended to read as follows:

96.25 OFFICE BUILDING.

The department of job service may~~, subject to the approval of the executive council of the state,~~ acquire for and in the name of the state of Iowa by purchase, or by rental purchase agreement, such lands and buildings upon such terms and conditions as may entitle this state to grants or credits of funds under the Social Security Act or the Wagner-Peyser Act to be applied against the cost of such property, for the purpose of providing office space for the department of job service at such places as the commission finds necessary and suitable.

Sec. _____. Section 111.7, Code 1985, is amended to read as follows:

111.7 EMINENT DOMAIN.

The ~~executive council may, upon the recommendation of the~~ commission, may purchase or condemn lands for public parks. No contract for the purchase of such public parks shall be made to an amount in excess of funds appropriated therefor by the general assembly.

Sec. _____. Section 111.8, Code 1985, is amended to read as follows:

111.8 HIGHWAYS.

The ~~executive council may, upon the recommendation of the~~ commission, may purchase or condemn highways connecting ~~such~~ parks with the public highways. When ~~such~~ the highways have been purchased or condemned the same shall be public highways of this state and shall be maintained as other public highways of the county.

Sec. _____. Section 111.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commission ~~with the written consent of the executive council,~~ may accept gifts of land or other property, or the use of lands or other property for a term of years, and improve and use the ~~same~~ land as public state parks.

Sec. _____. Section 111.24, Code 1985, is amended to read as follows:

111.24 BOUNDARIES — ADJUSTMENT.

Whenever a controversy shall arise as to the true boundary line between state-owned property and private property, the commission may~~, with the approval of the executive council,~~ adjust ~~said~~ the boundary line or take such other action in the premises~~, all with the approval of the executive council,~~ as in its judgment may seem right. When ~~such~~ the disputed boundary line is fixed it shall be surveyed and marked ~~as herein provided~~.

Sec. _____. Section 297.26, Code 1985, is amended to read as follows:

297.26 SALE BY ~~EXECUTIVE COUNCIL~~ DEPARTMENT.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in

mining camps, shall be sold by the ~~state executive council~~ department when the ~~state board of public instruction certifies the same to the executive council in writing as being~~ department of education determines it is no longer needed for school purposes.

Sec. _____. Section 297.27, Code 1985, is amended to read as follows:

297.27 PREFERENCE TO OWNER OF TRACT.

When ~~such~~ the buildings or sites are sold ~~by the executive council~~, the ~~then~~ owners of the tract from which the same was originally taken shall have first option on the purchase of the same.

Sec. _____. Section 297.28, Code 1985, is amended to read as follows:

297.28 APPRAISERS.

~~In case the executive council~~ If the department and ~~said~~ the owner of the tract from which ~~such~~ the school site was taken, do not agree as to the value of such site or building, the chief judge of the judicial district of the county in which the greater part of such school site is situated shall, on the written application of either party, appoint three disinterested voters of the county from the list of compensation commissioners to appraise such site. The county sheriff shall give notice to both parties of the time and place of making such appraisement, which notice shall be served in the same manner and for the same time as for the commencement of an action in the district court.

Sec. _____. Section 306.22, unnumbered paragraph 1, Code 1985, is amended to read as follows:

306.22 SALE OF UNUSED RIGHT OF WAY.

When title to any tract of land has been or may be acquired for the construction or improvement of any highway, and when in the judgment of the agency in control of the highway, the tract will not be used in connection with or for the improvement, maintenance, or use of the highway, the agency in control of the highway may sell the tract for cash. ~~If the tract of land is held or used in connection with any primary road, or state park or institutional road, the sale shall be subject to approval of the executive council of the state.~~

Sec. _____. Section 455B.422, Code Supplement 1985, is amended to read as follows:

455B.422 ACQUISITION AND LEASE OF SITES.

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment or disposal facility. Upon request, the department shall assist ~~the executive council~~ in locating suitable sites for the location of a treatment or disposal facility. The commission may ~~recommend to the executive council the~~ purchase or ~~condemnation of~~ condemn land to be leased for the operation of a treatment or disposal facility. ~~The executive council may purchase or may condemn the land~~ subject to chapter 471. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general

assembly for that purpose. The ~~executive council upon recommendation of the~~ commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate a hazardous waste treatment or disposal facility for the treatment and disposal of hazardous wastes. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission may require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed and valued as any other real property as provided by law.

Sec. _____. Section 505.2, Code 1985, is amended to read as follows:

505.2 APPOINTMENT AND TERM.

The governor shall appoint subject to confirmation by the senate, a commissioner of insurance, who shall be selected solely with regard to qualifications and fitness to discharge the duties of this position, devote the entire time to such duties, and serve for four years beginning and ending as provided by section 69.19. The governor ~~with the approval of the executive council~~ may remove the commissioner for malfeasance in office, or for any cause that renders the commissioner ineligible, incapable, or unfit to discharge the duties of the office.

Sec. _____. Section 565.3, Code 1985, is amended to read as follows:

565.3 GIFTS TO STATE.

A gift, devise, or bequest of property, real or personal, may be made to the state, to be held in trust for and applied to any specified purpose within the scope of its authority, but the same shall not become effectual to pass the title in such property unless accepted by the ~~executive council in~~ governor on behalf of the state.

Sec. _____. Section 601A.5, subsection 11, Code 1985, is amended to read as follows:

11. To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter ~~with the approval of the executive council~~.

Sec. _____. Sections 19.16, 29A.59, and 111.1, Code 1985, are repealed."

567. Page 391, by inserting before line 9 the following:

"Sec. _____. Section 2.9, Code 1985, is amended to read as follows:

2.9 JOURNALS.

The secretary of the senate and the clerk of the house of representatives shall preserve copies of the printed daily journals of their respective bodies, as corrected, certify to their correctness, and file them with the secretary of state at the adjourn-

ment of each session of the general assembly. The secretary of state shall cause the ~~same~~ journals to be bound and preserved as the original journals of the senate and the house in the manner ~~as shall be~~ specified by the ~~president~~ majority leader of the senate and speaker of the house."

568. Page 391, line 12, by striking the word "ten" and inserting the following: "~~ten~~ forty-five".

569. Page 391, line 23, by inserting after the word "committee." the following: "Before submitting any proposal prepared under this section to the presiding officers, the legislative service bureau shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or the governor's office shall review and return it within seven days of such delivery."

570. Page 392, by inserting after line 2 the following:

"Sec. _____. Section 2.35, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~There is established a~~ A communications review committee ~~which shall consist~~ is established, consisting of three members of the senate appointed by the ~~president~~ majority leader of the senate and three members of the house of representatives appointed by the speaker of the house. The committee shall select a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

Sec. _____. Section 2.41, Code 1985, is amended to read as follows:

2.41 LEGISLATIVE COUNCIL CREATED.

~~There is hereby created a~~ A continuing legislative council of twenty members ~~which shall be entitled the legislative council~~ is created. The council ~~shall be~~ is composed of the president pro tempore of the senate, the speaker of the house of representatives, the majority and minority floor leaders of the senate, the chairperson of the senate committee on ~~budget~~ appropriations, the minority party ranking member of the senate committee on ~~budget~~ appropriations, five members of the senate appointed by the ~~president~~ majority leader of the senate, the majority and minority floor leaders of the house of representatives, the chairperson of the house committee on ~~budget~~ appropriations, the minority party ranking member of the house committee on ~~budget~~ appropriations, and five members of the house of representatives appointed by the speaker of the house of representatives. The lieutenant governor shall be an ex officio nonvoting member of the council. Of the five members appointed by the ~~president~~ majority leader of the senate and speaker of the house, three from each house shall be appointed from the majority party and two from each house shall be appointed from the minority party. Members shall be appointed prior to the fourth Monday in January of the first regular session of each general assembly and shall serve for two-year terms ending upon the convening of the following general assembly or when their successors are appointed. Vacancies on the council, including vacancies which occur when a member of the council ceases to be a member of the general assembly, shall be filled by the ~~president~~ majority leader of the senate and the speaker of the house respectively. Insofar as possible at least two members of the council from each house shall be reappointed. The council shall hold regular meetings at a time and place fixed by the council and shall meet at any other time and place as the council ~~may deem~~ deems necessary.

Sec. _____. Section 2.45, subsection 2, Code 1985, is amended to read as follows:

2. The legislative fiscal committee, ~~which shall be~~ composed of the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees of the house and senate responsible for developing a state budget and appropriating funds, the chairpersons or their designated committee ~~members~~ member and the ranking minority party members or their designated committee member of the committees on ways and means, and two members, one appointed from the majority party of the senate by the ~~president~~ majority leader of the senate and one appointed from the majority party of the house by the speaker of the house of representatives. In each house, unless one of the members who represent the committee on ways and means is also a member of the legislative council, the person appointed from the membership of the majority party in that house shall also be appointed from the membership of the legislative council. The legislative fiscal committee shall determine policies for the legislative fiscal bureau and shall direct the administration of performance audits and visitations, subject to the approval of the legislative council."

571. Page 394, by inserting after line 14 the following:

"Sec. _____. Section 2.91, subsection 1, and unnumbered pararaph 2, Code 1985, are amended to read as follows:

1. ~~There is established an~~ An Iowa boundary commission ~~which shall consist~~ is established, consisting of three members of the senate appointed by the ~~president~~ majority leader of the senate and three members of the house of representatives appointed by the speaker of the house. The commission shall select a chairperson and shall meet at the call of the chairperson.

~~For the initial board, the president of the senate and the speaker of the house shall each appoint pursuant to this section on July 1, 1978, one member to a two-year term and two members to a four-year term.~~

Sec. _____. Section 2A.1, Code 1985, is amended to read as follows:

2A.1 COMMISSION ESTABLISHED.

~~There is established a~~ A commission ~~to be known as the commission~~ on compensation, expenses, and salaries for elected state officials~~, hereinafter~~ is established and is referred to in this chapter as "the commission". The commission ~~shall be~~ is composed of fifteen members, five of whom shall be appointed by the governor, five of whom shall be appointed by the ~~president~~ majority leader of the senate, and five of whom shall be appointed by the speaker of the house of representatives. Members of the commission shall be appointed without regard to political affiliation and shall not be state officials or employees, employees of any state department, board, commission, or agency or of any political subdivision of the state.

Sec. _____. Section 3.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An "appropriation bill" means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

Sec. _____. Section 7A.52, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The commission ~~shall consist~~ consists of five public members, not more than two from the same political party, appointed by the governor subject to confirmation by the senate under section 2.32, and one senator to serve as an ex officio nonvoting member, appointed by the ~~president~~ majority leader of the senate, and one representative to serve as an ex officio nonvoting member, appointed by the speaker of the house of representatives."

572. Page 395, by inserting after line 13 the following:

"4. A government agency which receives state funds directly from the state or indirectly through a political subdivision as directed by statute and which is not a city, county, or school district is subject to this subsection. A government agency which is subject to this subsection shall submit a copy of its budget to the legislative fiscal bureau, identifying it as being submitted under this subsection, when the budget of that government agency has received approval from the governing head or body of that agency. The copy of the budget submitted to the legislative fiscal bureau shall be on the budget forms provided by the department of management to state agencies under chapter 8. The government agency shall also submit a statement identifying any funds available to the agency which are not included in the budget."

573. Page 401, line 9, by inserting after the word "director." the following: "The estimates of expenditure requirements shall be based upon seventy-five percent of the funding provided for the current fiscal year accounted for by program and the remainder of the estimate of expenditure requirements prioritized by program. The estimates shall be accompanied with performance measures for evaluating the effectiveness of the program."

574. Page 405, by inserting after line 9 the following:

"Sec. _____. Section 17A.8, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Three senators appointed by the ~~president~~ majority leader of the senate.

Sec. _____. Section 18A.1, Code 1985, is amended to read as follows:

18A.1 COMMISSION CREATED.

~~There is created the~~ The capitol planning commission is created, composed of eleven members as follows: ~~(1)~~

1. Four members of the general assembly serving as ex officio nonvoting members, two ~~thereof~~ to be appointed by the speaker of the house from the membership ~~thereof~~ of the house, and two to be appointed by the ~~lieutenant governor~~ senate majority leader from the membership of the senate~~, and (2) six~~.

2. Six residents of the state of Iowa to be appointed by the governor~~, and (3) the~~.

3. The director of the department of general services or the director's designee.

Sec. _____. Section 18A.2, subsection 2, Code 1985, is amended to read as follows:

2. The legislative members of the commission shall be appointed to four-year terms of office, two of which shall expire every two years unless sooner terminated by a commission member ceasing to be ~~members~~ a member of the general assembly. Vacancies shall be filled by appointment of the speaker of the house or the ~~lieutenant governor~~ majority leader of the senate, as the case may be, for the unexpired term of their predecessors.

Sec. _____. Section 28B.1, subsection 1, and unnumbered paragraph 3, Code 1985, are amended to read as follows:

1. Five members of the senate to be appointed by the ~~president thereof~~ majority leader of the senate.

The governor, the ~~president~~ majority leader of the senate, and the speaker of the house of representatives ~~shall be~~ are ex officio honorary nonvoting members of the commission.

Sec. _____. Section 28C.2, subsection 2, paragraph b, and subsections 5 and 6, Code 1985, are amended to read as follows:

b. Two state senators appointed by the ~~president~~ majority leader of the senate.

5. The members shall be appointed to two-year staggered terms. ~~However, of the members of the initial commission, eight of the members appointed by the governor shall be appointed to an initial term of one year and one legislative member appointed by the speaker of the house and the president of the senate shall be appointed to initial terms of one year.~~ If a vacancy occurs, a successor shall be appointed to serve the unexpired term. If a member ceases to be an officer or employee of the governmental unit or agency which qualifies the person for membership on the commission, a vacancy ~~shall exist~~ exists and a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term.

6. Of the members who are county officers appointed by the governor, not more than two shall be members of the same political party. Of the members appointed by the ~~president~~ majority leader of the senate and the speaker of the house of representatives, not more than one from each house shall be a member of the same political party.

Sec. _____. Section 80B.6, unnumbered paragraph 2, Code 1985, is amended to read as follows:

One senator appointed by the ~~lieutenant governor~~ majority leader of the senate and one representative appointed by the speaker of the house ~~shall~~ are also ~~be~~ ex-officio, nonvoting members of the council.

Sec. _____. Section 145.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission consists of the commissioners of health, insurance, and human services, one state senator and one state representative who shall not be of the same party, shall be nonvoting members, and shall be appointed each year by the ~~president~~ majority leader of the senate and speaker of the house, respectively, and the chairperson of the board of directors of the corporation or the head of the association or other entity providing staff for the commission as provided by section 145.3 who shall be a nonvoting member. The commissioner members shall annually select the chairperson of the commission from among the three voting commissioner members. A majority of the six members including at least two voting members constitute a quorum.

Sec. _____. Section 249A.4, subsection 8, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Shall advise and consult at least semiannually with a council composed of the president, or the president's representative who is a member of the professional organization represented by the president, of the Iowa medical society, the Iowa society of osteopathic physicians and surgeons, the Iowa state dental society, the Iowa state nurses association, the Iowa pharmacists association, the Iowa podiatry society, the Iowa optometric association, the community mental health centers association of Iowa, the Iowa psychological association, the Iowa hospital association, the Iowa osteopathic hospital association, opticians' association of Iowa, Inc., the Iowa health care association, the Iowa assembly of home health agencies, the Iowa council of health care centers, and the Iowa association of homes for the aging, together with one person designated by the Iowa state board of chiropractic examiners; one state representative from each of the two major political parties appointed by the speaker of the house, one state senator from each of the two major political parties appointed by the ~~lieutenant governor~~ majority leader of the senate, each for a term of two years; the president or the president's representative of the association for retarded citizens; four public representatives, appointed by the governor for staggered terms of two years each, none of whom shall be members of, or practitioners of, or have a pecuniary interest in any of the professions or businesses represented by any of the several professional groups and associations specifically represented on the council under this subsection, and at least one of whom shall be a recipient of medical assistance; the commissioner of public health, or a representative designated by the commissioner, and the dean of the college of medicine, university of Iowa, or a representative designated by the dean.

Sec. _____. Section 261.1, subsection 4, Code Supplement 1985, is amended to read as follows:

4. A member of the senate to be appointed by the ~~president~~ majority leader of the senate to serve as an ex officio nonvoting member for a term of four years beginning on July 1 of the year of appointment.

Sec. _____. Section 272B.2, Code 1985, is amended to read as follows:

272B.2 EDUCATION COMMISSION OF THE STATES.

~~The provisions of article~~ Article III, paragraph 1, of the compact notwithstanding, the members of the education commission of the states representing this state ~~shall~~ consist of the governor, two nonlegislative members appointed by the governor, two members of the senate appointed by the ~~president~~ majority leader of the senate, and two members of the house of representatives appointed by the speaker of the house of representatives. The members shall serve four-year terms ~~and for the initial appointments, half of the membership shall be appointed to two-year terms and half shall be appointed to four-year terms~~. Nonlegislative members shall serve on the education commission of the states without compensation, but shall receive their actual and necessary expenses and travel. Legislative members shall receive actual and necessary expenses and travel pursuant to sections 2.10 and 2.12. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original ~~appointment~~ appointments. If a member ceases to be a member of the general assembly, the member shall no longer serve as a member of the education commission of the states.

Sec. _____. Section 306.6, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

2. ~~There is created a~~ A state functional classification review board ~~which shall consist~~ is created, consisting of one state senator appointed by the ~~president~~ majority leader of the senate, one state representative appointed by the speaker of the house of representatives, one supervisor appointed by the Iowa state association of county supervisors, one engineer appointed by the Iowa county engineers' association, two persons appointed by the league of Iowa municipalities, one of whom shall be a licensed professional engineer, and two persons appointed by the department, one of whom shall be a commissioner and the other a staff member. This board shall select a permanent chairperson from among its members by majority vote of the total membership. Except as otherwise provided, the members of the board shall serve without additional compensation to the salary and expenses authorized for the office or position held by the member. The supervisor appointed by the Iowa state association of county supervisors, the engineer appointed by the Iowa county engineers' association, and the two persons appointed by the league of Iowa municipalities shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the board from funds allocated under section 312.2, subsection 12. The legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Sec. _____. All appointments made by a lieutenant governor to a term of office under a section amended by this Act remain in effect until the expiration of the term."

575. Page 405, by inserting before line 10 the following:

"Sec. _____. Section 17A.2, subsection 7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

"Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure or practice requirements of any agency. Notwithstanding any other provision of law, the term includes an executive order or directive of the governor which creates an agency

or establishes a program or which transfers a program between agencies established by statute or rule. The term includes the amendment or repeal of an existing rule, but does not include:

Sec. _____. Section 17A.3, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Adopt as a rule a description of the organization of the agency which states the general course and method of its operations, the administrative subdivisions of the agency and the programs implemented by each of them, a statement of the mission of the agency and the methods by which and location where the public may obtain information or make submissions or requests.

Sec. _____. Section 17A.4, subsection 4, paragraph a, and subsection 6, Code 1985, are amended to read as follows:

a. If the administrative rules review committee created by section 17A.8, the governor or the attorney general finds objection to all or some portion of a proposed or adopted rule because that rule is deemed to be unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to the agency, the committee, governor or attorney general may, in writing, notify the agency of the objection ~~prior to the effective date of such a rule~~. In the case of a rule issued under subsection 2, or a rule made effective under the terms of section 17A.5, subsection 2, paragraph "b", the committee, governor or attorney general may notify the agency of such an objection ~~within seventy days of the date such a rule became effective~~. The committee, governor or the attorney general shall also file a certified copy of such an objection in the office of the Code editor ~~within the above time limits~~ and a notice to the effect that an objection has been filed shall be published in the next issue of the Iowa administrative bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule timely objected to according to the above procedure is not unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to it.

6. The governor may rescind an adopted rule by executive order within ~~thirty-five~~ seventy days of the ~~publication of the~~ rule becoming effective. The governor shall provide a copy of the executive order to the Code editor who shall include it in the next publication of the Iowa administrative bulletin.

Sec. _____. Section 17A.8, subsection 9, Code 1985, is amended to read as follows:

9. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule until the ~~expiration of forty-five calendar days, excluding legal holidays,* during which the general assembly is in regular session~~ adjournment of the next regular session of the general assembly. ~~If a rule is delayed during the last twenty-one calendar days preceding the adoption of a resolution for sine die adjournment of a regular session, the forty-five day period shall begin to run upon the convening of the next regular session of the general assembly.~~ The committee shall refer a rule whose effective date has been delayed to the speaker of the house of representatives and the president of the senate who shall refer the rule to the appropriate standing committees of the general assembly. If ~~at the expiration of that period~~ the general assembly has not disapproved of the rule by a joint resolution

~~approved by the governor~~, the rule shall become effective. If a rule is disapproved, it shall not become effective and the agency shall withdraw the rule. This section shall not apply to rules made effective under section 17A.5, subsection 2, paragraph "b".

Sec. _____. Section 69.16, unnumbered paragraph 2, Code 1985, is amended to read as follows:

In the case where the appointment of members of the general assembly is allowed, and the law does not otherwise provide, if an even number of legislators are appointed they shall be equally divided by political party affiliation; if an odd number of members of the general assembly is appointed, the number representing a certain political party shall not exceed by more than one the legislative members of the other political party who may be appointed. If there are multiple appointing authorities for a board commission or council, the appointing authorities shall consult to avoid a violation of this section. This section shall not apply to any board, commission, or council established by the Code for which other restrictions regarding the political affiliations of members are provided by law ~~or for which the membership is appointed by more than one person~~.

Sec. _____. NEW SECTION. 69.16A GENDER BALANCE.

It is a policy of the state of Iowa that all boards, commissions, committees and councils shall reflect, as much as possible, a gender balance. If there are multiple appointing authorities for a board, commission, or council, they shall consult each other to avoid a violation of this section."

576. Page 405, by striking line 20 and inserting the following: "majority and minority leaders of the senate and the speaker and minority leader of the house, and".

577. Page 405, by inserting after line 24 the following:

"Sec. _____. The Code editor shall explore the feasibility of and report to the legislative council on computerizing the text of the Iowa administrative code and republishing the Iowa administrative code after the transfer of rules required by this Act.

Sec. _____. NEW SECTION. REVENUE ESTIMATING CONFERENCE.

The state revenue estimating conference is created consisting of the governor or the governor's designee, the director of the legislative fiscal bureau, and a third member agreed to by the other two.

The conference shall meet as often as deemed necessary, but shall meet at least quarterly. The conference may use sources of information deemed appropriate.

By December 15, 1986 and each succeeding year the conference shall agree to a revenue estimate for the fiscal year beginning the following July 1. That estimate shall be used by the governor in the preparation of the budget message under section 8.22 and by the legislature in the budget process.

Sec. _____. Section 421.31, subsection 4, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992.

The governor, auditor of state and the department of management shall phase in the implementation of generally accepted accounting principles, as defined by the governmental accounting standards board, which includes fund reclassifications, revenue recognition, and recognition of all appropriate liabilities beginning with the fiscal year beginning July 1, 1987.

The fiscal impact to the state general fund of implementing fund reclassifications, and recognizing additional liabilities shall be phased in according to the following schedule for the fiscal years beginning July 1:

1987 ten percent

1988 twenty percent

1989 forty percent

1990 sixty percent

1991 eighty percent

1992 one hundred percent".

578. Page 405, by inserting before line 25 the following:

"Sec. _____. If it is determined by the attorney general that a provision of this Act is inconsistent with federal law, or would cause the denial of federal funds or services which would otherwise be available to an agency of this state, the attorney general shall report the provision to the legislative oversight committee. Upon review by the legislative oversight committee, the provision may be suspended to the extent necessary to prevent denial of federal funds or services, or to eliminate inconsistency with federal law. If the legislative oversight committee determines that suspension of a provision of this Act is necessary, the legislative oversight committee shall report the necessary suspension to the general assembly upon convention of the next legislative session. The report of the legislative oversight committee shall include recommendations for corrective legislation which would eliminate the inconsistencies with federal law or regulations.

This section shall have temporary effect only, and is repealed effective July 1, 1987.

Sec. _____. The department of management shall conduct a study of the feasibility of creating a department of professional and occupational licensing to include the powers, duties, and functions of all professional and occupational licensing boards in the state. The department of management shall conduct the study and report its findings and recommendations to the legislative council not later than December 1, 1987."

579. Page 405, line 35, by striking the word and figure "and 187.16," and inserting the following: "187.16, 241.4, and 241.5,".

580. Page 406, line 8, by inserting after the word "the" the following: "executive branch of".

581. Page 407, by inserting after line 32 the following:

"Sec. _____. Section 13A.2, Code 1985, is amended to read as follows:

13A.2 ESTABLISHMENT OF OFFICE AND COUNCIL.

1. The office of the prosecuting attorneys training ~~co-ordinator~~ coordinator is established as an ~~autonomous~~ entity in the department of justice.

2. The ~~head of the office is the~~ prosecuting attorneys training ~~co-ordinator~~ coordination council is established to consult with and advise the attorney general and the coordinator on the operation of the office.

3. The chief administrative officer of the office is the ~~executive director~~ prosecuting attorneys training coordinator who shall be a regular employee of the department of justice and appointed by the ~~council~~ attorney general. The ~~executive director~~ coordinator shall hold office at the pleasure of the ~~council~~ attorney general. The ~~executive director~~ coordinator, subject to the direction and supervision of the attorney general, shall perform the functions and duties ~~assigned by the council. The council~~ of the office and may employ other persons ~~as it deems~~ necessary to implement this chapter.

Sec. _____. Section 13A.6, Code 1985, is amended to read as follows:

13A.6 REPORT REQUIRED.

The ~~council~~ prosecuting attorneys training coordinator shall make an annual report to the attorney general, the governor, and to the Iowa county attorneys association or its successor regarding ~~its~~ the efforts of the office to implement the purposes of this chapter.

Sec. _____. Section 13A.8, Code 1985, is amended to read as follows:

13A.8 DUTIES.

The ~~council~~ office shall keep the prosecuting attorneys and assistant prosecuting attorneys of the state informed of all changes in law and matters pertaining to their office to the end that a uniform system of conduct, duty and procedure is established in each county of the state.

Sec. _____. Section 13A.9, Code 1985, is amended to read as follows:

13A.9 AUTHORITY.

The ~~council~~ prosecuting attorneys training coordinator may:

1. Enter into agreements with other public or private agencies or organizations to implement this chapter.

2. Co-operate with and assist other public or private agencies or organizations to implement this chapter.

3. Make recommendations to the general assembly on matters pertaining to ~~its~~ the responsibilities of the office under this chapter.

Sec. _____. Section 13A.10, Code 1985, is amended to read as follows:

13A.10 RECEIPT OF FUNDS.

The ~~council~~ office of the prosecuting attorneys training coordinator may accept funds, grants and gifts from any public or private source which shall be used to defray the expenses incident to implementing ~~its~~ the responsibilities of the office under this chapter."

582. Page 407, by inserting before line 33 the following:

"Sec. _____. NEW SECTION. 55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND COMMITTEES.

For the purpose of this section, "state board" includes any board, commission, committee, council, or task force of the state government created by the constitution, or by statute, resolution of the general assembly, motion of the legislative council, executive order of the governor, or supreme court order, but does not include any such state board, commission, committee, council, or task force for which an annual salary is provided for its members. A person who is appointed to serve on a state board, upon written application to the person's employer, shall be granted leaves of absence from regular employment to attend the meetings of the state board, except if leaves of absence are prohibited by federal law. The leaves of absence may be granted without pay and shall be granted without loss of net credited service and benefits earned. This section does not apply if the employer employs less than twenty full-time employees.

Sec. _____. Employees in positions that are transferred from merit system coverage to the exempt service coverage due to state government reorganization may return to a position comparable to the employee's last merit service status within one year of the date of the transfer. If a comparable position is not available, the employee may return to a lower level position in accordance with the rules adopted by the department of personnel.

Sec. _____. A personnel action undertaken to implement state government reorganization or downsizing shall be done in such a manner as to prevent a disproportionate adverse effect on minorities or women. The legislative reorganization oversight committee created by section 2017 of this Act shall monitor state government reorganization and downsizing to ensure that this section is fully and properly implemented. Executive branch personnel and agencies shall cooperate fully in providing any data requested by the committee and shall make relevant personnel records available to the legislative fiscal bureau. For the purposes of this section, personnel action includes, but is not limited to, termination or transfer and a disproportionate

adverse effect exists when a greater percentage of minorities and women is terminated or transferred within the same classification and subtitle than the percentage of women and minorities which held positions in that classification and subtitle prior to the termination or transfer. For contractual employees, such actions shall be taken in accordance with and shall not supersede any relevant provision in a collective bargaining agreement as it existed on January 1, 1986.

Sec. _____. The Code editor, in consultation with the reorganization legislative oversight committee, shall develop and implement by July 1, 1988, the uniform system of terminology, through the Code editor's bills and under section 14.13 of the Code, for the designation of the agencies, units, and positions of state government as established in sections 7E.2 and 7E.2B of the Code. This development and implementation may include recommendations for refinements in the uniform system of terminology. In cases of inconsistent usage of terminology, superseded terms shall be read to be consistent with the intent of this Act, until necessary changes in language are made under this section. The Code editor shall also develop a style manual to provide, to the extent practicable, for uniform statutory provisions in regard to the specifications of agencies, boards, committees, commissions, councils, and positions on the subjects of, as appropriate, offices, positions, meetings, quorums, reports, oaths, compensation, powers, and related matters for those agencies, bodies, and positions."

583. Page 408, by inserting after line 8 the following:

"Any license or permit issued by any state agency mentioned in this Act, including any agency abolished, merged or altered, in this Act, and in effect on the effective date of this Act shall continue in full force and effect until expiration or renewal."

584. Page 408, by inserting after line 34 the following:

"Sec. _____. The department of cultural affairs shall submit to the governor and the legislature by January 1, 1988 a plan for the improvement of library services for state government. The plan shall consider, but not be limited to, coordinated collection development, acquisitions, library technical services, circulation, and reference and information service.

Sec. _____. The department of general services shall submit a report to the legislature by January 1, 1987 on the implementation of the life cycle cost and energy efficiency standards by department of general services, state board of regents, department of transportation and other state agencies. The department of general services shall include in its report recommendations from the other state agencies and from within the department as to any legislative changes that are necessary in order to improve the energy efficiency and reduce the life cycle cost of energy consuming products. For the purposes of this section, energy consuming products shall include buildings.

Sec. _____. Notwithstanding any other provision of this Act, nothing in this Act shall be construed as making an appropriation. This Act is not an appropriation bill."

585. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
JEAN LLOYD-JONES, Chair	ROBERT M. CARR, Chair
ROD HALVORSON	CHARLES BRUNER
JOHNIE HAMMOND	WILLIAM W. DIELEMAN
DARRELL HANSON	RICHARD F. DRAKE
GEORGE SWEARINGEN	

The motion prevailed and the conference committee report 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, 81:

Arnould	Baxter	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Connolly	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Hatch	Haverland
Hermann	Hester	Holveck	Hughes
Hummel	Jochum	Johnson	Knapp
Koenigs	Lloyd-Jones	Lonergan	McIntee
Metcalf	Miller	Muhlbauer	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rensink	Rosenberg	Running
Schnekloth	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Varn	Welden	Woods
Mr. Speaker			

The nays were, 4:

Clark	Groth	Jay	Mullins

Absent or not voting, 15:

Cochran	Handorf	Harbor	Kremer
Lageschulte	Maulsby	McKean	O'Kane
Pellett	Royer	Skow	Stueland
Sturgeon	Sullivan	Zimmerman	

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 May 2, 1986, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 140, providing for the adjournment of the 1986 Session of the Seventy-first General Assembly.

K. MARIE THAYER, Secretary

REMARKS BY MAJORITY LEADER

Representative Norland offered the following remarks:

Mr. Speaker, Ladies and Gentlemen:

After fourteen years, I do feel I should say a little bit about this House of Representatives.

The other day at a reception a woman came to me and simply thanked me for running for office. She said, "Thanks for running to represent me." That was the nicest thing I've heard since I started running for office some fourteen years ago. That's how I feel about you, the elected representatives here today. Thanks for running and serving.

Often times the end of a session can and does become an emotional experience for everyone but especially for those who are leaving and will not be back in their capacity as state representatives. I have chosen on my own free will to leave this House after fourteen years and, therefore, I am going to try hard to prevent this from becoming an emotional talk.

Some years back when the present Speaker of the House was Minority Leader democrats and republicans were fighting hard on a piece of legislation at the very end of the session — I will never forget when the last bill passed, Representative Avenson stood up and gave a speech talking about his respect and love of members of the House of Representatives. I learned a lesson that night and that is a lesson for everyone to

learn that respect for each other has to transcend any partisan political fights that take place here.

Fourteen years has shown me the value of constantly having that respect for each representative as they all represent the same number of people and have been elected in the same process as everyone else. Office work and conversations are some of my fondest memories. I thought the sign on my office door should have read "Welcome — let us reason together."

I want to thank Speaker Avenson and Del Stromer — especially for the decency and fairness of these two gentlemen. One of my strongest satisfactions has been that not once in the four years have we moved the previous question — we didn't cut out debate or amendments.

I also want to thank Joe O'Hern, Bill, Dorothy, Cathy and Mark; Liz and Laura; Maxine, Peg, Deanna, Jane and Virginia; thanks to the backroom staff; to Sharon Robinson and the democrat staff; the minority staff, Legislative Service Bureau, Legislative Fiscal Bureau, and the Pages. I think this is the best group of Pages we have ever had and I'm not saying that just because I'm leaving. Thanks to the doorkeepers, Sergeant-at-Arms, state department people throughout government and to the folks from my district and around the state.

I regret having to leave with still so much work to do. I regret that the pain and suffering of economic problems are still out there.

I'm also glad to leave running for an office not in Des Moines because it means I'm not going to run for or even be tempted to serve in the august Senate chamber across the rotunda.

It's been a pleasure and I appreciate all of you. Thank you very much.

REMARKS BY MINORITY LEADER

Representative Stromer offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

Thank you, Lowell, for your efforts as the House floor leader the past four years. You have always been fair with me and the Republican caucus. I thank you very much for that courtesy.

I also want to thank all of the supportive staff. I'm not going to name you by position because I'm afraid I would forget someone, but without you this place will not function. I thank the members of my caucus who usually groaned when I asked for a caucus but many in the majority party thanked me. It was a chance for them to catch up on their phone calls or other pressing business.

Some of us may not be back — that's part of the process. But just remember that proverb that old politicians never die, they just run once too often.

Seriously, Karl Kiilsholm from Algona, a member who only served one term always said the greatest thrill in his life was his election in November of 1966 and that the second greatest thrill was his defeat in 1968. That's what democracy is all about.

Finally, Mr. Speaker, despite an occasional explosion, I have always admired you, especially as a great minority leader. My ultimate goal continues to be to help restore you to that august position.

I would also like to personally invite all of you to Clear Lake for Governor's Days and to Garner on July 25.

It has been great to work with you. God bless you all.

REMARKS BY SPEAKER

Speaker Avenson offered the following remarks:

Adjournment today completes my fourteenth session as a state representative. It seems that the sessions just don't get any easier.

For the last few years we have had to face up to hard times and equally hard decisions. Because revenues never meet expectations our budget decisions have been awfully tough. It means cuts or freezes in places where we all know there are needs. It means that we don't have the resources to control the destiny of our farm and business economy. It means that we have to work harder for our successes, but it makes our successes that much greater.

I think that we have helped to keep opportunity alive for Iowans by our actions this year. I am proud of our legislative record. We completed a sweeping bipartisan reorganization of state government. We passed a responsible budget. We fully funded the school aid formula. We enacted a plan to sell the state liquor system. We met some pressing liability needs of retailers and local governments and planned for comprehensive action next year. We increased tourism promotion and recreation funding. We made our drunk driving laws the toughest in the nation. These are accomplishments we all can be proud of.

None of this could have happened without your concern and your hard work. I thank you for that. Working with the people here is one of the genuine rewards for public service.

I will greatly miss those of you who have announced plans not to return to the House next year. You are all dedicated people and I wish you all the best in the future.

But I must take a personal moment to express my great respect, admiration and friendship for three long-time colleagues in the House.

Dick Welden — Dick, there isn't a legislator that I trust more than you. You have earned our respect by your honesty and straight forwardness and you have never gone back on your word. We will miss you.

Joyce Lonergan — Joyce, I could never have become Speaker without your great nomination speeches. We will miss your compassion and concern for the less fortunate. We love you.

Lowell Norland — Lowell, you've been as close to me as a brother and it is hard for me to imagine serving in the Legislature without you. We will miss your even-handedness, your integrity and your creativity, and I will miss you most of all.

It will be good to get back to Oelwein and my family, to do some hunting for wild turkeys up in Representative Halvorson's district. And I'm sure I'll be successful hunting if Roger will serve as a decoy.

Thank you again and God bless you.

ADOPTION OF SENATE CONCURRENT RESOLUTION 140

Norland of Worth called up for consideration Senate Concurrent Resolution 140, as follows and moved its adoption:

SENATE CONCURRENT RESOLUTION 140
By Committee on Rules and Administration

A Senate Concurrent Resolution to provide for adjournment sine die.

Be It Resolved by the Senate, the House Concurring, That when adjournment is had on Friday, May 2, 1986 it be the final adjournment of the 1986 Regular Session of the Seventy-first General Assembly.

The motion prevailed and the resolution was adopted.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of May, 1986: House Files 2060, 2300, 2330 and 2443.

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 May 2, 1986, he approved and transmitted to the Secretary of State the following bills:

House File 392, 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.

House File 732, an act relating to the sexual exploitation of children, and providing penalties.

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

House File 2216, an act relating to the inclusion or exclusion of certain entities under tort claims acts.

House File 2301, an act relating to sanitary disposal projects.

House File 2387, 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.

House File 2388, 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.

House File 2397, an act relating to sanitary landfills.

House File 2422, 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.

House File 2423, an act relating to the monetary penalties for violation of the health care facilities' licensing law.

House File 2424, an act relating to the computation of the average daily patient costs at the state mental health institutes and hospital-schools.

Senate File 2268, an act relating to the industrial loan thrift guaranty corporation of Iowa.

Senate File 2283, an act relating to employer charges for benefits involving the transfer of a clearly segregable and identifiable part of a business or enterprise, relating to voluntary contributions by special zero-rated employers to meet the applicable percentage of excess requirement of the unemployment compensation contribution law, relating to contribution rates and schedules for special zero-rated employers, and establishing a special unemployment compensation rate for certain expanding employers.

PRESENTATION OF VISITORS

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

Thirty-two sixth grade students from Boyden Hull Elementary School, Boyden, accompanied by Marcene Cox and Mr. Vince Huls. By De Groot of Lyon and Rensink of Sioux.

Sixty-five fifth and sixth grade students from Arispe Elementary School, Arispe. By Hughes of Union.

Twenty sixth grade students from Walnut Elementary School, Walnut, accompanied by Ann Nelson. By Pellett of Cass.

COMMUNICATION RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

A report on the "Proposed Social Services Block Grant Pre-expenditures."

SUBCOMMITTEE ASSIGNMENT

House File 2493
(Committee of the Whole)

Judiciary and Law Enforcement: Jay, Chair; Chapman, Vice Chair; McIntee, Ranking Member; Brammer, Carl, Clark, Halvorson of Clayton, Haverland, Knapp, Kremer, Lageschulte, Maulsby, McKean, Peterson of Carroll, Renaud, Rosenberg, Running, Schnekloth, Shoning, Siegrist, Tabor and Woods.

RESOLUTIONS FILED

HCR 138, by Peterson of Carroll, a concurrent resolution requesting an interim study of the livestock industry.

Laid over under **Rule 25.**

HCR 139, by Rosenberg, a concurrent resolution relating to an interim study on the issues of affordable housing, the homeless, and utility shut-offs.

Laid over under **Rule 25.**

The House stood at ease at 11:40 p.m., until the fall of the gavel.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.g, the following motions to reconsider which remained on the House Calendar upon the adjournment of the 1986 Regular Session of the Seventy-first General Assembly, will be considered to have **failed:**

By Varn of Johnson to House File 2067, a bill for an act relating to the false use of a financial instrument and providing penalties, filed on April 14, 1986.

By Knapp of Dubuque to House File 2086, a bill for an act relating to stun guns and providing penalties, filed on March 20, 1986. (Bill failed to pass House.)

By Johnson of Winneshiek to 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, filed on March 21, 1986.

By Jay of Appanoose to 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, filed on March 14, 1986.

By Sturgeon of Woodbury to 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, filed on February 6, 1986.

By Koenigs of Mitchell 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, filed on February 18, 1986, placing out of order amendment H—5122 filed by Koenigs, et al., on February 19, 1986, and the motion to reconsider amendment H—5068, filed by Hummel of Benton on February 19, 1986.

By Van Camp of Scott to Senate File 2063, a bill for an act relating to loans for ethanol production, filed on April 2, 1986. (Bill failed to pass House.)

By Doderer of Johnson and Jay of Appanoose to Senate File 2167, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication, filed on April 1, 1986. (Bill failed to pass House.)

By Swartz of Marshall to 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, filed on April 2, 1986.

MESSAGES FROM THE SENATE

The following messages were received from the Senate subsequent to adjournment:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1986, amended and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on March 6, 1986, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 644, a bill for an act to provide space on the driver's license to indicate the driver's blood type.

Also: That the Senate has on April 17, 1986, amended and failed to pass the following bill in which the concurrence of the Senate was asked:

House File 2459, a bill for an act to establish an Iowa environmental improvement and energy resources authority.

Also: That the Senate has on April 25, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate Joint Resolution 2002, 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 May 2, 1986, receded from its amendment to the House amendment, and passed the following bill:

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 May 2, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2291, a bill for an act creating an Iowa economic development bond bank program within the Iowa finance authority to provide financing for economic development and making an appropriation.

Also: That the Senate has on May 2, 1986, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2296, a bill for an act relating to the movement of vehicles of excessive size and weight.

K. MARIE THAYER, Secretary

AMENDMENT FILED

H–6148 H.F. 102 Senate Amendment

The House resumed session, Speaker Avenson in the chair.

PETITION FILED

The following petition was received and placed on file:

By Halvorson of Webster from four thousand seven hundred fifty citizens opposing the building of a dam at Brushy Creek.

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 and resolutions have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of May, 1986: House Concurrent Resolutions 133, 134, 135 and 136; House Files 123, 665, 2065, 2066, 2067, 2167, 2178, 2229, 2245, 2288, 2344, 2349, 2378, 2393, 2405, 2407, 2412, 2414, 2448, 2457, 2462, 2471, 2472, 2473, 2475, 2477,

2478, 2480, 2481, 2483, 2484, 2485, 2488, 2489, 2490, 2491, 2492 and 2493.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMITTEE TO NOTIFY THE GOVERNOR

Lonergan of Boone moved that a committee of three be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 140 duly adopted.

The motion prevailed and the Speaker appointed as such committee: Lonergan of Boone, Halvorson of Webster and Maulsby of Calhoun.

COMMITTEE TO NOTIFY THE SENATE

Arnould of Scott moved that a committee of three be appointed to notify the Senate that the House was ready to adjourn in accordance with Senate Concurrent Resolution 140 duly adopted.

The motion prevailed and the Speaker appointed as such committee: Arnould of Scott, Connors of Polk and Carpenter of Polk.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and the Governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

OFFICE OF THE GOVERNOR
State Capitol
Des Moines, Iowa 50319

May 29, 1986

The Honorable Donald D. Avenson
Speaker of the House
State Capitol Building
L O C A L

Dear Don:

In 1986, the General Assembly faced significant challenges. I am pleased that through hard work and bipartisan cooperation lawmakers made historic changes in the size of government. Yet other challenges remain unmet, leaving this General Assembly with a mixed record.

In January, I expressed my priorities for this session. To build a stronger Iowa, we need a government that fits the times and avoids tax increases; an economic development effort that is second to no other state's; and, a renewed commitment to quality in education.

Through cooperation and a commitment to avoid tax increases, this General Assembly completed the most comprehensive restructuring of state government in modern times. The effort not only prevented tax increases but also laid the groundwork for a government of the future that will do fewer things better.

One more step should have been taken. County governments in Iowa need to be free to reorganize for efficiency and better management as well.

While we prevented tax increases at the state level, I am disappointed that this legislature failed to take action on my recommendation for a property tax freeze. This freeze would have prevented property tax increases.

I am pleased with some positive actions taken to improve Iowa's tourism, marketing and export financing efforts. These investments will pay large dividends for Iowans. Unfortunately, a tremendous opportunity to make Iowa second to none in job incentives was lost with the failure to authorize economic development areas. And, ignoring the uncompetitive features of Iowa's unemployment and workers compensation systems will cost Iowa jobs.

The General Assembly did not go far enough to set meaningful limits in our tort liability system to protect Iowa governments and private companies from skyrocketing insurance costs. Some individuals and businesses cannot even get insurance because of the liability crisis. Iowa needs to set reasonable limits on liability claims that will both protect the public and keep people in business.

This General Assembly increased funding for education and created incentives for efficiency in the administration of our schools. But, the legislature failed to build on our strengths by rewarding quality. The General Assembly did not pass my recommendation to increase beginning teachers' salaries and for the second year, ignored my recommendations to establish a career ladder to keep our best teachers in the classrooms.

Next March, private business will take over the state's liquor stores. The state will continue to control wholesaling of liquor. Under this system, the state still receives revenue but allows the business of liquor sales to be in the hands of the private sector. Government needs to be performing its appropriate role more efficiently and should leave the role of liquor sales to private business. Though this is a historic change, the public will see an orderly transition from public to private sales.

Iowa's farmers received help from state government this year through the Iowa Agricultural Loan Assistance Program, extension of the moratorium on foreclosures, establishment of a mediation service, and incentives for diverse farm crops. The state is doing what it can to keep farmers on the land and to help them get through tough financial times.

Iowa is taking one more step to make our streets safer by lowering the blood alcohol content measurement used to presume intoxication. It is a step to curb drunk drivers. We should have done more, including a 30 day loss of license for the first offense of drunk driving and prohibiting deferred sentences for drunk driving convictions.

The General Assembly approved my recommendation to appropriate funds from the oil overcharge account to encourage safer use of agricultural chemicals so that we can protect our water supplies from contaminants. This is an important step to maintain the quality of our water.

This has not been an easy session. An incident occurred this session which raised serious ethical questions about the relationships between some lobbyists and some legislators. That incident and the ethics involved must be thoroughly investigated and resolved to assure Iowans that, in the future, they will have the clean and responsible legislature they deserve.

The General Assembly spent $12 million more than I recommended but we avoided a major tax increase. We will have to review carefully the appropriations to insure a balanced budget. Our challenge in implementing the reorganization of state government will be to achieve even greater savings to assure a balanced budget and a leaner, more efficient and more accountable state government to serve the people of Iowa.

Very truly yours,
Terry E. Branstad
Governor

The communication was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 140, duly adopted, the day of May 2, 1986 having arrived, the Speaker of the House of Representatives declared the 1986 Regular Session of the Seventy-first General Assembly adjourned sine die.

COMMUNICATION RECEIVED

The following communication was received subsequent to final adjournment.

May 8, 1986

The Honorable Terry Branstad
Governor
State of Iowa
State Capitol Building
L O C A L

Dear Governor Branstad:

I hereby resign as state representative of the 53rd House District effective immediately.

Sincerely,
Janet A. Carl

AMENDMENTS FILED

Amendments filed during the Seventy-first General Assembly, 1986 Session, not otherwise printed in the House Journal:

H–5007

Amend the Committee amendment, H–3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 21, by inserting after the word "limit" the following: "in speed zones having a legal limit of thirty miles per hour or greater for convictions".

2. Page 1, line 38, by inserting after the word "limit" the following: "in speed zones having a legal limit of thirty miles per hour or greater".

3. Page 1, line 46, by inserting after the word "limit" the following: "in speed zones having a legal limit of thirty miles per hour or greater".

4. Page 2, line 14, by inserting after the word "limit" the following: "in speed zones having a legal limit of thirty miles per hour or greater".

5. Page 2, line 23, by inserting after the word "limit" the following: "in speed zones having a legal limit of thirty miles per hour or greater for convictions".

6. Page 2, line 27, by inserting after the word "to" the word "certain".

LAGESCHULTE of Bremer
MUHLBAUER of Crawford
WOODS of Polk
HUMMEL of Benton

H–5011

Amend House File 102 as follows:

1. Page 2, line 26, by inserting after the word "area" the following: "provided there is a space of at least ten feet separating the smoking area from the nonsmoking area".

COREY of Louisa

H–5012

Amend the Committee amendment, H–3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 21, by inserting after the word "limit" the following: "in speed zones having a legal limit greater than forty-five miles per hour for convictions".
2. Page 1, line 38, by inserting after the word "limit" the following: "in speed zones having a legal limit greater than forty-five miles per hour".
3. Page 1, line 46, by inserting after the word "limit" the following: "in speed zones having a legal limit greater than forty-five miles per hour".
4. Page 2, line 14, by inserting after the word "limit" the following: "in speed zones having a legal limit greater than forty-five miles per hour".
5. Page 2, line 23, by inserting after the word "limit" the following: "in speed zones having a legal limit greater than forty-five miles per hour for convictions".
6. Page 2, line 27, by inserting after the word "to" the word "certain".

CARTER of Henry

H—5016

Amend amendment H—3119 to House Joint Resolution 1 as follows:
1. Page 1, by striking lines 2 through 4 and inserting in lieu thereof the following:
"1. Page 1, by striking lines 34 and 35 and inserting the following: "Ohio on May 6, 1873; Wyoming on March 3, 1978; Maine on April 27, 1983; Colorado on April 18, 1984; South Dakota on February 21, 1985; New Hampshire on March 7, 1985; Arizona on April 3, 1985; Tennessee on May 23, 1985; and Oklahoma on July 10, 1985; and"."

WELDEN of Hardin

H—5017

Amend House File 2033 as follows:
1. Page 1, line 14, by striking the word "September" and inserting the word "November".
2. Page 1, line 16, by striking the word "September" and inserting the word "November".
3. Page 1, line 17, by striking the word "March" and inserting the word "May".
4. Page 1, line 18, by striking the word "March" and inserting the word "May".
5. Page 1, line 23, by striking the word "September" and inserting the word "November".

6. Page 2, line 1, by striking the word "March" and inserting the word "May".
7. Page 2, line 4, by striking the word "March" and inserting the word "May".
8. Page 2, line 6, by striking the word "September" and inserting the word "November".

DAGGETT of Taylor

H—5018

Amend the Committee amendment, H—3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:
1. Page 1, by striking lines 20 through 22, and inserting the following: "convictions occurring on or after July 1, 1986, for speeding violations of ten miles per hour or less over the legal speed limit in speed zones having a legal limit greater than forty-five miles per hour."
2. Page 1, line 38, by inserting after the word "limit" the following: "in speed zones having a legal limit greater than forty-five miles per hour".
3. Page 1, line 46, by inserting after the word "limit" the following: "in speed zones having a legal limit of greater than forty-five miles per hour".
4. Page 2, line 14, by inserting after the word "limit" the following: "in speed zones having a legal limit greater than forty-five miles per hour".
5. Page 2, by striking lines 21 through 24 and inserting the following: "section shall not include records of convictions occurring on or after July 1, 1986, for speeding violations of ten miles per hour over the legal speed limit in speed zones having a legal limit greater than forty-five miles per hour." "
6. Page 2, line 27, by inserting after the word "to" the word "certain".

CARTER of Henry
McKEAN of Jones

H—5023

Amend House File 504 as follows:
1. Page 1, line 14, by inserting after the word "section." the words "Officers who do not carry weapons need not complete the thirty hours of weapons training but shall meet all other training requirements. Persons who have received basic training and have been certified by the Iowa law enforcement academy and who make application to serve

as a reserve officer may, at the discretion of the hiring authority, be exempted from the nonweapons training if the person is serving as a regular officer with a law enforcement agency at the time the reserve officer application is processed or has served as a regular officer with a law enforcement agency within the three-year period immediately preceding the processing of the reserve officer application."

2. Page 1, line 19, by inserting after the word "training" the words "in accordance with section 80D.4 and".

3. Page 1, line 24, by striking the words "who is acting as a field training officer" and inserting the words "for purposes of training".

FOGARTY of Palo Alto

H—5030

Amend House File 69 as follows:

1. Page 2, by striking lines 14 through 20 and inserting the following:

"Sec. 4. Section 69.8, subsection 4, Code Supplement 1985, is amended to read as follows:

4. Board of supervisors. In the membership of the board of supervisors, by the treasurer, auditor, and recorder. When the offices of county auditor and county recorder are combined, the county sheriff is a member of the vacancy board."

SPEAR of Lee

H—5034

Amend Senate File 35 as amended and passed by the Senate as follows:

1. Page 1, line 4, by striking the word "agriculture" and inserting the following: "soil conservation".

2. Page 1, line 27, by striking the figure "4" and inserting the figure "3".

3. Page 1, line 28, by striking the word "county" and inserting the following: "soil conservation district".

4. Page 1, line 30, by striking the word "county" and inserting the word "district".

5. Page 1, by striking line 33.

6. Page 2, by striking line 6 and inserting the following: "department."

7. Page 2, lines 17 and 18, by striking the words "and any county's share to ten percent".

8. Page 2, line 25, by striking the word "counties" and inserting the words "soil conservation districts".

9. Page 2, line 26, by inserting after the word "identify" the words "and prioritize".

10. By striking page 2, line 34 through page 3, line 2.

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

"Sec._____. NEW SECTION. 172E.4 ANIMAL WASTE MANAGEMENT GRANT FUND.

1. There is established within the department a fund to be known as the animal waste management grant fund. All moneys appropriated to and deposited in the animal waste management grant fund are appropriated for and shall be used by the department in carrying out the purposes of this chapter.

2. For the fiscal year commencing July 1, 1986, and each succeeding fiscal year, the department shall allocate from the animal waste management grant fund to the Iowa department of water, air and waste management a sum not to exceed thirty thousand dollars. The department of water, air and waste management shall use the allocated funds only for carrying out its responsibilities as specified in this chapter.

Committee on Agriculture

H—5038

Amend House File 2118 as follows:

1. Page 1, by striking lines 19 and 20 and inserting the following:

"5. "Commissioner" means the labor commissioner."

2. Page 3, line 13, by striking the word "commission" and inserting the following: "commissioner".

3. Page 3, line 32, by striking the word "commission" and inserting the following: "commissioner".

4. Page 5, line 21, by striking the word "commission" and inserting the following: "commissioner".

HATCH of Polk

H—5042

Amend Senate File 297 as passed by the Senate as follows:

1. Page 1, line 1, by inserting after the word "Code" the word "Supplement".
2. Page 1, by inserting after line 26 the following:

"Sec._____. NEW SECTION. 321.276A HELMET REQUIRED FOR OPERATION OF MOTOR SCOOTERS.

A person shall not drive a motor scooter or ride as a passenger on a motor scooter upon a street or highway unless the person is properly wearing protective headgear.

Sec._____. Section 805.8, subsection 2, paragraph c, Code Supplement 1985, is amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections 321.276, 321.317, 321.387, 321.388, 321.389, 321.390, 321.391, 321.392, 321.393, 321.422, 321.432, 321.436, 321.437, 321.438, subsection 1 or 3, 321.439, 321.440, 321.441, 321.442, 321.444, 321.445 and 321.447, the scheduled fine is ten dollars."

3. Title page, line 3, by inserting after the word "motorcycle" the following: "and requiring persons driving or riding a motor scooter to wear protective headgear and providing a penalty".
4. Renumber sections as necessary.

FEY of Scott

H—5045

Amend the Committee amendment, H—3069, to Senate File 19, as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 21, by striking the word "occurring" and inserting the words "for violations which occur between sunrise and sunset on fully controlled-access, divided, multilaned highways".
2. Page 1, line 38, by inserting after the word "limit" the following: "occurring between sunrise and sunset on a fully controlled-access, divided, multilaned highway".
3. Page 1, line 46, by inserting after the word "limit" the following: "for violations which occur between sunrise and sunset on fully controlled-access, divided, multilaned highways".
4. Page 2, line 14, by inserting after the word "limit" the following: "occurring between sunrise and sunset on fully controlled-access, divided, multilaned highways".
5. Page 2, line 23, by striking the word

"occurring" and inserting the words "for violations which occur between sunrise and sunset on fully controlled-access, divided, multilaned highways".

6. Page 2, line 27, by inserting after the word "to" the word "certain".

FEY of Scott

H—5046

Amend the Committee amendment H—3069, to Senate File 19, as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 20, by striking the word "of" and inserting the words "occurring between sunrise and sunset for".

2. Page 1, line 37, by striking the word "of" and inserting the words "occurring between sunrise and sunset for".

3. Page 1, line 45, by striking the word "of" and inserting the words "occurring between sunrise and sunset for".

4. Page 2, line 13, by striking the word "of" and inserting the words "occurring between sunrise and sunset for".

5. Page 2, line 22, by striking the word "of" and inserting the words "occurring between sunrise and sunset for".

6. Page 2, line 27, by inserting after the word "to" the word "certain".

FEY of Scott

H—5049

Amend Senate File 499 as amended, passed and reprinted by the Senate as follows:

1. By striking page 2, line 34 through page 3, line 1.

CHAPMAN of Linn
BRANSTAD of Winnebago

H—5052

Amend Senate File 499 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by striking lines 24 through 28.

2. Page 2, by striking lines 29 through 33.

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

"Sec._____. This Act takes effect January 1, 1989. However, the department, in cooperation with the department of public safety and the department of public instruction, shall by January 1, 1986, establish educational programs to encourage safety belt and safety harness usage in motor vehicles operated on the highways of this state."

4. Title page, line 5, by inserting after the word "penalty" the words "and effective date".

5. Renumber as necessary.

VAN CAMP of Scott

H–5056

Amend House File 2060 as follows:

1. Page 1, line 11, by inserting after the word "notice" the following: "of the delinquent amount, of the amount of income or wages to be withheld, and".

RUNNING of Linn

H–5058

Amend House File 2168 as follows:

1. Page 1, line 6, by striking the words "anus, or breast" and inserting the words "or anus".

SPEAR of Lee

H–5059

Amend House File 2177 as follows:

1. Page 1, line 6, by inserting after the word "animals" the words ", except coyotes,".

SPEAR of Lee

H–5067

Amend House File 2197 as follows:

1. Page 6, line 8, by inserting after the word "not" the following: "exceed eight hundred fifty thousand dollars and shall not".

PAULIN of Plymouth
VARN of Johnson

H–5069

Amend House File 2168 as follows:

1. Page 1, line 8, by inserting after the word "misdemeanor." the following: "However, this paragraph shall not apply to photographs of the murals or statues in the rotunda of the state house."

SPEAR of Lee

H–5071

Amend House File 2197 as follows:

1. Page 3, by striking lines 23 through 35.

2. Renumber sections and correct internal references as necessary in accordance with this amendment.

MULLINS of Kossuth
OSTERBERG of Linn

H–5077

Amend House File 2052 as follows:

1. Page 2, line 20, by inserting after the word "operation" the following: ", subject to the approval of the commissioner".

2. Page 2, by striking lines 23 through 25 and inserting the following: "member of the board. Vacancies on the board shall be filled for the".

KREMER of Buchanan

H–5081

Amend House File 2164 as follows:

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

"Section 1. NEW SECTION. 19.15 PUBLIC POLICY RESEARCH FOUNDATION.

1. The public policy research foundation is created for the purpose of conducting studies and making recommendations on critical and long-term issues needing the attention of state government. The foundation is authorized to establish an endowment fund to assist in the financing of its activities. The foundation may exercise any power authorized by chapter 504A and this section.

2. The executive council shall cause a public policy research foundation to be created under chapter 504A and this section. The foundation shall be

created so that donations and bequests to it qualify as tax deductible under the federal and state income tax laws. The foundation is not a state agency and shall not exercise any sovereign power of the state. The state is not liable for any debts of the foundation.

3. The public policy research foundation shall have a board of directors of twelve members. The presidents of the state university of Iowa, Iowa state university of science and technology, the university of northern Iowa and Drake university shall be ex officio members. Four members shall be appointed by the governor and four members shall be appointed by the legislative council, one by each appointing authority representing the interests of each of the following four categories:

a. Business

b. Labor

c. Postsecondary education

d. Community based organizations

4. The terms of the members of the board of directors shall be two years beginning on July 1 and ending on June 30. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the term.

5. The governor, the legislative council by motion and the general assembly by concurrent resolution may request that studies be conducted by the public policy research foundation. The board of directors of the foundation shall establish the priorities of the research requests based upon available financial resources.

6. For the purposes of this section "community based organizations" means private nonprofit

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organizations which are representative of communities or significant segments of communities and which provide job training services. Examples include United Way of America, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities as defined in section 7, subsection 10, of the federal Rehabilitation Act of 1973, tribal governments, and agencies serving youth, the handicapped, displaced homemakers, or on-reservation Indians.

Sec. 2. When the public policy research foundation is established under section 1 of this Act, the governor's appointees under subsection 3 representing

business and labor and the legislative council's appointees under subsection 3 representing postsecondary education and community based organizations shall have initial terms of one year. The executive council shall establish the foundation by July 1, 1986. Because the legislature finds that public policy research is valuable to the operation of the legislature, during the fiscal year beginning July 1, 1986 the legislative council is authorized to use the funds appropriated by section 2.12 for the initial organization of the foundation but the amount shall not exceed the approved budget for studies by the legislative extended assistance group.

Sec. 3. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Ames Daily Tribune a newspaper published in Ames, Iowa, and in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa."

HATCH of Polk

H–5082

Amend House File 2197 as follows:

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

"Sec._____. Section 99E.10, subsection 1, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

The Iowa plan fund for economic development, also to be known as the Iowa plan fund, is created in the office of the treasurer of state. Lottery revenue remaining after expenses are determined shall be transferred to the Iowa plan fund on a quarterly basis. In allocating money to the Iowa plan fund, the allocations for the fourth quarter shall be made prior to June 30. However, upon the request of the commissioner and subject to approval by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery revenue. Prior to the quarterly transfer to the Iowa plan fund, the commissioner may direct that lottery revenue shall be deposited in the lottery fund and in interest bearing accounts designated by the treasurer of state in the financial institutions of this state or invested in the manner provided in section 452.10. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the Iowa plan fund in the same manner as other lottery revenue. Money in the

Iowa plan fund shall be deposited in interest bearing accounts in financial institutions in this state or invested in the manner provided in section 452.10. The interest or earnings on the deposits or investments shall be considered part of the Iowa plan fund and shall be retained in the fund unless appropriated by the general assembly."

2. Renumber as necessary.

HANSON of Delaware

H—5085

Amend House File 2100 as follows:

1. Page 1, by striking lines 1 through 12.

2. Page 1, line 22, by inserting after the word "district" the words ", merged area school, or institution under the state board of regents".

3. Page 1, line 24, by inserting after the word "district" the following: ", merged area school, or institution under the state board of regents".

4. Page 1, line 29, by striking the word "fourteen" and inserting the following: "~~fourteen~~ sixteen".

5. Page 1, by striking line 31 and inserting the following: "road. ~~After January 1, 1982, persons~~ Persons under the age of ~~sixteen~~ eighteen".

6. Page 2, line 3, by inserting after the word "district" the following: ", merged area school, or institution under the state board of regents".

7. Page 2, line 5, by inserting after the word "district" the following: ", merged area school, or institution under the state board of regents".

8. Page 2, by striking lines 16 and 17 and inserting the following: "one dollar for each 2 year period from the fees paid for a motor vehicle license valid for the operation of a motorcycle and from the fees paid for a motorized bicycle license to the motorcycle rider".

9. Page 2, line 20, by inserting after the word "districts" the following: ", merged area schools, and institutions under the state board of regents".

10. Page 2, line 25, by inserting after the word "districts" the following: ", merged area schools, and institutions under the state board of regents".

11. Page 2, by inserting after line 26 the following:

"Sec._____. Section 321.191, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The fee for an operator's license shall be seven dollars if issued for a period of two years, and

twenty dollars if issued for a period of six years. The fee for a chauffeur's license shall be fourteen dollars if issued for a period of two years, and forty dollars if issued for a period of six years. The fee for an instruction permit shall be six dollars, for a chauffeur's instruction permit, twelve dollars, for a temporary driver's permit, ten dollars and for a motorized bicycle license, ~~ten~~ eleven dollars. One dollar shall be added to the fee specified in this section for each two year period for which an operator's license or chauffeur's license is issued that is valid for operation of a motorcycle."

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12. Amend the title, line 1, by inserting after the word "education," the following: "to raise the minimum age for a motorized bicycle license, to increase certain fees,".

Committee on Education

H–5088

Amend House File 2231 as follows:

1. Page 1, line 2, by inserting after the word "OF" the word "RATE-REGULATED".

2. Page 1, line 3, by striking the word "an" and inserting the words "a rate-regulated".

3. Title page, line 2, by striking the word "an" and inserting the words "a rate-regulated".

FOGARTY of Palo Alto
JOCHUM of Dubuque
DE GROOT of Lyon

H–5097

Amend House File 2227 as follows:

1. Page 1, line 2, by inserting after the word "sections" the following: "24.17".

2. Page 1, by inserting after line 19 the following:

"4. The budget of a school district shall be certified by the president of the board of directors to the county auditor not later than April 30, 1986."

DAGGETT of Taylor

H–5101

Amend House File 2006 as follows:

1. Page 1, line 22, by striking the words "forbidden. Notice" and inserting the following: "forbidden. Such notice when posted".

2. Page 1, line 26, by striking the word "entire" and inserting the following: "upper six inches of the".

3. Page 1, line 27, by striking the words "painted. Notice" and inserting the following: "painted. Such notice when posted".

KREMER of Buchanan

H–5103

Amend House File 2233 as follows:

1. Page 2, line 24, by inserting after the word "program" the following: "under section 476.61".

HATCH of Polk

H–5104

Amend House File 2056 as follows:

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

"Section 1. Section 159.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Establish an inspection and regulation program regarding water sold in containers for human consumption. As used in this subsection, "water sold in containers for human consumption" does not include soft drinks or alcoholic beverages. The program shall include, but is not limited to, all of the following:

a. Establish, modify, or repeal rules relating to standards for testing for the presence of chemicals in water sold in containers for human consumption. The standards for testing shall not be less stringent than the rules established for public drinking water supplies pursuant to chapter 455B.

b. Establish, modify, or repeal rules relating to drinking water standards for water sold in containers for human consumption. The standards shall establish the maximum permissible level of any physical, chemical, biological, or radiological substance in the water and shall be as stringent as those established under the federal Food and Drug Act.

c. Establish, modify, or repeal rules relating to

the labeling of water sold in containers for human consumption including, but not limited to, requirements that water sold in this state have all of the following information appear on its label:

(1) The lot number of the water bottled.

(2) The date the water was bottled.

(3) The identity and location of the laboratory testing the water in the bottle.

(4) That if the water is bottled in Iowa and meets the standards established under this subsection a statement that the water has been approved by the Iowa department of agriculture.

(5) That if the water is bottled outside of Iowa that the distributor affix or have affixed a label that the water has been bottled under the auspices of the Food and Drug Administration.

d. Establish, modify, or repeal rules relating to the frequency for which bottling facilities shall be tested. The frequency standard shall not be less stringent than the frequency standard for testing of public water supplies under chapter 455B.

e. Provide that enforcement of this subsection shall be pursuant to chapter 189."

2. Title page, by striking lines 1 through 3 and

Page 2

inserting the following:

"An Act relating to water sold in containers for public consumption."

HATCH of Polk

H–5105

Amend House File 2231 as follows:

1. Page 1, line 12, by striking the word "base-load" and inserting the words "one hundred megawatts or larger".

OSTERBERG of Linn

H–5106

Amend Senate File 447 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 8, by striking the word "radiologic" and inserting the word "radiographic".

2. Page 4, line 15, by striking the words "section 154D.1, subsection 17" and inserting the following: "section 154D.2, subsection 10".

BLANSHAN of Greene

H–5108

Amend House File 2006 as follows:

1. Page 1, line 22, by striking the word "forbidden." and inserting the following: "forbidden by persons other than those in lawful possession of the farmland."

COREY of Louisa

H–5112

Amend House File 651 as follows:

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

"Section 1. Section 4.1, subsection 11, Code 1985, is amended by striking the subsection.

Sec. 2. Section 4.1, Code 1985, is amended by adding the following new subsections after subsection 33:

NEW SUBSECTION. 33A. "Calendar day" or "day" means the twenty-four consecutive hour period from 12:01 a.m. through 12:00 p.m.

NEW SUBSECTION. 33B. "Fiscal day" means any twenty-four consecutive hour period.

Sec. 3. Section 4.1, subsection 34, Code 1985, is amended by striking the subsection and inserting the following:

34. "Calendar week" or "week" means any seven consecutive days.

NEW SUBSECTION. 34A. "Fiscal week" means any seven consecutive fiscal day period.

NEW SUBSECTION. 34B. "Month" means a calendar month.

NEW SUBSECTION. 34C. "Fiscal month" means any twenty-eight, twenty-nine, thirty, or thirty-one day or fiscal day period.

Sec. 4. Section 4.1, subsection 35, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

35. "Calendar year" or "year" means the twelve consecutive month period from 12:01 a.m. January 1 through 12:00 p.m. December 31.

NEW SUBSECTION. 35A. "Fiscal year" means any twelve consecutive months or fiscal months.

NEW SUBSECTION. 35B. ATTAINMENT OF AGE. An individual attains a specific age on the day before the individual's birthday."

COCHRAN of Webster
CLARK of Cerro Gordo

H–5115

Amend House File 2233 as follows:

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

"Section 1. Section 476.61, Code Supplement 1985, is repealed.

Sec. 2. A public utility which has initiated an energy conservation improvement pilot program under section 476.61 shall terminate the program as quickly as possible consistent with good management practices and in a manner that minimizes costs to the utility's customers. Each utility shall file with the commission within thirty days of the effective date of this Act a plan for terminating any pilot project the utility is conducting under section 476.61. The plan for terminating shall include, but is not limited to, a proposed reconciliation of actual expenses incurred and revenues collected under section 476.61. Subject to the commission's discretion, the reconciliation may be made either as a one-time adjustment or in a general rate case.

The collections charged pursuant to 476.61 shall be terminated by commission order no later than the third monthly billing cycle after the effective date of this Act.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in The Altoona Herald-Mitchellville Index, a newspaper published in Altoona, Iowa, and in The Record-Herald & Indianola Tribune, a newspaper published in Indianola, Iowa."

2. Title page, by striking lines 1 and 2 and inserting the following:

"An Act repealing the energy conservation improvement pilot programs and providing an effective date."

WOODS of Polk
CARPENTER of Polk
METCALF of Polk
RENAUD of Polk
ROYER of Page
VAN CAMP of Scott
VAN MAANEN of Mahaska

H–5119

Amend House File 2149 as follows:

1. Page 1, line 3, by striking the words "brand name".

2. Page 1, by striking lines 26 and 27.
3. Page 1, by striking line 29 and inserting the following: "buyer from the cash register, or the display or location where the merchandise is located."
4. Page 2, by striking lines 11 through 17 and inserting the following:
"7. If the merchandise is not covered by a manufacturer's express written warranty valid in the United States, then the retailer, distributor, importer, or other third person capable of fulfilling warranty obligation shall provide a written warranty which provides equal or greater protection than the manufacturer's warranty if the warranty would have been valid in the United States."
5. Renumber as necessary.

Committee on Small Business and Commerce

H—5120

Amend amendment H—5115 to House File 2233 as follows:
1. Page 1, by striking lines 11 through 20 and inserting the following: "customers. Each utility shall file with the Iowa state commerce commission within thirty days of the effective date of this Act a plan for terminating any pilot project the utility is conducting under section 476.61. The utility shall cease approving loans as of the effective date of this Act. The termination plan shall include, but is not limited to, a proposed reconciliation of actual expenses incurred, including obligations, and revenues collected under section 476.61. Subject to the commission's discretion, the reconciliation shall be either a one-time adjustment or collected over the twelve months following the commission approval of the plan. The reconciliation amount shall not be separately identified on the customer's bill."

CONNORS of Polk
METCALF of Polk
ROYER of Page
PEICK of Linn
WOODS of Polk
CARPENTER of Polk
RENAUD of Polk
SHERZAN of Polk
VAN CAMP of Scott
VAN MAANEN of Mahaska

H—5122

Amend Senate File 421 as follows:
1. Page 1, by striking line 1 and inserting the following:

"Section 1. Section 123.50, subsection 1, Code Supplement 1985, is amended to read as follows:

1. ~~Any~~ A person who violates ~~any of the provisions of~~ section 123.49 ~~shall be~~ is guilty of a simple misdemeanor. A person convicted of a violation of section 123.49, subsection 3, shall be fined fifty dollars and sentenced to fifty hours of community service work.

Sec. 2. Section 123.50, subsection 5, Code Supplement 1985, is".

2. Page 1, by inserting after line 12 the following:

"Sec. 3. Section 232.8, subsection 1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Violations by a child of provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, violations of county or municipal curfew or traffic ordinances, and violations by a child of the provisions of section 123.47 and section 123.49, subsection 3, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe that the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child that appears before it for a violation of section 123.47."

3. Title page, line 1, by striking the words "to require" and inserting the following: "relating to penalties for the sale of alcoholic liquor, wine, or beer to persons under legal age by providing a penalty of a fifty dollar fine and a sentence of fifty hours of community service work for persons under legal age who misrepresent their age for the purpose of obtaining alcoholic liquor, wine, or beer, and by requiring".

4. By renumbering sections according to this amendment.

KOENIGS of Mitchell
BLACK of Jasper
HALVORSON of Clayton
HUMMEL of Benton

H–5123

Amend the amendment H–5092 to Senate File 447, as amended, passed and reprinted by the Senate, as

follows:

1. Page 1, line 13, by inserting after the word "medicine" the following: ", or certification as a physician's assistant as defined in section 148C.1, subsection 6,".

GRONINGA of Cerro Gordo

H–5124

Amend House File 2182 as follows:

1. Page 1, line 5, by inserting after the word "teams." the following: "One such football competition shall take place each January first in the UNI-DOME and shall be called the "Diemer Bowl"."

PAULIN of Plymouth

H–5125

Amend Senate File 447 as amended, passed and reprinted by the Senate as follows:

1. Page 6, by inserting after line 12 the following:

"4. The requirement of a license does not apply to any of the following:

a. A person who holds a valid certificate of qualification in dental radiography issued by the board of dental examiners.

b. A person who is enrolled in a program or course of study approved by the state department of health which includes the application of radiation to humans."

2. By renumbering as necessary.

CARPENTER of Polk
BLANSHAN of Greene

H–5126

Amend Senate File 297 as passed by the Senate as follows:

1. Page 1, line 1, by inserting after the word "Code" the word "Supplement".

2. Page 1, line 3, by striking the letter "c" and inserting the letter "d".

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

"Sec._____. NEW SECTION. 321.276A HELMET REQUIRED FOR OPERATION OF MOTOR SCOOTERS.

A person under the age of eighteen shall not drive

a motor scooter or ride as a passenger on a motor scooter upon a street or highway unless the person is properly wearing protective headgear.

Sec._____. Section 805.8, subsection 2, paragraph c, Code Supplement 1985, is amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections 321.276A, 321.317, 321.387, 321.388, 321.389, 321.390, 321.391, 321.392, 321.393, 321.422, 321.432, 321.436, 321.437, 321.438, subsection 1 or 3, 321.439, 321.440, 321.441, 321.442, 321.444, 321.445 and 321.447, the scheduled fine is ten dollars."

4. Title page, line 3, by inserting after the word "motorcycle" the following: "and requiring a person under the age of eighteen who is driving or riding a motor scooter to wear protective headgear and providing a penalty".

5. Renumber sections as necessary.

FEY of Scott

H–5132

Amend House File 2100 as follows:

1. Page 2, by inserting after line 26 the following:

"Sec._____. NEW SECTION. 321.444A HELMETS.

1. HELMET REQUIRED DURING OPERATION. A motor vehicle which is subject to registration under this chapter and which is designed to travel on not more than three wheels in contact with the ground shall not be operated upon a highway unless the person who is operating or riding the vehicle is properly wearing protective headgear which complies with standards and specifications established by the director. An operator of a motor vehicle who is first charged for a violation of this subsection and who has not purchased or otherwise acquired headgear which complies with the standards and specifications established by the director shall not be convicted if the person produces in court, within a reasonable time, proof that the operator has purchased or otherwise acquired protective headgear which meets the established standards and specifications. This subsection does not apply to motor vehicles when used in a parade authorized by proper permit from local authorities.

2. APPROVED HEADGEAR. The director shall adopt rules under chapter 17A establishing standards and specifications for the approval of protective headgear

and shall approve headgear which meet the standards and specifications. The director shall publish lists of all approved protective headgear. A person shall not possess for the purpose of sale, offer for sale, or sell protective headgear for use by a person riding or operating a motor vehicle, unless the equipment is of a type listed as approved by the director, and unless the equipment carries the trademark or name under which it was approved by the director so as to be immediately legible to a person examining the equipment. A person who in the course of business regularly offers for sale or sells protective headgear for use by a person riding or operating a motor vehicle shall maintain and display a list of the protective headgear approved by the director. As used in this subsection, "motor vehicle" means only a motor vehicle which is subject to registration under this chapter and which is designed to travel on not more than three wheels in contact with the ground.

Sec._____. Section 805.8, subsection 2, paragraph e, Code Supplement 1985, is amended to read as follows:

e. For improperly used or nonused or defective or improper equipment under sections 321.383, 321.384,

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321.385, 321.386, 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420, 321.423, 321.430, 321.433, 321.448, 321.449 and 321.450, the scheduled fine is twenty dollars. For failing to wear protective headgear under section 321.444A, the scheduled fine is fifty dollars for the operator of the motor vehicle and twenty-five dollars for a rider."

2. Title page, line 2, by striking the word "and".

3. Title page, line 5, by striking the word "courses" and inserting the following: "courses, and to the use of protective headgear when operating or riding certain motor vehicles and the sale of such headgear and providing penalties".

SHOULTZ of Black Hawk

H–5134

Amend House File 254 as follows:

1. Page 1, lines 17 and 18, by striking the words "course, which fee shall not exceed the actual cost of instruction." and inserting the following: "course. The total fees charged by a public school district to

the students enrolled in the driver education course shall not exceed the actual cost of instruction less the product obtained by the state comptroller calculating that portion of the school's district cost per pupil for the budget year which reflects inclusions in the district cost per pupil which arise due to three-tenths of one percent being in the state percent of growth for the school year beginning July 1, 1975, and the allowable growth on that amount in succeeding school years and multiplying that portion of the district cost per pupil for the budget year times the weighted enrollment. The state comptroller shall annually prepare the calculation required under this paragraph."

GRONINGA of Cerro Gordo

H–5135

Amend amendment H–5096 to House File 2019 as follows:

1. By striking page 1, line 27, through page 6, line 48, and inserting the following:

"The state building code advisory council shall advise the commissioner to either adopt rules relating to the construction or erection of ECHO housing units or identify in writing to the legislative council prior to the 1987 regular session of the general assembly specific reasons such rules should not be adopted. Rules, if adopted, shall be part of the state building code and shall provide for standards and requirements for construction, materials, mechanical equipment, electrical wiring, plumbing, fire protection, connections to utilities, sanitation, and habitability. "ECHO" means elder and physically handicapped cottage housing opportunity.

Sec. 3. NEW SECTION. 331.910 ECHO HOUSING.

Notwithstanding any provision of this Code, any county may enact an ordinance providing for the issuance of special use permits, conditional use permits, or occupancy permits for a dwelling unit to be constructed, or attached to, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is used solely for the occupancy of one or two adult persons who are either sixty-two years of age or over or physically handicapped, and the area of floor space of the dwelling unit does not exceed six hundred forty square feet.

Sec. 4. NEW SECTION. 362.15 ECHO HOUSING.

Notwithstanding any provision of this Code, any city may enact an ordinance providing for the issuance

of special use permits, conditional use permits, or occupancy permits for a dwelling unit to be constructed, or attached to, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is used solely for the occupancy of one or two adult persons who are either sixty-two years of age or over or physically handicapped, and the area of floor space of the dwelling unit does not exceed six hundred forty square feet."

CONNORS of Polk
PLATT of Muscatine
SHERZAN of Polk
McKEAN of Jones

H–5141

Amend House File 2084 as follows:

1. Page 1, by striking lines 6 and 7 and inserting the following: "family members who attend ~~high school~~ two different attendance centers."

Committee on Education

H–5145

Amend House File 2159 as follows:

1. Page 1, line 7, by inserting after the word "disability," the following: "who are members of a minority, or who are women,".

2. Page 1, line 21, by inserting after the word "disability" the following: ", who are members of a minority, or who are women".

3. Page 2, line 16, by inserting after the number "70.9" the following: ", who are members of a minority, or who are women".

4. Page 2, line 31, by inserting after the number "70.9" the following: ", who are members of a minority, or who are women".

METCALF of Polk
DODERER of Johnson
BRAMMER of Linn

H–5146

Amend House Joint Resolution 2001 as follows:

1. Page 1, by striking lines 3 through 17 and inserting the following:

"1. Section 15 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 second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

2. Section 18 of Article IV of the Constitution of the State of Iowa, is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 18. The lieutenant governor shall have the duties provided by law for the secretary of state. If there is a vacancy in the office of the lieutenant governor, the governor shall appoint a person, subject to confirmation by the senate, to act as secretary of state for the residue of the term. If the lieutenant governor is acting as governor, the lieutenant governor may appoint a person, subject to confirmation by the senate, to act as secretary of state while the lieutenant governor is acting as governor. The lieutenant governor also shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

3. Section 19 of Article IV of the Constitution of the State of Iowa as amended by amendment number 2 of the amendments of 1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of

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representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of

governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention."

SPEAR of Lee

H–5148

Amend amendment H–5141 to House File 2084 as follows:

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

"_____. Page 1, line 5, by striking the word "two" and inserting the following: "~~two~~ three"."

2. Page 1, line 4, by striking the word "two" and inserting the following: "three".

SPEAR of Lee

H–5150

Amend House File 2310 as follows:

1. Page 1, by striking lines 6 through 11.

DODERER of Johnson
CARPENTER of Polk

H–5151

Amend House File 2303 as follows:

1. Page 1, line 11, by striking the word "tested" and inserting the words "included in the initial test".

2. Page 1, line 15, by striking the word "tests" and inserting the words "initial testing".

HUMMEL of Benton

H–5157

Amend House File 2276 as follows:

1. Page 5, line 33, by striking the figure "1987" and inserting the figure "1988".

Committee on Agriculture

H–5163

Amend House File 2310 as follows:

1. Page 1, by striking lines 3 through 5 and inserting the following:

"1. A person shall not sell, dispense, or give ~~to any intoxicated person, or one simulating intoxication, any~~ alcoholic liquor, wine, or beer to another person who is intoxicated or simulating intoxication, if the person selling, dispensing, or giving knows or should know that the other is intoxicated or simulating intoxication."

2. Page 1, line 6, by striking the words "other than a licensee or permittee".

3. Page 1, line 11, by inserting after the word "beer." the following: "This paragraph does not apply to a person required to hold a license or permit under this chapter, except on those occasions when the person dispenses or gives alcoholic liquor, wine, or beer to others during a noncommercial event and the person does not receive monetary or promotional consideration in return for dispensing or giving the alcoholic liquor, wine, or beer."

4. Page 1, by inserting after line 18 the following:

"Sec. 2. Section 123.92, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Every husband, wife, child, parent, guardian, employer, or other person who is injured in person or property or means of support by ~~any~~ an intoxicated person or resulting from the intoxication of ~~any~~ a person, has a right of action for all damages actually sustained, severally or jointly, against any licensee or permittee, who ~~sells or gives~~ sold or gave any beer, wine, or intoxicating liquor to ~~a~~ the intoxicated person ~~while the person is~~ when the licensee or permittee knew or should have known the person was intoxicated, or ~~serves a~~ who served the person to a point where the ~~person is~~ licensee or permittee knew or should have known the person would become intoxicated. If the injury was caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person. This section does not apply on those occasions when a licensee or permittee dispenses or gives alcoholic liquor, wine, or beer to others during a noncommercial event at which the licensee or permittee does not receive monetary or promotional consideration in return for dispensing or giving the alcoholic liquor, wine, or beer."

VAN CAMP of Scott
HALVORSON of Webster
WOODS of Polk
RUNNING of Linn

H–5164

Amend House File 2159 as follows:

1. Page 1, line 7, by inserting after the word "disability" the following: "or who are the sole support of aged parents".

2. Page 1, line 21, by inserting after the word "disability" the following: "or who are the sole support of aged parents".

3. Page 2, line 16, by inserting after the number "70.9" the following: "or who are the sole support of aged parents".

4. Page 2, line 31, by inserting after the number "70.9" the following: "or who are the sole support of aged parents".

HAMMOND of Story
LLOYD-JONES of Johnson

H–5167

Amend House File 2325 as follows:

1. Page 1, lines 3 and 4, by striking the words "public utilities having less than ten thousand customers and electric".

2. Page 1, lines 17 and 18, by striking the words "and electric public utilities".

3. Title page, lines 1 and 2, by striking the words "electric public utilities having less than ten thousand customers and".

KREMER of Buchanan

H–5170

Amend Senate File 297 as passed by the Senate as follows:

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

"Sec. 711. Section 321.189, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. The department may issue a motorized bicycle license to a person ~~fourteen~~ sixteen years of age or older who has passed a vision test and a written examination on the rules of the road. ~~After January 1, 1982, persons~~ Persons under the age of ~~sixteen~~ eighteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle

education course at a private or commercial driver education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession. The license is valid for a period of two years, subject to termination or cancellation as provided in this section."

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

"Sec._____. Section 711 of this Act applies to motor bicycle licenses issued on or after the effective date of this Act."

3. Title page, line 3, by inserting after the word "motorcycle" the following: "and raising the age for operation of a motorized bicycle."

4. Renumber and correct internal references as necessary.

FEY of Scott

H–5171

Amend House File 2310 as follows:

1. Page 1, line 11, by inserting after the word "beer" the following: ", unless the person who consumed the alcoholic beverage, wine, or beer was under legal age".

LAGESCHULTE of Bremer

H–5173

Amend House File 2231 as follows:

Page 1, by inserting after line 15, the following:

"3. The costs assessed to all customers as the result of legislative action affecting public utilities."

COREY of Louisa

H–5175

Amend House File 2340 as follows:

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

"A person who is a retailer of a product and who assembles a product is not liable for damages based upon strict liability in tort or breach of implied warranty which arises from an alleged defect in the

original design or manufacture of the product unless the original manufacturer is not subject to service within the state or has been judicially declared insolvent."

JAY of Appanoose

H–5177

Amend House File 2309 as follows:

1. Page 1, by inserting after line 11 the following:

"Sec._____. Section 455C.6, subsection 3, Code 1985, is amended to read as follows:

3. The department shall approve a redemption center if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the department approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure that the redemption center will provide a convenient service to the public as the director may determine. A redemption center is required only to redeem empty beverage containers of the kind and brand sold by dealers who are served by the redemption center.

2. Amend the title, by striking line 1 and inserting the following: "An Act relating to the redemption of beverage containers by increasing the handling fee and specifying the beverage containers which must be redeemed by redemption centers."

DAGGETT of Taylor

H–5178

Amend House File 2194 as follows:

1. Page 1, by striking lines 11 through 14 and inserting the words "to a recapture tax."

Committee on Natural Resources and Outdoor Recreation

H–5185

Amend amendment H–3846 to Senate File 540 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 25 through 29.

McINTEE of Black Hawk

H–5190

Amend House File 2339 as follows:

1. Page 10, line 18, by striking the words "within the previous six years".

2. Page 10, line 20, by striking the words "within the previous six years".

McINTEE of Black Hawk

H–5200

Amend House File 2310 as follows:

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

"Section 1. NEW SECTION. 123.92A CIVIL LIABILITY FOR INJURIES CAUSED BY INTOXICATED GUESTS.

A person injured by an intoxicated guest of a host has a right of action against the host for damages actually sustained if:

1. The guest was intoxicated.

2. The host personally was actually aware the guest was intoxicated.

3. The host then made available alcoholic beverages, wine, or beer to the guest after being aware that the guest was intoxicated.

4. The guest drank alcoholic beverages, wine, or beer made available by the host.

5. The guest operated a motor vehicle while still intoxicated.

6. The host took no action to prevent the guest from operating a motor vehicle while intoxicated.

7. The guest operated the motor vehicle while intoxicated in a manner which caused injury to the person by reason of the intoxication."

2. Title page, line 1, by striking the word "social".

DODERER of Johnson
CARPENTER of Polk
McINTEE of Black Hawk
OSTERBERG of Linn

H–5202

Amend House File 2339 as follows:

1. Page 22, by inserting after line 26 the following:

"Sec. 23. NEW SECTION. 321J.23 FORFEITURE OF MOTOR VEHICLE.

The motor vehicle used by a person when the person

committed a violation of section 321J.2 is subject to forfeiture. The department shall confiscate the motor vehicle used by a person who committed a violation of section 321J.2 upon notice of conviction of the person for the violation. The department shall not confiscate a motor vehicle used in a violation of section 321J.2 if it is established that the motor vehicle did not belong to the person convicted of the violation of section 321J.2 and the person was operating the motor vehicle without the permission of the owner.

The department shall dispose of motor vehicles confiscated under this section at public auction. The proceeds of the auction of a vehicle shall be used to satisfy any outstanding liens on the vehicle and the balance shall be forwarded to the treasurer of state for deposit in the general fund."

2. By renumbering sections according to this amendment.

JAY of Appanoose

H—5204

Amend House File 2339 as follows:

1. Page 18, by inserting after line 28 the following:

"Sec. 22. NEW SECTION. 321J.22 CRIMINAL COURT HOLDING ON TEST RESULTS.

If the department receives a certified copy of a trial court decision on a charge of a violation of section 321J.2 which holds that the results of a chemical test are invalid and may not be accepted as evidence, and if that part of the decision is no longer subject to appeal, and if the chemical test referred to in the decision was used or is being used by the department as the basis of a revocation of a person's privilege to drive under section 321J.12, and if a verdict of not guilty was returned on the charge of a violation of section 321J.2, the department shall rescind the revocation.

HAMMOND of Story

H—5205

Amend House File 2339 as follows:

1. Page 22, by inserting after line 26 the following:

"Sec. 24. NEW SECTION. 321J.24 PERMANENT LICENSE OR PERMIT REVOCATION.

The department shall permanently revoke the license or permit to drive of a person upon conviction of a second or subsequent offense of section 321J.2."

JAY of Appanoose

H–5208

Amend House File 2321 as follows:

1. Page 1, line 7, by striking the word "shall" and inserting the following: "may".

2. Page 1, line 30, by striking the word "shall" and inserting the following: "may".

3. Page 1, line 33, by striking the word "shall" and inserting the following: "may".

Committee on Small Business and Commerce

H–5212

Amend Senate File 397 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking lines 28 through 32.

KOENIGS of Mitchell

H–5213

Amend Senate File 159 as amended, passed and reprinted by the Senate as follows:

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

"Section 1. Section 321G.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Every snowmobile used on public streets, highways, land, or ice of this state shall be currently registered and numbered. No person shall operate, maintain, or give permission for the operation or maintenance of ~~any such~~ a snowmobile on ~~such~~ public land or ice unless the snowmobile is numbered in accordance with this chapter, or in accordance with applicable federal laws, or in accordance with an approved numbering system of another state, and unless the identifying number set forth in the registration is displayed on each side of the forward half of ~~such~~ the snowmobile. The requirements of this paragraph do not apply to a modified stock or open-modified stock snowmobile, as defined by rule of the commission, while it is being used on or within two hundred yards of a publicly-owned racing course in an oval or drag race authorized as a special event by the commission."

2. By renumbering to conform with this amendment.

RUNNING of Linn

H–5225

Amend House File 2159 as follows:

1. Page 1, line 7, by inserting after the word "disability" the following: "or who are single parents and the sole support of one or more minor children".

2. Page 1, line 21, by inserting after the word "disability" the following: "or who are single parents and the sole support of one or more minor children".

3. Page 2, line 16, by inserting after the number "70.9" the following: "or who are single parents and the sole support of one or more minor children".

4. Page 2, line 31, by inserting after the number "70.9" the following: "or who are single parents and the sole support of one or more minor children".

CARL of Poweshiek

H–5232

Amend House File 2392 as follows:

1. Title page, line 3, by inserting after the word "fund" the words "and providing an effective date".

KREMER of Buchanan

H–5236

Amend the amendment H–5167 to House File 2325 as follows:

1. Page 1, by striking lines 2 through 9 and inserting the following:

"1. Page 1, line 28, by inserting after the word "elect." the following: "If the board of directors or the membership of an electric cooperative have elected to have the cooperative's rates regulated by the commission, after two years have elapsed from the effective date of such election the membership of the electric cooperative may elect to exempt the cooperative from the rate regulation authority of the commission." "

SKOW of Guthrie

H–5237

Amend House File 2380 as follows:

1. Page 2, lines 5 and 6, by striking the words and figure "fifteen million six hundred thousand (15,600,000)" and inserting the words and figure "eighteen million six hundred thousand (18,600,000)".

WELDEN of Hardin

H–5239

Amend House File 2167 as follows:

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

"Section 1. Section 275.12, subsection 2, paragraphs b and d, Code 1985, are amended to read as follows:

b. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which director districts shall be represented on the school board by one ~~director~~ or more directors who shall be ~~a resident~~ residents of ~~such~~ the director district but who shall be elected by the vote of the electors of the entire school district. ~~The school district shall be divided into the same number of director districts as the number of school directors the district is authorized by law.~~ The boundaries of ~~such~~ the director districts and the area and population included within each district shall be such as justice, equity, and the interests of the people may require. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election. Insofar as may be practicable, the boundaries of ~~such~~ the districts shall follow established political or natural geographical divisions.

d. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which director districts shall be represented on the school board by one ~~director~~ or more directors who shall be ~~a resident~~ residents of ~~such~~ the director district and who shall be elected by the voters of ~~said~~ the director district. Place of voting in ~~such~~ the director districts shall be designated by the commissioner of elections. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election."

2. Title page, line 1, by inserting after the words "relating to" the following: "school district reorganization, including".

3. Title page, line 3, by inserting after the word "petition" the following: ", and to the drawing of director districts".

4. By renumbering sections as necessary.

MULLINS of Kossuth

H–5245

Amend House File 2338 as follows:

1. Page 1, line 9, by inserting after the word "district" the words "or merged area school corporation".

2. Page 1, line 11, by inserting after the word "district" the words "or corporation".

3. Page 1, line 16, by inserting after the word "district" the words "or corporation".

PEICK of Linn

H–5251

Amend House File 2338 as follows:

1. By striking page 1, line 26 through page 2, line 5.

2. By striking page 4, line 3 through page 10, line 6.

3. By striking page 11, line 30 through page 12, line 6.

4. Title page, by striking lines 1 through 3, and inserting the following: "An Act relating to the provision and funding of insurance programs of local governments, and".

5. By renumbering as necessary.

Committee on Local Government

H–5253

Amend House File 2338 as follows:

1. Page 1, line 10, by inserting after the word "bonds" the words ", subject to chapter 75,".

2. Page 1, line 34, by inserting after the word "bonds" the words ", subject to chapter 75,".

3. Page 2, line 33, by inserting after the word "pool" the words ", subject to chapter 75".

4. Page 3, line 27, by inserting after the word "pool" the words ", subject to chapter 75".

KREMER of Buchanan

H–5258

Amend House File 2377 as follows:

1. Page 1, line 33, by inserting after the word "person" the words ", other than the candidate,".

2. Page 6, by striking line 11 and inserting the following: "seven hundred fifty thousand (750,000) dollars."

Committee on State Government

H–5261

Amend House File 2219 as follows:

1. By striking page 2, line 32 through page 3, line 23.

2. Page 3, by striking lines 29 through 33 and inserting the following: "physician providers as defined in section 135.1."

3. Title page, by striking lines 1 through 3 and inserting the following: "An Act making".

SCHNEKLOTH of Scott

H–5265

Amend House File 2256 as follows:

1. Page 1, line 21, by inserting after the word "right-of-way" the words ", unless the failure to remove trees, shrubs, underbrush and other growth from the right-of-way creates an unreasonably dangerous hazard and the agency in control of the road has knowledge of the existence of the hazard".

Committee on Transportation

H–5266

Amend amendment H–5260 to House File 2219 as follows:

1. Page 2, by striking lines 20 through 40 and inserting the following: "if it was provided by a person licensed under chapter 148, 150, or 150A, under terms and conditions agreed upon between the corporation and subscriber group, subject to utilization controls. This paragraph applies".

2. Page 3, by striking lines 17 through 38 and inserting the following: "reimburse for the diagnosis or treatment if it was provided by a person licensed under chapter 148, 150, or 150A, under terms and conditions agreed upon between the provider and enrollee group, subject to utilization controls. This paragraph applies".

SCHNEKLOTH of Scott

H–5271

Amend Senate File 397 as amended, passed and reprinted by the Senate as follows:

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

"4. Except as provided in this subsection, a school bus driver shall be under sixty-five years of age. If a person age sixty-five or older wishes to drive a school bus, the person shall annually be examined in accordance with section 321.186 by the department to determine the person's fitness to operate a school bus safely upon the highways."

2. Renumber if necessary.

MUHLBAUER of Crawford

H–5272

Amend House Concurrent Resolution 118 as follows:

1. Page 2, line 1, by inserting after the word "Iowa" the words "develop programs to".

JOHNSON of Winneshiek

H–5275

Amend House File 2392 as follows:

1. Page 1, line 17, by inserting after the word "chapter." the following: "Persons certified for medical care under this chapter and counties allotted quotas under this chapter are entitled to reimbursement expenditures from the indigent patient care fund only to the extent of moneys appropriated to the fund."

2. Page 2, line 15, by inserting after the word "care" the following: "under the quota system".

3. Page 3, line 6, by striking the word "A" and inserting the following: "Except as limited by section 255A.1, subsection 2, a".

4. Page 3, line 13, by inserting before the word "entitlement" the following: "county".

5. Page 3, line 17, by striking the word "admissions" and inserting the following: "certifications".

6. Page 3, by striking lines 21 through 23 and inserting the following: "counties each January 1. Each April 1 the department shall place unused county quota allotments in a statewide quota pool from which any county can receive payment for medical care for certified persons on a first-come, first-served basis. Chapter 252 shall govern the county's responsibilities for the provision of and payment for medical care for a person not covered by the quota system."

MULLINS of Kossuth
ZIMMERMAN of Dallas
HESTER of Pottawattamie
OLLIE of Clinton
PEICK of Linn

H–5276

Amend House File 2392 as follows:

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

"3. A physician on the staff of the university of Iowa hospitals and clinics, who cares for noncertified patients, may charge for the physician's medical services under rules and guidelines approved by the state board of regents."

MULLINS of Kossuth
ZIMMERMAN of Dallas
HESTER of Pottawattamie
OLLIE of Clinton
PEICK of Linn

H–5280

Amend H–5260 to House File 2219 as follows:

1. Page 1, by striking lines 19 through 24 and inserting the following: "shall provide the coverage unless the policyholder affirmatively elects in writing to reject the coverage. A representative of the insurer shall not make any statement or do any act which is designed to persuade a policyholder not to accept the coverage. If the policyholder rejects the coverage, the premium for the policy shall be adjusted to reflect the rejection of this coverage. An employer or trustee shall be offered and may have separate policies with one providing the coverage and the other not providing the coverage. A".

2. Page 1, lines 25 and 26, by striking the words "or make optional".

3. Page 2, by striking lines 25 through 30 and inserting the following: "The contract shall provide the coverage unless the subscriber affirmatively elects in writing to reject the coverage. A representative of the medical service corporation shall not make any statement or do any act which is designed to persuade a subscriber not to accept the coverage. If the subscriber rejects the coverage, the rate charged for the contract shall be adjusted to reflect the rejection of this coverage. A group shall be offered and may have separate group subscriber contracts with one providing the coverage and the other not providing the coverage."

4. Page 2, line 31, by striking the words "or make optional".

5. Page 3, by striking lines 23 through 28 and inserting the following: "group plan shall provide

the coverage unless the enrollee affirmatively elects in writing to reject the coverage. A representative of the health maintenance corporation shall not make any statement or do any act which is designed to persuade an enrollee not to accept the coverage. If the enrollee rejects the coverage the rate charged for the plan shall be adjusted to reflect the rejection of this coverage. A group shall be offered and may have separate group plans with one providing the coverage and the other not providing the coverage. A prepaid group plan of health".

6. Page 3, line 29, by striking the words "or make optional".

GROTH of Buena Vista

H—5284

Amend amendment H—5260 to House File 2219 as follows:

1. Page 1, by striking lines 2 through 46.

2. Page 4, line 5, by striking the figures "509,514," and inserting the following: "514".

SHERZAN of Polk

H—5288

Amend House File 2350 as follows:

1. Page 3, line 6, by striking the word "each".

2. Page 3, line 7, by striking the word "description" and inserting the following: "~~description~~ separately described parcel".

SPEAR of Lee

H—5291

Amend House File 2411 as follows:

1. Page 2, by striking lines 31 through 33 and inserting the following: "tort or breach of implied warranty for the product."

2. Page 3, by striking lines 3 through 5, and inserting the following: "manufacture of the product."

COREY of Louisa

H—5293

Amend House File 2411 as follows:

1. Page 6, line 6, by inserting after the word "qualifications" the following: ", permanent residence within the state,".

CLARK of Cerro Gordo

H–5295

Amend House File 2411 as follows:
1. By striking page 1, line 26, through page 2, line 20.

ZIMMERMAN of Dallas

H–5308

Amend House File 2350 as follows:
1. Page 3, by striking lines 11 and 12 and inserting the following: "of sale and paid into the county treasury. If the taxes are paid before the date of sale, the amount paid for".
2. Page 3, by striking line 14 and inserting the following: "collecting the taxes."

SPEAR of Lee

H–5310

Amend House File 2327 as follows:
1. Page 1, by inserting after line 9 the following:
"Sec._____. Section 729.4, subsection 2, Code 1985, is amended to read as follows:
2. It shall be unlawful for any labor union or organization or an officer thereof to discriminate against any person as to membership therein because of race, religion, color, sex, national origin or ancestry."

SWEARINGEN of Keokuk

H–5319

Amend House File 2439 as follows:
1. Page 1, line 13, by inserting after the word "is." the following: "No person, while sitting in authority in either chamber of the Iowa legislature, shall use, possess, or exhibit or enhance the use of any tobacco product as defined in section 98.42, subsection 1, when being observed by minors."

HALVORSON of Clayton

H–5321

Amend House File 2434 as follows:
1. Page 1, by striking line 28 and inserting the following: "(MCL) are not specified, Recommended Maximum Contaminant Levels (RMCL)".

PETERSEN of Muscatine

H–5325

Amend House File 2350 as follows:

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

"Section 1. Section 598.35, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The parental rights of the parent of the child, who is the child of the grandparents, are terminated pursuant to section 232.117 or a petition to terminate has been filed.

JAY of Appanoose

H–5329

Amend amendment H–5308 to House File 2350 as follows:

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

"2. Page 3, by striking line 7 and inserting the following: "~~one dollar~~ two dollars for each ~~description~~ separately described parcel,"."

RENSINK of Sioux

H–5334

Amend House File 2434 as follows:

1. Page 1, line 26, by striking the word "Interim".

2. Page 1, line 27, by striking the word "(NIPDWR)" and inserting the following: "(NPDWR)".

3. Page 2, line 5, by striking the word "Trihalomethenes" and inserting the following: "Trihalomethanes".

4. Page 2, line 6, by striking the word "NIPDWR" and inserting the following: "NPDWR".

5. Page 2, line 7, by striking the word "NIPDWR" and inserting the following: "NPDWR".

6. Page 2, line 17 by striking the words "university of Iowa" and inserting the following: "state".

OSTERBERG of Linn

H–5335

Amend House File 2393 as follows:

1. Page 1, by striking lines 5 through 7 and inserting the following: "an ordinance which is classified as a municipal infraction. A".

2. Page 1, by striking lines 12 through 14 and inserting the following: "violation."

3. Page 3, by striking lines 21 through 23 and inserting the following: "an ordinance which is classified as a county infraction. A county".

4. Page 3, by striking lines 28 through 30 and inserting the following: "violation."

VAN CAMP of Scott

H–5337

Amend amendment H–5310 to House File 2327 as follows:

1. Page 1, line 6, by striking the words "labor union or" and inserting the words "~~labor union or~~".

RUNNING of Linn

H–5340

Amend amendment H–5314 to House File 2412 as follows:

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

"_____. Page 1, line 2, by striking the words "paragraph a, is" and inserting the following: "paragraphs a and b, are"

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

"b. After the allotment in paragraph "a", ten million dollars to the "Community Economic Betterment" account, ~~eight~~ eleven million ~~five hundred thousand~~ dollars to the "Jobs Now" account, and twelve million five hundred thousand dollars to the "Education and Agriculture Research and Development" account."

_____. Page 1, by inserting after line 10 the following:

"Sec._____. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph a, is amended to read as follows:

a. To the state conservation commission the sum of ~~two~~ *five million* ~~five hundred thousand~~ ~~(2,500,000)~~ (5,000,000) dollars for the construction and development of parks, recreation areas, ~~forest~~ forests, fish and wildlife areas, visitor centers, and natural areas, and for related technical services for carrying out these projects. Not more than eight hundred fifty thousand (850,000) dollars shall be used for the construction of visitor centers at Mason City, Sioux City, Dubuque, Davenport, and Council Bluffs. Not more than five hundred thousand (500,000) dollars shall be set aside to match private funds available for the acquisition of natural areas with unique or unusual features. Not more than four hundred thousand (400,000) dollars shall be set aside for the acquisition of land for expansion or development of state forests and state fish and wildlife areas. Not more than seven hundred fifty thousand (750,000) dollars shall be set aside for use in providing grants-in-aid to county conservation boards for

carrying out acquisition and development projects as provided in chapter 111A. Any of the above funds ~~can~~ may be matched with any available federal funds or with any available federal or local funds in the case of grants-in-aid to county conservation boards."

_____. Page 3, line 33, by striking the words "eight million five hundred thousand" and inserting the following: "~~eight~~ eleven million ~~five hundred thousand~~".

_____. Page 4, line 3, by striking the words "nine

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million five hundred thousand" and inserting the following: "twelve million"."

HALVORSON of Webster

H—5344

Amend H—5310 to House File 2327 as follows:

1. Page 1, line 6, by inserting after the word "union" the following: ", farm organization, business organization, professional organization,".

2. Page 1, line 7, by inserting before the word "organization" the following: "other".

RUNNING of Linn

H—5345

Amend House File 2411 as follows:

1. Page 4, line 18, by striking the word "one" and inserting the word "both".

HALVORSON of Clayton

H—5346

Amend House File 2411 as follows:

1. Page 1, line 3, by striking the words "for economic loss".

HALVORSON of Clayton

H—5347

Amend House File 2411 as follows:

1. Page 5, by striking lines 10 through 17 and inserting the following:

"NEW SUBSECTION. 7. When a final judgment or award of one hundred thousand dollars or more is entered, the court shall order that the judgment or award be paid by structured, periodic, or other nonlump-sum payments."

HALVORSON of Clayton

H–5349

Amend Senate File 2175 as amended, passed, and reprinted by the Senate as follows:

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

"1. DECLARATION OF POLICY: THREE BRANCHES OF GOVERNMENT. The separation of powers within state government among the legislative, the executive, and the judicial branches of the government is a traditional American concept. The legislative branch has the broad objective of determining policies and programs and review of program performance for programs previously authorized, the executive branch carries out the programs and policies, and the judicial branch has the responsibility for adjudicating any conflicts which might arise from the interpretation or application of the laws. It is a traditional concept of American government that the three branches are to function separately, without intermingling of authority, except as specifically provided by law."

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

"c. The executive branch should be organized on a functional basis, so that programs can".

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

"Sec. 2. NEW SECTION. 7E.2 OFFICES, DEPARTMENTS AND INDEPENDENT AGENCIES.

The constitutional and statutory offices, administrative departments, and independent agencies which comprise the executive branch of state government are structured as follows:

1. SEPARATE CONSTITUTIONAL OFFICES. The elective constitutional and statutory officers who do not head operating departments each head a staff to be termed the "office" of the respective elective officer, but the office of the governor shall be known as the "executive office".

2. PRINCIPAL ADMINISTRATIVE UNITS. The principal administrative unit of the executive branch is a "department" and there may be one or more "independent agencies".

3. INTERNAL STRUCTURE.

a. The director of each department, subject to applicable statute, approval by the governor, and the provisions of subsection 4 of this section, may establish the internal structure within the office of the director so as to best suit the purposes of the department.

b. For field operations, departments may establish

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district or area offices which may cut across divisional lines of responsibility.

c. For their internal structure, all departments shall adhere to the following standard terms unless otherwise specified by law, and independent agencies are encouraged to review their internal structure and to adhere as much as possible to the following standard terms:

(1) The principal subunit of the department is the "division". Each division shall be headed by an "administrator".

(2) The principal subunit of the division is the "bureau". Each bureau shall be headed by a "chief".

(3) If further subdivision is necessary, bureaus may be divided into subunits which shall be known as "sections" and which shall be headed by "supervisors" and sections may be divided into subunits which shall be known as "units" and which shall be headed by "unit managers".

4. INTERNAL ORGANIZATION AND ALLOCATION OF FUNCTIONS. Subject to applicable law, the head of each department or independent agency shall, subject to the approval of the governor, establish the internal organization of the department or independent agency and allocate and reallocate duties and functions not assigned by law to an officer or any subunit of the department or independent agency to promote economic and efficient administration and operation of the department or independent agency.

5. ATTACHMENT FOR LIMITED PURPOSES. Any commission, board, or other unit attached under this section to a department or independent agency, or a specified division of one, shall be a distinct unit of that department, independent agency, or specified division. Any commission, board, or other unit so attached shall exercise its powers, duties, and functions as may be prescribed by law, including rulemaking, licensing and regulation, and operational planning within the area of program responsibility of the commission, board, or other unit independently of the head of the department or independent agency, but budgeting, program coordination, and related management functions shall be performed under the direction and supervision of the head of the department or independent agency, unless otherwise provided by law.

Sec._____. NEW SECTION. 7E.2A HEADS OF DEPARTMENTS AND INDEPENDENT AGENCIES — POWERS AND DUTIES.

Each head of a department or independent agency

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shall, except as otherwise provided by law:

1. SUPERVISION. Plan, direct, coordinate, and execute the functions vested in the department or independent agency.

2. BUDGET. Annually compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department or independent agency and each program, subprogram, and activity in the department or agency.

3. ADVISORY BODIES. In addition to any councils specifically created by law, create by rule and appoint such councils or committees as the operation of the department or independent agency requires. Members of councils and committees created under this general authority shall serve without compensation, but may be reimbursed for their expenses.

4. ANNUAL REPORT. Unless otherwise provided by law, submit a report in November of each year to the governor and the legislature on the operation of the department or independent agency during the fiscal year concluded on the preceding June 30, and projecting the goals and objectives of the department or independent agency as developed in the program budget report for the fiscal year underway. Any department or independent agency may issue such additional reports on its findings and recommendations as its operations require.

Sec._____. NEW SECTION. 7E.2B DEFINITIONS AND TERMINOLOGY FOR EXECUTIVE BRANCH ORGANIZATION.

In statutory references and administrative usage, the following terminology and definitions shall be followed in regard to state governmental structure and organization to the extent practicable:

1. "Department" means a principal administrative agency within the executive branch of state government, but does not include independent agencies.

2. "Division", "bureau", "section", and "unit" mean the subunits of a department, whether specifically created by law or created by the head of the department for the more economic and efficient administration and operation of the programs assigned to the department.

3. "Independent agency" is an administrative unit which, because of its unique operations, does not fit into the general pattern of operating departments.

4. "Authority" means a body with independent power to issue and sell bonds.

5. "Head of the department" means the elective officer, director, or other official in charge of a department.

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6. "Commission" means a policymaking body that has quasi-legislative powers.

7. "Board" means a policymaking body that has quasi-judicial powers.

8. "Examining board" means a body which sets standards of professional competence and conduct for the profession or occupation under its supervision, which may prepare and grade the examinations of prospective new practitioners when authorized by law, which may issue licenses when authorized by law, which investigates complaints of alleged unprofessional conduct, and which performs other functions assigned to it by law.

9. "Council" means an advisory body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.

10. "Committee" means a part-time body appointed to study a specific problem and to recommend a solution or policy alternative with respect to that problem, and intended to terminate on the completion of its assignment."

4. Page 2, line 31, by striking "audits and appeals" and inserting the following: "inspections and appeals".

5. Page 2, line 35, by inserting after the word "agriculture" the following: "and land stewardship".

6. Page 3, line 3, by inserting after the word "agriculture" the following: "and land stewardship".

7. Page 3, line 5, by striking "commerce and industry" and inserting the following: "regulated industries".

8. Page 3, by striking lines 25 through 28 and relettering the remaining paragraphs accordingly.

9. Page 4, line 29, by inserting after the word "opportunity," the following: "programs which serve the senior citizens of the state,".

10. Page 4, by inserting immediately after line 30 the following:

"u. In the area of higher education, a unit headed by the board of regents and including all the institutions administered by the board of regents, which has primary responsibility for state involvement in higher education."

11. By striking page 4, line 33 through page 5, line 2, and inserting the following:

"b. There is an interstate cooperation commission."

12. Page 5, line 25, by striking the word

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"OFFICE" and inserting the word "DEPARTMENT".

13. Page 5, by striking line 27 and inserting the following: "~~There is created an office of state comptroller~~ The department of".

14. Page 6, line 12, by striking the word "office" and inserting the word "department".

15. Page 6, by striking lines 18 and 19.

16. Page 6, line 34, by inserting after the word "COUNTY" the words "AND CITY".

17. Page 7, line 6, by inserting after the word "counties" the words "and cities".

18. Page 7, by striking lines 7 and 8 and inserting the following:

"3. Review and comment on county and city budgets to county and city officials and provide assistance to enable counties and cities to improve".

19. Page 7, by inserting after line 9 the following:

"4. Promulgate rules relating to budget amendments and the procedures for transferring moneys between funds for cities, including rules necessary to implement section 384.6, subsection 1."

20. Page 7, by inserting before line 10 the following:

"Sec. 107. NEW SECTION. 8.58 TARGETED SMALL BUSINESS LOAN GUARANTEE PROGRAM.

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

a. "Director" means the director of the department of management.

b. "Minority person" means an individual who is a Black, Hispanic, Asian or Pacific Islander, or American Indian or Alaskan native.

c. "Small business" means an enterprise which is located in this state, is operated for profit, and has either fewer than twenty employees or an annual gross income of less than three million dollars. However, "small business" does not include an enterprise operated primarily for the practice of a licensed profession.

d. "Targeted small business" means a small business owned and operated by one or more women or minority persons.

2. The director, in conjunction with the director of the department of economic development, shall establish a targeted small business loan guarantee program. The program shall provide for guarantees with respect to loans made to beginning targeted small businesses.

3. The director shall establish a loan reserve

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account from which any default on a guaranteed loan under this section shall be paid. A default is not eligible for payment until it has been reduced to judgment by the lender. All moneys designated for the targeted small business loan guarantee program shall be credited to the loan reserve account. The director shall also establish an administrative account from which the operating costs of the program shall be paid. The director may transfer moneys between the reserve and administrative accounts. The director shall determine what is the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

4. Only moneys set aside in the loan reserve account may be used for the payment of a default. The program shall pay under a guarantee only seventy-five percent of the amount of the default.

5. The program shall provide that after the default has been reduced to judgment and the guarantee paid from the loan reserve account, the executive director, on behalf of the state, is entitled to an assignment of the judgment. The attorney general shall take all appropriate action to enforce the judgment or may enter into an agreement with the lender to provide for enforcement. Upon collection of the amount guaranteed, any excess collected shall be paid to the lender.

6. The director may organize one or more advisory groups composed of representatives of women, minority persons, the business and financial community, and others interested in the loan guarantee program to serve on a volunteer basis in advising the director concerning the implementation of this section.

7. The director shall adopt rules as necessary for the administration of the loan guarantee program under this section.

8. The general assembly is not obligated to appropriate any moneys to pay for any defaults or to appropriate any moneys to be credited to the loan reserve account. The loan guarantee program does not obligate the state except to the extent provided in this section, and the executive director in administering the program shall not give or lend the credit of the state of Iowa.

Sec. 108. NEW SECTION. 8.59 ADVICE AND ASSISTANCE TO FEMALE AND MINORITY NEW BUSINESSES.

The director of the department of management, in conjunction with the director of the department of economic development and jointly with the universities under the jurisdiction of the state board of regents,

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the area community colleges, and the area vocational schools, shall develop and make available in all areas of the state programs whereby concentrated, in-depth advice and services are available to assist female and minority persons in starting and operating new businesses. The advice and services shall extend to all areas of business management in its practical application, including but not limited to accounting, engineering, drafting, obtaining financing, locating bond markets, market analysis, and projections of profit and loss.

Sec. 109. NEW SECTION. 8.61 TITLE.

Sections 8.61 through 8.66 may be cited as the "Iowa Targeted Small Business Procurement Act."

Sec. 110. NEW SECTION. 8.62 DEFINITIONS.

When used in sections 8.61 through 8.66, unless the context otherwise requires:

1. "Minority person" means an individual who is a Black, Hispanic, Asian, or Pacific Islander, or American Indian or Alaskan native.

2. "Small business" means an enterprise which is located in this state, is operated for profit, and has either fewer than twenty employees or an annual gross income of less than three million dollars. However, "small business" does not include an enterprise operated primarily for the practice of a licensed profession.

3. "Targeted small business" means a small business owned and operated by one or more women or minority persons. The executive director may by rule expand the definition of "targeted small business" to include a small business managed by one or more women or minority persons and a small business whose work force is composed of a high percentage of women or minority persons.

Sec. 111. NEW SECTION. 8.63 PROCUREMENT FROM TARGETED SMALL BUSINESSES.

1. TARGETED SMALL BUSINESS SET-ASIDES. Notwithstanding section 18.6 and other provisions of law relating to competitive bidding procedures, the director shall designate and set aside for awarding to targeted small businesses at least five percent of the value of anticipated total state procurement of goods and services, including construction, but not including utility services pursuant to section 18.8, each fiscal year. The department of general services, the department of transportation, and the state board of regents shall cooperate with the director and do all acts necessary to carry out sections 8.61 through 8.66. The director may divide the procurements so

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designated into contract award units of economically feasible production runs to facilitate offers or bids from these small businesses. In designating set-aside procurements, the director may vary the included procurements so that a variety of goods and services produced by different small businesses may be set aside each year.

2. NEGOTIATED PRICE OR BID CONTRACT. The director may use either a negotiated price or bid contract procedure in the awarding of a contract under this set-aside program. The amount of an award shall not exceed by more than five percent the director's estimated price for the goods or services, if they were to be purchased on the open market or under the competitive bidding procedures of section 18.6 or other provisions of law relating to competitive bidding procedures, and not under this set-aside program. Surety bonds guaranteed by the federal small business administration are acceptable security for a construction award under this section.

3. DETERMINATION OF ABILITY TO PERFORM. Before announcing a set-aside award, the director shall evaluate whether the small business scheduled to receive the award is able to perform the set-aside contract. This determination shall include consideration of production and financial capacity and technical competence.

4. PROCUREMENT PROCEDURES. All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply to procurements set aside for small businesses to the extent there is no conflict. If sections 8.61 through 8.66 conflict with other laws or rules, then those sections govern.

Sec. 112. NEW SECTION. 8.64 LOCATING AND ASSISTING TARGETED SMALL BUSINESSES.

The director, in conjunction with the department of economic development, shall publicize the set-aside program, attempt to locate targeted small businesses able to perform set-aside awards, and encourage program participation. When the director determines that a targeted small business is unable to perform under a set-aside contract, the director shall assist the small business in attempting to remedy the causes of the inability to perform. In assisting the small business, the director may use any management or financial assistance programs available through state or governmental agencies or private sources.

Sec. 113. NEW SECTION. 8.65 CERTIFICATION.

The director shall adopt by rule standards and

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procedures for certifying that targeted small businesses are eligible to participate in the set-aside program. The procedure for determination of eligibility shall not include self-certification by a business. The director shall maintain a current directory of targeted small businesses which have been certified under this section.

Sec. 114. NEW SECTION. 8.66 ANNUAL REPORT.

1. The director shall submit an annual report to the governor and the general assembly relating progress towards realizing the objectives and goals of sections 8.61 through 8.65 during the preceding fiscal year. The report shall include the following information:

a. The total dollar value and number of potential set-aside awards identified and the percentage of total state procurements this figure reflects.

b. The total dollar value and number of set-aside contracts awarded to targeted small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflect.

c. The number of contracts which were designated and set aside pursuant to section 8.63, but which were not awarded to a targeted small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to the normal procurement procedures.

d. The efforts undertaken to publicize the set-aside program during the preceding year.

e. The efforts undertaken to identify targeted small businesses, and the efforts undertaken to encourage participation in the set-aside program.

f. The efforts undertaken by the executive director to remedy the inability of these small businesses to perform on potential set-aside awards.

g. The director's recommendations for strengthening the set-aside program and delivery of services to these small businesses.

2. The department of general services, the department of transportation, and the state board of regents shall provide all information requested by the director for the preparation of the annual report."

21. Page 7, by striking line 26 through page 8, line 1.

22. Page 8, by inserting before line 2 the

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following:

"Sec. 116. Section 24.17, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The local budgets of the various political subdivisions shall be certified by the chairperson of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than March 15 of each year unless a city or county holds a special levy election, in which case certification shall not be later than fourteen days following the special levy election, on blanks prescribed by the state board, and according to the rules and instruction which shall be furnished all certifying and levying boards in printed form by the state board ~~or city finance committee in the case of cities~~."

23. Page 8, line 7, by striking the word "office" and inserting the word "department".

24. Page 8, line 9, by striking the word "office" and inserting the word "department".

25. Page 8, line 33, by striking the word "office" and inserting the word "department".

26. Page 8, by inserting after line 34 the following:

"Sec. 118. Section 24.48, unnumbered paragraphs 4, 5, and 7, Code 1985, are amended to read as follows:

~~The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15.~~

The state appeals board shall have officially notified any county or city of its approval, modification or rejection of the county's or city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15.

~~For the purpose of this section, the city finance committee shall be the state appeal board when the political subdivision is a city.~~"

27. Page 9, line 4, by striking the word "office" and inserting the words "~~office~~ department".

28. Page 9, line 7, by striking the word "office" and inserting the words "~~office~~ department".

29. Page 9, line 12, by striking the word "office" and inserting the words "~~office~~ department".

30. Page 9, line 16, by striking the word "office" and inserting the words "~~office~~ department".

31. Page 9, line 23, by striking the word "office" and inserting the words "~~office~~ department".

32. Page 9, line 30, by striking the word

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"office" and inserting the words "~~office~~ department".

33. Page 10, line 2, by striking the word "office" and inserting the word "department".

34. Page 11, by striking lines 6 through 12.

35. Page 11, line 27, by striking the word "office" and inserting the word "department".

36. Page 11, line 34, by striking the word "office" and inserting the word "department".

37. Page 12, line 13, by striking the word "office" and inserting the word "department".

38. Page 12, line 21, by striking the word "office" and inserting the word "department".

39. Page 12, line 31, by striking the word "office" and inserting the word "department".

40. Page 13, by striking lines 4 through 26 and inserting the following:

"Sec. 127. Section 384.16, subsection 1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A budget must show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the ~~committee~~ director of the department of management, a budget must show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

Sec. 128. Section 384.18, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A budget amendment must be prepared and adopted in the same manner as the original budget, as provided in section 384.16, and is subject to protest as provided in section 384.19, except that the ~~committee~~ director of the department of management may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest. A city budget shall be amended by May 31 of the current fiscal year to allow time for a protest hearing to be held and a decision rendered before June 30. The amendment of a budget after May 31, which is properly appealed but without adequate time for hearing and decision before June 30 is void."

41. By striking page 13, line 27, through page 14, line 11.

42. By striking from page 13, line 27 through page 14, line 11.

43. Page 14, line 18, by striking the words and

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figures "and 18.141 through 18.143" and inserting the words and figures "18.141 through 18.143, and 384.13 through 384.15".

44. Page 14, line 19, by striking the words and figures "section 18.136" and inserting the words and figures "sections 18.136 and 18.175 through 18.180".

45. Page 15, by inserting after line 12 the following:

"g. Employment relations, including the negotiation and administration of collective bargaining agreements on behalf of the executive branch of the state and its departments and agencies as provided in chapter 20. However, the state board of regents, for the purposes of implementing and administering collective bargaining pursuant to chapter 20, shall act as the exclusive representative of the state with respect to its faculty, scientific, and other professional staff."

46. Page 15, by striking lines 15 and 16.

47. By striking page 15, line 35 through page 16, line 4 and inserting the following: "the director. The director shall be appointed by the governor, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The person appointed shall be".

48. Page 17, by inserting after line 4 the following:

"Sec._____. Section 19A.2, subsection 3, Code 1985, is amended by striking the subsection."

49. By striking page 17, line 22 through page 18, line 14, and inserting the following:

"Sec._____. Section 19A.3, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.3 APPLICABILITY — EXCEPTIONS.

The merit system shall apply to all employees of the state and to all positions in state government now existing or hereafter established except the following:

1. The general assembly, employees of the general assembly, other officers elected by popular vote, and persons appointed to fill vacancies in elective offices.

2. All judicial officers and court employees.

3. The staff of the governor.

4. All board members and commissioners whose appointments are provided for by the Code.

5. All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the state board of

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regents. The state board of regents shall adopt rules not inconsistent with the objectives of this chapter for all of its employees not cited specifically in this subsection. The rules are subject to approval by the director of the department of personnel. If at any time the director determines that the board of regents merit system does not comply with the intent of this chapter, the director may direct the board to correct the rules. The rules of the board are not in compliance until the corrections are made.

6. All appointments which are by law made by the governor.

7. All personnel of the armed services under state jurisdiction.

8. Part-time persons who are paid a fee on a contract-for-services basis.

9. Seasonal employees appointed during the period of April 15 through October 15.

10. Residents, patients, or inmates employed in state institutions, or persons on parole employed in work experience programs for a period no longer than one year.

11. *Professional employees under the supervision* of the attorney general, the appellate defender, and the public employment relations board.

12. Production and engineering personnel under the jurisdiction of the Iowa public broadcasting board.

13. Members of the Iowa highway safety patrol and other peace officers employed by the department of *public safety. The commissioner of public safety* shall adopt rules not inconsistent with the objectives of this chapter for the persons described in this subsection.

14. Merit employees designated for the career executive pool while serving in management positions covered by the career executive program.

15. The chief deputy administrative officer and each division head of each executive department not otherwise specifically provided for in this section, and physicians not otherwise specifically provided for in this section. As used in this subsection, "division head" means a principal administrative position designated by a chief administrative officer and approved by the department of personnel or as specified by law.

The director of the department of personnel shall negotiate agreements with the administrator of the division for the blind of the *department of human* rights and with the director of the department of education concerning the applicability of the merit

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system to the professional employees of their respective agencies."

50. By striking page 18, line 15 through page 19, line 8.

51. Page 21, lines 1 and 2, by striking the words "as approved by the executive council" and inserting the following: "~~as approved by the executive council~~".

52. Page 21, line 30, by striking the words "with the approval of the executive council" and inserting the following: "~~with the approval of the executive council~~".

53. Page 22, by striking lines 1 and 2 and inserting the following: "reviewed at least once a year by the governor ~~and submitted to the executive council for continuing approval~~."

54. Page 22, by striking lines 11 through 14 and inserting the following: "the ~~commission~~ director. ~~The pay plan becomes effective only after it has been approved by the executive council after submission from the commission.~~ Review of the pay plan for revisions shall be made".

55. By striking page 25, line 15 through page 26, line 7 and inserting the following:

"Sec._____. Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. EMPLOYEE DISCIPLINE. A merit system employee who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations

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board may fashion other appropriate remedies. *Decisions by the public employment relations board* constitute final agency action.

2. EMPLOYEE GRIEVANCES. A merit system employee who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was received or should have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not grant the relief sought, the employee may, within thirty calendar days following the date of filing of the appeal, file the appeal with the public employment relations board for hearing. *The hearing shall be conducted in accordance with the* rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of substantial compliance with this chapter and the rules of the department of personnel. Decisions by the public employment relations board constitute final agency action."

56. By striking page 28, line 35, through page 29, line 5, and inserting the following:

"The department is responsible for directing and monitoring the implementation of a state equal employment opportunity program and affirmative action remedies by all state agencies. All officers of state agencies who are responsible for the recruitment, appointment, assignment, and advancement of state personnel shall recruit, appoint, assign, and advance state personnel solely on the basis of equal employment opportunity programs and affirmative action remedies required under *this chapter.*"

57. Page 29, line 9, by inserting after the word "standards" the following: "applicable to each state agency based on the population of the community in which the agency functions, the population served by the agency, or the persons that can be reasonably recruited".

58. Page 29, line 15, by striking the words "past employment" and inserting the following: "postemployment".

59. By striking page 30, line 33 through page 31, line 2.

60. Page 31, line 5, by striking the word " — REGENTS".

61. Page 31, by striking line 6 and inserting the

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following:
"1. The".
62. Page 32, by striking lines 3 through 5.
63. Page 32, by inserting before line 6 the following:
"Sec._____. NEW SECTION. 19B.7A SANCTIONS.
The office of management may impose appropriate sanctions on individual state agencies in order to ensure compliance with affirmative action plans, the contract compliance policy, and requirements for procurement set-asides for female and minority small businesses."
64. Page 32, line 8, by striking the words "PUBLIC INSTRUCTION" and inserting the following: "EDUCATION".
65. Page 33, by inserting after line 1 the following:
"Sec._____. Section 20.1, Code 1985, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:
1. Determining appropriate bargaining units and conducting representation elections.
2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter.
3. Adjudicating and serving as arbitrators regarding state merit system grievances and grievances arising under collective bargaining agreements between public employers and certified employee organizations.
4. Providing mediators, fact-finders, and arbitrators to resolve impasses in negotiations.
5. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.
6. Assisting the attorney general in the preparation of legal briefs and the presentation of oral arguments in the district court and the supreme court in cases affecting the board."
66. Page 34, line 31, by inserting before the word "director" the word "the".
67. Page 39, by striking line 3 and inserting the following: "supersede provisions of any existing

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collective bargaining agreement and all bargaining agreements concerning educational leaves of absence".

68. Page 52, line 10, by striking the figure "19A.5," and inserting the following: "19A.4, 19A.5, 19A.6,".

69. Page 52, by inserting before line 13 the following:

"Sec. 301. Section 2.43, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The legislative council in co-operation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council ~~may~~ shall assign the use of areas in the state capitol ~~or other state buildings~~ except for the areas used by the governor and the courts and, in consultation with the director of the department of general services and the capitol planning commission, may assign areas in other state office buildings for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government."

70. Page 53, by inserting after line 24 the following:

"Sec. 305. Section 18.8, unnumbered paragraph 5, Code 1985, is amended to read as follows:

~~The~~ Except for buildings and grounds described in section 601B.6, subsection 9, and section 2.43, unnumbered paragraph 1, the director shall assign office space ~~in~~ at the capitol ~~building~~, other state buildings~~, except the buildings and grounds referred to in section 601B.6, subsection 9,~~ and elsewhere in the city of Des Moines, for all executive and judicial state agencies. Assignments may be changed at any time. The various officers to whom rooms have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state. The term "capitol" or "capitol building" as used in the Code shall be descriptive of all buildings upon the capitol grounds. The capitol building itself is reserved for the operations of the general assembly, the governor and the courts and the

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assignment and use of physical facilities for the general assembly shall be pursuant to section 2.43.

Sec. 306. Section 18.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director shall establish, publish, and enforce rules regulating, restricting, or prohibiting the use by state officials, state employees, and the public, of motor vehicle parking facilities at the state capitol complex. The assignment of legislative parking spaces shall be under the control of the legislative council. The rules established by the director may establish fines for violations and a procedure for payment of the fines. The director may order payment of a fine and enforce the order in the district court."

71. Page 53, line 35, by inserting after the word "agencies." the following: "A political subdivision receiving communications services from the state as of April 1, 1986 may continue to do so until January 1, 1988. The rates charged to the political subdivision shall be the same as the rates charged to state agencies."

72. Page 53, by inserting after line 35 the following:

"Sec. 309. Section 18.133, subsection 1, Code 1985, is amended to read as follows:

1. "State communications" ~~means a system~~ refers to the transmission of voice, data, video, the written word or other visual signals by electronic means to serve ~~communications~~ the needs of state agencies but does not include communications activities ~~exempt under section 18.135, subsection 3 and~~ of the state board of regents, radio and television facilities under the ~~Iowa department~~ division of public broadcasting or law enforcement communications systems.

Sec. 310. Section 18.135, subsections 2 and 3, Code 1985, is amended by striking those subsections."

73. Page 67, by inserting after line 7 the following new section:

"Sec._____. Section 135D.22, unnumbered paragraph 5, Code Supplement 1985, is amended to read as follows:

The amounts due each county shall be paid by the ~~state comptroller~~ department of revenue and finance on December 15 of each year, drawn upon warrants payable to the respective county treasurers. The county treasurer in each county shall apportion the payment in accordance with section 135D.25."

74. Page 67, by inserting before line 8 the

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following new sections:

"Sec._____. Section 261.1, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

~~There is hereby created a commission to be known as the~~ The "College Aid Commission" ~~of the state of Iowa~~ is created, which is within the department of revenue and finance for administrative and budgetary purposes. Membership of the commission ~~shall be~~ is as follows:

Sec._____. Section 261.1, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall determine its organization.

Sec._____. Section 261.2, Code 1985, is amended to read as follows:

261.2 DUTIES OF COMMISSION — FEDERAL CO-OPERATION.

The commission shall:

1. ~~Prepare and administer~~ Approve criteria for a state plan for higher education facilities which shall be the state plan submitted to the secretary of education, in connection with the participation of this state in programs authorized by the federal "Higher Education Facilities Act of 1963" (P.L. 88-204), [77 Stat. L. 363; 20 U.S.C. 701] together with any amendments thereto.

2. Provide for administrative hearings of decisions of the director of revenue and finance to every applicant for funds authorized under the "Higher Education Facilities Act of 1963" (P. L. 88-204), [77 Stat. L. 363; 20 U.S.C. 701] together with any amendments thereto, in regard to the priority assigned to ~~such~~ application for funds by ~~said~~ the commission or to any other determination of the ~~state~~ commission adversely affecting the applicant.

3. ~~Apply for, receive, administer, expend, and account~~ Approve applications for ~~such~~ federal moneys necessary for its own administrative expenses as authorized by the federal "Higher Education Facilities Act of 1963" (P. L. 88-204), [77 Stat. L. 363; 20 U.S.C. 701] together with any amendments thereto.

4. ~~Prepare and administer~~ Approve criteria for a state plan for a state supported and administered scholarship program. Said state plan shall provide for scholarships based on ability and need to deserving students of Iowa, matriculating in Iowa universities, colleges, area vocational schools, area community colleges, or schools of professional nursing.

5. Receive, administer, and allot a tuition loan

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fund for the benefit of Iowa resident students enrolled in Iowa studying to be physicians or osteopathic physicians and surgeons and who agree to become general practitioners (family doctors) and practice in Iowa.

~~Said~~ The fund shall be allotted to students for not more than three years of study and shall be in the nature of a loan. ~~Such~~ The loan shall have as one of its terms that fifty percent thereof shall be canceled at the end of five years of the general practice in Iowa with an additional ten percent to be canceled each year thereafter until the entire loan may be canceled. No interest shall be charged on any part of the loan thus canceled. Additional terms and conditions of said loan shall be established by the college aid commission so as to facilitate the purpose of this section.

Chapter 8 shall apply to this subsection except that section 8.5 shall not apply.

6. ~~Administer the~~ Approve criteria for a tuition grant program under this chapter.

7. ~~Prepare~~ Approve criteria for a state plan, complete with fiscal implications, for a state matching program to match federal funds paid under the GI Bill Improvement Act of 1977 Public Law 95-202 to a veteran who is an Iowa resident for the purpose of repaying any school loans received by such veteran from the United States veterans administration.

8. ~~Prepare and administer~~ Approve criteria for the Iowa science and mathematics loan program under this chapter.

9. ~~Administer~~ Approve criteria for the supplemental grant program under this chapter.

10. Adopt rules defining the criteria for this section which shall include as applicable the determination of the level of financial need, defining tuition and mandatory fees, defining resident and determining the priority of grants. In establishing the priority of grants the commission may provide for proration of funds if the available funds are insufficient to pay all approved grants. Any proration shall take primary account of the financial need of the applicant. In determining who is a resident the rules shall be at least as restrictive as those of the board of regents. As necessary for administration of the guaranteed student loan authority, the rules may include the establishment of standards for educational institutions, lenders, and borrowers. The rules may also establish criteria for allocation of fund to participating postsecondary

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institutions under sections 261.81 to 261.83.

11. The commission shall hear appeals of the decisions made by the director of revenue and finance relative to the implementation of the criteria established under this section.

12. Recommend to the governor and the general assembly the funding levels for programs falling under the responsibility of the commission.

13. Approve requests for proposal to obtain agreements for servicing loan and grant programs.

Sec. _____. Section 261.3, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

261.3 DUTIES OF DIRECTOR.

The director of revenue and finance shall:

1. Maintain and exercise general supervision over the administration of this chapter.

2. Prepare and administer a state plan for higher education facilities.

3. Apply for, receive, expend and account for federal moneys necessary for its own administrative expenses as authorized by the federal "Higher Education Facilities Act of 1963" (P.L. 88-204), [77 Stat. L. 363; 20 U.S.C. 701] together with any amendments thereto.

4. Prepare and administer a state plan for a state supported and administered scholarship program as approved by the commission.

5. Receive, administer, and allot a tuition loan fund for the benefit of Iowa resident students enrolled in Iowa studying to be physicians or osteopathic physicians and surgeons and who agree to become general practitioners (family doctors) and practice in Iowa.

6. Administer the tuition grant program under this chapter.

7. Prepare a state plan, complete with fiscal implications, for a state matching program to match federal funds paid under the GI Bill Improvement Act of 1977 Public Law 95-202 to a veteran who is an Iowa resident for the purpose of repaying any school loans received by such veteran from the United States veterans administration.

8. Prepare and administer the Iowa science and mathematics loan program under this chapter.

9. Administer the supplemental grant program under this chapter.

10. Make and execute agreements, contracts, and other instruments with any public or private person or agency including the United States secretary of

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education.

11. Accept appropriations, gifts, grants, loans or other aid from public or private persons or agencies including the United States secretary of education.

The director shall designate one administrative position within the department relating to the administration of the programs under this chapter. The position shall be exempt from chapter 19A. When a vacancy occurs in the administrative position, the commission shall submit to the director the names of up to five qualified applicants from which the director may select one to serve as administrator.

Sec._____. Section 261.4, Code 1985, is amended to read as follows:

261.4 FUNDS — ~~COMPTROLLER~~ DEPARTMENT — COMPENSATION AND EXPENSES OF COMMISSION.

The ~~state comptroller~~ department shall keep an accounting of all funds received and expended by the ~~commission~~ director. The members of the commission, except those members who are employees of the state, shall be ~~paid a forty-dollar per diem and shall~~ be reimbursed for actual and necessary expenses. All ~~per diem and~~ expense moneys paid to nonlegislative members shall be paid from funds appropriated to the ~~commission~~ department of revenue and finance. Legislative members of the commission shall ~~receive payment~~ be paid pursuant to section 2.10 and section 2.12.

Sec._____. Section 261.9, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. "Director" means the director of revenue and finance.

Sec._____. Section 261.15, Code 1985, is amended to read as follows:

261.15 ADMINISTRATION BY ~~COMMISSION~~ DIRECTOR — RULES.

The ~~commission~~ director shall administer this program and shall:

1. Provide application forms and parents' confidential statement forms.

2. ~~Adopt rules and regulations for determining financial need, defining tuition and mandatory fees, defining residence for the purposes of this division, processing and approving applications for tuition grants, and determining priority of grants. The commission may provide for proration of funds if the available funds are insufficient to pay all approved grants. Such proration shall take primary account of the financial need of the applicant. In determining who is a resident of Iowa, the commission's rules~~

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~~shall be at least as restrictive as those of the board of regents.~~

~~3. Approve~~ Announce and award tuition grants.

4 3. Make an annual report to the governor and general assembly, and evaluate the tuition grant program for the period. The ~~commission~~ director may require the accredited private institution to promptly furnish any information which the ~~commission~~ director may request in connection with the tuition grant program.

Sec. _____. Section 261.16, Code 1985, is amended to read as follows:

261.16 APPLICATION FOR GRANTS.

Each applicant, in accordance with the rules ~~and regulations of the commission~~ adopted under this chapter, shall:

1. Complete and file an application for a tuition grant.

2. Be responsible for the submission of the parents' confidential statement for processing, the processed information to be returned both to the ~~commission~~ director and to the college in which the applicant is enrolling.

3. Report promptly to the ~~commission~~ director any information requested.

4. File a new application and parents' confidential statement annually on the basis of which the applicant's eligibility for a renewed tuition grant will be evaluated and determined.

Sec. _____. Section 261.17, subsections 6 and 7, Code 1985, are amended to read as follows:

6. The ~~commission~~ director shall administer this program and shall:

a. Provide application forms for distribution to students by Iowa high schools and area schools.

b. ~~Adopt rules for determining financial need, defining residence for the purposes of this section, processing and approving applications for grants and determining priority for grants.~~

~~c. Approve~~ Announce and award grants on an annual basis.

~~d~~ c. Make an annual report to the governor and general assembly.

7. Each applicant, in accordance with the rules established by the ~~commission~~ director, shall:

a. Complete and file an application for a vocational-technical tuition grant.

b. Be responsible for the submission of the financial information required for evaluation of the applicant's need for a grant, on forms determined by

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the ~~commission~~ director.

c. Report promptly to the ~~commission~~ director any information requested.

d. Submit a new application and financial statement for re-evaluation of the applicant's eligibility to receive a second-year renewal of the grant.

Sec._____. Section 261.18, Code 1985, is amended to read as follows:

261.18 SUBVENTION PROGRAM.

1. ~~There is established a~~ A subvention program is established for resident students who are enrolled in the university of osteopathic medicine and health sciences of Des Moines, Iowa. The subvention program shall be administered by the ~~commission~~ director in the manner provided in this section and section 261.19. The ~~commission~~ director shall initiate an affirmative action program to ensure equal opportunity for participation by women, men, and minority students in the program provided for in this section and section 261.19.

2. In making a final determination of who is a resident of Iowa, the commission shall adopt rules for ~~the academic year commencing in 1976 and for~~ each academic year ~~thereafter~~ consistent with those followed for determining Iowa resident students in section ~~261.15~~ 261.2 and ~~be subject to the provisions of~~ adopted under chapter 17A.

Sec._____. Section 261.19, Code 1985, is amended to read as follows:

261.19 PAYMENT OF SUBVENTION.

The registrar of the college of osteopathic medicine and surgery shall file, not later than August 1 of each year, a certificate of enrollment which shall include the number, names, and addresses of all students enrolled, by class, and shall indicate which students are resident students. If the number of resident students does not equal thirty percent of the total enrollment of a class, the ~~commission~~ director shall deduct an amount which equals the actual state contribution per student for each class member under the required percentage. The ~~commission~~ director shall compute the amount of the subvention and shall transmit the funds to the college of osteopathic medicine and surgery by August 15 of each year for which funds are appropriated by the general assembly.

Sec._____. Section 261.26, Code 1985, is amended to read as follows:

261.26 OPTOMETRY SCHOOLS.

The ~~commission~~ director shall contract with the

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proper officials of states which have accredited schools and colleges of optometry for the admission and education of qualified applicants who are domiciliaries of Iowa and who have demonstrated interest, aptitude, and readiness for study in the field of optometry. In making a final determination of who is a domiciliary of Iowa, the ~~commission~~ director shall adopt rules for each academic year consistent with those followed for determining Iowa resident students in section 261.15 ~~and~~. The rules are subject to ~~the provisions of~~ chapter 17A.

Sec. _____. Section 261.27, Code 1985, is amended to read as follows:

261.27 CONTRACT FOR RIGHT TO ENTER SCHOOL.

In carrying out ~~its~~ duties under ~~the provisions of~~ section 261.26 the ~~commission~~ director shall contract for the right of not less than ten qualified persons for each academic class to enter accredited schools and colleges of optometry during each academic school year. The ~~commission~~ director shall initiate an affirmative action program to insure equal opportunity for participation by women, men, and minority students in the program provided for in this section and section 261.26. Funds expended on behalf of each person shall not exceed three thousand dollars during any one fiscal year. The ~~commission~~ director shall make a report regarding its duties under section 261.26 to the legislative fiscal committee at such time as the legislative fiscal committee ~~shall request~~ requests.

Sec. _____. Section 261.35, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. "Director" means the director of revenue and finance.

Sec. _____. Section 261.36, Code 1985, is amended to read as follows:

261.36 POWERS AND DUTIES OF THE COMMISSION.

The commission shall have necessary powers to carry out its purposes and duties under this division, ~~including but not limited to the power to~~ and may:

1. Sue and be sued in its own name.

2. Incur and discharge debts including the payment of any defaulted loan obligations which have been guaranteed ~~by the commission~~.

3. ~~Make and execute agreements, contracts and other instruments with any public or private person or agency including the United States secretary of education.~~

4. Guarantee loans made by eligible lenders to eligible borrowers who are, or whose children are,

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enrolled or will be enrolled at eligible institutions as at least half-time students ~~as defined by the commission~~.

~~5~~ 4. Approve educational institutions as eligible institutions upon their meeting established the requirements ~~established by the commission~~.

~~6~~ 5. Approve financial or credit institutions, insurance companies or other lenders as eligible lenders upon their meeting the standards established ~~by the commission for making guaranteed loans~~.

~~7. Accept appropriations, gifts, grants, loans or other aid from public or private persons or agencies including the United States secretary of education.~~

~~8~~ 6. ~~Implement various means of encouraging~~ Encourage maximum lender participation in the Iowa guaranteed student loan program.

7. Establish an insurance premium of not more than one percent per annum of the principal amount of any loan guaranteed.

8. Adopt rules pursuant to chapter 17A to implement the provisions of this section. The rules and standards established shall be consistent with the requirements provided in the Higher Education Act of 1965.

Sec. _____. Section 261.37, Code 1985, is amended to read as follows:

261.37 POWERS AND DUTIES OF THE DIRECTOR.

The duties of the ~~commission~~ director under this division shall be as follows:

1. To ~~review~~ administer the Iowa guaranteed student loan program.

2. To review and make disposition of all applications for the guarantee of student loans.

3. Collect an insurance premium of not more than one percent per annum of the principal amount of any loan guaranteed, beginning with the date of disbursement and ending one year after the date on which the borrower expects to complete the course of study for which the loan was made. Such premium shall be collected by the lender upon the disbursement of the loan and shall be remitted promptly to the commission.

4. To enter into all necessary agreements with the United States secretary of education as required for the purpose of receiving full benefit of the state program incentives offered pursuant to the Higher Education Act of 1965.

5. ~~To promulgate rules pursuant to chapter 17A to implement the provisions of this division including establishing standards for educational institutions,~~

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~~lenders and individuals to become eligible institutions, lenders and borrowers. The rules and standards established shall be consistent with the requirements provided in the Higher Education Act of 1965.~~

~~6.~~ To reimburse eligible lenders for one hundred percent of the principal and accrued interest on defaulted loans guaranteed by the commission upon receipt of written notice of such default accompanied by evidence that the lender has exercised the required degree of diligence in efforts to collect the loan.

~~7~~ 6. To establish an effective system for the collection of delinquent loans~~, including the adoption of an agreement with the Iowa department of revenue to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a guaranteed student or parental loan made under this division~~. The ~~commission~~ director shall adopt rules under chapter 17A necessary to ~~assist the department of revenue in the implementation of~~ implement the student loan setoff program as established under section 421.17, subsection 23.

~~8~~ 7. To develop and disseminate informational and educational materials to lenders, postsecondary institutions and borrowers.

~~9~~ 8. To develop all forms necessary to the proper administration of the guaranteed student loan program and provide supplies of such forms to participating lenders and postsecondary institutions.

~~10~~ 9. To report annually to the governor and the general assembly on the status of the guaranteed student loan program.

~~11~~ 10. To implement all possible assistance to eligible lenders for the purpose of easing the workload entailed in participation in the guaranteed student loan program.

11. Implement various means of encouraging maximum lender participation in the Iowa guaranteed student loan program.

Sec._____. Section 261.38, subsections 1, 2, and 3, Code 1985, are amended to read as follows:

1. The ~~commission~~ director shall establish a loan reserve account from which any default on a guaranteed student loan shall be paid. The ~~commission~~ director shall credit to this account all moneys designated exclusively for the reserve fund by the United States, the state of Iowa, or any of their agencies, departments, or instrumentalities, as well as any funds accruing to the program which are not required for current administrative expenses.

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2. The ~~commission~~ director shall establish an administrative account from which the operating costs of the guaranteed student loan program shall be paid. The ~~commission~~ director may transfer funds between the reserve and administrative accounts upon approval of the state comptroller and shall report transfers to the commission. The administrative account shall be used only for administrative expenses incurred under the guaranteed student loan program. The state comptroller shall determine what is the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

3. The payment of any funds for the default on a guaranteed student loan shall be solely from the loan reserve account. The general assembly ~~shall~~ is not ~~be~~ obligated to appropriate any moneys to pay for any defaults or to appropriate any moneys to be credited to the loan reserve account. The ~~commission~~ director shall not give or lend the credit of the state of Iowa.

Sec._____. Section 261.39, unnumbered paragraph 1, Code 1985, is amended to read as follows:

All moneys which are to be refunded to the state under the contract with United Student Aid Funds, Incorporated, involving the Iowa guaranteed student loan program in effect prior to July 1, 1978, shall be refunded to the ~~commission~~ director and shall be credited to the loan reserve account except those funds which must be repaid to the United States government.

Sec._____. Section 261.40, Code 1985, is amended to read as follows:

261.40 REPAYMENT OF STATE APPROPRIATIONS.

The ~~commission~~ director shall repay to the treasurer of state all funds appropriated for the Iowa guaranteed student loan program for the fiscal years 1979, 1980, and 1981. The ~~commission~~ director shall repay ~~such~~ the funds in any fiscal year only when the funds available are in excess of the amount needed to pay the costs of administering the program and to insure an actuarially sound reserve account for that fiscal year and then only in the amount of the excess funds available.

Sec._____. Section 261.41, Code 1985, is amended to read as follows:

261.41 ACCOUNT DISSOLVED — BALANCE TO GENERAL FUND.

The loan program and the loan reserve account established by this division shall not be dissolved until all guaranteed loans have been repaid by the

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borrower or, if in default, by the ~~commission~~ director. Upon dissolution of the loan program, all the property and moneys of the program and in the loan reserve account not owed to the federal government shall be transferred to the state general fund.

Sec._____. Section 261.45, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~There is established a~~ A guaranteed student loan payment program is established, to be administered by the ~~commission~~ director. An individual who meets all of the following conditions is eligible for reimbursement payments under the program if the individual:

Sec._____. Section 261.51, Code Supplement 1985, is amended to read as follows:

261.51 SCIENCE AND MATHEMATICS LOAN PROGRAM.

The Iowa science and mathematics loan program is established to be administered by the ~~commission~~ director. The purpose of the loan program is to assist individuals possessing a baccalaureate degree or higher to either obtain teaching certificates in the areas of science or mathematics, or both, or if the individuals are already certificated teachers under chapter 260, to obtain or upgrade their approvals to teach in the areas of science or mathematics, or both. The ~~commission~~ director shall adopt rules under chapter 17A, in consultation with the board of educational examiners, to administer the program. The rules shall provide that loans not be granted to teachers for the purpose of improving their knowledge of subject content or teaching skills in order to teach courses in subject matter areas for which they possess approval granted by the board of educational examiners.

Sec._____. Section 261.52, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The ~~commission~~ director shall set a final date for submission of applications each year and shall review the applications and inform the recipients within a reasonable time after the deadline.

Sec._____. Section 261.54, Code Supplement 1985, is amended to read as follows:

261.54 REPAYMENT.

Repayment of the loan shall begin one year after the recipient completes the educational program for which tuition and fees are received except as otherwise provided in this section. If a recipient submits evidence to the ~~commission~~ director that the recipient was employed as a teacher of one or more science or mathematics courses or as an elementary

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teacher teaching science and mathematics in a public school district or nonpublic school in this state or at the Iowa braille and sight-saving school or the Iowa school for the deaf during that year, fifty percent of the amount of the loan is canceled. If the recipient continues employment as a teacher of science or mathematics courses or as an elementary teacher teaching science and mathematics during the next succeeding school year and submits evidence to the ~~commission~~ director of the continuation of teaching employment, the recipient is not required to commence repayment during that school year and at the end of that school year the remaining fifty percent of the loan is canceled.

~~There is created a~~ A science and mathematics loan repayment fund is created for deposit of payments made by recipients. Payments made by recipients of the loans shall be transferred on each June 30 from the fund created in this section to the general fund of the state.

The interest rate collected on the loan shall be equal to the interest rate being collected by an eligible lender under the guaranteed student loan program.

The ~~commission~~ director shall prescribe by rule the terms of repayment which shall provide for monthly payments of principal and interest of not less than seventy-five dollars.

Sec._____. Section 261.61, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The department of public instruction shall transmit to the ~~commission~~ director a list of high school graduates who have successfully completed the courses required in this section.

Sec._____. Section 261.71, Code Supplement 1985, is amended to read as follows:

261.71 FORGIVABLE LOAN PROGRAM.

~~There is established a~~ A forgivable student loan program is established to be administered by the ~~college aid commission~~ director. An individual is eligible for the reimbursement payments plan under the program if the individual meets all of the following conditions:

1. Is an Iowa resident student enrolled at an accredited private institution as defined in section 261.9, subsection 5 or at an institution under the control of the state board of regents.

2. Has filed an application for the loan with the ~~college aid commission~~ department of revenue and finance, using the procedures specified in section

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261.16.

3. Meets the requirements for a tuition grant.

Sec._____. Section 261.72, Code Supplement 1985, is amended to read as follows:

261.72 FORGIVABLE LOAN ADMINISTRATION.

The ~~college aid commission~~ director shall administer the forgivable loan program in the same manner as specified in section 261.15 for the tuition grant program. The maximum loan that a student is eligible to receive is an amount equal to the maximum tuition grant awarded by the ~~commission~~ director for the same fiscal year. A student is eligible to receive both a tuition grant and a forgivable loan. The interest rate for the forgivable loan shall be equal to the interest rate being collected by an eligible lender under the Iowa guaranteed student loan program for the year in which the forgivable loan is made.

Sec._____. Section 261.73, Code Supplement 1985, is amended to read as follows:

261.73 INTEREST AND PRINCIPAL PAYMENT.

A student receiving a forgivable loan under section 261.71 shall begin paying the annual cost of interest immediately following graduation on an annual basis for five years. If the student remains an Iowa resident and is employed in a teaching position in an area in which a teaching shortage exists, as determined by the department of public instruction, for five years immediately following graduation, the student is not responsible for payment of the principal amount of the loan and shall not pay interest on the loan. If the ~~commission~~ director determines that the student does not meet the criteria for elimination of the principal and interest payments, the ~~commission~~ director shall establish by rule a plan for repayment of the principal and interest over a ten-year period. If a student who is required to make the repayment does not make the required payments, the ~~commission~~ director shall provide for collecting the payments.

~~There is created a~~ A forgivable loan repayment fund is created for deposit of payments made by the recipients. Payments made by the recipients of the loans shall be credited to the fund and may be used to make additional loans under the program. Moneys in the fund shall not revert to the general fund of the state at the close of a fiscal year.

Sec._____. Section 261.81, Code Supplement 1985, is amended to read as follows:

261.81 WORK-STUDY PROGRAM.

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The Iowa college work-study program is established to stimulate and promote the part-time employment of students attending Iowa postsecondary educational institutions who are in need of employment earnings in order to pursue postsecondary education. The program shall be administered by the ~~commission~~ director. The ~~commission~~ director shall adopt rules under chapter 17A to carry out the program. The employment under the program shall be employment by the postsecondary education institution itself or work in a public agency or private nonprofit organization under a contract between the institution and the agency or organization. The work shall not result in the displacement of employed workers or impair existing contracts for services.

Sec._____. Section 261.82, Code Supplement 1985, is amended to read as follows:

261.82 DUTIES OF ~~COLLEGE AID COMMISSION~~ DIRECTOR.

The ~~college aid commission~~ director shall:

1. Enter into agreements with eligible postsecondary education institutions for participation in the program.

2. Allocate funds to participating postsecondary education institutions if funds are available to the ~~commission~~ director for that purpose.

3. Review reports from participating postsecondary education institutions.

4. Conduct program reviews and audits of participating postsecondary education institutions.

5. Accept gifts, grants, and other aid from public and private persons or agencies.

Sec._____. Section 261.83, Code Supplement 1985, is amended to read as follows:

261.83 ELIGIBILITY AND DUTIES OF INSTITUTIONS.

An eligible postsecondary education institution is an institution of higher education under the state board of regents, a merged area school, or an accredited private institution as defined in section 261.9, subsection 5. The ~~commission~~ director may enter into an agreement with an eligible postsecondary education institution under which the ~~commission~~ director will make grants to the institution for the work-study program.

The participating institution shall:

1. File the proper forms with the ~~commission~~ director for participation in the program.

2. Develop jobs that meet the requirements of the Iowa college work-study program. To the extent possible, the job should complement the student's educational program and career goal.

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3. Supervise and evaluate employment and maintain the records required by the ~~commission~~ director.

4. Participate in the federal work-study program.

Sec._____. Section 261A.6, subsections 3 and 4, Code 1985, are amended to read as follows:

3. The members of the authority shall annually elect one of the members as chairperson and one as vice chairperson. The members of the authority may appoint an executive director, an assistant executive director, and other officers as the members of the authority determine. The officers shall not be members of the authority, shall serve at the pleasure of the authority, and shall receive compensation as fixed by the authority. The authority may designate the college aid commission to provide administrative staff and support services for the authority. The designation of the college aid commission to provide services shall be in lieu of employing its own.

4. The ~~executive director or assistant executive director or other~~ person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority, the minute book or journal of the authority, and its official seal. The ~~executive director, assistant executive director, or other~~ person may cause copies to be made of minutes and other records and documents of the authority and may give certificates under the official seal of the authority that the copies are true copies, and persons dealing with the authority may rely upon the certificates."

75. Page 67, by inserting after line 28 the following new sections:

"Sec._____. Section 334A.2, Code 1985, is amended to read as follows:

334A.2 DISTRIBUTION OF FUNDS.

On or before December 15 of each fiscal year the ~~state comptroller~~ director of revenue and finance shall distribute the funds in the county government assistance fund to each county in the state in the proportion that the population residing in the unincorporated area of each county is to the total population residing in the unincorporated areas of all of the counties.

For purposes of this section "population" shall be based on the most recent federal census.

Sec._____. Section 405.1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

On or before December 15 of each fiscal year, the ~~state comptroller~~ director of revenue and finance

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shall distribute the moneys in the municipal assistance fund to each city in the state in the proportion that the population of each city is to the total population of all cities in the state. However, the comptroller shall in no event distribute in any year to any city an amount in excess of one-half the amount to be collected from property tax levies by that city for that year. Any moneys remaining in the municipal assistance fund shall remain in the fund and be available for distribution the following year.

Sec._____. Section 411.20, subsection 2, unnumbered paragraph 4, Code 1985, is amended to read as follows:

For the fiscal year commencing July 1, 1979 and each fiscal year thereafter, the ~~state comptroller~~ director of revenue and finance shall pay to each city an amount equal to the ratio of payroll computed for a retirement system times the payroll of the active members employed under that system for the fiscal year."

76. Page 68, line 13, by inserting after the word "revenue" the words "and finance".

77. Page 69, line 1, by striking the word "subsection" and inserting the word "subsections".

78. Page 69, by inserting after line 2 the following:

"NEW SUBSECTION. 28. Administer chapter 261.

NEW SUBSECTION. 29. Provide administrative services and support to the Iowa higher education loan authority under chapter 261A.

NEW SUBSECTION. 30. Assume the accounting functions of the state comptroller's office."

79. Page 69, by inserting before line 3 the following:

"NEW SUBSECTION. 31. Administer a law enforcement officer training reimbursement program. The program shall provide reimbursement to a city or county for necessary and actual expenses incurred in training a law enforcement officer who resigns from law enforcement service with the city or county within four years after completion of the law enforcement training. The reimbursable training expenses include mileage, food, lodging, tuition, replacement of an officer while the officer is in training if the replacement officer is a temporary employee hired for that purpose only or is on overtime status, and salary costs of the officer while in training. The law enforcement training eligible for reimbursement is the minimum law enforcement officer training required under chapter 80B and, if funding is available, approved advanced law enforcement training. The

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director shall adopt rules prescribing application forms, expense documentation, and procedures necessary to administer the reimbursement program.

a. The amount of reimbursement shall be determined as follows:

(1) If a law enforcement officer resigns less than one year following completion of approved training, one hundred percent.

(2) If a law enforcement officer resigns one year or more but less than two years after completion of approved training, seventy-five percent.

(3) If a law enforcement officer resigns two years or more but less than three years after completion of the approved training, fifty percent.

(4) If a law enforcement officer resigns three years or more but not more than four years after completion of the approved training, twenty-five percent.

b. A law enforcement training reimbursement fund is created in the state treasury. The proceeds of the fund shall be used by the director to reimburse cities or counties for eligible law enforcement training expenses incurred as provided in this subsection. If the proceeds of the fund are insufficient to reimburse the total amount of all claims made during a fiscal year, the reimbursements shall be prorated. Any unencumbered or unobligated money remaining in the fund on June 30 of each fiscal year shall revert to the general fund of the state."

80. Page 70, by inserting after line 24 the following new sections:

"Sec._____. NEW SECTION. 421.31 POWERS AND DUTIES.

In addition to the powers and duties transferred to the director of revenue, the director has the following powers and duties:

1. AUDIT OF CLAIMS. To audit all demands by the state, and to preaudit all accounts submitted for the issuance of warrants.

2. COLLECTION AND PAYMENT OF FUNDS — MONTHLY PAYMENTS. To control the payment of all moneys into the treasury, and all payments from the treasury by the preparation of appropriate warrants, or warrant checks, directing such collections and payment, and to advise the state treasurer monthly in writing of the amount of public funds not currently needed for operating expenses. Whenever the state treasury includes state funds that require distribution to counties, municipalities, or other political subdivisions of this state, and the counties,

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municipalities, and other political subdivisions certify to the director that warrants will be stamped for lack of funds within the thirty-day period following certification, the director may partially distribute the funds on a monthly basis. Whenever the law requires that any funds be paid by a specific date, the comptroller shall prepare a final accounting and shall make a final distribution of any remaining funds prior to that date.

3. CONTRACTS. To certify, record, and encumber all formal contracts to prevent overcommitment of appropriations and allotments.

4. ACCOUNTS. To keep the central budget and proprietary control accounts of the state government in accordance with generally accepted accounting principles. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense.

5. PREAUDIT SYSTEM. To establish and fix a reasonable imprest cash fund for each state department and institution for disbursement purposes where needed. These revolving funds shall be reimbursed only upon vouchers approved by the state comptroller. It is the purpose of this subdivision to establish a preaudit system of settling all claims against the state, but the preaudit system is not applicable to the institutions under the control of the state board of regents or to the state fair board.

6. FAIR BOARD AND BOARD OF REGENTS. To control the financial operations of the state fair board and the institutions under the state board of regents:

a. By charging all warrants issued to the respective educational institutions and the state fair board to an advance account to be further accounted for and not as an expense which requires no further accounting.

b. By charging all collections made by the educational institutions and state fair board to the respective advance accounts of the institutions and state fair board, and by crediting all such repayment collections to the respective appropriations and special funds.

c. By charging all disbursements made to the respective allotment accounts of each educational institution or state fair board and by crediting all such disbursements to the respective advance and inventory accounts.

d. By requiring a monthly abstract of all receipts

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and of all disbursements, both money and stores, and a complete account-current each month from each educational institution and the state fair board.

7. CUSTODY OF RECORDS. To have the custody of all books, papers, records, documents, vouchers, conveyances, leases, mortgages, bonds, and other securities appertaining to the fiscal affairs and property of the state, which are not required to be kept in some other office.

8. APPORTIONMENT OF INTEREST. To apportion the interest of the permanent school fund on the first Monday of March of each year, among the area education agencies of this state as provided in section 302.13.

9. DEPARTMENT OF HUMAN SERVICES. Assign an employee of the department of revenue and finance to check and audit all claims against the directors of the divisions of the department of human services controlling state institutions, before the claims are approved by the human services directors. The director of the department of revenue and finance shall keep all records and accounts relating to the expenditures of the human services directors. The employee, in the checking and auditing of claims against the human services directors and keeping the records and accounts of the human services directors, is under the direction and supervision of the director of the department of revenue and finance, and acts as an agent of that director. The director of the department of human services shall furnish the employee of the director of the department of revenue and finance with office space and help and assistants as necessary to properly perform the duties specified in this subsection.

Sec._____. NEW SECTION. 421.32 ACCOUNTING.

The director of the department of revenue and finance may at any time require any person receiving money, securities, or property belonging to the state, or having the management, disbursement, or other disposition of them, an account of which is kept in the department of revenue and finance, to render statements thereof and information in reference thereto.

Sec._____. NEW SECTION. 421.33 STATING ACCOUNT.

If an officer who is accountable to the treasury for any money or property neglects to render an account to the director of the department of revenue and finance within the time prescribed by law, or, if no time is so prescribed, within twenty days after being required so to do by the director of the department of revenue and finance, the director of the

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department of revenue and finance shall state an account against the officer from the books of the officer's office, charging ten percent damages on the whole sum appearing due, and interest at the rate of six percent per annum on the aggregate from the time when the account should have been rendered; all of which may be recovered by action brought on the account, or on the official bond of the officer.

Sec._____. NEW SECTION. 421.34 COMPELLING PAYMENT.

If an officer fails to pay into the treasury the amount received by the officer within the time prescribed by law, or, having settled with the director of the department of revenue and finance, fails to pay the amount found due, the director of the department of revenue and finance shall charge the officer with twenty percent damages on the amount due, with interest on the aggregate from the time it became due at the rate of six percent per annum, and the whole may be recovered by an action brought on the account, or on the official bond of the officer, and the officer shall forfeit the officer's commission.

Sec._____. NEW SECTION. 421.35 DEFENSE TO CLAIM.

The penal provisions in sections 421.33 and 421.34 are subject to any legal defense which the officer may have against the account as stated by the director of the department of revenue and finance, but judgment for costs shall be rendered against the officer in the action, whatever its result, unless the officer rendered an account within the time named in those sections.

Sec._____. NEW SECTION. 421.36 REQUESTED CREDITS — OATH REQUIRED.

When a county treasurer or other receiver of public money seeks to obtain credit on the books of the department of revenue and finance for payment made to the treasurer, before giving such credit the director of the department of revenue and finance shall require that person to take and subscribe an oath that the person has not used, loaned, nor appropriated any of the public money for the person's private benefit, nor for the benefit of any other person.

Sec._____. NEW SECTION. 421.37 REQUISITION FOR INFORMATION.

In those cases where the director of the department of revenue and finance is authorized to call upon persons or officers for information, or statements, or accounts, the comptroller may issue a requisition therefor in writing to the person or officer called upon, allowing reasonable time, which, having been

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served and return made to the director of the department of revenue and finance, as a notice in a civil action, is evidence of the making of the requisition.

Sec._____. NEW SECTION. 421.38 LIMITS ON CLAIMS.

The director of the department of revenue and finance is limited in authorizing the payment of claims, as follows:

1. THREE MONTHS LIMIT. A claim shall not be allowed by the department of revenue and finance if the claim is presented after the lapse of three months from its accrual. However, claims by state employees for benefits pursuant to chapters 85, 85A, and 86 are subject to limitations provided in those chapters.

2. CONVENTION EXPENSES. No claims for expenses in attending conventions, meetings, conferences, or gatherings of members of any association or society organized and existing as a quasi-public association or society outside the state of Iowa shall be allowed at public expense, unless authorized by the executive council; and claims for such expenses outside of the state shall not be allowed unless the voucher is accompanied by so much of the minutes of the executive council, certified to by its secretary, showing that the expense was authorized by the council. This section does not apply to claims in favor of the governor, attorney general, Iowa state commerce commissioners, or to trips referred to in section 217.20.

3. PAYMENT FROM FEES. No claims for per diem and expenses payable from fees shall be approved for payment in excess of those fees if the law provides that such expenditures are limited to the special funds collected and deposited in the state treasury.

Sec._____. NEW SECTION. 421.39 CLAIMS —APPROVAL.

The director of the department of revenue and finance before approving a claim shall determine:

1. That the creation of the claim is clearly authorized by law.

2. That the claim has been authorized by an officer or official body having legal authority to so authorize and that the fact of authorization has been certified to the director of the department of revenue and finance by such officer or official body.

3. That all legal requirements have been observed, including notice and opportunity for competition, if required by law.

4. That the claim is in proper form as the state comptroller may provide.

5. That the charges are reasonable, proper, and

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correct and no part of the claim has been paid.

Sec._____. NEW SECTION. 421.40 VOUCHERS — INTEREST.

Before a warrant or its equivalent is issued for a claim payable from the state treasury, the department shall file an itemized voucher showing in detail the items of service, expense, thing furnished, or contract for which payment is sought. The claimant's original invoice shall be attached to a department's approved voucher. The director of the department of revenue and finance shall adopt rules specifying the form and contents for invoices submitted by a vendor to a department. The requirements apply to acceptance of an invoice by a department. A department shall not impose additional or different requirements on submission of invoices than those contained in rules of the director of the department of revenue and finance unless the director exempts the department from the invoice requirements or a part of the requirements upon a finding that compliance would result in poor accounting or management practices.

Vouchers for postage, stamped envelopes, and postal cards may be audited as soon as an order for them is entered.

The departments, the general assembly, and the courts shall pay their claims in a timely manner. If a claim for services, supplies, materials, or a contract which is payable from the state treasury remains unpaid after sixty days following the receipt of the claim or the satisfactory delivery, furnishing, or performance of the services, supplies, materials, or contract, whichever date is later, the state shall pay interest at the rate of one percent per month on the unpaid amount of the claim. This paragraph does not apply to claims against the state under chapters 25 and 25A or to claims paid by federal funds. The interest shall be charged to the appropriation or fund to which the claim is certified. The director of the department of revenue and finance shall adopt rules under chapter 17A relating to the administration of this paragraph.

Sec._____. NEW SECTION. 421.41 WARRANTS — FORM.

Each warrant shall bear on its face the signature or its facsimile of the director of the department of revenue and finance, or the signature or its facsimile of an assistant in case of a vacancy in the office of the director; a proper number, date, amount, and name of payee; a reference to the law under which it is drawn; whether for salaries or wages, services, or supplies, and what kind of supplies; and from what

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office or department, or for what other general or special purposes; or in lieu thereof, a coding system may be used, which particulars shall be entered in a warrant register kept for that purpose in the order of issuance; and as soon as practicable after issuing a warrant register, the director shall certify a duplicate of it to the treasurer.

Sec._____. NEW SECTION. 421.42 REQUIRED PAYEE.

All warrants shall be drawn to the order of the person entitled to payment or compensation, except that when goods or material are purchased in foreign countries, warrants may be drawn upon the treasurer of state, payable to bearer for the net amount of invoice and current exchange, and the treasurer of state shall furnish a foreign draft payable to the order of the person from whom purchase is made.

Sec._____. NEW SECTION. 421.43 PROHIBITED PAYEE.

In no case shall warrants be drawn in the name of the certifying office, department, board, or institution, or in the name of an employee of it, except for personal service rendered or expense incurred by the employee, unless there is express statutory authority therefor.

Sec._____. NEW SECTION. 421.44 CLAIMS EXCEEDING APPROPRIATIONS.

No claim shall be allowed when the claim will exceed the amount specifically appropriated for it.

Sec._____. NEW SECTION. 421.45 CANCELLATION OF STATE WARRANTS.

The director of the department of revenue and finance, as of March 31, June 30, September 30, and December 31 of each year shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the state treasurer for one year or longer.

Sec._____. Section 422.100, Code 1985, is amended to read as follows:

422.100 ALLOCATION TO MONEYS AND CREDITS REPLACEMENT FUND IN EACH COUNTY.

There is created a permanent fund in the office of the treasurer of state to be known as the "moneys and credits replacement fund". The director shall determine the percentage which the aggregate taxable value for the year 1965 of the property described in and subject to taxation under section 429.2, Code 1966, owned or held by individuals, administrators, executors, guardians, conservators, trustees or an agent or nominee thereof, and the aggregate taxable value for the year 1965 of the property described in and subject to taxation under section 431.1, Code

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1966, for the year 1965 but not subject to taxation under that section for the year 1966, in each county bears to the total aggregate taxable value of such property reported from all of the counties in the state and shall certify the percentage for each county to the state comptroller prior to January 1, 1967. In July of each year, the ~~state comptroller~~ director shall apply that percentage to the money in the moneys and credits tax replacement fund prior to that July and determine the amount due to each county. The ~~state comptroller~~ director shall draw warrants on the moneys and credits tax replacement fund in such amounts payable to the county treasurer of each county and transmit them. The county treasurer shall apportion these amounts as follows: For the amounts received in January 1972, and all previously collected amounts, twenty percent to the county general fund, fifty percent to the school general fund, and the remaining thirty percent to cities and towns in the proportion that the taxable values for each city and town for 1965 of property subject to taxation in 1965 under sections 429.2, Code 1966, and 431.1, Code 1966, is to the total of such taxable values for all cities and towns within the county; for the amounts received in January 1973, and all subsequently collected amounts, forty percent to the county, and the remaining sixty percent to cities and towns in the proportion that the taxable values for each city and town for the year 1965 under sections 429.2 and 431.1, Code 1966, is to the total of such taxable values for all the cities and towns within the county."

81. Page 71, by inserting after line 20 the following new sections:

"Sec._____. Section 426.6, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The agricultural land tax credit allowed each year shall be computed as follows: On or before the first of June the county auditor shall list by school districts all tracts of agricultural lands which they are entitled to credit ~~hereunder~~, together with the taxable value for the previous year, together with the budget from each school district for the previous year, and the tax rate determined for the general fund of the district in the manner prescribed in section 444.3 for the previous year, and if such tax rate is in excess of five dollars and forty cents per thousand dollars of assessed value, the auditor shall multiply the tax levy which is in excess of five dollars and forty cents per thousand dollars of assessed value by the total taxable value of the agricultural lands

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entitled to credit ~~hereunder~~ in the district, and on or before the first of June certify the amount ~~thereof~~ to the ~~state comptroller~~ department of revenue and finance.

Sec. _____. Section 426.7, Code 1985, is amended to read as follows:

426.7 WARRANTS DRAWN BY ~~COMPTROLLER~~ DIRECTOR.

After receiving from the county auditors the certifications provided for in section 426.6, and during the following fiscal year, the ~~state comptroller~~ director of revenue and finance shall draw warrants on the agricultural land credits fund created in section 426.1, payable to the county treasurers in the amount certified by the county auditors of the respective counties and mail the warrants to the county auditors on August 15 of each year taking into consideration the relative budget and cash position of the state resources. However, if the agricultural land credits fund is insufficient to pay in full the total of the amounts certified to the ~~state comptroller~~ director of revenue and finance, the ~~state comptroller~~ director shall prorate the fund to the county treasurers and notify the county auditors of the pro rata percentage on or before August 1.

Sec. _____. Section 426.8, Code 1985, is amended to read as follows:

426.8 APPORTIONMENT BY AUDITOR.

Upon receiving the pro rata percentage from the ~~state comptroller~~ director of revenue and finance, the county auditor shall determine the amount ~~thereof~~ to be credited to each tract of agricultural land, and shall enter upon tax lists as a credit against the tax levied on each tract of agricultural land on which there has been made an allowance of credit before delivering said tax lists to the county treasurer. Upon receipt of the ~~comptroller's~~ director's warrant by the county auditor, the auditor shall deliver said warrant to the county treasurer for apportionment. The county treasurer shall show on each tax receipt the amount of tax credit for each tract of agricultural land. In case of change of ownership the credit shall follow the title.

Sec. _____. Section 426.10, Code 1985, is amended to read as follows:

426.10 RULES PRESCRIBED.

The ~~state comptroller~~ director of revenue and finance shall ~~have the power and authority to~~ prescribe forms and rules, not inconsistent with ~~the provisions of~~ this chapter, necessary to carry out ~~and effectuate~~ its purposes.

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Sec._____. Section 426A.4, Code 1985, is amended to read as follows:

426A.4 CERTIFICATION BY DIRECTOR OF REVENUE AND FINANCE.

Sums distributable from the military service tax credit fund shall be allocated annually to the counties of the state. On September 15 annually the director of revenue and finance shall certify ~~to the comptroller the total credits claimed by each county. Upon receipt of the certification from the director of revenue, the comptroller shall~~ and draw warrants to the treasurer of each county payable from the military service tax credit fund in the amount claimed. However, if the amount of money in the fund is insufficient to pay the credits claimed in full, the claims shall be paid on a pro rata basis. Payments shall be made to the treasurer of each county not later than September 30 of each year. ~~The state comptroller~~ director of revenue and finance shall transfer any funds in the military service tax credit fund on May 31 of each year not necessary for the payment of claims to the general fund.

Sec._____. Section 427.17, subsections 3 and 4, Code 1985, are amended to read as follows:

3. On or before January 15, 1974, the county auditor of each county shall prepare a statement listing for each taxing district in the county the assessed or taxable values of all livestock assessed for taxation as of January 1, 1973. The statement shall also show the tax rates of the various taxing districts and the total amount of taxes which in the absence of this section would have been levied upon livestock assessed as of January 1, 1973. The county auditor shall certify and forward copies of the statement to the director of revenue and finance not later than January 15, 1974. The director of revenue and finance shall compute the applicable tax credit and ~~certify to the state comptroller~~ the amount due to each taxing district, which amount shall be the dollar amount which would be payable if all livestock so assessed were taxed, based upon those assessed as of January 1, 1973.

4. The amounts due each taxing district shall be paid on warrants payable to the respective county treasurers by the ~~state comptroller~~ director of revenue and finance on July 15 of each year. The county treasurer shall apportion the proceeds to the various taxing districts in the county.

Sec._____. Section 427A.6, Code 1985, is amended to read as follows:

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427A.6 LISTING BY AUDITOR.

On or before July 1 of each year, the auditor of each county shall prepare a statement listing for each taxing district in the county all personal property upon which taxes shall not be collected due to the tax credit granted in this chapter. The statement shall show the tax rates of the various taxing districts and the total amount of taxes which shall not be collected in each district because of the tax credit. The auditor shall certify and forward one copy of the statement to the ~~state comptroller~~ department of revenue and finance on or before July 15 of each year. The department of revenue and finance shall ~~have the responsibility of auditing~~ audit credits allowed in all counties in the state and the assessed values and assessment practices which affect the amounts of credits and the audit shall be completed within twenty-four months from July 1 of the year the claims were filed. A copy of the audit containing disallowed credits shall be sent to the county auditor~~,~~ and the county treasurer ~~and state comptroller,~~ and ~~the individuals~~ these officers shall be directed to correct their books and records accordingly. A written notice of a disallowance shall be mailed by ordinary mail to the claimant at the claimant's last known address. The amount of any erroneous credit shall be charged to the county ~~by the state comptroller~~. The director of revenue and finance shall disallow any claim ~~where~~ if the audit or investigation revealed that the claimant was not entitled to the credit claimed. ~~Persons and business enterprises~~ Claimants may appeal any disallowed personal property credit to the state board of tax review.

Sec._____. Section 427B.11, unnumbered paragraph 3, Code 1985, is amended to read as follows:

The county auditor shall certify and forward one copy of the statement to the ~~state comptroller~~ department of revenue and finance not later than July 1 of each year."

82. Page 75, by inserting after line 6 the following new section:

"Sec._____. Section 8.6, Code Supplement 1985, is amended by striking subsections 1, 2, 3, 5, 6, 7, 8, 9, and 19.

Sec._____. Sections 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, and 8.20, Code 1985, are repealed."

83. Page 75, line 13, by striking the word "audits" and inserting the following: "inspections".

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84. Page 75, line 15, by striking the word "audits" and inserting the following: "inspections".

85. Page 75, line 19, by striking the word "audits" and inserting the following: "inspections".

86. Page 76, by inserting after line 31 the following:

"8. Have the powers and status of peace officers when enforcing provisions of this chapter relative to the board of medical examiners and the board of pharmacy examiners, as provided in sections 147.96, 147.103 and 155.32."

87. Page 77, by striking lines 7 through 11 and inserting the following: "denial, suspension, or revocation of a license. Hospital records, medical records, or the condition, diagnosis, care, or treatment of a patient or former patient or counselee, or former counselee, including outpatient, shall not be disclosed to the general public. This shall not be construed to prohibit the division from releasing the minimal amount of information necessary in its judgment to conduct audits, inspections, investigations, appeals and hearings, and shall not prohibit the introduction of such information as evidence at any hearing conducted by the department. The department may provide the".

88. Page 77, line 35, by striking the word "audits" and inserting the following: "inspections".

89. Page 78, line 26, by striking the words "Hearings and appeals" and inserting the following: "Appeals".

90. Page 78, by striking lines 29 through 31 and inserting the following: "discipline."

91. Page 78, by striking lines 32 and 33 and inserting the following:

"Judicial review of the division's actions in these areas may be sought in accordance with the terms of chapter 17A."

92. Page 78, line 35, by striking the word "department" and inserting the following: "division".

93. Page 79, line 1, by striking the word "department" and inserting the following: "division".

94. Page 79, by striking lines 5 through 7 and inserting the following: "facilities. Decisions of the division in this area are subject to review by the department of inspections and appeals.

h. Hearings and appeals relative to the administration of the department of public health. Decisions of the division in this area are subject to review by the department of public health."

95. Page 80, line 5, by striking the word

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"audits" and inserting the following: "inspections".

96. Page 80, line 13, by striking the word "facilities." and inserting the following: "facilities, including all accountability audits of controlled substances provided for in section 204.501."

97. Page 80, line 29, by striking the word "audits" and inserting the following: "inspections".

98. By striking page 80, line 35 through page 81, line 3 and inserting the following: "professions and occupations."

99. Page 81, by inserting before line 4 the following:

"Findings of the investigations shall be reported to, and reviewed by the appropriate examining board which board shall then make a determination of whether or not to hold a hearing, in accordance with chapter 17A, for purposes of revoking or suspending a practitioner's license, or otherwise taking disciplinary action against a licensee. Disciplinary actions taken by an examining board may be appealed by affected parties to the department. The department shall adopt appeal procedures in accordance with chapter 17A."

100. Page 81, line 30, by striking the word "audits" and inserting the following: "inspections".

101. Page 82, by inserting after line 9 the following:

"The division shall be the sole designated licensing authority for these programs."

102. Page 82, by striking lines 12 through 14 and inserting the following: "established within the department of health."

103. Page 82, line 23, by striking the word "audits" and inserting the following: "inspections".

104. Page 85, line 15, by striking the word "audits" and inserting the following: "inspections".

105. Page 85, line 25, by striking the word "audits" and inserting the following: "inspections".

106. Page 85, line 34, by striking the word "audits" and inserting the following: "inspections".

107. Page 87, line 30, by striking the word "audits" and inserting the following: "inspections".

108. Page 89, line 22, by striking the word "audits" and inserting the following: "inspections".

109. Page 89, by inserting after line 34 the following:

"Sec. 528. Section 170.2, Code 1985, is amended to read as follows:

170.2 LICENSE REQUIRED.

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~~No~~ A person shall not open or operate a food establishment until a license has been obtained from the department of ~~agriculture~~ inspections and appeals. ~~Each~~ A license shall expire one year from date of issue. A license is renewable. This section ~~shall~~ does not require the licensing of establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to section 189A.3.

Sec. 529. Section 170.4, Code 1985, is amended to read as follows:

170.4 OPERATION WITHOUT INSPECTION OR LICENSE.

~~No~~ A person shall not open or operate a food establishment until inspection has been made by the department of ~~agriculture~~ inspections and appeals.

Sec. 530. Section 170.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department of ~~agriculture~~ inspections and appeals shall collect the following fees for licenses:

Sec. 531. Section 170.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A food establishment under section 170.2 which is also considered a food service establishment under section 170A.2 shall be inspected by the department for both purposes at the same time.

Sec. 532. Section 170A.2, subsections 2, 3, 5, and 10, Code 1985, are amended to read as follows:

2. "~~Secretary~~ Director" means the ~~secretary of agriculture~~ director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

3. "Department" means the department of ~~agriculture~~ inspections and appeals.

5. "Food service establishment" means ~~any~~ a place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service and food service operations in schools and summer camps. The term does not include private homes where food is prepared or stored for individual family consumption, ~~retail food stores,~~ the location of food vending machines, ~~and~~ supply vehicles, and retail food stores except grocery stores and convenience stores which include delicatessen-type operations or otherwise prepare food which is intended for individual portion

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service. The term does not include child day care facilities, and food service facilities subject to inspection by other agencies of the state and located in nursing homes, health care facilities, or hospitals.

10. "Regulatory authority" means the ~~state~~ department ~~of agriculture~~ or a local board of health that has entered into an agreement with the ~~secretary of agriculture~~ director pursuant to section 170A.4 for authority to enforce the Iowa food service sanitation code in its jurisdiction.

Sec. 533. Section 170A.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

As soon as practicable, the ~~secretary~~ director shall adopt the food service sanitation ordinance, [section 170A.2~~(12)~~], subsection 12, by rule as part of the Iowa food service sanitation code with the following exceptions:

Sec. 534. Section 170A.4, unnumbered paragraphs 1 through 4, Code 1985, are amended to read as follows:

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect food service establishments and ~~to~~ enforce the Iowa food service sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from food service establishments except as provided for in the Iowa food service sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa food service sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the ~~secretary~~ director. The ~~secretary~~ director may enter into such an agreement if the ~~secretary~~ director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa food service sanitation code if it also agrees to enforce the Iowa hotel sanitation code pursuant to section 170B.3 and ~~to enforce~~ the food and beverage vending machine laws pursuant to section 191A.14. To avoid duplication of inspection, the department, not a local board of health, shall inspect a food service establishment located within a food establishment.

If the ~~secretary~~ director enters into an agreement with a municipal corporation as provided by this section, the ~~secretary~~ director shall cause the inspection practices of a municipal corporation to be

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spot checked on a regular basis.

~~Each~~ A local board of health that is responsible for enforcing the Iowa food service sanitation code within its jurisdiction pursuant to an agreement shall make an annual report to the ~~secretary~~ director providing the following information:

Sec. 535. Section 170A.4, subsection 4 and unnumbered paragraph 5, Code 1985, are amended to read as follows:

4. Other information the ~~secretary~~ director requests.

The ~~secretary~~ director shall monitor local boards of health to determine if they are enforcing the Iowa food service sanitation code within their respective jurisdictions. If the ~~secretary~~ director determines that the Iowa food service sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the ~~secretary~~ director determines that the Iowa food service sanitation code is not enforced by a local board of health, the ~~secretary~~ director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the ~~secretary~~ director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. 536. Section 170A.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A food service establishment under section 170A.2 which is also considered a food establishment under section 170.2 shall be inspected by the department for both purposes at the same time.

Sec. 537. Section 170A.5, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The fees paid by a food service establishment to the department shall be reduced by fifty percent of the amount of any fees paid to the department by it for a food establishment license for the same premises.

Sec. 538. Section 170B.2, subsections 1, 2, and 7, Code 1985, are amended to read as follows:

1. "~~Secretary~~ Director" means the ~~secretary of agriculture~~ director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

2. "Department" means the department of ~~agriculture~~ inspections and appeals.

7. "Regulatory authority" means the ~~state~~ department ~~of agriculture~~ or a local board of health

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that has entered into an agreement with the ~~secretary~~ director pursuant to section 170B.3 for authority to enforce the Iowa hotel sanitation code in its jurisdiction.

Sec. 539. Section 170B.3, unnumbered paragraphs 1, 2, and 3, Code 1985, are amended to read as follows:

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect hotels and ~~to~~ enforce the Iowa hotel sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from hotels except as provided for in the Iowa hotel sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the ~~secretary~~ director. The ~~secretary~~ director may enter into the agreement if the ~~secretary~~ director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food service sanitation code pursuant to section 170A.4 and ~~to~~ ~~enforce~~ the food and beverage vending machine laws pursuant to section 191A.14.

~~Each~~ A local board of health that is responsible for enforcing the Iowa hotel sanitation code within its jurisdiction, pursuant to an agreement, shall make an annual report to the ~~secretary~~ director providing the following information:

Sec. 540. Section 170B.3, subsection 4 and unnumbered paragraph 4, Code 1985, are amended to read as follows:

4. Other information the ~~secretary~~ director requests.

The ~~secretary~~ director shall monitor local boards of health to determine if they are enforcing the Iowa hotel sanitation code within their respective jurisdictions. If the ~~secretary~~ director determines that the Iowa hotel sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the ~~secretary~~ director determines that the Iowa hotel sanitation code is not enforced by a local board of health, the ~~secretary~~ director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the ~~secretary~~ director shall assume responsibility for enforcement in the

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jurisdiction involved.

Sec. 541. Section 191A.1, subsections 2, 3, and 10, Code 1985, are amended to read as follows:

2. "~~Secretary~~ Director" means the ~~secretary of agriculture~~ director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

3. "Department" means the department of ~~agriculture~~ inspections and appeals.

10. "Regulatory authority" means the ~~state~~ department ~~of agriculture~~ or a local board of health that has entered into an agreement with the ~~secretary of agriculture~~ director pursuant to section 191A.14 for authority to enforce the food and beverage vending machine laws in its jurisdiction.

Sec. 542. Section 191A.3, Code 1985, is amended to read as follows:

191A.3 APPLICATION.

An application for a vending machine operator's license shall be made upon a form furnished by the regulatory authority. The application form shall provide for obtaining information relating to ownership of commissaries, location of commissaries, location of shops and other servicing centers, and the total number of licensable vending machines by general product type owned and operated by the applicant and other information required by the ~~secretary~~ director. The operator shall agree in the application to maintain within the jurisdiction of the regulatory authority a complete list of all vending machines and machine locations operated by the applicant and to make the list available to the regulatory authority at the time of inspection or auditing.

Sec. 543. Section 191A.7, Code 1985, is amended to read as follows:

191A.7 DISCIPLINARY ACTION.

A license issued under this chapter may be revoked by the regulatory authority for violation by the licensee of a provision of this chapter or an applicable rule of the department. In lieu of license revocation, the regulatory authority may require the immediate discontinuance of operation of a vending machine or commissary ~~whenever~~ if it finds insanitary conditions or other conditions which constitute a substantial hazard to the public health. The order shall apply only to the vending machines, commissary, or product involved. A person whose license is revoked, or who is ordered to discontinue the operation of a vending machine or commissary, may appeal that decision to the ~~secretary~~ director. The

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~~secretary~~ director or the ~~secretary's designee~~ chief hearing officer of the department shall schedule and hold a hearing upon the appeal not later than thirty days from the time of revocation or the order of discontinuance. The ~~secretary~~ director or the chief hearing officer shall issue a decision immediately following the hearing. Judicial review may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. 544. Section 191A.14, Code 1985, is amended to read as follows:

191A.14 AUTHORITY TO ENFORCE THE FOOD AND BEVERAGE VENDING MACHINE LAWS.

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect food and beverage vending machines and operators and to otherwise enforce the food and beverage vending machine laws. Municipal corporations shall not regulate, license, inspect, or collect license fees for food and beverage vending machines or their operation except pursuant to this section.

If a municipal corporation wants its local board of health to enforce the food and beverage vending machine laws within its jurisdiction, the municipal corporation may enter into an agreement to do so with the ~~secretary~~ director. The ~~secretary~~ director may enter into such an agreement if the ~~secretary~~ director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the food and beverage vending machine laws if it also agrees to enforce the Iowa food service sanitation code pursuant to section 170A.4 and to enforce the Iowa hotel sanitation code pursuant to section 170B.3.

~~Each~~ A local board of health that is responsible for enforcing the food and beverage vending machine laws within its jurisdiction pursuant to an agreement shall make an annual report to the ~~secretary~~ director providing the following information:

1. The total number of food or beverage vending machine operator's licenses granted or renewed during the year.

2. The amount of money collected in license fees during the year.

3. Other information the ~~secretary~~ director requests.

The ~~secretary~~ director shall monitor local boards of health to determine if they are enforcing the food and beverage vending machine laws within their

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respective jurisdictions. If the ~~secretary~~ director determines that the food and beverage vending machine laws are enforced by a local board of health, the ~~secretary~~ director shall accept such enforcement in lieu of enforcement by the department in that jurisdiction. If the ~~secretary~~ director determines that the food and beverage vending machine laws are not enforced by a local board of health, the ~~secretary~~ director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the ~~secretary~~ director shall assume responsibility for enforcement in the jurisdiction involved."

110. Page 90, line 4, by striking the word "audits" and inserting the following: "inspections".

111. Page 90, line 18, by striking the word "audits" and inserting the following: "inspections".

112. Page 90, by inserting after line 26 the following:

"Sec._____. Section 83.2, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "~~Department~~ Division" means the ~~department~~ division of soil conservation within the department of agriculture and land stewardship.

3. "~~Director~~ Administrator" means the ~~administrative officer~~ division administrator of the ~~department~~ division of soil conservation or a designee.

Sec._____. Section 83A.2, subsections 1 and 5, Code Supplement 1985, are amended to read as follows:

1. "Administrator" means the ~~administrative officer~~ division administrator of the ~~department responsible for administration or enforcement of this chapter or that officer's~~ division of soil conservation or a designee.

5. "~~Department~~ Division" means the ~~department~~ division of soil conservation within the department of agriculture and land stewardship.

Sec._____. Sections 83A.4 and 83A.5, Code 1985, are repealed. Sections 83A.3 and 83A.6, Code Supplement 1985, are repealed.

Sec._____. Section 107.13, Code 1985, is amended to read as follows:

107.13 OFFICERS AND EMPLOYEES.

The director shall, with the consent of the commission, employ the number of assistants, ~~including a professionally trained state forester,~~ that are necessary to carry out the duties imposed on the commission; and, under the same conditions, the director shall appoint the number of officers and

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supervisory personnel that are necessary to enforce the laws and rules and regulations, the enforcement of which are imposed on the commission. The officers and supervisory personnel shall have the same powers that are conferred by law on peace officers in the enforcement of the laws of the state of Iowa and the apprehension of violators. Any person appointed as a full-time officer shall be at least twenty-one years of age, but not more than sixty-five years of age, on the date of appointment. Officer means any person appointed by the state conservation commission to enforce the laws of this state under the jurisdiction of the commission.

Sec._____. Section 107.20, Code 1985, is repealed.

Sec._____. Section 107.21, subsection 2, Code 1985, is amended to read as follows:

2. A division of lands and waters which shall include matters relating to state waters, state parks, forests ~~and forestry~~, ~~and~~ lakes, and streams, including matters relating to scenic, scientific, historical, archaeological and recreational matters and enforcement.

Sec._____. Section 107.36, Code 1985, is repealed.

Sec._____. Section 159.1, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "Secretary" ~~shall mean~~ means the secretary of agriculture.

2. "Department" ~~shall mean~~ means the ~~Iowa~~ department of agriculture and land stewardship and ~~wherever such~~ if the department is required or authorized to do an act, unless otherwise provided, ~~it shall be construed as authorizing performance~~ the act may be performed by an officer, regular assistant, or duly authorized agent of ~~such~~ the department.

Sec._____. Section 159.2, subsection 1, Code 1985, is amended to read as follows:

1. To encourage, promote, and advance the interests of agriculture, including horticulture, forestry, livestock industry, dairying, cheese making, poultry raising, beekeeping, production of wool, production of domesticated fur-bearing animals, and other kindred and allied industries.

Sec._____. Section 159.2, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. To encourage a relationship between people and the land that recognizes land as a resource to be managed in a manner that avoids irreparable harm.

3. To develop and implement policies that inspire public confidence in the long-term future of

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agriculture and forestry as an economic activity as well as a way of life.

Sec._____. Section 159.3, Code 1985, is amended to read as follows:

159.3 ~~CO-OPERATION~~ COOPERATION.

The department ~~of agriculture~~ and the Iowa ~~State University~~ state university of science and technology shall ~~co-operate~~ cooperate in all ways that may be beneficial to the agricultural interests of the state, but without duplicating research or educational work conducted by ~~said~~ the university. ~~Nothing herein contained shall be construed to~~ This section does not subordinate either the department or the university in their ~~several~~ spheres of action.

The department ~~of agriculture is hereby authorized to co-operate~~ may cooperate with the United States department of agriculture as the ~~Iowa~~ department ~~may deem~~ deems wise and just.

Sec._____. Section 159.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The secretary of agriculture ~~shall be~~ is the head of the department of agriculture and land stewardship which shall:

Sec._____. Section 159.5, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. Establish and maintain a division of forestry. The division administrator is the state forester, who shall be appointed by the secretary and who shall be a professionally trained forester. The division of forestry shall provide professional forestry assistance to private landowners, political subdivisions, and private wood using industries. Activities may include but are not limited to providing nursery stock for erosion control, forestation, and wildlife cover, providing surplus federal equipment to local fire departments for fire control, participating with federal agencies in various forestry related programs, and manufacturing wood products for other department sections and for limited sale.

NEW SUBSECTION. 2B. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary and shall serve at the pleasure of the secretary."

113. Page 90, by inserting after line 28 the following:

"12A. Coal mining and mines as set forth in chapters 83 and 83A."

114. Page 90, by inserting after line 34 the following:

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"Sec._____. Section 159.20, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

159.20 POWERS OF DIVISION.

A farm commodity division, hereinafter referred to as the division, is created within the Iowa department of agriculture and land stewardship. It is the duty of the division to do or cause to be done those things designed to lead to more advantageous marketing of Iowa farm commodities. To implement this purpose the division is authorized to:

1. Investigate the subject of marketing farm commodities.

2. Promote their sales, distribution and merchandising.

3. Furnish information and assistance concerning farm commodities to the public.

4. Cooperate with the college of agriculture of the Iowa state university of science and technology in its farm marketing education and research.

5. Gather and diffuse useful information concerning all phases of the marketing of Iowa farm commodities in cooperation with other public or private agencies and, in that context, establish a farm commodity informational data base.

6. Investigate methods and practices in connection with the processing, handling, grading, classifying, sorting, weighing, packing, transportation, storage, inspection, and merchandising of farm commodities within this state.

7. Ascertain sources of supply of Iowa farm commodities, and prepare and periodically publish lists of names and addresses of producers and consignors of farm commodities, to be available upon request.

8. Perform inspection or grading, or both, of any farm commodity if requested by the person engaged in the production, marketing, or processing of the farm commodity, except that the person shall pay for the services as provided by the rules of the department.

9. Cooperate with the department of economic development to avoid duplication of efforts between the division and the agricultural marketing program operated by the department of economic development.

The division shall have a division administrator appointed by the secretary of agriculture.

As used in this division of this chapter, "farm commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for

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sale in commercial channels. "Commercial channels" means the processes of sale of a farm commodity or unprocessed product from the farm commodity to any person, public or private, who resells the farm commodity for breeding, processing, slaughter, or distribution.

Sec._____. Section 159.21, Code 1985, is amended by striking the section.

Sec._____. Section 159.25, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

159.25 FARM COMMODITY BOARD.

A farm commodity board is established, and is composed of the secretary of agriculture, the director of the department of economic development or the director's designee, and the dean of agriculture at Iowa state university of science and technology, each of whom shall serve as a nonvoting member of the advisory board, and the presiding officer of each of the following associations: Iowa pork producers association, Iowa beef cattle producers association, Iowa sheep and wool promotion board, Iowa egg council, Iowa dairy industry commission, Iowa turkey marketing council, Iowa soybean promotion board, Iowa corn promotion board, Iowa wood industry association, and state horticulture society.

Voting members of the board shall receive forty dollars per diem, actual necessary expenses and mileage expenses incurred while engaged in the business of the farm commodity board. The secretary shall provide all necessary staff assistance to the board.

Sec._____. Section 159.26, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

159.26 PURPOSE OF BOARD.

The farm commodity board shall elect a chairperson, a secretary, and other officers deemed advisable by the board. The board shall meet at least semi-annually on the call of the secretary of agriculture. The purpose of the board is to advise the secretary of agriculture and the director of the division on matters contemplated under section 159.20. The board may also, upon request by the department of economic development, advise that department in the operation of its agricultural marketing program, and a member of the board may also serve as a member of a board established by the department of economic development for purposes of the agriculture marketing program.

Sec._____. NEW SECTION. 159.30 NURSERY SALES.

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Nursery stock shall be sold only for planting within the state of Iowa. All funds appropriated to the department which are used for growing or handling nursery stock shall be used for growing or handling the stock for distribution only on state-owned lands, except that sale for planting on private land is permitted if the purchaser certifies that the plants will be used for wildlife habitat, erosion control, or forestation purposes, and will not be used to establish a new farmstead windbreak, or for shade trees or ornamental plantings.

Sec._____. NEW SECTION. 159.31 TIMBER BUYERS.

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

a. "Timber" means trees, standing or felled, and logs which can be used for sawing or processing into lumber for building or structural purposes or for the manufacture of an article. However, "timber" does not include firewood, Christmas trees, fruit or ornamental trees or wood products not used or to be used for building, structural, manufacturing or processing purposes.

b. "Timber buyer" means a person engaged in the business of buying timber from the timber growers for sawing into lumber, for processing or for resale, but does not include a person who occasionally purchases timber for sawing or processing for the person's own use and not for resale.

c. "Timber grower" means the owner, tenant or operator of land in this state who has an interest in, or is entitled to receive a part of the proceeds from the sale of timber grown in this state and includes a person exercising authority to sell timber.

d. "Employee" means a person in service or under contract for hire, expressed or implied, oral or written, who is engaged in any phase of the enterprise or business.

2. A timber buyer shall file with the department a surety bond signed by the person as principal and a corporate surety authorized to engage in the business of executing surety bonds within the state. In lieu of a corporate surety a timber buyer may, with the approval of the department, file a bond signed by the timber buyer as principal and accompanied by a bank certificate of deposit in a form approved by the department showing to the satisfaction of the department that funds equal to the amount of the required bond are on deposit in a bank to be held by the bank for the period covered by the certificate. The funds shall be made payable upon demand to the

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secretary, subject to the provisions of this section, for the use and benefit of the people of the state and for the use and benefit of a timber grower from whom the timber buyer purchased and who is not paid by the timber buyer or for the use and benefit of a timber grower whose timber has been cut by the timber buyer or the timber buyer's agents, and who has not been paid.

The bond shall be in the principal amount of five hundred dollars for a timber buyer who paid timber growers five thousand dollars or less for timber during the preceding year, and an additional one hundred dollars for each additional one thousand dollars or fraction thereof paid to timber growers for timber purchased during the preceding year, but shall not be more than ten thousand dollars. In the case of a timber buyer not previously engaged in business as a timber buyer, the amount of the bond shall be based on the estimated dollar amount to be paid by the timber buyer to timber growers for timber purchased during the next succeeding year.

The bond or surety shall not be canceled or altered except upon at least sixty days' notice in writing to the department.

Bonds shall be in the form approved by the secretary, be conditioned to secure an honest cutting and accounting for timber purchased by the timber buyer, secure payment to the timber growers and insure the timber growers against all fraudulent acts of the timber buyer in the purchase and cutting of the timber of this state.

If a timber buyer fails to pay when due an amount due a timber grower for timber purchased, or fails to pay legally determined damages for timber wrongfully cut by a timber buyer or the buyer's agent, or commits a violation of this section, an action on the bond for forfeiture may be commenced. The action is not exclusive and is in addition to other legal remedies available.

The timber grower, the owner of timber cut or the director may bring action on the bond for payment of the amount due from proceeds of the bond in the district court of the county in which the place of business of the timber buyer is situated or in any other lawful venue.

The attorney general, upon request of the secretary, shall institute proceedings to have the bond of the timber buyer forfeited for violation of any of the provisions of this section or for noncompliance with a commission rule. A timber buyer

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whose bond has been forfeited shall not engage in the business of buying timber for one year after the forfeiture.

If the department realizes more than the amount of liability from the security, after deducting expenses incurred in converting the security into money, the department shall pay the excess to the timber buyer who furnished the security.

3. The following are violations of this section:

a. For a timber buyer to fail to pay, as agreed, for timber purchased.

b. For a timber buyer to cut or cause to be cut or appropriate timber not purchased.

c. For a timber buyer to willfully make a false statement in connection with the bond or other information required to be given to the department or a timber grower.

d. For a timber buyer to fail to honestly account to the timber grower or the department for timber purchased or cut if the buyer is under a duty to do so.

e. For a timber buyer to commit a fraudulent act in connection with the purchase or cutting of timber.

f. For a timber buyer to transport timber without written proof of ownership or the written consent of the owner.

g. For a person to purchase timber without obtaining, prior to taking possession of the timber, written proof of the vendor's ownership of the timber or the written consent of the owner of the timber. The purchaser shall keep the written proof of ownership or consent on file for at least three months from the date the timber was released to the purchaser's possession.

4. a. With the written consent of timber buyer, the department, its agents and other employees may inspect the premises and records of the timber buyer.

b. If the timber buyer refuses admittance, or if prior to the refusal the secretary demonstrates the necessity for a warrant, the secretary may make application under oath to the district court of the county in which the premises or records are located for the issuance of a search warrant.

c. In the application the secretary shall state that an inspection of the premises or record designated in the application may result in evidence tending to reveal the existence of violations of the provisions of this section or rule issued by the department pursuant to this section. The application shall describe the premises or records to be

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inspected, give the date of the last inspection if known, give the date and time of the proposed inspection, declare the need for the inspection, recite that notice of desire to make an inspection has been given to affected persons and that admission was refused if that be the fact, and state that the inspection has no purpose other than to carry out the purpose of the statute or rule pursuant to which inspection is to be made.

d. The court may issue a search warrant, after examination of the applicant and any witnesses, if the court is satisfied that there is probable cause to believe the existence of the allegations contained in the application.

e. In making investigations, examinations or surveys pursuant to the authority of this subsection, the secretary must execute the warrant in a reasonable manner within ten days after its date of issuance.

5. A person who engages in business as a timber buyer without filing a bond or surety with the department or in violation of any of the provisions of this section, or a timber buyer who refuses to permit inspection of premises, books, accounts or records as provided in this section is guilty of a serious misdemeanor.

6. The secretary may promulgate rules as necessary to carry out the provisions of this section.

7. The secretary may, by application to a district court, obtain an injunction restraining a person who engages in the business of timber buying in this state from engaging in the business until that person complies with this section. Upon refusal or neglect to obey the order of the court, the court may compel obedience by proceedings for contempt.

Sec._____. Section 162.2, subsection 10, Code 1985, is amended by striking the subsection.

Sec._____. Section 163.26, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec._____. Section 163.35, subsection 2, Code 1985, is amended by striking the subsection.

Sec._____. Section 163A.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 164.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 165.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~It shall be the duty of each and every~~ An owner of dairy or breeding cattle in the state ~~to~~ shall conform to and abide by the rules laid down by the ~~state~~ department and the federal ~~departments~~ department of

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agriculture and follow their instructions designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

Sec._____. Section 165.15, Code 1985, is amended to read as follows:

165.15 ACCREDITED VETERINARIAN.

An accredited veterinarian is one who has successfully passed an examination set by the ~~state~~ department and the federal ~~departments~~ department of agriculture and ~~is authorized to~~ may make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

Sec._____. Section 166A.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 166B.1, subsection 3, Code 1985, is amended by striking the subsection.

Sec._____. Section 166C.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec._____. Section 168.1, subsection 2, Code 1985, is amended by striking the subsection.

Sec._____. Section 170A.2, subsections 2 and 3, Code 1985, are amended by striking the subsections.

Sec._____. Section 170B.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec._____. Section 172.1, subsection 4, Code 1985, is amended by striking the subsection.

Sec._____. Section 172A.1, subsections 5 and 6, Code 1985, are amended by striking the subsections.

Sec._____. Section 172B.1, subsection 4, Code 1985, is amended by striking the subsection."

115. By striking page 90, line 35 through page 91, line 3, and inserting the following:

"Sec. 6021. NEW SECTION. 173.31 IOWA STATE FAIR ASSOCIATION, INC.

The Iowa state fair association, inc. shall be incorporated under chapter 504A. The members of the corporation shall be the board of directors of the Iowa state fair board, and those persons authorized under section 173.2, Code 1985, to attend the Iowa state fair board convention. The purpose of the corporation shall be to conduct an annual state fair and exposition on the Iowa state fairgrounds and to conduct other interim events consistent with its bylaws.

Sec. 6022. NEW SECTION. 173.32 LEASE AND USE OF THE IOWA STATE FAIRGROUNDS.

The corporation may lease the Iowa state fairgrounds to conduct an annual state fair and

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exposition and for other uses consistent with its bylaws and the terms of the lease. The lease shall be for a period of one year subject to renewal by the parties, at a rent of one dollar per year. The corporation, on the effective date of this Act, shall take title to all property formerly held and managed by the Iowa state fair board except the buildings located on the fairgrounds. The state of Iowa shall retain title to the fairgrounds and the buildings located on it, except those buildings presently owned by private businesses. The corporation shall be responsible at its own expense for the maintenance and repair of the buildings and sidewalks located on the fairgrounds. The Iowa department of transportation is responsible for the maintenance and repair of streets on the fairgrounds to the extent this service was provided to the Iowa state fair board before the effective date of this Act. The department of public safety shall furnish security personnel to assist the corporation during the annual fair.

Sec. 6023. NEW SECTION. 173.33 CORPORATE STATUS.

The corporation is not an agency of state government and its employees are not state employees for purposes of chapters 17A, 19A, 21, and 22. However, for purposes of chapter 25A, the corporation is considered a state agency and its board of directors and employees are considered state employees.

Sec. 6024. NEW SECTION. 173.34 CORPORATE POWERS.

The corporation is subject to and has the powers and privileges conferred by chapter 504A and has the following additional powers:

1. To conduct an annual fair and exposition on the state fairgrounds and to use the fairgrounds for other interim uses consistent with the bylaws and the lease with the state. All revenue generated by the annual fair and any interim uses shall be retained solely by the corporation.

2. To control, repair, and maintain the fairgrounds, the buildings located on it, and all sidewalks within the fairgrounds, at its own expense.

3. To appoint the number of security personnel it deems necessary.

4. To grant written permission to persons as it deems proper to use the fairgrounds at those times when the fair is not in progress.

5. With the approval of the executive council, to purchase real estate adjacent to the state fairgrounds for use in conjunction with the fairgrounds. A purchase of real estate may be made by written

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contract providing for payments over a period of years. The obligations of the contract constitute a debt or charge against the corporation but not against the general fund of the state. The title to real estate acquired under this subsection and any improvement erected on the real estate shall be taken and held in the name of the state of Iowa and shall be under the custody and control of the corporation.

6. To provide assistance as it deems necessary and proper to county and district fairs organized pursuant to chapter 174.

7. To issue bonds and notes to finance its operations. Bonds and notes issued by the corporation are payable solely and only out of the moneys, assets, or revenues of the corporation, and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets, or revenues. Bonds or notes are not an obligation of this state or any political subdivision of this state within the meaning of any constitutional or statutory debt limitation, but are special obligations of the corporation, and the corporation shall not pledge the credit or taxing power of this state or any political subdivision of this state or make its debts payable out of any moneys except those of the corporation.

8. To receive aid, appropriations, gifts, grants, loans, or other assistance from any public or private entity to carry out its corporate purposes.

9. To establish and maintain benefits for its employees including but not limited to health, disability, and retirement benefits as it deems appropriate.

10. To procure insurance against any loss in connection with its operations.

Sec. 6025. NEW SECTION. 173.35 ASSISTANCE TO LOCAL FAIRS.

On or before November 15 of each year, the secretary of agriculture shall certify to the Iowa state fair association, inc. the names of the various associations and societies which under chapter 174 have qualified for assistance. The associations and societies which have qualified for assistance shall by December 1 of each year forward an application for financial aid to the corporation which shall determine the feasibility of furnishing aid to that society. After receipt and consideration of the request, the corporation shall promptly notify the society of the disposition of the application. Funds for assistance to such societies may come from any source which the corporation deems appropriate.

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Sec. 6026. Section 99D.18, Code 1985, is amended to read as follows:

99D.18 SURPLUS FUNDS — HOW USED.

From the balance of the funds coming into the hands of the commission pursuant to section 99D.14, fifty thousand dollars shall be used by the Iowa state university college of veterinary medicine to develop further research on the treatment of equine injuries and diseases. The remaining funds shall be ~~retained by the commission and may~~ be distributed to ~~a research program or project which the commission determines to be worthy and would benefit the racing industry in the state~~ the Iowa state fair association, inc.

Sec. 6027. Section 422.45, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 32. The gross receipts from the sale of tickets or admissions to the annual Iowa state fair or any county or district fair conducted pursuant to chapter 174.

Sec. 6028. Sections 173.1 through 173.21 and sections 174.9 through 174.12, Code 1985, are repealed.

Sec. 6029. The incorporator of the corporation formed under section 173.31 shall be the president of the Iowa state fair board and the initial board of directors shall be the members of the Iowa state fair board, as the fair board existed immediately preceding the effective date of this Act.

Sec. 6030. Notwithstanding section 173.33, and until July 1, 1987, the employees of the corporation shall retain all current benefits to which they were entitled as state employees and be subject to chapter 19A.

Sec. 6031. Sections 6021 through 6030 of this Act take effect January 1, 1987."

116. Page 91, by inserting before line 4 the following:

"Sec._____. Section 175.2, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Authority" means the ~~Iowa family farm~~ agricultural development authority established in section 175.3.

Sec._____. Section 175.3, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The ~~Iowa family farm~~ agricultural development authority is established~~, and~~ within the department of agriculture and land stewardship. The authority is constituted a public instrumentality and agency of the state exercising public and essential governmental functions. The authority is established to undertake

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programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming, and programs which provide financing to farmers for permanent soil and water conservation practices on agricultural land within the state or for the acquisition of conservation farm equipment. The powers of the authority are vested in and exercised by a board of eleven members with nine members appointed by the governor subject to confirmation by the senate. The treasurer of state or the treasurer's designee and the secretary of agriculture or the secretary's designee are ex officio nonvoting members. No more than five appointed members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, and other persons specially interested in family farm development.

Sec._____. Section 175.7, subsection 1, Code 1985, is amended to read as follows:

1. The ~~governor, subject to confirmation by the senate,~~ secretary of agriculture shall appoint an executive director of the authority, who shall serve at the pleasure of the ~~governor~~ secretary. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The executive director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

Sec._____. Section 182.1, subsection 8, Code Supplement 1985, is amended by striking the subsection.

Sec._____. Section 183A.1, subsection 7, Code Supplement 1985, is amended by striking the subsection.

Sec._____. Section 185.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 185C.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 187.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 189.1, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "Department" ~~shall mean~~ means the department of agriculture~~,~~ and land stewardship, and~~, wherever said~~

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if the department is required or authorized to do an act, ~~it shall be construed as authorizing performance~~ the act may be performed by a regular assistant or a duly authorized agent of ~~said~~ the department.

3. "Secretary" ~~shall mean~~ means the secretary of agriculture.

Sec._____. Section 189A.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec._____. Section 191A.1, subsections 2 and 3, Code 1985, are amended by striking the subsections.

Sec._____. Section 192A.1, subsections 2 and 3, Code 1985, are amended by striking the subsections.

Sec._____. Section 194.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 195.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 196A.1, subsection 7, Code 1985, is amended by striking the subsection.

Sec._____. Section 198.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec._____. Section 206.2, subsections 9 and 10, Code 1985, are amended by striking the subsections.

Sec._____. Section 214A.1, subsection 2, Code Supplement 1985, is amended by striking the subsection.

Sec._____. Section 467A.2, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

467A.2 DECLARATION OF POLICY.

It is hereby declared to be the policy of the legislature to integrate the conservation of soil and water resources into the production of agricultural commodities to insure the long term protection of the soil and water resources of the state of Iowa, and to encourage the development of farm management and agricultural practices that are consistent with the capability of the land to sustain agriculture, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist and maintain the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and promote the health, safety and public welfare of the people of this state."

117. Page 91, line 8, by inserting after the word "agriculture" the words "and land stewardship".

118. Page 91, by inserting after line 8 the following:

"Sec._____. Section 467A.3, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Division" means the division

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of soil conservation created within the department."

119. Page 91, by striking lines 12 through 20, and inserting the following: "~~state and~~ The soil conservation division is established within the department to perform the functions conferred upon it in ~~this chapter, the department of soil conservation~~ chapters 83, 83A, and 467A through 467D. The ~~department~~ division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the ~~department~~ division for the administration of chapters 83, 83A, and 467A through 467D before the rules are adopted pursuant to chapter 17A. The state soil conservation committee ~~shall~~".

120. Page 91, line 21, by striking the word "nine" and inserting the words "ten other".

121. Page 91, lines 23 and 24, by striking the words "state agricultural extension service" and inserting the words "~~state agricultural~~ Iowa cooperative extension service in agriculture and home economics".

122. Page 91, line 29, by striking the word "Seven" and inserting the word "Nine".

123. Page 91, by striking line 35 and inserting the following: "county. The seventh, ~~and~~ eighth, and ninth appointive members".

124. Page 92, lines 1 and 2, by striking the words "~~with one appointed~~" and inserting the following: "with one appointed".

125. Page 92, line 2, by striking the words "~~and one~~" and inserting the words "~~and~~, one".

126. Page 92, by striking line 3, and inserting the following: "appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming operations".

127. Page 92, line 19, by striking the word "department" and inserting the words "~~department~~ division".

128. Page 94, line 8, by striking the words "department ~~of soil conservation~~" and inserting the words "~~department~~ division of soil conservation".

129. Page 94, line 9, by striking the word "department" and inserting the word "division".

130. Page 94, line 28, by striking the word "department" and inserting the word "division".

131. Page 95, line 8, by striking the word "department" and inserting the word "division".

132. Page 95, line 14, by striking the word "department, the department" and inserting the word

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"division, the ~~department~~ division".

133. Page 96, line 2, by striking the word "department" and inserting the word "division".

134. Page 96, line 11, by striking the word "department" and inserting the word "division".

135. Page 96, line 12, by striking the word "department" and inserting the word "division".

136. Page 96, line 29, by striking the word "department" and inserting the word "division".

137. Page 96, line 31, by striking the word "department" and inserting the word "division".

138. Page 97, line 3, by striking the word "department" and inserting the word "division".

139. Page 97, line 12, by striking the word "department" and inserting the word "division".

140. Page 97, line 20, by striking the word "department" and inserting the word "division".

141. Page 97, line 28, by striking the word "department" and inserting the words "~~department~~ division".

142. By striking page 97, line 34, and inserting the following: "division, and the estimates of the ~~committee~~ division as".

143. Page 98, line 1, by striking the word "department" and inserting the words "~~department~~ division".

144. Page 98, line 9, by striking the word "department" and inserting the word "division".

145. Page 98, line 14, by striking the word "department" and inserting the word "division".

146. Page 98, line 19, by striking the word "department" and inserting the word "division".

147. Page 98, line 24, by striking the word "department" and inserting the word "division".

148. Page 98, line 29, by striking the word "department" and inserting the word "division".

149. Page 98, line 34, by striking the word "DEPARTMENT" and inserting the word "DIVISION".

150. Page 99, line 3, by striking the word "department" and inserting the word "division".

151. Page 99, line 4, by striking the word "department" and inserting the word "division".

152. Page 99, line 5, by striking the word "department" and inserting the word "division".

153. Page 99, line 30, by striking the word "department" and inserting the word "division".

154. Page 100, line 10, by striking the word "department" and inserting the word "division".

155. Page 100, line 19, by striking the word "department" and inserting the word "division".

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156. Page 101, line 7, by striking the word "department" and inserting the word "division".

157. Page 102, line 7, by striking the word "department" and inserting the word "division".

158. Page 102, by inserting after line 12 the following:

"Sec._____. Section 467D.2, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. "Division" means the division of soil conservation created within the department."

159. Page 102, line 23, by striking the word "department" and inserting the word "division".

160. Page 102, line 27, by striking the word "DEPARTMENT" and inserting the word "DIVISION".

161. Page 102, line 28, by striking the word "department" and inserting the word "division".

162. Page 102, line 30, by striking the word "department" and inserting the word "division".

163. Page 103, line 1, by striking the word "department's" and inserting the word "division's".

164. Page 103, line 6, by striking the word "DEPARTMENT" and inserting the words "~~DEPARTMENT~~ DIVISION".

165. Page 103, line 10, by striking the word "department" and inserting the word "division".

166. Page 103, line 27, by striking the word "department" and inserting the word "division".

167. Page 103, line 29, by striking the word "department" and inserting the word "division".

168. Page 104, line 6, by inserting after the word "agriculture" the words "and land stewardship".

169. Page 104, line 15, by inserting after the word "agriculture" the words "and land stewardship".

170. By striking page 104, line 16 through page 105, line 31 and inserting the following:

"DEPARTMENT OF REGULATED INDUSTRIES

Sec. 701. NEW SECTION. 546.1 DEFINITIONS.

When used in this chapter, unless the context otherwise requires:

1. "Department" means the department of regulated industries.

2. "Director" means the director of the department of regulated industries.

Sec. 702. NEW SECTION. 546.2 DEPARTMENT OF REGULATED INDUSTRIES.

1. A department of regulated industries is created to coordinate and administer the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state.

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2. The chief administrative officer of the department is the director. The director shall be appointed by the governor, subject to the confirmation of the senate, and shall serve at the pleasure of the governor. The salary shall be fixed by the governor within a range established by the general assembly.

3. The department is administratively organized into the following divisions:

a. Banking.

b. Credit union.

c. Savings and loan.

d. Gaming.

e. Utility commission.

f. Insurance.

g. Alcoholic beverage control.

h. Professional licensing and regulation.

4. The director shall have the following responsibilities:

a. To establish general operating policies for the department to provide general uniformity among the divisions while providing for necessary flexibility.

b. To assemble a department structure and strategic plan that will provide optimal decentralization of responsibilities and authorities with sufficient coordination for appropriate growth and development.

c. To coordinate personnel services and shared administrative support services to assure maximum support and assistance to the divisions.

d. To coordinate the development of an annual budget which quantifies the operational plans of the divisions.

e. To identify and, with the chief administrative officers of each division, facilitate the opportunities for consolidation and efficiencies within the department.

f. To maintain monitoring and control systems, procedures, and policies which will permit each level of responsibility to quickly and precisely measure its results with its plan and standards.

5. The chief administrative officer of each division shall have the following responsibilities:

a. To make rules pursuant to chapter 17A except to the extent that rulemaking authority is vested in a policymaking commission.

b. To hire, allocate, develop, and supervise employees of the division necessary to perform duties assigned to the division by law.

c. To supervise and direct personnel and other resources to accomplish duties assigned to the division

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by law.

d. To establish fees assessed to the regulated industry except to the extent this power is vested in a policymaking commission.

6. Each division is responsible for policymaking and enforcement duties assigned to the division under the law. Except as provided in section 546.11, subsection 3:

a. Each division shall adopt rules pursuant to chapter 17A to implement its duties.

b. Decisions by the divisions are final agency actions pursuant to chapter 17A."

171. Page 106, line 29, by striking the word "COMMERCE" and inserting the following: "UTILITY".

172. Page 106, line 31, by striking the word "commerce" and inserting the following: "utility".

173. Page 107, line 1, by striking the word "commission" and inserting the following: "governor".

174. Page 107, line 11, by striking the words "BEER AND LIQUOR" and inserting the following: "ALCOHOLIC BEVERAGE".

175. Page 107, line 13, by striking the words "beer and liquor" and inserting the following: "alcoholic beverage".

176. Page 107, line 15, by striking the words "beer and liquor" and inserting the following: "alcoholic beverage".

177. Page 107, line 16, by striking the words "beer and liquor" and inserting the following: "alcoholic beverage"."

178. Page 108, by inserting after line 17 the following:

"Sec._____. Section 19A.3, subsection 5, Code Supplement 1985, is amended to read as follows:

5. All employees under the supervision of the attorney general or assistant attorneys general, and all employees under the supervision of the appellate defender or assistant appellate defenders. However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, are subject to the merit employment system."

179. Page 108, line 21, by striking the words "commerce and industry" and inserting the following: "regulated industries".

180. Page 109, by inserting after line 15 the following:

"Sec._____. Section 99D.5, subsection 1, Code 1985, is amended to read as follows:

1. ~~There is created a~~ A state racing commission is created within the department of regulated services

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consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19."

181. Page 109, line 24, by striking the words "the commission" and inserting the following: "~~the commission~~ each member".

182. Page 109, by inserting after line 30 the following:

"Sec._____. Section 99D.6, Code 1985, is amended to read as follows:

99D.6 CHAIRPERSON — ADMINISTRATOR — EMPLOYEES — DUTIES — BOND.

The commission shall elect in July of each year one of its members chairperson for the succeeding year. The ~~commission may employ a secretary and~~ governor shall appoint an administrator of the gaming division of the department of regulated industries subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end as provided in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator may hire other assistants and employees as necessary to carry out ~~its~~ the division's duties. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the ~~commission~~ division if the commission deems it necessary. The ~~secretary~~ administrator shall keep a record of the proceedings of the commission, and preserve the books, records, and documents entrusted to the ~~secretary's~~ administrator's care~~, and perform other duties as the commission prescribes~~. The ~~commission~~ governor shall require the ~~secretary~~ administrator to post a bond in a sum ~~it~~ the governor may fix, conditioned upon the faithful performance of the ~~secretary's~~ administrator's duties. ~~Subject to the approval of the~~ The governor~~, the commission~~ shall fix the compensation of ~~its secretary~~ the administrator within salary range five as set by the general assembly. ~~The commission shall also fix the compensation of its other employees, subject to the approval of the governor.~~ The ~~commission~~ division shall have its headquarters in the city of Des Moines, and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties."

183. Page 110, line 2, by striking the words "commerce and industry" and inserting the following:

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"regulated industries".

184. Page 111, line 13, by striking the words "commerce and industry" and inserting the following: "regulated industries".

185. Page 111, line 29, by striking the words "commerce and industry" and inserting the following: "regulated industries".

186. Page 112, line 13, by striking the word "committee" and inserting the following: "~~committee~~ council".

187. Page 113, line 7, by striking the words "commerce and industry" and inserting the following: "regulated industries".

188. Page 113, line 26, by striking the words "commerce and industry" and inserting the following: "regulated industries".

189. Page 115, line 14, by striking the words "commerce and industry" and inserting the following: "regulated industries".

190. Page 116, line 5, by striking the words "commerce and industry" and inserting the following: "regulated industries".

191. Page 116, line 30, by striking the words "commerce and industry" and inserting the following: "regulated industries".

192. Page 118, line 2, by striking the words "commerce and industry" and inserting the following: "regulated industries".

193. Page 118, line 24, by striking the words "A beer and liquor" and inserting the following: "~~beer and liquor~~ An alcoholic beverage"."

194. Page 118, line 25, by striking the words "commerce and industry" and inserting the following: "regulated industries".

195. Page 118, lines 34 and 35, by striking the words "A beer and liquor" and inserting the following: "~~beer and liquor~~ An alcoholic beverage".

196. Page 119, line 35 through page 120, line 1, by striking the words "beer and liquor" and inserting the following: "~~beer and liquor~~ alcoholic beverage".

197. Page 120, lines 7 and 8, by striking the words "beer and liquor" and inserting the following: "alcoholic beverage".

198. Page 121, line 4, by striking the word "department" and inserting the following: "~~department~~ division".

199. Page 121, line 7, by striking the word "department" and inserting the following: "~~department~~ division".

200. Page 121, line 8, by striking the word

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"department" and inserting the following: "~~department~~ division".

201. Page 121, line 13, by striking the word "department" and inserting the following: "~~department~~ division".

202. Page 121, by striking lines 25 and 26 and inserting the following:

"~~The Iowa state commerce~~ A utility commission ~~shall be~~ division is created within the department of regulated industries. The".

203. By striking page 121, line 35 through page 122, line 13 and inserting the following:

"~~On the second Tuesday of July of each year, the Iowa state commerce commission~~ The utility division shall organize by ~~electing one of its members as chairperson, and~~ appointing an executive secretary, who shall take the same oath as the commissioners. The commission shall set the salary of the executive secretary within the limits of the pay plan for exempt positions provided for in section 19A.9, subsection 2, unless otherwise provided by the general assembly. The commission may employ additional personnel as it may find necessary. Subject to confirmation by the senate, the governor shall appoint a commissioner as the chairperson of the commission. The chairperson shall be the administrator of the utility division. The appointment as chairperson shall be for a two-year term which begins and ends as provided in section 69.19.

As used in this chapter and chapter 475A, the words "commission" and "~~commerce~~ utility commission" mean the ~~Iowa state commerce~~ utility commission division of the department of regulated industries."

204. Page 122, line 33, by striking the word "commerce" and inserting the following: "~~commerce~~ utility".

205. Page 123, lines 17 and 18, by striking the words "as provided" and inserting the following: "~~as provided~~ in the same manner as set forth".

206. Page 123, by inserting after line 18 the following:

"Sec._____. Section 475A.1, subsection 5, Code 1985, is amended to read as follows:

5. REMOVAL. The ~~governor~~ attorney general may remove the consumer advocate for malfeasance or nonfeasance in office, or for any cause which renders the advocate ineligible for appointment, or incapable or unfit to discharge the duties of the advocate's office; and the advocate's removal, when so made, is final."

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207. Page 123, by striking lines 19 through 32 and inserting the following:

"Sec._____. Section 475A.3, Code 1985, is amended to read as follows:

475A.3 OFFICE — EMPLOYEES — EXPENSES.

1. OFFICE. The office of consumer advocate ~~is at the seat of the government~~ shall be a separate division of the department of justice and located at the same location as the ~~Iowa state commerce~~ utility commission division of the department of regulated industries. Administrative support services shall be provided to the consumer advocate division by the utility commission division of the department of regulated industries.

2. EMPLOYEES. The consumer advocate may employ attorneys, legal assistants, secretaries, clerks, and other employees the consumer advocate finds necessary for the full and efficient discharge of the duties and responsibilities of the office. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract in any proceeding in which the consumer advocate division is a party. Notwithstanding section 19A.3, subsection 5, employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment.

3. SALARIES, EXPENSES, AND APPROPRIATION. The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly, notwithstanding 1981 Iowa Acts, chapter 9, sections 6 and 7 and subsequent amendments to those sections. The salaries of employees of the consumer advocate and the reimbursement of expenses for the employees and the consumer advocate are as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation for the ~~Iowa state commerce commission~~ department of justice.

In establishing salaries and benefits for employees the consumer advocate shall provide for an affirmative action plan which shall be based upon guidelines provided by the Iowa state civil rights commission. In addition, when establishing salaries and benefits the consumer advocate shall not discriminate in the employment or pay between employees on the basis of gender by paying wages to employees at a rate less than the rate at which wages are paid to employees of the opposite gender for work of comparable worth. As used in this section "comparable worth" means the value of work as measured by the composite of the

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skill, effort, responsibility, and working conditions normally required in the performance of work.

The consumer advocate shall make a report to the legislative council which shall contain a copy of the affirmative action plan adopted and details regarding the manner in which compliance is made for establishing salaries and benefits based on comparable worth. ~~The report shall be made to the legislative council as soon as possible after July 1, 1983 but not later than August 1, 1983, unless the legislative council shall extend the date for making the report.~~

Sec._____. Section 475A.7, Code 1985, is amended to read as follows:

475A.7 CONSUMER ADVISORY PANEL.

The ~~governor~~ attorney general shall appoint nine members to a consumer advisory panel to meet at the request of the consumer advocate for consultation regarding public utility regulation. A member shall be appointed from each congressional district with the appointee residing within the congressional district at the time of appointment. The remaining appointees shall be members at large. No more than five members shall belong to the same political party as provided in section 69.16. Not more than a simple majority of the members shall be of the same gender. The members shall serve four-year terms at the pleasure of the ~~governor~~ attorney general and their appointments are not subject to confirmation. The ~~governor~~ attorney general shall fill a vacancy in the same manner as the original appointment for the unexpired portion of the member's term. Members of the consumer advisory panel shall serve without compensation, but shall be reimbursed for actual expenses from funds appropriated to the ~~office of~~ consumer advocate division."

208. Page 124, line 2, by striking the words "commerce and industry" and inserting the following: "regulated industries".

209. Page 124, line 24, by striking the words "commerce and industry" and inserting the following: "regulated industries".

210. Page 125, lines 19 and 20, by striking the words "commerce and industry" and inserting the following: "regulated industries".

211. Page 127, line 10, by striking the words "commerce and industry" and inserting the following: "regulated industries".

212. Page 127, lines 28 and 29, by striking the words "commerce and industry" and inserting the following: "regulated industries".

213. Page 128, lines 27 and 28, by striking the

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words "commerce and industry" and inserting the following: "regulated industries".

214. Page 129, line 27, by striking the word "eleven" and inserting the following: "seven".

215. Page 129, line 27, by striking the word "six" and inserting the following: "seven".

216. Page 129, line 30, by inserting after the words "of the" the following: "university of northern Iowa, the".

217. Page 130, line 2, by striking the word "six" and inserting the following: "four".

218. Page 130, line 3, by inserting after the word "party." the following: "The secretary of agriculture shall be one of the voting members."

219. Page 130, line 4, by inserting after the words "appoint the" the following: "remaining six".

220. Page 131, by striking lines 5 through 21 and inserting the following:

"1. Develop and coordinate the implementation of a twenty-year comprehensive economic development plan of specific goals, objectives, and policies for the state. This plan shall be updated annually and revised as necessary. All other state agencies involved in economic development activities shall annually submit to the board for its approval and inclusion in the plan their goals, objectives, and policies.

2. Prepare a five-year strategic plan for state economic growth to implement the specific comprehensive goals, objectives, and policies of the state. All other state agencies involved in economic development activities shall annually submit to the board for its approval and inclusions in the strategic plan their specific strategic plans and programs. The five-year strategic plan for state economic growth shall be updated annually.

3. Develop method of evaluation of performance of goals, objectives, and policies of the five-year and twenty-year plans.

4. Implement the requirements of chapter 73."

221. Page 131, line 24, by striking the words "Approve the guidelines or procedures" and inserting the following: "Establish guidelines, procedures, and policies".

222. Page 132, by inserting after line 29 the following:

"9. Have management authority over, prepare the budgets of, and have responsibility over the small business development centers, the center for industrial research and service, the Iowa high

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technology council, and the Iowa product development corporation.

10. Implement the requirements of chapter 73."

223. Page 133, by inserting after line 26 the following:

"f. Provide support, assistance, and administration for the small business and development centers and the center for industrial research and service."

224. Page 135, by striking lines 10 through 19 and inserting the following:

"(1) Assume the management of technical assistance services to Iowa businesses, industries, and communities by the small business development centers, the center for industrial research and service, and the Iowa high technology council. The advisory boards for the small business development centers and the center for industrial research and service in existence on the effective date of this section shall become advisory committees for the board and their members shall be appointed by the governor and shall serve at the pleasure of the governor. In order to achieve coordination with educational institutions, the department shall establish periodic meetings with representatives from the merged area schools and the state board of regents institutions to review and approve their economic development related programs."

225. Page 137, lines 19 and 20, by striking the word and figure "to 15.204" and inserting the following: "and 15.202".

226. Page 137, line 31, by inserting after the words "by the governor" the following: "and the Iowa district export council which advises the United States department of commerce".

227. Page 141, line 22, by striking the words "'job start" program" and inserting the following: "'self-employment loan program" ".

228. Page 141, by striking lines 30 through 32 and inserting the following: "in the state including, but not limited to, the following:

(1) Evaluating the feasibility and economic viability of proposed employee-owned businesses.

(2) Providing or arranging for the small business development centers to provide technical assistance and counseling services including, but not limited to, legal, tax, management, marketing, labor, and contract assistance to persons who seek to form employee-owned businesses.

(3) Assisting persons in obtaining financing for the purchase and operation of employee-owned

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businesses."

229. Page 142, line 1, by inserting after the word "responsibility," the following: "the department may establish a small business advisory council and".

230. Page 142, by striking lines 4 through 9 and inserting the following:

"b. Aid in the set-aside of procurements for targeted small businesses pursuant to sections 8.61 through 8.66."

231. Page 142, by inserting after line 17 the following:

"e. Administer and manage the small business development centers.

f. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to conduct small businesses.

g. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state board of regents, and the department of transportation in performing the following functions:

(1) Compiling and maintaining a comprehensive source list of small businesses.

(2) Assuring that responsible small businesses are solicited on each suitable purchase.

(3) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

(4) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.

(5) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

(6) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.

(7) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement."

232. Page 143, line 11, by inserting after the word "state." the following: "However, the department in conjunction with other state agencies, including the board of regents, shall provide incentives to inventors whose research is funded in whole or in part by the state for having their products produced in the state. These incentives may include taking a smaller portion of the inventor's royalties or earnings than

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would otherwise occur under this paragraph or other provisions of the law."

233. Page 143, by inserting after line 11 the following:

"d. Administer or oversee federal rural economic development programs in the state."

234. By striking page 144, line 14 through page 145, line 22.

235. Page 147, line 20, by striking the words " "JOB START" PROGRAM" and inserting the following: " "SELF EMPLOYMENT LOAN PROGRAM" ".

236. Page 147, lines 22 and 23, by striking the words " "job start" program" and inserting the words " "self employment loan program" ".

237. Page 147, line 30, by striking the words "job start" and inserting the following: "self employment loan".

238. Page 148, line 1, by striking the words "job start" and inserting the following: "self employment loan program".

239. Page 148, by inserting after line 5 the following:

"Sec._____. Section 7B.4, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. Services under this section shall be available for assisting employee-owned businesses and employee-ownership groups which intend to start up an employee-owned business."

240. Page 148, by striking line 11 and inserting the following: "and shall make".

241. Page 148, lines 15 and 16, by striking the words "its bonding activities" and inserting the following: "the amount of bonds outstanding and each new bond issue".

242. Page 149, line 3, by inserting after the word "Employ" the following: "through a competitive selection procedure".

243. Page 149, line 6, by inserting after the word "intention." the following: "The executive council may waive the requirement for a competitive selection procedure. Before employing a party under this paragraph, a selection committee consisting of the treasurer, the attorney general, and the head of the authority seeking to issue the obligations shall approve the employment."

244. Page 150, by inserting after line 25 the following:

"Sec._____. Section 28.51, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The Iowa high technology council, hereafter

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referred to as the "council" is created. ~~The council shall be administratively integrated into the Iowa development commission for staff support and assistance.~~ The council shall be an advisory body to the Iowa department of economic development. The department may provide staff support and assistance.

Sec._____. Section 28.52, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The purpose of the council shall be to encourage ~~the development of~~ and advise the Iowa department of economic development regarding high technology industries and research in Iowa which will establish net new employment opportunities for Iowa workers or assist in improving the efficiency, productivity, and viability of family farm operations and which will improve the quality of life in an environmentally sound manner. For high technologies consistent with this purpose, the council shall advise the department on how to:

Sec._____. Section 28.53, Code 1985, is amended to read as follows:

28.53 GRANTS, GIFTS, AND BEQUESTS.

The council ~~may receive and expend~~ shall advise the department on the receipt and expenditure of grants, gifts, and bequests, including but not limited to appropriations, federal funding, and other funding available for the purposes pursuant to section 28.52.

Sec._____. Section 28.55, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A public investment in commercial development by the ~~council~~ Iowa department of economic development may be made only in Iowa and in conjunction with private investment and shall be reflected in a public ownership interest in the commercial entity which is established. The public ownership interest shall be negotiated with the other investing parties, including but not limited to, educational institutions, inventors, and private investors. A provision relating to the terms of ownership and the circumstances of disposal of the public ownership interest shall be made at the time of investment.

Sec._____. Section 28.83, subsections 3 and 6, Code 1985, are amended to read as follows:

3. The board of directors shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary. Members ~~are entitled to receive forty dollars per diem for each day spent in performance of duties and~~ shall be reimbursed for necessary expenses incurred in the performance of duties from funds

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appropriated to the Iowa department of economic development ~~commission~~.

6. The corporation shall be a part of the Iowa department of economic development ~~commission for administrative purposes only~~ which shall provide all staff and administrative assistance. The corporation shall submit to the department for its approval all plans, programs, initiatives and budgets."

245. Page 151, by striking lines 22 through 28.

246. Page 152, by inserting after line 19 the following:

"Sec. _____. Section 220.1, subsection 28, Code Supplement 1985, is amended by adding after paragraph c the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Small business" includes an employee-owned business which has been an employee-owned business for less than three years or which meets the conditions of paragraphs "a" through "c"."

247. Page 153, by striking lines 3 through 9.

248. Page 155, line 25, by inserting after the figure "28.10," the following: "28.41 through 28.46,".

249. Page 155, line 25, by striking the word and figures "28.61 through 28.66,".

250. Page 155, by striking line 26, and inserting the following: "Code 1985, and".

251. Page 155, by inserting after line 28 the following:

"Sec. 901. NEW SECTION. 84A.1 DEPARTMENT OF EMPLOYMENT SERVICES — DIRECTOR — DIVISIONS — CREATED.

1. The department of employment services is created to administer the laws of this state relating to unemployment compensation insurance, job placement and training, employment safety, labor standards, and workers' compensation.

2. The chief executive officer of the department is the director who shall be appointed by the governor, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The governor shall set the salary of the director within the applicable salary range established by the general assembly. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

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The director of the department of employment services shall prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions. The director, one deputy director, and one confidential secretary are exempt from the merit system under section 19A.3.

3. The department shall include the division of job service, the division of labor services, and the division of industrial services.

Sec. 902. NEW SECTION. 84A.2 DEPARTMENT AND DIVISION RESPONSIBILITIES.

1. The division of job service is responsible for the administration of unemployment compensation benefits and for the collection of employer contributions under chapter 96. The division is responsible for the administration of the free public employment offices established pursuant to chapter 96, other job placement and training programs established pursuant to section 84A.3, and the administration of the offices of the division located throughout the state and for the personnel attached to those offices. The executive head of the division is the job service commissioner.

2. The division of labor services is responsible for the administration of the laws of this state relating to occupational health and safety, the inspection of amusement rides, the removal and encapsulation of asbestos, the inspection of boilers, wage payment collection, child labor, employment agency licensing, boxing and wrestling, inspection of elevators, and hazardous chemical risks under chapters 88, 88A, 88B, 89, 91, 91A, 91B, 92, 94, 95, 99C, 104, and 455D, and section 327F.37. The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

3. The division of industrial services is responsible for the administration of the laws of this state relating to workers' compensation under chapters 85, 85A, 85B, 86, and 87. The executive head of the division is the industrial commissioner, appointed pursuant to section 86.1.

4. The director shall form a coordinating committee composed of the job service commissioner, the labor commissioner, and the industrial commissioner. The committee shall monitor federal compliance issues relating to coordination of functions among the divisions.

Sec. 903. NEW SECTION. 84A.3 JOB PLACEMENT AND TRAINING PROGRAMS.

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1. The job service commissioner, in coordination with the department of economic development, may provide, with or without reimbursement, intake, client eligibility, and a significant portion of job placement services to individuals participating in the job training partnership program established under chapter 7B. The department of employment services and the department of economic development shall work together to develop policies encouraging coordination between job training, labor exchange, and economic development activities.

2. The job service commissioner, in cooperation with the department of human rights, shall establish an experimental retired Iowan employment program. The program shall encourage and promote the meaningful employment of retired citizens of the state.

3. The job service commissioner, in cooperation with the department of human rights, shall establish a program to provide job placement and training to persons with disabilities.

Sec. 904. Section 17.3, subsections 8 and 10, Code Supplement 1985, are amended by striking the subsections."

252. Page 158, line 27, by striking the word "its" and inserting the following: "~~its~~ the".

253. Page 159, by inserting after line 9 the following:

"Sec._____. Section 86.8, Code 1985, is amended to read as follows:

86.8 DUTIES.

~~It shall be the duty of the~~ The commissioner shall:

1. ~~To establish~~ Adopt and enforce ~~all necessary~~ rules ~~not in conflict with the provisions of~~ necessary to implement this chapter and chapters 85, 85A, 85B, and 87 ~~for carrying out the purposes thereof~~.

2. ~~To prepare~~ Prepare and distribute the necessary blanks relating to computation, adjustment, and settlement of compensation ~~arising thereunder~~.

3. ~~To prepare~~ Prepare and publish statistical reports and analyses regarding the cost, occurrence, and sources of employment injuries.

4. ~~To administer~~ Administer oaths~~,~~ and examine books and records of parties subject to ~~such provisions~~ the workers' compensation laws.

~~5. In general to do all things not inconsistent with law in carrying out said provisions according to their true intent and purpose.~~

~~6~~ 5. ~~To provide~~ Provide a seal for the authentication of orders and records and for ~~such~~ other purposes as required.

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~~In carrying out the duties and responsibilities under this chapter, the industrial~~ Subject to the approval of the director of the department of employment services, the commissioner may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of ~~such~~ the agency and with the consent of any state agency or ~~any~~ political subdivision of the state, accept and use the services, facilities, and personnel of ~~any~~ the agency ~~of the state~~ or political subdivision, and employ experts and consultants or organizations in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The ~~provisions of~~ agreements under this paragraph are subject to approval by the executive council ~~where~~ if approval is required by law.

Sec. _____. Section 86.9, Code 1985, is amended to read as follows:

86.9 REPORTS.

The director of the department of employment services, in consultation with the commissioner, shall, at the time provided by law, make ~~a biennial~~ an annual report to the governor setting forth in appropriate form the business and expense of the ~~office~~ division of industrial service for the ~~two~~ preceding ~~years~~ year, the number of claims ~~before~~ processed by the ~~agency~~ division and the disposition of the claims, and other matters pertaining to the ~~office~~ division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 85, 85A, 85B, and 87, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

The commissioner, after consultation with the director of the department of employment services, may ~~make~~ compile an annual report setting forth the final decisions, rulings, and orders of the ~~office~~ division for the preceding year and setting forth other matters or information ~~that~~ which the commissioner considers desirable for publication. These annual reports may be distributed by the state on request to public officials as set forth in chapter 17. Members of the public may obtain the annual report upon payment of its cost as set by the commissioner.

Sec. _____. Section 86.24, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The decision of the industrial commissioner is final agency action and an appeal of

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the decision shall be made directly to the district court.

Sec._____. Section 88.2, subsections 1, 4, and 5, Code 1985, are amended to read as follows:

1. The ~~bureau of labor, established in chapter 91, is designated to~~ labor commissioner, appointed pursuant to section 91.2, and the division of labor services of the department of employment services created in section 84A.1 shall administer this chapter.

4. ~~In carrying out responsibilities of the commissioner under this chapter, the~~ Subject to the approval of the director of the department of employment services, the labor commissioner ~~is authorized to~~ may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of ~~such~~ the agency, and with the consent of any state agency or any political subdivision of the state, accept and use the services, facilities, and personnel of ~~any~~ the agency ~~of the state~~ or political subdivision, and employ experts and consultants or organizations, in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The ~~provisions of~~ agreements under this subsection are subject to approval of the executive council ~~where~~ if approval is required by law.

5. The commissioner, the governor, and the state comptroller ~~are hereby authorized to~~ may obtain and accept federal grants to the state to be used in connection with the funds appropriated for the administration of this chapter and federal funds ~~in addition thereto~~ available to the division.

Sec._____. Section 88A.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec._____. Section 88B.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec._____. Section 88B.3, subsections 1 and 4, Code 1985, are amended to read as follows:

1. The ~~bureau of labor~~ commissioner shall administer this chapter.

4. At least once a year, during an actual asbestos

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project, the ~~bureau~~ division shall conduct an on-site inspection of each licensee's procedures for removing and encapsulating asbestos.

Sec._____. Section 91.1, Code 1985, is amended to read as follows:

91.1 LABOR COMMISSIONER.

The ~~bureau~~ division of labor ~~shall be~~ services of the department of employment services, created under section 84A.1, is under the control of a labor commissioner, who shall have an office at the seat of government and shall devote the commissioner's entire time to the duties of the office.

Sec._____. Section 91.4, subsection 5 and unnumbered paragraph 2, Code 1985, are amended to read as follows:

5. ~~Report to the governor biennially on all matters pertaining to the bureau of labor.~~ The director of the department of employment services, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 91A, 91B, 92, 94, 95, 99C, 104, and 455D, and in section 327F.37, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

The ~~bureau of labor~~ division of labor services may sell documents printed by the ~~bureau of labor~~ division at cost according to rules established by the ~~bureau, which rules shall be subject~~ labor commissioner pursuant to chapter 17A. Receipts from ~~such~~ the sale shall be deposited to the credit of the ~~bureau of labor~~ division and may be used by the ~~bureau~~ division for administrative expenses."

254. Page 160, by inserting after line 30 the following:

"Sec._____. Section 94.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~It shall be the duty of the director of the department of~~ The job service commissioner, through the free employment service ~~to~~, shall:"

255. Page 163, by striking lines 12 through 22 and inserting the following:

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"Sec._____. Section 96.10, Code 1985, is amended to read as follows:

96.10 ~~DEPARTMENT~~ DIVISION OF JOB SERVICE.

~~There is established an Iowa department of job service.~~ The chief executive officer of the division of job service of the department of employment services is the ~~director of~~ job service commissioner who shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The ~~director~~ commissioner shall be selected solely on the ability to administer the duties and functions granted to the ~~department~~ division and shall devote full time to the duties of ~~director~~ commissioner. If the office of ~~director~~ commissioner becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The salary of the ~~director~~ commissioner shall be set by the governor within the applicable salary range established by the general assembly.

~~The director of the department may establish, consolidate, and abolish divisions of the department when necessary for the efficient performance of the department.~~

Sec._____. Section 96.11, subsection 4, unnumbered paragraph 1, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec._____. Section 96.19, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 39. "Department" means the department of employment services created in section 84A.1.

NEW SUBSECTION. 40. "Director" means the job service commissioner of the division of job service of the department of employment services appointed pursuant to section 96.10."

256. By striking page 163, line 33 through page 164, line 12 and inserting the following:

"Sec._____. Section 104.1, subsections 3, 4, 15, 16, and 17, Code 1985, are amended to read as follows:

3. "Division" means the ~~elevator safety~~ division of labor services of the department of employment services created ~~by this chapter as a part of the bureau of labor~~ under section 84A.1.

4. "Commissioner" means the labor commissioner, appointed pursuant to section 91.2, or the labor commissioner's designee.

15. "Inspector" means an inspector employed by the ~~bureau of labor~~ division for the purpose of administering this chapter.

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16. "Special inspector" means an inspector licensed by the labor commissioner, and not employed by the ~~bureau of labor~~ division.

17. "Provisions of this chapter" includes rules adopted by the labor commissioner pursuant to this chapter.

Sec. _____. Section 241.3, subsection 2, Code 1985, is amended to read as follows:

2. The department shall consult and co-operate with the ~~department~~ division of job service of the department of employment services, the United States commissioner of social security administration, the ~~commission on~~ division of the status of women of the department of human rights, the representative of the administrative agency administering the job training partnership Act, the ~~state~~ department of ~~public instruction~~ education and other persons in the executive branch of the state government as the department considers appropriate to facilitate the co-ordination of multipurpose service programs established under this chapter with existing programs of a similar nature.

Sec. _____. Section 455D.3, subsection 1, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. _____. Section 455D.8, subsections 2 and 4, Code 1985, are amended to read as follows:

2. The ~~bureau~~ division of labor services shall administer this division of the chapter. The ~~bureau~~ division may exercise the enforcement powers set out in chapter 88 and the rules adopted pursuant to chapter 88 to enforce this division of the chapter.

4. In addition to the chemical information required to be reported under federal hazard communication standard 29 C.F.R. sec. 1910.1200(d), the ~~bureau~~ labor commissioner may adopt by rule additional hazardous chemical information to be regulated, ~~if the interagency council recommends such action pursuant to section 455D.17~~.

Sec. _____. Section 455D.12, subsection 2, Code 1985, is amended to read as follows:

2. The ~~bureau~~ division of labor services shall receive and handle requests for information and complaints under this division of this chapter which involve employer information covered under division II of this chapter. The ~~bureau~~ labor commissioner shall adopt rules pursuant to chapter 17A regarding requests

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for information and the investigation and adjudication of complaints.

Sec._____. Section 455D.15, subsection 1, Code 1985, is amended to read as follows:

1. At the same time that an employer provides the information to employees required under division II, the employer shall submit to the local fire department a list of hazardous chemicals which are consistently generated by, used by, stored at, or transported from the employer's facility. The information shall be provided in sufficient specificity that the local fire department is informed of the nature of the hazardous chemicals, the hazards presented by the chemicals, and the appropriate response in dealing with an emergency involving the hazardous chemicals. The information shall conform to guidelines adopted by the ~~bureau from recommendations of the interagency council under section 455D.19~~ labor commissioner. The employer shall send the information by certified mail. The ~~bureau~~ labor commissioner shall adopt rules exempting employers from this requirement when buildings or structures do not contain significant amounts of a hazardous chemical.

Sec._____. Section 601H.5, Code 1985, is repealed.

Sec._____. CODIFICATION. In the codification of this Act, the Code editor may:

1. Transfer chapters 90 and 93A to chapter numbers less than 85 or greater than 97.

2. Transfer chapters 97C, 99C, 104, and 455D to chapter numbers between 84A and 97.

However, if the Code arrangement required by this section is not feasible or is not satisfactory to the Code editor, the Code editor may rearrange the affected chapters as necessary."

257. By striking page 164, line 13, through page 182, line 13.

258. Page 182, by striking lines 30 and 31.

259. Page 183, line 12, by striking the word "State" and inserting the following: "~~State~~ Iowa".

260. Page 184, line 17, by striking the word "State" and inserting the following: "~~State~~".

261. Page 185, line 29, by inserting after the figure "135C," the following: "135D,".

262. Page 186, by inserting after line 5 the following:

"Sec._____. NEW SECTION. 135.11A PROFESSIONAL LICENSURE DIVISION.

There shall be a professional licensure division within the department of public health. Each board of examiners specified under chapter 147 or under the

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administrative authority of the department shall receive administrative and clerical support from the division and may not employ its own support staff for administrative and clerical duties."

263. Page 186, line 27, by inserting after the word "of" the following: "public".

264. Page 187, line 30, by inserting after the word "department" the following: "of investigations and appeals".

265. Page 188, line 26, by striking the word "whereon" and inserting the following: "~~whereon~~ wherein".

266. Page 188, line 35, by inserting after the word "of" the following: "public".

267. Page 189, line 6, by striking the words "state department of health ~~shall have~~ the" and inserting the following: "~~state~~ department of public health ~~shall have the~~".

268. Page 189, line 8, by striking the word "to" and inserting the following: "~~to~~".

269. Page 189, line 11, by inserting after the words "department of" the following: "public".

270. Page 190, line 2, by inserting after the word "of" the following: "public".

271. Page 202, by striking line 11, and inserting the following:

"5. Division of community action agencies."

272. Page 202, by striking line 13 and inserting the following:

"7. Division for the blind."

273. Page 202, by inserting before line 14, the following:

"8. Division of elder affairs."

274. Page 202, by striking lines 19 through 23 and inserting the following: "pleasure of the governor. The administrative coordinator shall:

1. Approve personnel decisions for the department, as submitted by the commissions.

2. Receive budgets submitted by each commission and reconcile the budgets among the divisions. The administrative coordinator shall submit a budget for the department, subject to the budget requirements pursuant to chapter 8."

275. Page 202, line 32, by striking the word "seven" and inserting the word "eight".

276. Page 204, by striking lines 16 and 17 and inserting the following:

"The governor shall appoint the chairperson of the commission and the commission shall".

277. Page 204, by inserting after line 29 the

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following: "The division director shall carry out programs and policies as determined by the commission."

278. Page 205, line 16, by striking the word "Be" and inserting the following: "Pursuant to section 601K.2, be".

279. Page 205, by inserting after line 17 the following:

"_____. Maintain information on the qualifications of Spanish language interpreters and maintain and provide a list of those deemed qualified to Iowa courts or administrative agencies, as requested."

280. Page 206, by striking lines 12 through 24 and inserting the following:

"Sec._____. NEW SECTION. 601K.31. POLICY FOR CHILDREN, YOUTH, AND FAMILIES.

It is the policy of the state of Iowa to promote the best interests of children, youth, and families. To further this policy there is created a division of children, youth, and families and the commission on children, youth, and their families. The division of children, youth, and families shall:

1. Promote coordination of federal, state and local services by developing a plan to streamline delivery of services and making recommendations to the governor and general assembly by December 1 of each year.

2. Work with state agencies in an advisory capacity to help plan needed services for children, youth, and their families.

3. Provide the division director, general assembly and governor with recommendations and information to improve services for children, youth, and their families by December 1st of each year.

4. Identify state and federal resources that can be used in local areas; and

5. Provide information to parents to assist and support them in their parenting roles.

The commission shall examine the following issues related to the cycle of dependency which some families have on services, including, but not limited to, child care, chemical dependency, child welfare, youth employment, parent education, health, and education."

281. Page 207, by striking line 3.

282. Page 207, by striking lines 6 and 7 and inserting the following:

"d. One citizen, who shall be a professional family counselor.

e. Seven citizens who have expertise in the areas of child care, child welfare, youth employment,

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maternal and child health, chemical dependency, education, or law.

f. A person sixteen through eighteen years of age at the time of appointment."

283. Page 207, by striking lines 8 and 9.

284. Page 208, by striking lines 1 through 3 and inserting the following: "membership a chairperson of the commission. The commission shall meet at".

285. Page 208, line 22, by inserting after the word "and" the following: ", pursuant to section 601K.2,".

286. Page 208, line 25, by inserting after the word "commission." the following: "The division director shall carry out programs and policies as determined by the commission."

287. Page 209, line 5, by striking the word "The" and inserting the following: "Pursuant to section 601K.2, the".

288. Page 209, by striking lines 21 through 23 and inserting the following: "representing a cross section of the citizens of Iowa. No more than a simple majority of the commission shall be of the same political party."

289. Page 209, line 25, by inserting after the word "chairperson" the following: "of the commission".

290. Page 210, by striking lines 3 through 5 and inserting the following: "chairperson. The".

291. Page 210, line 28, by striking the words "employees. The" and inserting the following: "employees. Pursuant to section 601K.2, the".

292. Page 210, line 30, by inserting after the word "division." the following: "The division director shall carry out programs and policies as determined by the commission."

293. Page 211, by striking line 14.

294. Page 212, line 27, by inserting after the word "following" the following: "or designee".

295. Page 212, line 33, by inserting after the word "of" the following: "the department of".

296. Page 212, by striking line 35 and inserting the following:

"5. The director of the division for the blind."

297. Page 213, by striking line 3 and inserting the following:

"8. The commissioner of the division of job service."

298. Page 213, by striking lines 4 and 5 and inserting the following:

"9. The director of the department of personnel."

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299. Page 213, line 10, by inserting after the words "consist of" the following: "persons with disabilities, family members of persons with disabilities,".

300. Page 213, by striking lines 24 through 27 and inserting the following:

"The governor shall appoint the chairperson of the commission. Members of the commission shall".

301. Page 213, line 35, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

302. Page 214, line 2, by striking the words "the disabled" and inserting the following: "persons with disabilities".

303. Page 214, lines 4 and 5, by striking the words "the disabled" and inserting the following: "persons with disabilities".

304. Page 214, line 8, by striking the words "the disabled" and inserting the following: "persons with disabilities".

305. Page 214, by striking line 10, and inserting the following: "workers who are persons with disabilities".

306. Page 214, line 11, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

307. Page 214, line 17, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

308. Page 214, line 18, by striking the word "Be" the following: "Pursuant to section 601K.2, be".

309. Page 214, line 27, by inserting after the word "part." the following: "The division director shall carry out programs and policies as determined by the commission."

310. Page 214, by striking line 34 and inserting the following:

"DIVISION OF COMMUNITY ACTION AGENCIES"

311. Page 215, by striking line 13, and inserting the following: "community action agencies of the department of human rights."

312. Page 215, by striking line 16, and inserting the following:

"5. "Division" means the division of community action agencies".

313. Page 219, line 3, by inserting after the word "The" the following: "division".

314. Page 219, line 5, by inserting after the word "grant," the following: "administer the".

315. Page 219, line 6, by striking the word

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"and".

316. Page 219, line 7, by striking the word "Iowa" and inserting the following: "Iowa,".

317. Page 219, line 30, by striking the words "advisory committee" and inserting the following: "commission".

318. Page 219, line 35, by striking the word "select" and inserting the following: "appoint".

319. Page 220, line 14, by inserting after the word "commission." the following: "The division director shall carry out programs and policies as determined by the commission."

320. Page 221, line 12, by striking the word "Be" and inserting the following: "Pursuant to section 601K.2, be".

321. Page 221, by striking line 32 and inserting the following:

"DIVISION FOR THE BLIND".

322. Page 222, by striking line 2 and inserting the following:

"2. "Division" means the division for the blind."

323. Page 222, line 5, by striking the words "of blind persons services" and inserting the following: "for the blind".

324. Page 222, line 8, by striking the words "subject the" and inserting the following: "subject to".

325. Page 222, line 9, by striking the word "committee" and inserting the following: "commission".

326. Page 222, line 14, by striking the word "Committee" and inserting the following: "Commission".

327. Page 222, by striking line 17 and inserting the following: "The members of the commission shall appoint officers for the commission. A".

328. Page 223, line 34, by inserting after the word "blind" the following: ", such as assisting the blind in finding employment".

329. Page 223, line 35, by striking the word "Be" and inserting the following: "Pursuant to section 601K.2, be".

330. Page 224, line 12, by striking the word "clerical".

331. Page 224, line 16, by inserting after the word "commission." the following: "The division director shall carry out programs and policies as determined by the commission."

332. Page 224, by inserting after line 33, the following:

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"PART 9
DIVISION OF ELDER AFFAIRS

Sec._____. NEW SECTION. 601K.110 DEFINITIONS.

For purposes of this part, unless the context otherwise requires:

1. "Commission" means the commission on elder affairs.

2. "Division" means the division of elder affairs of the department of human rights.

3. "Division director" means the director of the division of elder affairs of the department of human rights.

4. "Equivalent support" means in-kind contributions of services, goods, volunteer support time, administrative support, or other support reasonably determined by the division as equivalent to a dollar amount.

5. "Administrative action" means an action or decision made by an owner, employee, or agent of a long-term care facility, or by a governmental agency, which affects the service provided to residents covered in sections 601K.131 through 601K.134.

6. "Long-term care facility" means a long-term care unit of a hospital, a foster group home, a group living arrangement, or a facility licensed under section 135C.1 whether the facility is public or private.

7. "Resident's aide program" means the state long-term care ombudsman program operated by the commission on elder affairs and administered by the long-term care resident's aide.

8. "Federal Act" means the Older Americans Act of 1965, 42 U.S.C. §§ 3001 et seq., as amended to July 1, 1986.

Sec._____. NEW SECTION. 601K.111 COMMISSION CREATED.

A commission on elder affairs is created which consists of eleven members. Two members shall be appointed by the president of the senate from the members of the senate to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Seven members shall be appointed by the governor subject to confirmation by the senate.

All members of the commission shall be appointed for terms of four years.

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The terms of office of all members shall commence on the first day of July. If a legislative member ceases to be a member of the general assembly the legislative member may continue to serve as a member of the commission until a successor is appointed. A successor may be appointed to complete the term of the person who ceases to be a member of the general assembly.

The governor shall appoint the chairperson of the commission. The commission shall meet at regular intervals at least six times each year and may hold special meetings at the call of the chairperson or at the request of a majority of the commission membership. The commission shall meet at the seat of government or such other place as the commission members designate. The commission shall be reimbursed for actual expenses and may also be eligible to receive compensation as provided in section 7E.3.

Sec._____. NEW SECTION. 601K.112 DIRECTOR DUTIES.

The division director shall:

1. Administer the division.

2. Advise the director of the division's actions.

3. Implement programs required in the division.

4. Issue the division annual report to the director.

5. Subject to section 601K.2, be responsible for personnel and budgetary decisions for the division.

The division director shall carry out programs and policies as determined by the commission.

Sec._____. NEW SECTION. 601K.113 DUTIES OF DIVISION.

The division, with the approval of the commission, shall:

1. Collect facts and statistics and make special studies of conditions and problems pertaining to the employment, health, financial status, recreation, social adjustment, or other conditions and problems pertaining to the general welfare of the elderly of the state.

2. Make recommendations to state and local agencies serving the elderly for purposes of coordinating the agencies' activities, and request and receive reports from the various state agencies and institutions on matters within the jurisdiction of the division.

3. Keep informed of the latest developments of research, studies, and programs being conducted throughout the nation on the problems and needs of the elderly.

4. Serve as a central agency for the mutual

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exchange of ideas and information on the elderly among federal, state, and local governmental agencies, private organizations, and individuals.

5. Cooperate with federal, state, and local agencies, and private organizations, in administering and supervising demonstration programs of services for elderly designed to foster continued participation of older people in family and community life and to prevent insofar as possible the onset of dependency and the need for long-term institutional care.

6. Report and make recommendations to the general assembly on the activities of the division and improvements and additional resources needed to promote the general welfare of the elderly in Iowa.

7. Seek resources to provide direct service programs and services to the elderly at the state, regional, county, or local levels and provide services through contractual arrangements with public or private nonprofit agencies.

The division may create subcommittees to undertake special studies and may include noncommission members who are qualified in any field of activity related to the general welfare of the aging in the membership of the subcommittees.

The commission shall adopt rules pursuant to chapter 17A to administer the division.

Sec._____. NEW SECTION. 601K.114 AREA AGENCIES.

The division of elder affairs may establish area agencies on aging for the planning and service areas developed by the former office for planning and programming pursuant to the "Older Americans Comprehensive Services Amendments of 1973", Pub. L. No. 93-29, section 304. An area agency may be merged with a contiguous planning and service area but not without the approval of each policymaking body which is a party to the merger. Merged planning and service areas forming one area agency shall be governed by only one policymaking body.

ELDERLY CARE PROGRAM

Sec._____. NEW SECTION. 601K.120 ELDERLY CARE PROGRAM —PURPOSE.

The division director shall, with the advice and assistance of the interagency coordinating committee created in section 601K.121, establish an elderly care program to implement and effectuate the provisions of this part.

The purpose of the elderly care program is to reduce the need and incidence of institutionalization of elderly Iowans by encouraging community involvement in the provision of services which help elderly Iowans

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remain in their own homes, and to increase the availability to elderly Iowans of chore, telephone reassurance, adult day care, home repair, and other elderly services if the other elderly services are approved by an area agency on elderly affairs for provision within the area. The elderly care program is established to fund those local innovative projects, with a minimum of state regulation, which demonstrate local input in their planning, funding, and general operations. The program shall give preference to projects and services provided for the benefit of the low income elderly.

Sec._____. NEW SECTION. 601K.121 INTERAGENCY COORDINATING COMMITTEE CREATED.

An interagency coordinating committee is created to advise and assist the division in the establishment of the elderly care program and in the implementation of this part. The interagency coordinating committee consists of a representative of the commission selected by the commission, a representative of the department of human services selected by the commissioner of human services, a representative of the Iowa department of public health selected by the director of health, and two consumer representatives, appointed by the governor and not subject to senate confirmation. The consumer representatives, while engaged in their official duties, shall be reimbursed for their actual expenses out of funds appropriated to the division.

Sec._____. NEW SECTION. 601K.122 DUTIES OF THE INTERAGENCY COORDINATING COMMITTEE.

The interagency coordinating committee shall assist and advise the division in establishing the elderly care program by:

1. Recommending rules, eligibility guidelines, and procedures necessary to approve grants and disburse funds appropriated to the division from the general fund for the elderly care program, and other funds available to the program.

2. Recommending uniform financial reporting procedures for all funds appropriated to the division from the general fund for the elderly care program.

3. Reviewing applications for grants to local area agencies on aging and approving any waivers or modifications of the local match requirement contained in the grants. However, rejection of any waiver or modification request shall only affect that portion of the grant for which the waiver or modification was requested.

4. Advising on the reallocation and redistribution

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of funds, the handling of appeals, grievances, and waiver requests, and other matters relevant to the program when requested by the division.

5. Evaluating local projects and the overall state program periodically.

6. Assisting with liaison efforts to the general assembly, governmental agencies, private organizations, and individuals, and with the dissemination of information relating to the program as requested by the division.

Sec._____. NEW SECTION. 601K.123 ALLOCATION OF FUNDS.

Moneys appropriated to the division from the general fund for the elderly care program shall be allocated initially to the area agencies on aging on the basis of population over sixty-five years of age, double-weighted for the low income population over sixty-five years of age. Area agencies on aging may apply for grants of funds not to exceed the amount allocated to the area by this method. Area agency on aging applications shall consist of grant requests from local, public, and private organizations recommended to the division and given priority ranking by the area agency based upon areawide needs assessment for elderly low income Iowans and compatibility with the comprehensive aging plan for the area. The interagency coordinating committee shall review the grant applications of area agencies on aging and make recommendations to the division regarding the awarding of grants to area agencies on aging. The division has final responsibility for awarding grants to the area agencies on aging. The funds allocated to area agencies on the basis of population and income and not granted by the division to the area agencies by December 1, and the funds granted by the division to the area agencies by December 1 which the division determines will not be expended during the fiscal year, shall be considered excess funds and shall be transferred to a reallocation pool. The reallocation pool shall be reallocated to area agencies on aging by a method recommended by the interagency coordinating committee and approved by the division. Area agencies on aging may apply for grants of funds from the reallocation pool. The interagency coordinating committee shall review these applications and make recommendations to the division regarding the awarding of reallocation grants. The division has final authority for awarding reallocation grants. Excess funds not reallocated or granted by January 31 may be transferred to the energy

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policy council or other agency responsible for utility assistance, to be used to assist the low income elderly in the payment of winter utility bills.

Sec._____. NEW SECTION. 601K.124 LOCAL MATCH.

Funds appropriated to the division from the general fund for the elderly care program shall only be awarded and distributed to local projects which match each state dollar with two dollars of local funds in cash or in equivalent support. Funds appropriated to the division from the general fund for the elderly care program shall only be used to establish new projects, to expand existing programs, or to continue existing elderly care projects. Elderly care funds shall not be used to replace funds in existing programs or to free funds for other state-supported services. The interagency coordinating committee may waive or modify the local match requirements of this section in accordance with rules adopted by the commission.

Sec._____. NEW SECTION. 601K.125 RECORDS.

The division shall maintain uniform records on all local projects receiving funds appropriated to the division from the general fund for the elderly care program. The division shall require uniform reporting and financial accounting by area agencies on elderly affairs and local projects as necessary to fulfill the purposes of this section. The records maintained by the division shall include, but need not be limited to, the following information:

1. A description of the project.
2. The nature and size of the local match provided as a condition for the receipt of state funds.
3. The number of elderly citizens including low income elderly citizens served by the project.
4. The method by which elderly citizens, with particular attention to low income elderly citizens, are located and served by the project.
5. The items for which state funds are expended by the project.
6. Evaluation by the division director of the effectiveness of the project.
7. Financial records indicating all state and federal funds and local matching funds allocated to and expended by the project.
8. Documentation of participant and other community involvement in program direction.

LONG-TERM CARE RESIDENT'S AIDE

Sec._____. NEW SECTION. 601K.130 PURPOSE.

The purpose of this part is to establish the long-term care resident's aide program operated by the

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division of elder affairs in accordance with the requirements of the Older Americans Act of 1965, 42 U.S.C. §§3026(a)(6)(d), 3027(a)(12), 3030d(a)(10) amended to July 1, 1983, and referred to in this part as the "federal Act", and to adopt the supporting federal regulations and guidelines for its implementation. In accordance with chapter 17A, the commission on elder affairs shall adopt and enforce rules for the implementation of this part.

Sec._____. NEW SECTION. 601K.131 LONG-TERM CARE RESIDENT'S AIDE — DUTIES.

The division of elder affairs, in accordance with section 3027(a)(12) of the federal Act, shall establish the office of long-term care resident's aide within the division. The long-term care resident's aide shall perform the following duties:

1. Investigate and resolve complaints about administrative actions that may adversely affect the health, safety, welfare, or rights of older persons in long-term care facilities.

2. Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care facilities in Iowa.

3. Provide information to other agencies and to the public about the problems of older persons in long-term care facilities.

4. Train volunteers and assist in the development of citizens' organizations to participate in the long-term care resident's aide program.

5. Carry out other activities consistent with the resident's aide provisions of the federal Act.

The resident's aide shall have access to long-term care facilities, private access to residents, access to residents' personal and medical records, and access to other records maintained by the facilities or governmental agencies pertaining only to the person on whose behalf a complaint is being investigated.

Sec._____. NEW SECTION. 601K.132 AUTHORITY AND RESPONSIBILITIES OF THE DIVISION.

To ensure compliance with the federal Act the division of elder affairs shall establish the following:

1. Procedures to protect the confidentiality of a resident's records and files.

2. A statewide uniform reporting system.

3. Procedures to enable the long-term care resident's aide to elicit, receive, and process complaints regarding administrative actions which may adversely affect the health, safety, welfare, or

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rights of older persons in long-term care facilities.

Sec._____. NEW SECTION. 601K.133 CARE REVIEW COMMITTEE.

1. The care review committee program is under the statewide long-term care resident's aide program within the division.

2. The responsibilities of the care review committee are in accordance with the rules adopted by the commission pursuant to chapter 17A. When adopting the rules, the commission shall consider the needs of residents of each category of licensed health care facility as defined in chapter 135C.1, subsection 4, and the services each facility may render. The division shall coordinate the development of any rules with the mental health and mental retardation commission to the extent the rules would apply to a facility primarily serving persons who are mentally ill, mentally retarded, or developmentally disabled. The division shall coordinate the development of any rules with other state agencies.

Sec._____. NEW SECTION. 601K.134 CONFIDENTIALITY OF COMPLAINANT.

The name of the person who files a complaint with the division, long-term care resident's aide, or a care review committee regarding a person in a long-term care facility shall be kept confidential and is not subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than division employees or care review committee members involved in the initial complaint or the department of inspections and appeals as it pertains to its duties."

333. By striking page 224, line 34 through page 225, line 5.

334. Page 225, by striking lines 6 through 34.

335. Page 226, by striking lines 13 through 15.

336. Page 226, line 18, by inserting before the figure "601" the following: "249B,".

337. By striking page 226, line 21 through page 249, line 23, and inserting the following:

"Sec. 1301. NEW SECTION. 303.1A DEPARTMENT OF CULTURAL AFFAIRS.

1. The department of cultural affairs is created. The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly.

2. The department has primary responsibility for

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development of the state's interest in the areas of the arts, history, libraries, and other cultural matters. In fulfilling this responsibility, the department will be advised and assisted by the state library commission, the state historical society and its board of trustees, the Iowa arts council, the Terrace Hill commission, and the Iowa public broadcasting board.

The department shall:

a. Develop a comprehensive, co-ordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.

c. Stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation in them.

d. Determine the legitimate cultural and artistic needs and aspirations of citizens in all parts of the state.

e. Ascertain how the state resources, including those already in existence and those which should be brought into existence, are to serve the cultural needs and aspirations of the citizens of the state.

f. Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The department is designated as the state agency for carrying out the plan.

g. Meet the informational needs of the three branches of state government.

h. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.

3. The department shall consist of the following:

a. Division of administrative services.

b. Division of libraries and archives.

c. Division of museums and historic sites.

d. Division of historic preservation.

e. Division of arts and cultural planning and programming.

f. Division of marketing, public relations and publishing.

g. Division of public broadcasting.

4. The director may create, combine, eliminate, alter or reorganize the organization of the department by rule except for those matters prescribed by

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sections 303.75 through 303.83.

5. The department by rule may establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs.

6. The divisions shall be administered by administrators who shall be appointed by the governor and serve at the governor's pleasure. However, the administrator of the public broadcasting division shall be appointed by and serve at the pleasure of the public broadcasting board. The decisions of the administrator are final agency action under chapter 17A. The administrators shall:

a. Organize the activities of the division.

b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.

c. Control all property of the division.

d. Perform other duties imposed by law.

Sec. 1302. NEW SECTION. 303.1B DIRECTOR'S DUTIES.

Except for those matters prescribed by sections 303.75 through 303.83, the director shall:

1. Adopt rules that are necessary for the effective administration of the department.

2. Direct and administer the programs and services of the department.

3. Prepare the departmental budget request by September first of each year on the forms furnished, and including the information required by the office of management.

4. Accept, receive, and administer grants or other funds or gifts from public or private agencies including the federal government for the various divisions and the department.

5. Appoint and approve the technical, professional, secretarial, and clerical staff necessary to accomplish the purposes of the department subject to chapter 19A.

6. Appoint or serve as the state historic preservation officer, certified by the governor pursuant to federal requirements.

The director may appoint a member of the staff to be acting director who shall have the powers delegated by the director, in the director's absence.

The director may delegate the powers and duties of that office to the administrators. The director is not liable for the activities of the division of public broadcasting.

Sec. 1303. NEW SECTION. 303.1C DIVISION

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RESPONSIBILITIES.

1. The division of administrative services shall provide administrative, accounting, and clerical services for the department and perform other duties assigned to it by the director.

2. The division of museums and historic sites shall:

a. Administer and care for historical sites under the authority of the division, and maintain collections within these buildings.

b. Encourage and assist local county and state organizations and museums devoted to historical purposes.

c. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the division.

d. Implement the intent of the original gift of Terrace Hill and the federal and state laws regarding historic preservation and public buildings, to complete the preservation, renovation, and landscaping of Terrace Hill, and to raise the necessary funds for these purposes.

A state agency which owns, manages, or administers a historical site must enter into an agreement with the department of cultural affairs under chapter 28E to insure the proper management, maintenance, and development of the site. For the purposes of this section, "historical site" is defined as any district, site, building, or structure listed on the national register of historic sites or identified as eligible for such status by the state historic preservation officer or that is identified according to established criteria by the state historic preservation officer as significant in national, state, and local history, architecture, engineering, archaeology, or culture.

3. The division of libraries and archives shall:

a. Administer the archives of the state as defined in section 303.12.

b. Have authority to enter into appropriate agreements for the division with the University of Northern Iowa, the State University of Iowa, Iowa State University of science and technology, or an accredited private institution as defined in section 261.9 to establish multicounty area research centers, which are in addition to but do not duplicate archives as defined in section 303.12. An area research center shall serve as the depository for the archives of counties and cities and for other unpublished original

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resource material of a given area to be designated in the agreement.

c. May enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in section 303A.8.

d. Shall determine policy for providing information service to the three branches of state government and to the legal and medical communities in this state.

e. Shall coordinate a statewide interregional interlibrary loan and information network among libraries in this state and support activities which increase cooperation among all types of libraries.

f. Shall establish and administer a program for the collection and distribution of state publications to depository libraries.

4. The division of historic preservation shall:

a. Identify and document historic properties.

b. Prepare and maintain a state register of historic places, including those listed on the national register of historic places.

c. Conduct historic preservation activities pursuant to federal and state requirements.

5. The division of arts and cultural planning and programming shall:

a. Make surveys as deemed advisable of existing artistic and cultural programs and activities within the state, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts.

b. Administer the program of agreements for indemnification by the state in the event of loss of or damage to special exhibit items established by sections 304A.21 through 304A.30.

c. Submit a report to the governor and to the general assembly not later than ten calendar days following the commencement of each first session of the general assembly concerning the studies undertaken during the biennium and recommending legislation and other action as necessary for the implementation and enforcement of this article.

d. Implement tourism related art and history projects as directed by the general assembly.

e. Administer other statewide programs relating to cultural affairs.

f. Shall develop and adopt, in conjunction with the Iowa regional library system, long-range plans for the continued improvement of library services in the state. To insure that the concerns of all types of

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libraries are addressed, the division shall establish a long-range planning committee to review and evaluate progress and report findings and recommendations to the division and to the trustees of the Iowa regional library system at an annual meeting.

g. Shall develop in cooperation with the Iowa regional library system an annual plan of service for the Iowa regional library system and its individual members to insure consistency with the state long-range plan.

h. Shall establish and administer a statewide continuing education program for librarians and trustees.

i. Shall give to libraries advice and counsel in specialized areas which may include, but are not limited to, building construction and space utilization, children's services, and technological developments.

j. Shall obtain from libraries reports showing the condition, growth, and development of services provided and disseminate this information in a timely manner to the citizens of Iowa.

k. Shall establish and administer certification guidelines for librarians not covered by other accrediting agencies.

l. Administer other programs designed to be of service to local communities' cultural efforts.

m. Establish a program of grants to cities and community groups for the development of community programs that provide local jobs for Iowa residents and at the same time promote a city's historical, ethnic, and cultural heritages through the development of festivals, music, drama, or cultural programs, or tourist attractions.

At least twenty-five percent of the funds appropriated shall be used for the purpose of developing community programs eligible for grants under this subsection which were not in existence prior to the due date of grant applications each year.

A city or community group may submit applications to the administrator. Applications shall be reviewed by the arts council, the state historical society board, and the department of economic development, acting as an advisory committee to the department. The advisory committee shall submit recommendations to the director or designee regarding possible recipients and grant amounts.

The amount of a grant shall not exceed fifty percent of the cost of the community program and the application must demonstrate that the city or

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community group will provide the required matching money. In lieu of providing the entire match in money, a city or community group may substitute in-kind services for up to fifty percent of the matching requirement.

n. Administer other grants awarded by the department.

6. The division of marketing, public relations and publishing shall:

a. Publish matters of historical value to the public, and pursue historical, architectural, and archaeological research and development which may include but are not limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.

b. Provide for the layout, printing, and publishing of departmental documents, communications and publications.

c. Market and promote the programs of the department.

d. Market and promote the various cultural industries of the state.

e. Provide public information and public relation services for the department.

Sec. 1304. Section 303.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

303.1 STATE HISTORICAL SOCIETY OF IOWA — BOARD OF TRUSTEES.

A state historical society board of trustees is established consisting of seven members selected as follows:

1. Three members shall be elected by the members of the state historical society according to rules established by the board of trustees.

2. Four members shall be appointed by the governor, two of whom shall be professional historians or archaeologists on the faculty of a college or university in the state.

The term of office of members of the board of trustees is three years commencing and ending as provided in section 69.19.

Sec. 1305. Section 303.2, Code 1985, is amended to read as follows:

303.2 OFFICERS — MEETINGS.

The state historical society board of trustees shall annually elect a chairperson and vice chairperson from its membership, ~~and the executive~~

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~~director shall serve as secretary to the board~~. The board shall meet as often as deemed necessary, upon the call of the chairperson, or at the request of a majority of the members of the board.

Members of the board ~~shall~~ are entitled to be ~~paid a forty-dollar per diem and shall be~~ reimbursed for actual ~~and necessary~~ expenses while engaged in their official duties. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1306. Section 303.4, Code 1985, is amended to read as follows:

303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.

1. The state historical society board of trustees shall ~~establish~~ recommend to the director rules for membership of the general public in the state historical society, including rules relating to membership fees. Members shall be persons who indicate an interest in the history, progress, and development of the state and who pay the prescribed fee. The members of the state historical society may meet at least one time per year to further the understanding of the history of this state. ~~The society may elect officers, and the executive director of the state historical department, or the executive director's designee, shall serve as secretary to the society.~~ The ~~officers~~ members of the society shall not determine policy for the ~~state historical~~ department of cultural affairs but may advise the director and perform functions to stimulate interest in the history of this state among the general public. The society may perform other activities related to history which are not contrary to this chapter, ~~subject to the approval of the state historical board~~.

~~1~~ 2. As used in this chapter, "state historical society" means the ~~Iowa~~ state historical society of Iowa, an agency of the state ~~located in Iowa City~~ which is part of the department of cultural affairs. It does not mean or include any private entity.

~~2~~ 3. Unless designated otherwise, a gift, bequest, devise, endowment, or grant to or application for membership in the state historical society shall be presumed to be to or in the state historical society of ~~the~~ Iowa ~~state historical department~~.

Sec. 1307. Section 303.6, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

303.6 POWERS AND DUTIES OF BOARD AND DIVISION.

1. The state historical board shall:

a. Recommend to the department a comprehensive, coordinated, and efficient policy to preserve,

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research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Make recommendations to the director on historically related matters.

c. Review and recommend to the director policy decisions regarding the division.

d. Recommend to the director for approval the state preservation plan submitted by the state historic preservation officer.

e. Perform other functions prescribed by law to further historically related matters in the state.

2. The department shall:

a. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.

b. Maintain research centers in Des Moines and Iowa City.

Sec. 1308. Section 303.9, Code 1985, is amended to read as follows:

303.9 FUNDS RECEIVED BY ~~STATE HISTORICAL~~ DEPARTMENT.

1. All funds received by the ~~state historical~~ department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, except entrance fees for the Montauk governor's mansion, shall be credited to the account of the ~~state historical~~ department and are appropriated to the ~~state historical~~ department to be invested or used for programs and purposes under the authority of the ~~state historical board~~ department. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the ~~state historical~~ department under this section.

2. The department may sell mementos and other items relating to Iowa history and historic sites on the premises of property under control of the department and at the state capitol. The department is not a retailer under chapter 422 and the sale of such items is not a retail sale under chapter 422 and is exempt from the sales tax.

Sec. 1309. Section 303.11, Code 1985, is amended

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to read as follows:

303.11 GIFTS.

The ~~state historical board~~ department may accept gifts and bequests which shall be used in accordance with the desires of the donor if expressed. Funds contained in an endowment fund for either the department of history and archives or the state historical society existing on July 1, 1974 ~~shall~~ remain an endowment of the department. Gifts shall be accepted only on behalf of the ~~state historical~~ department, and gifts to a ~~division~~ part, branch, or section of the department are presumed to be gifts to the department.

~~In instances where~~ If publication of a book is financed by the endowment fund, ~~nothing in~~ this chapter ~~shall~~ does not prevent the return of moneys from sales of the book to the endowment fund.

Sec. 1310. Section 303.12, Code 1985, is amended to read as follows:

303.12 ARCHIVES.

~~Archives~~ "Archives" means ~~those~~ documents, books, papers, photographs, sound recordings, or similar material produced or received pursuant to law in connection with official government business, which no longer have administrative, legal, or fiscal value to the office having present custody of them, and which have been appraised by the ~~executive~~ director of the ~~state historical~~ department as having sufficient historical, research, or informational value to warrant permanent preservation. The ~~executive~~ director of the ~~state historical~~ department is the trustee and custodian of the archives of Iowa, except that ~~archives do not include~~ county or municipal archives are not included unless they are voluntarily deposited with the ~~executive~~ director with the written consent of the ~~executive~~ director. The ~~executive~~ director shall prescribe rules for the systematic arrangement of archives as to the proper labeling to indicate the contents and order of filing and the archives must be labeled before the archives may be transferred to the ~~executive~~ director's custody.

Sec. 1311. Section 303.13, Code 1985, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES.

The state~~,~~ executive~~,~~ and administrative departments, officers or offices, councils, boards, bureaus, and commissions, ~~may~~ shall transfer and deliver to the ~~state historical~~ department archives as defined in section 303.12 and as prescribed in the records management manual. Before transferring

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archives, the office of present custody shall file with the ~~executive~~ director a classified list of the archives being transferred in detail as the ~~executive~~ director prescribes. If the ~~executive~~ director, on receipt of the list, and after consultation with the chief executive of the office filing the classified list or with a representative designated by the executive, finds that, according to the records management manual, certain classifications of the archives listed are not of sufficient historical, legal, or administrative value to justify permanent preservation, the ~~executive~~ director shall not accept the material for deposit in the state archives.

Sec. 1312. Section 303.14, Code 1985, is amended to read as follows:

303.14 REMOVAL OF ORIGINAL.

After archives have been received by the ~~executive~~ director, they shall not be removed from the ~~executive~~ director's custody without the ~~executive~~ director's consent except in obedience to a subpoena of a court of record or a written order of the state executive council.

The ~~executive~~ director is not required to preserve permanently vouchers, claims, canceled or redeemed state warrants, or duplicate warrant registers of the state comptroller and the treasurer of state, but may, after microfilming, destroy by burning or shredding any warrants having no historical value, that have been in the ~~executive~~ director's custody for a period of one year, and may destroy by burning or shredding any vouchers, claims, and duplicate warrant registers which have been in the director's custody for a period of one year. A properly authenticated reproduction of a microfilmed record is admissible in evidence in a court in this state.

Sec. 1313. Section 303.15, Code 1985, is amended to read as follows:

303.15 CERTIFIED COPIES — FEES.

Upon request of a person, the ~~executive~~ director of the ~~state historical~~ department shall make a certified copy of any document, manuscript, or record contained in the archives or in the custody of the ~~state historical~~ department except ~~where~~ if reproduction is inappropriate because of legal, curatorial, or physical considerations. ~~When~~ If a copy is properly authenticated it has the same legal effect as though certified by the officer from whose office it was obtained or by the secretary of state. The copy may be made in writing, or by a suitable photographic process. The ~~executive~~ director shall charge and

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collect for copies the fees allowed by law to the official in whose office the document originates for certified copies. The ~~executive~~ director shall charge a person requesting a search of census records for the purpose of determining genealogy the actual cost of performing the search.

Sec. 1314. Section 303.20, subsection 4, Code 1985, is amended to read as follows:

4. "Department" means the ~~Iowa state historical~~ department of cultural affairs.

Sec. 1315. NEW SECTION. 303.70 TERRACE HILL COMMISSION.

1. The Terrace Hill commission is created within the department of cultural affairs. The commission consists of nine persons appointed by the governor who are knowledgeable in business management, and historic preservation and renovation. The governor shall appoint the chairperson. The terms of the committee members are for three years beginning on July 1 and ending on June 30.

2. The Terrace Hill commission may consult with the Terrace Hill Society, Terrace Hill Foundation, the executive and legislative branches of this state and other persons interested in the property and advise the director.

Sec. 1316. NEW SECTION. 303.75 DEFINITIONS.

As used in sections 303.75 through 303.83 unless the context otherwise requires:

1. "Board" means the Iowa public broadcasting board.

2. "Administrator" means the administrator of the public broadcasting division of the department of cultural affairs.

3. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 1317. NEW SECTION. 303.76 PUBLIC BROADCASTING DIVISION CREATED.

The public broadcasting division of the department of cultural affairs is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The governor shall set the division director's salary unless otherwise provided by law. Educational programming shall be the highest priority of the division.

Sec. 1318. NEW SECTION. 303.77 BOARD.

1. The Iowa public broadcasting board is created

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to plan, establish, and operate an educational radio and television facility and other educational communications services as necessary to aid in accomplishing the educational objectives of the state. The board shall be composed of nine members selected in the following manner:

a. Three members shall be appointed by the state board of public instruction from its own membership or from the personnel of the state department of education.

b. Three members shall be appointed by the state board of regents from its own membership or from among its employees or employees of institutions under the jurisdiction of the board.

c. Three members shall be appointed by the governor, at least one of whom shall be from a regionally accredited private four-year college or university.

2. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

3. The board shall appoint at least two advisory committees as follows:

a. Advisory committee on general operations and policy.

b. Advisory committee on curricula and educational matters.

Duties of the advisory committees, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Sec. 1319. NEW SECTION. 303.78 MEETINGS.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board shall meet at least four times annually and shall hold special meetings at the call of the president or in the absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive actual expenses

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incurred in performing their official duties. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1320. NEW SECTION. 303.79 FACILITIES AND PERMITS.

1. The board may purchase, lease, and improve property, equipment, and services for proper educational communications uses, and may dispose of property and equipment when not necessary for its purposes. The board and division director may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as required for broadcasting.

3. This section does not prohibit institutions under the state board of regents and merged area schools under the department of education from owning, operating, improving, and maintaining educational radio and television stations and transmitters now in existence and operation. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

4. The board may locate its administrative offices and production facilities outside the city of Des Moines.

5. The board may adopt rules to implement and administer the programs of the division.

6. The decision of the board is final agency action under chapter 17A.

Sec. 1321. NEW SECTION. 303.80 COMPETITION WITH PRIVATE SECTOR.

It is the intent of the general assembly that the division shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code. The board, the governor, or the administrator may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 1322. NEW SECTION. 303.81 CAPITAL EQUIPMENT REPLACEMENT REVOLVING FUND.

1. The board may provide noncommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other nonprofit organizations, and may collect the costs of providing the services from the public agency, corporation, association, or organization, plus a separate equipment usage fee in

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an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.

2. The board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection 1 and funds from other sources designated for deposit in the capital equipment replacement revolving fund. The board may expend moneys from the capital equipment replacement revolving fund to purchase technical equipment for operating the educational radio and television facility.

Sec. 1323. NEW SECTION. 303.82 TRUSTS.

Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the educational radio and television facility to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

Sec. 1324. NEW SECTION. 303.83 REVENUE FROM CONTRACTS.

The board shall retain for its use revenues generated through contracts with nonprofit organizations or their affiliated organizations from the use of the educational radio and television facility and other educational communications services. The administrator may receive services from other divisions and state agencies.

Sec. 1325. NEW SECTION. 303.86 ARTS COUNCIL.

The Iowa state arts council is created as an advisory council, consisting of fifteen members, appointed by the governor from among citizens of Iowa who are recognized for their interest or experience in connection with the performing and fine arts. In making appointments, due consideration shall be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing and fine arts.

The term of office of each member of the Iowa state arts council is three years. The governor shall designate a chairperson and a vice chairperson from the members of the council to serve at the pleasure of the governor. All vacancies shall be filled for the balance of any unexpired term in the same manner as original appointments. The members of the council

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shall not receive compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1326. NEW SECTION. 303.87 DUTIES OF COUNCIL.

The arts council shall:

1. Advise the director with respect to policies, programs, and procedures for carrying out the administrator's functions, duties, or responsibilities.

2. Review programs to be supported and make recommendations on the programs to the director.

Sec. 1327. NEW SECTION. 303.89 ADMINISTATOR'S POWERS AND AUTHORITY.

The arts and cultural planning and programming administrator may:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the division.

2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.

3. Accept any federal funds granted, by Act of Congress or by executive order, for all or any purposes of this chapter, and receive and disburse as the official agent of the state any funds made available by the national foundation on the arts.

4. Accept gifts, contributions, or bequests for all or any of the purposes of the division.

Sec. 1328. NEW SECTION. 303.95 DIVISION OF LIBRARIES AND ARCHIVES DEFINITIONS.

As used in sections 303.95 through 303.100, unless the context otherwise requires:

1. "Commission" means the state library commission.

2. "State agency" means a legislative, executive, or judicial office of the state and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, and state institutions of higher education governed by the state board of regents.

3. "State publications" means all multiple-produced publications regardless of format, which are issued by a state agency and supported by public funds, but it does not include:

a. Correspondence and memoranda intended solely for internal use within the agency or between agencies.

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b. Materials excluded from this definition by the department through the adoption and enforcement of rules.

Sec. 1329. NEW SECTION. 303.97 STATE LIBRARY COMMISSION ESTABLISHED.

1. The state library commission consists of one member appointed by the state supreme court and six members appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19. Of the governor's appointees, one member shall be from the medical profession and five members selected at large. Not more than three of the members appointed by the governor shall be of the same gender. The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in section 7E.3.

2. The commission shall elect one of its members as chairperson. The commission shall meet at the time and place specified by call of the chairperson. Four members are a quorum for the transaction of business.

3. The department:

a. May receive and expend money for providing programs and services. The department may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.

b. Shall foster public awareness of the condition of libraries in Iowa and of methods to improve library services to the citizens of the state.

c. Shall establish and administer standards for state agency libraries, the Iowa regional library system, and public libraries.

Sec. 1330. NEW SECTION. 303.99 STATE PUBLICATIONS.

Upon issuance of a state publication, a state agency shall deposit with the department at no cost to the department, seventy-five copies of the publication or a lesser number if specified by the department.

Sec. 1331. NEW SECTION. 303.100 MEDICAL AND LAW LIBRARY.

The state library includes, but is not limited to, a medical library and a law library.

1. The medical library shall be headed by a medical librarian, appointed by the director, subject to chapter 19A. The medical librarian shall:

a. Operate the medical library which shall always be available for free use by the residents of Iowa under rules the department adopts.

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b. Give no preference to any school of medicine and shall secure books, periodicals, and pamphlets for every legally recognized school of medicine without discrimination.

c. Perform other duties imposed by law or prescribed by the rules of the division.

2. The law library shall be headed by a law librarian, appointed by the director with the approval of the Iowa supreme court, subject to chapter 19A. The law librarian shall:

a. Operate the law library department which shall be maintained in the state capitol or in rooms convenient to the state supreme court and which shall be available for free use by the residents of Iowa under rules the department adopts.

b. Maintain, as an integral part of the law library, reports of various boards and agencies and copies of bills, journals, and other information relating to current or proposed legislation.

c. Arrange to make exchanges of all printed material published by the states and the government of the United States.

d. Perform other duties imposed by law or by the rules of the department.

Sec. 1332. Section 103A.45, unnumbered paragraph 1 and subsection 4, Code 1985, are amended to read as follows:

The state ~~historic building code advisory~~, historical society board shall:

4. Consult with state agencies, including the state fire marshal and the ~~Iowa state historical~~ department of cultural affairs, governmental subdivisions, architects, engineers, and others who have knowledge of or interest in the rehabilitation, preservation, restoration, and relocation of historic buildings, with respect to matters relating to the state historic building code.

Sec. 1333. Sections 7.18, 103A.44, 303.3, 303.5, and 304A.1 through 304A.7, and chapter 18B, Code 1985, and sections 7A.51 through 7A.54, 18B.13 and 303A.1 through 303A.7, Code Supplement 1985, are repealed."

338. Page 250, by striking line 9 and inserting the following:

"3. "Director" means the director of the department of education."

339. Page 252, line 1, by striking the word "commissioner" and inserting the following: "director of the department".

340. Page 252, line 2, by striking the word "commissioner" and inserting the following:

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"director".

341. Page 252, line 4, by striking the word "commissioner" and inserting the following "director".

342. Page 252, by inserting after line 19 the following:

"_____. Appoint the director of the department of education as provided in section 256.8."

343. Page 252, by striking lines 20 through 24 and inserting the following:

"Sec._____. NEW SECTION. 256.8 DIRECTOR OF DEPARTMENT.

The state board shall appoint a director of the department subject to confirmation by the senate. The director shall possess a background in education and administrative experience and shall serve at the pleasure of the state board."

344. Page 252, line 25, by striking the word "COMMISSIONER" and inserting the following: "DIRECTOR".

345. Page 252, line 26, by striking the word "commissioner" and inserting the following: "director".

346. Page 252, line 35, by striking the word "commissioner" and inserting the following: "director".

347. Page 253, by striking line 1 and inserting the following: "director and division administrators deemed necessary. They".

348. Page 253, line 15, by striking the word "commissioner" and inserting the following: "director".

349. Page 253, line 28, by striking the word "commissioner's" and inserting the following: "director's".

350. Page 255, line 5, by striking the word "commissioner's" and inserting the following: "director's".

351. Page 256, line 6, by striking the word "commissioner" and inserting the following: "director".

352. Page 256, line 13, by striking the word "commissioner" and inserting the following: "director".

353. Page 260, line 32, by striking the word "commissioner" and inserting the following: "director".

354. Page 260, line 33, by striking the word "commissioner" and inserting the following: "director".

355. Page 261, line 2, by striking the word

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"commissioner" and inserting the following: "director".

356. Page 261, line 4, by striking the word "commissioner" and inserting the following: "director".

357. Page 261, line 35, by striking the word "commissioner" and inserting the following: "director".

358. Page 262, line 18, by striking the word "commissioner" and inserting the following: "director".

359. Page 262, line 31, by striking the figure "1990" and inserting the following: "1989".

360. Page 262, by striking lines 33 and 34 and inserting the following: "Thereafter, the state board shall require that once every three years school districts and nonpublic schools meet accreditation standards. One-third of the school districts and nonpublic schools shall meet accreditation standards each year. The director shall appoint".

361. Page 263, line 20, by striking the word "commissioner" and inserting the following: "director".

362. Page 263, line 24, by striking the word "commissioner" and inserting the following: "director".

363. Page 263, line 30, by striking the word "commissioner" and inserting the following: "director".

364. Page 264, line 5, by striking the word "commissioner" and inserting the following: "director".

365. Page 264, line 20, by striking the word "commissioner" and inserting the following: "director".

366. Page 266, line 4, by striking the word "commissioner" and inserting the following: "director".

367. Page 267, line 8, by striking the figure "256.12" and inserting the following: "256.13".

368. Page 268, line 4, by striking the word "commissioner" and inserting the following: "director".

369. Page 268, line 9, by striking the word "commissioner" and inserting the following: "director".

370. Page 268, line 28, by striking the figure "256.18" and inserting the following: "256.17".

371. Page 270, line 5, by striking the word "commissioner" and inserting the following:

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"director".

372. Page 274, by striking lines 12 through 24.

373. Page 274, by inserting after line 30 the following:

"Sec._____. NEW SECTION. 258.8 ADMINISTRATION.

The state council on vocational education shall be included in the department of education for administrative purposes."

374. Page 280, line 6, by striking the figure "259.10" and inserting the following: "259.9".

375. Page 281, line 29, by striking the word "agreement" and inserting the following: "~~agreement~~ agreements".

376. Page 283, line 22, by striking the word "expenditure" and inserting the following: "expenditures".

377. Page 284, line 35, by striking the word and figures "9, and 13" and inserting the following: "and 9".

378. By striking page 285, line 32 through page 286, line 17.

379. By striking page 291, line 15 through page 292, line 4.

380. By striking page 292, line 15 through page 293, line 25.

381. Page 293, by striking lines 26 through 34.

382. Page 295, by striking lines 20 through 22.

383. Page 298, line 21, by inserting after the word "board." the following: "The state board may affirm, modify, or vacate the decision, or may direct a rehearing before the commissioner."

384. Page 302, by striking lines 21 through 23 and inserting the following: "deaf, and the superintendent of the Iowa braille and sight-saving school; ~~and the superintendent of the state tuberculosis sanatorium~~."

385. Page 308, by inserting after line 17 the following:

"Sec._____. Section 299.2, subsection 5, Code 1985, is amended to read as follows:

5. Who is attending a private college preparatory school ~~approved~~ accredited or probationally ~~approved~~ accredited under ~~the provisions of~~ section 257.25, subsection ~~14~~ 13."

386. Page 313, by inserting after line 34 the following:

"Sec._____. Section 601A.9, subsections 1, 2, and 3, Code Supplement 1985, are amended to read as follows:

It ~~shall be~~ is an unfair or discriminatory practice

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for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

1. ~~On the basis of sex, exclusion~~ Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;

2. ~~On the basis of sex, denial~~ Denial of comparable opportunity in intramural and interscholastic athletic programs;

3. ~~On the basis of sex discrimination~~ Discrimination among persons in employment and the conditions ~~thereof~~ of employment;".

387. Page 314, by inserting after line 20 the following:

"Sec._____. Section 714.19, subsection 10, Code 1985, is amended to read as follows:

10. Private college preparatory schools ~~approved~~ accredited or probationally ~~approved~~ accredited under ~~the provisions of~~ section 257.25, subsection 13."

388. Page 314, by striking lines 25 through 31.

389. By striking page 315, line 28, through page 319, line 10, and inserting the following:

"Sec._____. Section 246.805, subsection 7, paragraph a, Code Supplement 1985, is amended to read as follows:

a. Inmates applying to participate in a program shall be approved by the ~~work release committee designated pursuant to section 246.902~~ director of the department of corrections and shall reside at state correctional institutions.

Sec._____. Section 246.901, Code Supplement 1985, is amended to read as follows:

246.901 PROGRAM.

The Iowa department of corrections, in consultation with the board of parole, shall establish a work release program under which the board of parole may grant inmates sentenced to an institution under the jurisdiction of the department ~~may be granted~~ the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. An inmate may be placed on work release status in the inmate's own home, under

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appropriate circumstances, which may include child care and housekeeping in the inmate's own home. ~~An inmate shall receive a unanimous vote from the work release committee to be approved for home work release.~~

Sec._____. Section 246.903, Code Supplement 1985, is amended to read as follows:

246.903 ~~APPLICATION~~ AGREEMENT BY INMATE.

An inmate ~~eligible~~ approved to participate in the work release program ~~may make application to the superintendent or executive officer of the institution in which confined for permission to participate in the program~~ shall sign a work release agreement. The ~~application~~ agreement shall include a statement that the inmate agrees to abide by all terms and conditions of the particular plan adopted for the inmate by the ~~committee if the application is approved~~ board of parole, shall state the name and address of the proposed employer, if any, and ~~shall contain such other information as the committee may require. The superintendent or executive officer may, at that person's discretion, recommend such application to the committee. The committee may approve, disapprove, or defer action on the recommendation. If the recommendation is approved, the committee shall adopt a work release plan for the applicant which shall~~ contain ~~such~~ terms and conditions ~~as may be~~ the board of parole deems necessary and proper. The plan shall be signed by the inmate prior to participation in the program. Approval may be revoked for any reason by the ~~superintendent or executive officer or by the committee~~ board of parole at any time after being granted.

Sec._____. Section 246.904, Code Supplement 1985, is amended to read as follows:

246.904 HOUSING FACILITIES — HALFWAY HOUSES.

Unless the inmate is transferred to the correctional release center, or returns after working hours to the institution under jurisdiction of the department of corrections, the department of corrections shall contract with a judicial district department of correctional services for the quartering and supervision of the inmate in local housing facilities. The ~~committee~~ board of parole shall include as a specific term or condition in the work release plan of any inmate the place where the inmate is to be housed when not on the work assignment. The ~~committee~~ board of parole shall not place an inmate on work release for longer than six months in any twelve-month period. ~~However, an inmate may be placed on~~

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~~work release for a period in excess of six months in any twelve-month period if~~ unless unanimous approval is given by the ~~committee~~ board of parole. Inmates may be temporarily released to the supervision of a responsible person to participate in family and selected community, religious, educational, social, civic, and recreational activities when it is determined that the participation will directly facilitate the release transition from institution to community. The department of corrections shall provide a copy of the work release plan and a copy of any restitution plan of payment to the judicial district department of correctional services quartering and supervising the inmate.

Sec._____. Section 246.906, Code Supplement 1985, is amended to read as follows:

246.906 STATUS OF INMATES ON WORK RELEASE.

An inmate employed in the community under this chapter is not an agent, employee, or involuntary servant of the department of corrections ~~nor~~, the board of parole, or the judicial district department of correctional services while released from confinement under the terms of a work release plan. If an inmate suffers an injury arising out of or in the course of the inmate's employment under this chapter, the inmate's recovery shall be from the insurance carrier of the employer of the project and no proceedings for compensation shall be maintained against the insurance carrier of the state institution, the state, the insurance carrier of the judicial district department of correctional services, or the judicial district department of correctional services, and there is no employer-employee relationship between the inmate and the state institution, the board of parole, or the judicial district department of correctional services.

Sec._____. Section 246.908, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Upon request by the Iowa department of corrections, the board of parole, or a judicial district department of correctional services a county shall provide temporary confinement for alleged violators of work release conditions if space is available.

Sec._____. Section 904.1, Code 1985, is amended to read as follows:

904.1 BOARD OF PAROLE.

The board of parole ~~shall consist~~ consists of seven electors of the state. Not more than four members shall belong to the same political party. At least

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three members shall be practicing attorneys-at-law at the time of appointment. Each member shall serve a term of five years beginning and ending as provided by section 69.19, except appointees to fill vacancies who shall serve for the balance of the unexpired term. The chairperson of the board shall be elected by the members of the board to a term of one year and may serve more than one term. A majority of the members of the board constitutes a quorum to transact business. However, the board shall be divided into hearing panels of three or more members to interview and consider inmates for parole or work release and to conduct parole or work release revocation hearings. A majority vote of the members of the hearing panel is required to grant or revoke a parole, or work release; however, a parole or work release shall not be granted or revoked without the affirmative votes of at least three members of the full board.

Sec._____. Section 906.1, Code 1985, is amended to read as follows:

906.1 DEFINITION OF PAROLE AND WORK RELEASE.

Parole is the release of a person who has been committed to the custody of the director of the Iowa department of corrections by reason of the person's commission of a public offense, which release occurs prior to the expiration of the person's term, is subject to supervision by the district department of correctional services, and is on conditions imposed by the district department.

Work release is the release of a person, who has been committed to the custody of the director of the Iowa department of corrections, pursuant to sections 246.901 through 246.909.

Sec._____. Section 906.3, Code 1985, is amended to read as follows:

906.3 AUTHORITY OF PAROLE BOARD.

The board of parole shall adopt rules regarding a system of paroles from correctional institutions, and shall direct, control, and supervise the administration of the system of paroles. The board of parole shall consult with the director of the department of corrections on rules regarding a system of work release and shall assist in the direction, control, and supervision of the work release system. The board shall determine which of those persons who have been committed to the custody of the director of the Iowa department of corrections, by reason of their conviction of a public offense, shall be released on parole or work release. The grant or denial of parole or work release is not a contested case as defined in

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section 17A.2.

Sec._____. Section 906.4, Code 1985, is amended to read as follows:

906.4 STANDARDS FOR RELEASE ON PAROLE OR WORK RELEASE.

A parole or work release shall be ordered only for the best interest of society and the offender, not as an award of clemency. The board shall release on parole or work release any person whom it has the power to so release, when in its opinion there is reasonable probability that ~~such~~ the person can be released without detriment to the community or to the person. A person's release is not a detriment to the community or the person ~~when~~ if the person is able and willing to fulfill the obligations of a law-abiding citizen, ~~as~~ in the ~~board shall determine~~ board's determination.

Sec._____. Section 906.5, Code Supplement 1985, is amended to read as follows:

906.5 RECORD REVIEWED — ELIGIBILITY OF PRIOR FORCIBLE FELON FOR PAROLE OR WORK RELEASE — RULES.

Within one year after the commitment of a person other than a class "A" felon to the custody of the director of the Iowa department of corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one year, the board shall interview the person and consider the person's prospects for parole or work release. At the time of an interview, the board shall consider all pertinent information regarding ~~this~~ the person, including the circumstances of the person's offense, any presentence report which is available, the previous social history and criminal record of the person, the person's conduct, work, and attitude in prison, and the reports of physical and mental examinations that have been made.

If the person who is under consideration for parole or work release is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole or work release shall be denied unless the person has served at least one-half of the maximum term of the defendant's sentence. However, the mandatory sentence provided for by this section ~~shall~~ does not apply if the sentence being served is for a felony other than a forcible felony and the sentences for the prior forcible felonies expired at least five years before the date of conviction for the present felony.

A person while on parole or work release is under

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the supervision of the district department of correctional services of the district designated by the board of parole. The department of corrections shall prescribe ~~regulations~~ rules for governing persons on parole or work release. The board may adopt other rules not inconsistent with the rules of the department of corrections as ~~it~~ the board deems proper or necessary for the performance of its functions.

Sec._____. Section 906.6, Code 1985, is amended to read as follows:

906.6 CO-OPERATION OF CORRECTION PERSONNEL.

~~It shall be the duty of all~~ All persons employed in ~~any~~ a correctional institution ~~to~~ shall grant to the members of the board of parole, or its properly accredited representatives, access at all reasonable times to any person over whom the board has jurisdiction, ~~to~~ shall provide for the board or ~~such~~ its representatives facilities for communicating with and observing ~~such~~ the person, and ~~to~~ shall furnish to the board ~~such~~ reports ~~as~~ the board ~~shall require~~ requires concerning the conduct and character of any person in their custody and any other facts deemed by the board pertinent in determining whether the person shall be released on parole or work release.

Sec._____. Section 906.16, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The time when a prisoner is on parole or work release from the institution shall be held to apply upon the sentence against the parolee or work releasee even if the parole or work release is subsequently revoked, except that the time when the parolee or work releasee is in violation of the terms of the parole or work release agreement shall not apply upon the sentence.

Sec._____. Section 904.5, Code 1985, is amended to read as follows:

904.5 ADMINISTRATION OF BOARD OF PAROLE.

The board of parole shall be responsible directly to the governor. The board of parole is attached to the department of corrections for routine administrative and support services only. The board of parole shall appoint an executive secretary and employ a clerical staff sufficient to carry on the necessary duties of the board. The board shall employ ~~not less~~ no fewer than four persons who shall serve as liaison personnel between the board, inmates and staff at the state's penal and correctional facilities and who shall perform other duties designated by the board of parole. The board shall submit to the ~~state~~

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~~comptroller~~ executive director of the office of management an estimate of the funds needed for salaries, maintenance, and office supplies at the time and in the manner provided by section 8.23.

Sec. ____. NEW SECTION. 904.7 STATISTICAL ANALYSIS CENTER.

There is created under the board of parole a statistical analysis center. The duties of the statistical analysis center shall be:

1. To provide risk assessment analysis for the board of parole.

2. To conduct statistical analysis of criminal offenses and correctional programs.

3. To provide such other statistical assistance as the board of parole shall request.

Sec. _____. Section 246.902, Code Supplement 1985, is repealed."

390. Page 319, by inserting after line 11 the following:

"Sec. _____. Section 80.9, subsection 2, Code 1985, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. g. To provide and coordinate the training of law enforcement officers.

NEW LETTERED PARAGRAPH. h. Assist in the administrative support of the correctional training center, in order to promote efficiency of operation.

Sec. _____. Section 80.17, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Iowa law enforcement academy."

391. Page 319, by striking lines 12 through 22.

392. Page 319, by inserting before line 23, the following:

"Sec. _____. Section 80B.5, Code 1985, is amended to read as follows:

80B.5 ADMINISTRATION.

The administration of ~~the Iowa law enforcement academy and council Act shall be~~ this chapter is vested in the office of the ~~governor~~ director of public safety. ~~A director of the academy and such staff as may be necessary for it to function shall be employed pursuant to the Iowa merit system.~~ The governor shall appoint a director of the academy, who is exempt from chapter 19A, the Iowa merit system. The director shall employ staff sufficient for the academy to function, which staff is subject to chapter 19A.

Sec. _____. Section 80B.8, Code 1985, is amended to read as follows:

80B.8 COMPENSATION AND EXPENSES.

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~~The members of the council, who are not employees of the state or a political subdivision, shall be paid a forty-dollar per diem. All members~~ Members of the council shall be reimbursed for ~~necessary and~~ actual expenses incurred in attending meetings and in the performance of their duties. All ~~per diem and~~ expense moneys paid to nonlegislative members shall be paid from funds appropriated to the ~~Iowa law enforcement academy~~ department of public safety. Legislative members of the council shall receive payment pursuant to ~~section~~ sections 2.10 and ~~section~~ 2.12.

Sec._____. Section 80B.11, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The director ~~of the academy~~ of public safety, subject to the approval of the council, shall ~~promulgate~~ adopt rules in accordance with ~~the provisions of~~ this chapter and chapter 17A, giving due consideration to varying factors and special requirements of law enforcement agencies relative to the following:

Sec._____. Section 80B.12, Code 1985, is amended to read as follows:

80B.12 AGREEMENTS WITH OTHER AGENCIES.

The director ~~with the approval of the council~~ may enter into agreements with other public and private agencies, colleges, and universities to carry out the intent of this chapter."

393. Page 320, line 4, by striking the word "governor" and inserting the following: "~~governor~~ director of public safety".

394. Page 320, by inserting after line 32 the following:

"Sec._____. Section 692.2, subsection 1, paragraph b, Code Supplement 1985, is amended to read as follows:

b. Other public agencies as authorized by the ~~confidential records council~~ director of public safety.

Sec._____. Section 692.2, subsection 5, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Notwithstanding other provisions of this section, the department and bureau may provide copies or communicate information from criminal history data to any youth service agency approved by the ~~confidential records council~~ director of public safety. The department shall adopt rules to provide for the qualification and approval of youth service agencies to receive criminal history data.

Sec._____. Section 692.19, Code 1985, is amended to

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read as follows:

692.19 CONFIDENTIAL RECORDS ~~COUNCIL~~ – OVERSIGHT BY DIRECTOR.

~~There is hereby created a confidential records council consisting of nine regular members. Two members shall be appointed from the house of representatives to serve as ex officio nonvoting members by the speaker of the house, no more than one of whom shall be from the same party. Two members shall be appointed from the senate to serve as ex officio nonvoting members by the lieutenant governor, no more than one of whom shall be from the same party. The other members of the council shall be: A judge of the district court appointed by the chief justice of the supreme court, one local law enforcement official, appointed by the governor; the commissioner of public safety or the commissioner's designee; and two private citizens not connected with law enforcement, appointed by the governor. The council shall select its own chairperson. The members shall serve at the pleasure of those by whom their appointments are made.~~

~~The council shall meet at least annually and at any other time upon the call of the governor, the chairperson of the council, or any three of its members. Each nonlegislative council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of public safety. Each legislative member shall receive expenses pursuant to section 2.10 and section 2.12.~~

The ~~council~~ director of public safety shall have the following responsibilities and duties:

1. Shall periodically monitor the operation of governmental information systems which deal with the collection, storage, use and dissemination of criminal history or intelligence data.

2. Shall review the implementation and effectiveness of legislation and administrative rules concerning such systems.

3. May recommend changes in said rules and legislation to the legislature and the appropriate administrative officials.

4. May require such reports from state agencies as may be necessary to perform its duties.

5. May receive and review complaints from the public concerning the operation of such systems.

6. May conduct such inquiries and investigations as it finds appropriate to achieve the purposes of this chapter. Each criminal justice agency in this state and each state and local agency otherwise

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authorized access to criminal history data is authorized and directed to furnish to the ~~council~~ director of public safety, upon ~~its~~ the director's request, such statistical data, reports, and other information in its possession as the ~~council~~ director deems necessary to carry out its functions under this chapter. ~~However, the council and its members, in such capacity, shall not have access to criminal history data or intelligence data unless it is data from which individual identities are not ascertainable or data which has been masked so that individual identities are not ascertainable. However, the council may examine data from which the identity of an individual is ascertainable if requested in writing by that individual or the individual's attorney with written authorization and fingerprint identification.~~

~~7~~ 6. Shall annually approve rules adopted in accordance with section 692.10 and rules to assure the accuracy, completeness and proper purging of criminal history data.

~~8~~ 7. Shall approve all agreements, arrangements and systems for the interstate transmission and exchange of criminal history data.

Sec._____. Sections 80.10 through 80.14, 80B.10, and 80B.14, Code 1985, are repealed."

395. Page 327, by striking lines 7 and 8 and inserting the following:

"3. "Natural resource commission" means the natural resource commission created under section 455A.5."

396. Page 327, line 30, by striking the words "state parks and wildlife" and inserting the following: "natural resource".

397. Page 327, by striking lines 33 through 35 and inserting the following: "vested in the department."

398. Page 328, by striking lines 2 and 3 and inserting the following: "of functions to be administered by the administrators under chapters 84, 93, 106, 107, 108, 108A, 109, 109A, 110, 110A, 110B, 111, 111B, 111D, 112, 305, 455B, 455C, and 469."

399. Page 328, by striking line 34 and inserting the following:

"Sec. 1805. NEW SECTION. 455A.5 NATURAL RESOURCE".

400. Page 329, by striking line 1 and inserting the following:

"1. A natural resource commission is created, which".

401. Page 330, line 4, by inserting after the

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number "112." the following: "In lieu of a grievance being heard by the full membership of the commission, the chairperson of the commission may appoint a committee consisting of three or more members of the commission to conduct a hearing. The aggrieved person may appeal the decision to the director of the department of inspections and appeals."

402. Page 331, by striking line 15 and inserting the following: "effective administration of chapter 455B,".

403. Page 331, by striking line 19 and inserting the following: "chapter 455B, 455C, and 469. In lieu of a grievance being heard by the full membership of the commission, the chairperson of the commission may appoint a committee consisting of three or more members of the commission to conduct a hearing. The aggrieved person may appeal the decision to the director of the department of inspections and appeals."

404. By striking page 331, line 22 through page 332, line 3, and inserting the following:

"Sec. 1807. NEW SECTION. DIVISIONS CREATED — DEPUTY DIRECTOR AND ADMINISTRATORS APPOINTED BY DIRECTOR.

1. The following divisions are created within the department:

a. Parks, forests, and preserves division which is responsible for programs relating to water access development, state forests, parks and recreation areas, and preserves.

b. Fish and wildlife division which is responsible for programs relating to wildlife, law enforcement, fisheries, and land acquisition and management.

c. Energy and geological resources division which is responsible for programs relating to energy, geological survey, and oil and gas production.

d. Environmental protection division which is responsible for programs relating to wastewater treatment, water supply, hazardous wastes, air and land, and field services.

e. Coordination and information division which has the responsibility for legal services, governmental liaison, information and education, and planning.

f. Administrative services division which is responsible for finance, budget and grants, administrative support, data processing, licensing, and construction services.

g. Additional divisions deemed necessary for the effective and efficient administration of the department.

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2. The director shall appoint a deputy director who shall be in charge of the department in the absence of the director. The appointment shall be based on the appointee's training, experience, and capabilities.

3. The director shall appoint an administrator for each division created under subsection 1. The director shall make the appointment based on the appointee's training, experience, and capabilities. Each administrator has the responsibility of administering the programs assigned the division under subsection 1 and other programs assigned by the director. Each administrator shall carry out the duties and responsibilities of office under the general direction and supervision of the director."

405. Page 332, lines 23 and 24, by striking the words "the land rehabilitation advisory board,".

406. By striking page 332, line 31 through page 334, line 17.

407. Page 334, by striking lines 25 and 26 and inserting the following:

"20. "Director" means the director of the department or a".

408. Page 334, by striking lines 28 through 31.

409. Page 335, line 22, by striking the word "commission" and inserting the following: "department".

410. By striking page 335, line 34 through page 336, line 1, and inserting the following:

"4. "Director" means the director of the department or a designee."

411. Page 336, by striking lines 2 through 5.

412. Page 337, by striking line 13 and inserting the following: "program ~~under the direction of the council~~. The".

413. Page 337, lines 15 and 16, by striking the words "with the approval of the ~~council~~ commission," and inserting the following: "~~with the approval of the council,~~".

414. Page 337, line 26, by striking the word "commission" and inserting the word "department".

415. Page 338, by striking lines 1 and 2 and inserting the following:

"12. "Commission" means ~~state conservation~~ the natural resource commission."

416. Page 338, by striking lines 9 and 10 and inserting the following:

"Sec. 1838. Sections 106.2, 106.3, and 106.4, Code 1985, are amended by striking the words "state conservation commission" or "conservation commission".

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417. Page 338, by striking lines 22 and 23 and inserting the following:

"3. "Commission" means the natural resource commission."

418. Page 338, by inserting before line 24 the following:

"Sec._____. Section 107.13, Code 1985, is amended to read as follows:

107.13 OFFICERS AND EMPLOYEES.

The director shall, ~~with the consent of the commission,~~ employ the number of assistants, including a professionally trained state forester, that are necessary to carry out the duties imposed on the commission; and, under the same conditions, the director shall appoint the number of full-time officers and supervisory personnel that are necessary to enforce ~~the~~ all laws of the state and rules and regulations~~, the enforcement of which are imposed on~~ the commission. The full-time officers and supervisory personnel ~~shall~~ have the same powers that are conferred by law on peace officers in the enforcement of ~~the~~ all laws of the state of Iowa and the apprehension of violators. ~~Any~~ A person appointed as a full-time officer shall be at least twenty-one years of age, but not more than sixty-five years of age, on the date of appointment. ~~Officer~~ Full-time officer means any person appointed by the ~~state conservation commission~~ director to enforce the laws of this state ~~under the jurisdiction of the commission~~.

Sec._____. Section 107.14, Code 1985, is amended to read as follows:

107.14 TEMPORARY APPOINTMENTS.

The ~~commission~~ director may appoint temporary officers for a period not to exceed six months~~. The commission~~ and may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. ~~The provisions of chapter~~ Chapter 80B ~~shall~~ does not apply to the temporary officers. Temporary officers have all the powers of peace officers in the enforcement of chapters 106 through 111, 111B, 321G, and the trespass laws."

419. Page 338, by striking lines 28 through 32 and inserting the following: "fund from the checkoff to the fish and wildlife division ~~of fish and game~~ of the ~~commission~~ department for the purposes ~~pursuant to~~ specified in this section."

420. Page 339, by inserting after line 1 the following:

"Sec._____. Section 107.17, unnumbered paragraph 2,

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Code 1985, is amended to read as follows:

The state fish and game protection fund, except as otherwise provided, consists of all moneys accruing from license fees and all other sources of revenue arising under the fish and wildlife division ~~of fish and game~~. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the funds in the state fish and game protection fund and the public outdoor recreation and resources fund shall be credited to those funds respectively."

421. Page 339, by striking lines 19 through 21 and inserting the following: "embraced in the fish and wildlife division ~~of fish and game~~."

422. Page 339, by striking lines 30 through 32 and inserting the following: "activities embraced in the fish and ~~game~~ wildlife division."

423. Page 344, by striking lines 19 and 20 and inserting the following:

"3. "Commission" means the natural resource commission."

424. Page 345, by striking lines 9 and 10 and inserting the following:

"1. "Commission" means the ~~state conservation~~ natural resource commission."

425. Page 345, by striking lines 22 and 23 and inserting the following:

"13. "Commission" means the ~~state conservation~~ natural resource commission."

426. Page 346, line 24, by striking the word and number "and 109.19" and inserting the following: "109.19, and 109.58".

427. Page 346, by striking lines 30 and 31 and inserting the following:

"1. "Commission" means the ~~state conservation~~ natural resource commission."

428. Page 347, by striking line 8 and inserting the following:

"3. "Commission" means the natural resource".

429. Page 347, by striking line 16 and inserting the following:

"3. "Commission" means the natural resource".

430. Page 347, by striking lines 20 and 21 and inserting the following:

"2. "Commission" means ~~state conservation~~ the natural resource commission."

431. Page 347, by striking line 31 and inserting the following:

"3. "Commission" means the natural resource".

432. Page 349, lines 28 and 29, by striking the

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words "state ~~conservation~~ parks and wildlife" and inserting the following: "~~state conservation~~ natural resource".

433. Page 350, lines 9 and 10, by striking the words "state ~~conservation~~ parks and wildlife" and inserting the following: "~~state conservation~~ natural resource".

434. Page 350, line 17, by striking the words "state ~~conservation~~ parks and wildlife" and inserting the following: "~~state conservation~~ natural resource".

435. Page 350, lines 20 and 21, by striking the words "state ~~conservation~~ parks and wildlife" and inserting the following: "~~state conservation~~ natural resource".

436. Page 350, line 33, by striking the word "commission" and inserting the following: "natural resource commission".

437. Page 351, by striking lines 27 and 28 and inserting the following:

"7. "Commission" means the natural resource commission."

438. Page 352, by striking lines 5 through 8 and inserting the following:

"The ~~conservation commission~~ director shall employ, ~~upon recommendation by~~ after consultation with the board, ~~at salaries fixed by~~".

439. Page 352, line 15, by inserting after the word "~~conservation~~" the following: "natural resource".

440. Page 353, by striking line 20 and inserting the following:

"3. "Commission" means the natural resource".

441. Page 355, by striking line 22 and inserting the following: "director of the".

442. Page 355, lines 23 and 24, by striking the words "of the ~~executive~~ director" and inserting the following: "~~of the executive director~~".

443. By striking page 357, line 4 through page 358, line 15.

444. Page 361, by inserting after line 11 the following:

"Sec._____. Sections 455B.131, 455B.135 through 455B.137, 455B.143, 455B.145 through 455B.147, 455B.174, 455B.181, 455B.183, 455B.305, 455B.340, 455B.383, and 455B.391, Code 1985, are amended by striking the word "commission" where it appears in those sections and inserting in lieu thereof the word "department". Sections 455B.262, 455B.264, 455B.265, 455B.266, 455B.271, and 455B.412, Code Supplement 1985, are amended by striking the word "commission"

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where it appears in those sections and inserting in lieu thereof the word "department"."

445. Page 361, by striking line 15, and inserting the following: "department".

446. Page 364, line 5, by striking the figures "83A.4, 83A.5,".

447. Page 364, line 6, by inserting after the number "107.12" the following: "107.21,".

448. Page 364, line 7, by inserting after the number "455B.104," the following: "455B.106, 455B.214, 455B.215,".

449. Page 364, by striking lines 8 and 9 and inserting the following: "are repealed. Section 455D.16, Code Supplement 1985, is repealed."

450. Page 364, by inserting after line 34, the following:

"Sec._____. Section 307.6, Code 1985, is amended to read as follows:

307.6 COMPENSATION — COMMISSION MEMBERS.

Each member of the commission shall ~~receive a salary as fixed by the general assembly~~ be compensated as provided in section 7E.3."

451. Page 367, by inserting after line 10, the following:

"14. When authorized by the governor pursuant to section 7.15, accept, administer and expend funds provided by any act of congress for highway safety, law enforcement or other related programs. For purposes of federal law, the state department of transportation is designated as the state highway safety agency and the director of transportation is designated as the governor's representative for highway safety."

452. Page 391, line 12, by striking the word "ten" and inserting the following: "~~ten~~ forty-five".

453. Page 391, line 23, by inserting after the word "committee." the following: "Before submitting any proposal prepared under this section to the presiding officers, the legislative service bureau shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or the governor's office shall review and return it within seven days of such delivery."

454. By striking page 391, line 24 through page 392, line 2.

455. Page 395, by inserting after line 13 the following:

"4. A government agency which receives state funds directly from the state or indirectly through a

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political subdivision as directed by statute, and whose budget is not required to be submitted to a state agency for review and is not included wholly in the budget of the political subdivision through which its funds pass is subject to this subsection. A government agency which is subject to this subsection shall submit a copy of its budget to the legislative fiscal bureau, identifying it as being submitted under this subsection, when the budget of that government agency has received approval from the governing head or body of that agency. The government agency shall also submit a statement identifying any funds available to the agency which are not included in the budget."

456. Page 401, line 9, by inserting after the word "director." the following: "The estimates of expenditure requirements shall be based upon seventy-five percent of the funding provided for the current fiscal year and the remainder of the estimate of expenditure requirements accounted for by program. The estimates shall be accompanied with performance measures for evaluating the effectiveness of the program."

457. Page 405, by inserting after line 9 the following:

"Sec._____. Section 17A.2, subsection 7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

"Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure or practice requirements of any agency. Notwithstanding any other provision of law, the term includes an executive order or directive of the governor which creates an agency or establishes a program or which transfers a program between agencies established by statute or rule. The term includes the amendment or repeal of an existing rule, but does not include:

Sec._____. Section 17A.3, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Adopt as a rule a description of the organization of the agency which states the general course and method of its operations, the administrative subdivisions of the agency and the programs implemented by each of them, a statement of the mission of the agency and the methods by which and location where the public may obtain information or make submissions or requests.

Sec._____. Section 17A.4, subsection 4, paragraph a and subsection 6, Code 1985, is amended to read as

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follows:

a. If the administrative rules review committee created by section 17A.8, the governor or the attorney general finds objection to all or some portion of a proposed or adopted rule because that rule is deemed to be unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to the agency, the committee, governor or attorney general may, in writing, notify the agency of the objection ~~prior to the effective date of such a rule~~. In the case of a rule issued under subsection 2, or a rule made effective under the terms of section 17A.5, subsection 2, paragraph "b", the committee, governor or attorney general may notify the agency of such an objection ~~within seventy days of the date such a rule became effective~~. The committee, governor or the attorney general shall also file a certified copy of such an objection in the office of the Code editor ~~within the above time limits~~ and a notice to the effect that an objection has been filed shall be published in the next issue of the Iowa administrative bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule timely objected to according to the above procedure is not unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to it.

6. The governor may rescind an adopted rule by executive order within ~~thirty-five~~ seventy days of the ~~publication of the~~ rule becoming effective. The governor shall provide a copy of the executive order to the Code editor who shall include it in the next publication of the Iowa administrative bulletin.

Sec._____. Section 17A.8, subsection 9, Code 1985, is amended to read as follows:

9. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule until the ~~expiration of forty-five calendar days, excluding legal holidays,* during which the general assembly is in regular session~~ adjournment of the next regular session of the general assembly. ~~If a rule is delayed during the last twenty-one calendar days preceding the adoption of a resolution for sine die adjournment of a regular session, the forty-five day period shall begin to run upon the convening of the next regular session of the general assembly.~~ The committee shall refer a rule whose effective date has been delayed to the speaker

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of the house of representatives and the president of the senate who shall refer the rule to the appropriate standing committees of the general assembly. If ~~at the expiration of that period~~ the general assembly has not disapproved of the rule by a joint resolution ~~approved by the governor~~, the rule shall become effective. If a rule is disapproved, it shall not become effective and the agency shall withdraw the rule. This section shall not apply to rules made effective under section 17A.5, subsection 2, paragraph "b"."

458. Page 405, by inserting after line 24 the following:

"Sec._____. The Code editor shall explore the feasibility of and report to the legislative council on computerizing the text of the Iowa administrative code and republishing the Iowa administrative code after the transfer of rules required by this Act.

Sec._____. Section 421.31, subsection 4, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992, and the 1993 fiscal year budget shall be prepared as if the 1992 fiscal year budget had also been prepared according to generally accepted accounting principles. The department of management shall submit its plan to phase out the use of accruals to the general assembly by February 1, 1987. As part of the plan the executive director may include a proposal to phase out any difference between current budget documents and budget documents based on generally accepted accounting principles as an alternative to phasing out the inclusion of accruals in state revenue. However, the alternative shall not be used unless legislation authorizing its use is adopted. For the fiscal years beginning in the following years the total dollar amount of accruals included in the budget shall not exceed the following percentage of the dollar amount of accruals in the budget for the fiscal year beginning July 1, 1986:

1987	ninety percent
1988	eighty percent
1989	sixty percent
1990	forty percent
1991	twenty percent."

459. Page 405, by inserting before line 25 the following:

"Sec._____. The department of management shall conduct a study of the feasibility of creating a department of higher education including, but not limited to, the college aid

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commission, merged area schools, the state board of regents, and institutions of higher education under the state board of regents. The department of management shall conduct the study and report its findings and recommendations to the legislative council not later than December 1, 1987.

Sec._____. The department of management shall conduct a study of the feasibility of creating a department of professional and occupational licensing to include the powers, duties, and functions of all professional and occupational licensing boards in the state. The department of management shall conduct the study and report its findings and recommendations to the legislative council not later than December 1, 1987."

460. Page 405, line 35, by striking the word and figure "and 187.16," and inserting the following: "187.16, 241.4, and 241.5,".

461. Page 406, line 8, by inserting after the word "the" the following: "executive branch of".

462. Page 408, by inserting after line 8 the following:

"Any license or permit issued by any state agency mentioned in this Act, including any agency abolished, merged or altered, in this Act, and in effect on the effective date of this Act shall continue in full force and effect until expiration or renewal."

463. Page 408, by inserting after line 34 the following:

"Sec. 2030. The department of cultural affairs shall submit to the governor and the legislature by January 1, 1988 a plan for the improvement of library services for state government. The plan shall consider, but not be limited to, coordinated collection development, acquisitions, library technical services, circulation, and reference and information service.

Sec. 2031. Any personnel action undertaken to implement state government reorganization or downsizing shall be done in such a manner so as to prevent a disproportionate adverse effect on minorities and women. For the purposes of this section, personnel action includes, but is not limited to, termination, or transfer. In order to prevent a disproportionate adverse effect, this section shall exempt five percent of the employees within an employing unit within the same classification and subtitle from the procedure by management for purposes of affirmative action. Such five percent shall not be less than one person. The legislative reorganization

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oversight committee created by section 2017 of this Act shall monitor state government reorganization and downsizing to ensure that this section is fully and properly implemented. Executive branch personnel and agencies shall cooperate fully in providing any data requested by the oversight committee and shall make relevant personnel records available to the legislative fiscal bureau.

Sec. 2032. The Code editor, in consultation with the legislative oversight committee, shall develop and implement the uniform system of terminology, through the Code editor's bills and related means, for the designation of the agencies, units, and positions of state government established in sections 7E.2 and 7E.2B of the Code. In cases of inconsistent usage of terminology, superseded terms shall be read to be consistent within the intent of this Act, until necessary changes in language are made under this section. The Code editor shall also develop a style manual to provide, to the extent practicable, for uniform statutory provisions in regard to the specifications of agencies, boards, committees, commissions, councils, and positions on the subjects of, as appropriate, offices, positions, meetings, quorums, reports, oaths, compensation, powers, and related matters for those agencies, bodies, and positions."

464. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Committee on State Government

H—5352

Amend Senate File 2084, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 25, by inserting after the figure "21," the following: "a motor vehicle which is defined as a motor home in section 321.1, subsection 68, paragraph "d",".

Committee on Transportation

H—5353

Amend amendment H—5331 to House File 2433 as follows:

1. Page 1, by striking lines 9 and 10, and inserting the following: "to mediation or other nonjudicial procedures." "

BRAMMER of Linn

H–5355

Amend House File 2455 as follows:

1. Page 4, lines 2 and 3, by striking the words "~~one dollar~~ four dollars" and inserting the following: "one dollar".

O'KANE of Woodbury

H–5369

Amend Senate File 2175 as amended, passed and reprinted by the Senate as follows:

1. Page 129, by inserting after line 23 the following:

"4. "Small business" means a nonprofessional enterprise which is located in this state, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than three million dollars. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law."

SWARTZ of Marshall

H–5426

Amend Senate File 2175 as amended, passed and reprinted by the Senate as follows:

1. Page 316, by striking lines 8 through 10 and inserting the following:

"2. Contain one member who is a person experienced in private or public community corrections activities."

ROSENBERG of Story

H–5433

Amend Senate File 2175, as amended, passed and reprinted by the Senate, as follows:

1. Page 391, by inserting after line 23 the following:

"Sec._____. Section 2.32, subsection 6, Code Supplement 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A person whose appointment is subject to senate confirmation shall make available to the senate committee to which the

appointment is referred, upon the committee's request, proof that the person has filed federal and state income tax returns for the three years immediately preceding the appointment, or proof of a legal reason for failure to file. If the appointment is to a board, commission, council, or other body empowered to take disciplinary action, all records pertaining to any disciplinary action taken by that board, commission, council, or body against the person whose appointment is being reviewed by the senate shall be made available to the senate committee to which the appointment is referred upon its request.

NEW UNNUMBERED PARAGRAPH. All tax records, complaint files, investigation files, other investigation reports, and other investigative information in the possession of the committee which relate to appointee tax filings or any past disciplinary action against an appointee are privileged and confidential except that they are subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the appointee.

Sec._____. Section 147.12, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a person who has been appointed by the governor to serve on an examining board has ever been disciplined by the board to which the person has been appointed, all board records pertaining to the disciplinary action shall be made available to the senate committee to which the appointment is referred at the committee's request before the full senate votes on the person's appointment."

2. By renumbering as necessary.

ROSENBERG of Story

H–5436

Amend Senate File 2175 as amended, passed, and reprinted by the Senate as follows:

1. Page 326, line 34, by inserting after the word "RESOURCES" the following: "AND ENVIRONMENTAL PROTECTION".

2. Page 327, line 4, by inserting after the word "resources" the following: "and environmental protection".

3. Page 327, line 5, by inserting after the word "resources" the following: "and environmental protection".

4. Page 327, line 13, by inserting after the word

"RESOURCES" the following: "AND ENVIRONMENTAL PROTECTION".

5. Page 327, line 14, by inserting after the word "resources" the following: "and environmental protection".

6. Page 333, line 4, by inserting after the word "resources" the following: "and environmental protection".

7. Page 333, line 21, by inserting after the word "resources" the following: "and environmental protection".

8. Page 334, line 21, by inserting after the word "resources" the following: "and environmental protection".

9. Page 335, line 30, by inserting after the word "resources" the following: "and environmental protection".

10. Page 338, line 8, by inserting after the word "resources" the following: "and environmental protection".

11. Page 338, line 19, by inserting after the word "resources" the following: "and environmental protection".

12. Page 344, line 16, by inserting after the word "resources" the following: "and environmental protection".

13. Page 345, line 14, by inserting after the word "resources" the following: "and environmental protection".

14. Page 345, line 27, by inserting after the word "resources" the following: "and environmental protection".

15. Page 347, line 1, by inserting after the word "resources" the following: "and environmental protection".

16. Page 347, line 5, by inserting after the word "resources" the following: "and environmental protection".

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17. Page 347, line 13, by inserting after the word "resources" the following: "and environmental protection".

18. Page 347, line 28, by inserting after the word "resources" the following: "and environmental protection".

19. Page 350, line 3, by inserting after the word "resources" the following: "and environmental protection".

20. Page 351, line 24, by inserting after the

word "resources" the following: "and environmental protection".

21. Page 353, line 12, by inserting after the word "resources" the following: "and environmental protection".

22. Page 353, line 17, by inserting after the word "resources" the following: "and environmental protection".

23. Page 354, line 33, by inserting after the word "resources" the following: "and environmental protection".

24. Page 355, line 19, by inserting after the word "resources" the following: "and environmental protection".

25. Page 361, line 18, by inserting after the word "resources" the following: "and environmental protection".

26. Page 362, line 28, by inserting after the word "resources" the following: "and environmental protection".

27. Page 363, line 19, by inserting after the word "resources" the following: "and environmental protection".

HATCH of Polk

H—5439

Amend House File 2086 as follows:

1. Page 1, by inserting after line 33 the following:

"Sec._____. Section 719.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

719.1 INTERFERENCE WITH OFFICIAL ACTS.

A person who knowingly resists or obstructs anyone known by the person to be a peace officer or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by an authorized person of any civil or criminal process or order of a court, which obstruction or resistance:

1. Does not result in injury, commits a simple misdemeanor.

2. Inflicts bodily injury other than serious injury, as defined in section 702.18, commits a serious misdemeanor.

3. Inflicts or attempts to inflict serious injury, as defined in section 702.18, commits an aggravated

misdemeanor.

4. Involves the display of a dangerous weapon, as defined in section 702.7, or results in the disarming of a peace officer, commits an aggravated misdemeanor.

5. Is committed while armed with a firearm, commits an aggravated misdemeanor.

For purposes of this section, the terms "resist" and "obstruct" do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically."

2. By numbering and renumbering as necessary.

HERMANN of Scott

H–5448

Amend House File 2298 as follows:

1. Page 1, by striking lines 13 through 25.

2. By striking page 1, line 29 through page 2, line 5 and inserting the following: "project. ~~However, before an area school and a small business enter into an agreement to establish a project, the area school shall consult with the local office of the department of job service to determine if there already exists in the community, a skilled or experienced group of unemployed workers, as a result of a plant closing or reduction in force, sufficiently large to supply the needs of the new or expanding small business. If such a supply of workers exists, the area school shall enter into the agreement only if the small business agrees to give preference in training to those workers over any other workers who do not have greater qualifications.~~ At least twenty-one days before an area".

METCALF of Polk

H–5450

Amend House File 2336 as follows:

1. Page 1, by striking line 7 and inserting the following: " "a", from the date costs and expenses are incurred by the state, is a lien on all".

2. Page 1, line 10, by striking the words and figure "5, if a" and inserting the following: "5. To perfect the lien, a".

3. Page 1, by striking lines 14 and 15 and inserting the following: "and expenses by the state. The statement of claim may be amended to include subsequent liabilities or to encumber additional real

property which the department subsequently discovers to be owned by the person liable. To be effective the statement of claim shall be amended and filed within one hundred twenty days after the occurrence of the event resulting in the amendment. The statement".

SHOULTZ of Black Hawk

H–5455

Amend House File 2466 as follows:

1. Page 5, line 7, by striking the word "two".

PARKER of Jasper

H–5459

Amend the amendment H–5166 to Senate File 2116 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by inserting after line 33 the following:

"_____. By striking page 1, line 35, through page 2, line 7, and inserting the following: "commission. The grain dealer may elect, however, to submit a financial statement ~~satisfying the requirements of subsection 5, paragraph "b,"~~ that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a grain dealer who makes this election to submit to two grain inventory inspections per license year, conducted by grain warehouse inventory inspectors who are not employees of the commission but who are approved and certified by the commission to conduct the grain inventory inspections. The results of the grain inventory inspections shall be forwarded to the commission in the form and manner provided by the commission by rule." "

2. Page 1, by inserting after line 39 the following:

"_____. Page 4, line 5, by inserting after the word "commission." the following: "The grain dealer may elect, however, to submit a financial statement that

is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a grain dealer who makes this election to submit to two grain inventory inspections per license year, conducted by grain warehouse inventory inspectors who are not employees of the commission but who are approved and certified by the commission to conduct the grain inventory inspections.

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The results of the grain inventory inspections shall be forwarded to the commission in the form and manner provided by the commission by rule." "

3. Page 1, by inserting before line 40 the following:

"_____. Page 7, by inserting after line 9 the following:

"NEW SUBSECTION. 8. A licensed grain dealer purchasing grain by credit sale contract shall at all times maintain grain, rights in grain, proceeds from the sale of grain, or a combination thereof totaling at least eight-five percent of the dealer's obligation for grain purchased by credit sale contract. The required amount shall be evidenced or represented by one or more of the following:

a. Grain actually held by the dealer in licensed storage facilities.

b. Rights in grain evidenced or represented by one or more of the following:

(1) A warehouse receipt issued by a warehouse licensed under chapter 543 or under the United States Warehouse Act, or by other documentation acceptable as evidence of inventory under the United States Warehouse Act.

(2) Evidence of grain forwarded to another warehouse under provisions of 543.39.

c. Sufficient proceeds from and of the grain evidenced or represented by one or more of the following:

(1) Cash on hand or cash held on account in federally or state chartered financial institutions.

(2) Short term investments held in time accounts

with federally or state chartered financial institutions.

(3) Balances on grain margin accounts.

(4) Credit sales contracts for grain shipped to a processor, terminal, or recognized grain merchandising entity, less any payment or advance that has been received provided that the price term of the contract remains open.

(5) Other evidence or proceeds from or of grain acceptable to the commission, including an irrevocable letter of credit.

For the purpose of computing the dollar value of inventories and credit sale obligations, the value of grain shall be figured at the then current market.

A grain dealer shall keep records of price later obligations and evidence of grain, rights in grain and the proceeds from or of grain so as to clearly indicate compliance with the requirements of this

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subsection." "

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

"_____. Page 8, line 18, by striking the word "The" and inserting the following: "~~The~~ Except as provided in section 543.6, the".

_____. Page 12, by striking lines 26 through 32 and inserting the following: "commission. The warehouse operator may elect, however, to submit a financial statement ~~satisfying the requirements of subsection 5, paragraph "b,"~~ that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a warehouse operator makes this election the commission shall cause the warehouse to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a warehouse operator who makes this election to submit to two grain inventory inspections per license year, conducted by grain warehouse inventory inspectors who are not employees of the commission but who are approved and certified by the commission to conduct the grain inventory inspections. The results of the grain inventory inspections shall be forwarded to the commission in the form and manner provided by the commission by rule."

_____. Page 13, line 20, by inserting after the word "commission." the following: "The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a warehouse operator makes this election the commission shall cause the warehouse to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 543.2. In addition, the commission shall cause a warehouse operator who makes this election to submit to two grain inventory inspections per license year, conducted by grain warehouse inventory inspectors who are not employees of the commission but who are approved and certified by the commission to conduct the grain inventory inspections. The results of the

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grain inventory inspections shall be forwarded to the commission in the form and manner provided by the commission by rule." "

5. Page 6, by striking lines 41 through 48 and inserting the following:

"_____. Page 25, by striking lines 13 through 17."

KOENIGS of Mitchell

H–5460

Amend House File 2444 as follows:

1. Page 1, by striking lines 7 and 8, and inserting the following: "specified by the court administrator. The election shall be filed within six months of the date of retirement."

2. Page 1, line 26, by striking the word "~~substantially~~" and inserting the following: "substantially".

3. Page 2, line 16, by inserting after the word "judge." the following: "A senior judge shall not begin to accumulate years of service as a senior judge, for the purpose of computing a retirement annuity under section 602.9208, subsection 3, until after the senior judge has attained the age of sixty-five years."

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

"Sec. 3. ELECTION PERIOD FOR SENIOR JUDGESHIPS. A judicial officer referred to in section 602.9203, subsection 1, who qualifies for a senior judgeship under section 602.9203, subsection 2, may file an election to become a senior judge within six months of the effective date of this Act, notwithstanding the six-month filing requirement after retirement in section 602.9203, subsection 1."

CHAPMAN of Linn

H—5469

Amend House File 2458 as follows:

1. Page 3, line 30 by striking the word "of" and inserting the word "before".

2. Page 4, by striking line 7 and inserting the following: "the director of the department of corrections, before the".

STROMER of Hancock

H—5473

Amend House File 2411 as follows:

1. Page 6, by inserting after line 18, the following:

"Sec._____. NEW SECTION. 668.13 ATTORNEY FEES.

1. In an action under this chapter, an attorney representing a party pursuant to a contingent fee arrangement is entitled to a reasonable fee as determined by the court. However, the fee shall not exceed the following:

a. For the amount of the judgment not exceeding one hundred thousand dollars, thirty-five percent of the amount.

b. For the amount of a judgment exceeding one hundred thousand dollars but not exceeding five hundred thousand dollars, twenty percent of the amount.

c. For the amount of the judgment exceeding five hundred thousand dollars but not exceeding one million dollars, ten percent of the amount.

d. For the amount of the judgment exceeding one million dollars, five percent of the amount.

2. Notwithstanding subsection 1, an attorney fee may exceed an applicable maximum if either of the following is true:

a. The court determines that extraordinary expenses or services were provided by the attorney.

b. Appeal is taken and heard. However, any

additional fees allowed under this paragraph shall not exceed the applicable maximum by more than twenty percent.

Any fee allowed pursuant to this subsection shall be a reasonable fee as determined by the court."

2. Title page, line 20, by inserting after the word "action," the following: "setting maximum attorney's fees,".

3. By renumbering as necessary.

MILLER of Cherokee

H–5474

Amend House File 2340 as follows:

1. Page 3, by inserting after line 15, the following:

"Sec._____. NEW SECTION. 668.13 ATTORNEY FEES.

1. In an action under this chapter, an attorney representing a party pursuant to a contingent fee arrangement is entitled to a reasonable fee as determined by the court. However, the fee shall not exceed the following:

a. For the amount of the judgment not exceeding one hundred thousand dollars, thirty-five percent of the amount.

b. For the amount of a judgment exceeding one hundred thousand dollars but not exceeding five hundred thousand dollars, twenty percent of the amount.

c. For the amount of the judgment exceeding five hundred thousand dollars but not exceeding one million dollars, ten percent of the amount.

d. For the amount of the judgment exceeding one million dollars, five percent of the amount.

2. Notwithstanding subsection 1, an attorney fee may exceed an applicable maximum if either of the following is true:

a. The court determines that extraordinary expenses or services were provided by the attorney.

b. Appeal is taken and heard. However, any additional fees allowed under this paragraph shall not exceed the applicable maximum by more than twenty percent.

Any fee allowed pursuant to this subsection shall be a reasonable fee as determined by the court."

2. Title page, line 12, by inserting after the word "action," the words "setting maximum limits for attorney's fees,".

3. By numbering and renumbering as necessary.

MILLER of Cherokee

H–5475

Amend House File 2455 as follows:

1. By striking page 3, line 34 through page 4, line 7, and inserting the following:

"Sec. 4. Section 446.10, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

446.10 COSTS.

The compensation for publication provided in section 446.9, subsection 2, shall not exceed four dollars for each description and shall be paid by the county. The amounts paid for publication shall be collected as part of the costs of sale and paid into the county treasury."

ROSENBERG of Story

H–5479

Amend Senate File 2242 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 6, by inserting after the figure "1986," the following: "inclusive,".

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

"For purposes of determining the length of a full-time state employee's period of continuous state service, the merit employment department, or successor agency, shall include the state employee's most recent continuous period of service in full-time county employment as full-time state employment for individuals who became full-time state employees under 1983 Iowa Acts, chapter 186."

SWARTZ of Marshall

H–5485

Amend House File 2411 as follows:

1. Page 3, by inserting after line 5 the following:

"Sec._____. Section 613A.4, subsection 6, Code 1985, is amended to read as follows:

6. Any claim for damages ~~caused by a municipality's failure to discover a latent defect in the course of~~ arising out of a municipality's performance of or failure to perform an inspection.

Sec._____. Section 613A.4, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 9. Any claim based upon an act or

omission by an officer or employee of the municipality or the municipality's governing body, in the granting, suspension, or revocation of a license or permit, where the damage was caused by the person to whom the license or permit was issued, unless the act of the officer or employee constitutes actual malice.

NEW SUBSECTION. 10. Any claim based upon an act or omission of an officer or employee of the municipality, whether by issuance of permit, inspection, investigation, or otherwise, and whether the statute, ordinance, or regulation is valid, if the damage was caused by a third party, event, or property not under the supervision or control of the municipality, unless the act or omission of the officer or employee constitutes actual malice."

2. By numbering and renumbering as necessary.

HALVORSON of Clayton

H–5487

Amend House File 2448 as follows:

1. Page 4, by inserting after line 33 the following:

"Sec._____. NEW SECTION. 499.59 BOOKS AND RECORDS.

Each association shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members and board of directors. Each association also shall keep at its registered office or principal place of business, or at the office of its transfer agent or registrar, a record of its members, giving the names and addresses of all members and the accounts receivable due to and amount of grain stored for each member. The office of any transfer agent or registrar may be maintained within or without the state of Iowa. Any books, records and minutes may be in written form or in any other form capable of being converted into written form within a reasonable time.

Upon written demand stating the purpose for the examination, a person who has been a member at least six months immediately preceding the person's demand shall have the right to examine, in person or by agent or attorney, at any reasonable time, for any proper purpose its relevant books and records of account, minutes, and record of members, and to make extracts from the books and records. The records of the total accounts receivable and total grain stored shall be available for examination under this section. However, this section does not require the disclosure of records of accounts receivable or of grain stored

for individual members other than the requesting member.

An officer or agent who, or an association which, arbitrarily or in bad faith refuses to allow an eligible member, or the member's agent or attorney, to examine and make extracts from its books and records of account, minutes, and record of members, for any proper purpose, is liable to the member in a penalty of ten percent of the value of the accounts receivable due to and grain stored for the member, but not to exceed five hundred dollars, in addition to any other damages or remedy afforded the member by law, but the court may decrease the amount of the penalty on a finding of mitigating circumstances. It shall be a defense to an action for penalties under this section that the person suing for the penalty has within two years sold or offered for sale any list of members of the association or any other association, or has aided or abetted any person in procuring any list of members for the purpose of sale, or has improperly used

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information secured through a prior examination of the books and records of account, or minutes, or record of members of the association or any other association, or was not acting in good faith or for a proper purpose in making the demand.

This section does not impair the power of a court of competent jurisdiction, upon proof by a member of proper purpose, irrespective of the period of time during which the member has been a member, to compel the production for examination by the member of the books and records of account, minutes and record of members of an association.

Upon the written request of a member, the association shall mail to the member its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations."

BLANSHAN of Greene

H–5493

Amend House File 2462 as follows:

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

"Sec._____. Section 275.15, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The area education agency board, when entering the

order fixing the boundaries, shall consider all requests timely filed for boundary line changes. Each objection filed by the parent or guardian of an affected school age child shall be considered separately and an individual ruling made.

Sec._____. Section 275.15, unnumbered paragraph 4, Code Supplement 1985, is amended to read as follows:

The administrator shall at once publish the decision in the same newspaper in which the original notice was published. Within twenty days after the publication, the decision rendered by the area education agency board may be appealed ~~to the district court in the county involved by any school district affected. For purposes of appeal, only those school districts who filed reorganization petitions are school districts affected. An appeal from a decision of an area education agency board or joint area education agency boards under section 275.4, 275.16, or this section is subject to appeal procedures under this chapter and is not subject to appeal~~ by an aggrieved party to the state board of public instruction under chapter 290."

2. By numbering and renumbering sections as necessary.

BLANSHAN of Greene
DAGGETT of Taylor
HUGHES of Union
SWEARINGEN of Keokuk
BRANSTAD of Winnebago
JOHNSON of Winneshiek

H–5497

Amend House File 2429 as follows:

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

"NEW LETTERED PARAGRAPH. n. To the administrators of the Iowa braille and sight-saving school and the state school for the deaf."

2. Title page, by striking lines 2 through 4 and inserting the following: "abuse registry to the administrators of the Iowa braille and sight-saving school and the state school for the deaf."

SIEGRIST of Pottawattamie

H–5498

Amend Senate File 2283 as passed by the Senate as follows:

1. Page 1, by inserting before line 1 the

following:

"Section 1. Section 96.5, subsection 1, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. j. The individual is unemployed as a result of the individual's employer selling or otherwise transferring a clearly segregable and identifiable part of the employer's business or enterprise to another employer which does not make an offer of suitable work to the individual as provided under subsection 3; however, if the individual does accept, and works in and is paid wages for, suitable work with the acquiring employer, the acquiring employer immediately becomes chargeable for the benefits paid which are based on the wages paid by the transferring employer."

2. By renumbering as necessary.

MAULSBY of Calhoun

H—5500

Amend Senate File 2246 as passed by the Senate as follows:

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

"Sec._____. Section 455B.309, subsection 2, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. Grants to public water supply systems to abate or eliminate threats to public health and safety resulting from contamination of the water supply source.

Sec._____. Section 455B.309, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 3. An amount equal to twenty-five percent of the moneys received from the tonnage fee imposed under section 455B.310 in each fiscal year shall be reserved for the purpose of providing grants to public water supply systems to abate or eliminate threats to public health and safety resulting from contamination of the water supply source. However, a public water supply shall not receive a grant for more than ten percent of the moneys available for those purposes in any given year. Any moneys not expended under this subsection at the end of each fiscal year shall be available for any of the uses authorized in subsection 2.

NEW SUBSECTION. 4. As used in this section, "public water supply system" means any of the following:

a. A public water supply system regulated under

chapter 455B which serves a city under chapter 362.

b. A water system serving a state-owned facility regularly housing two hundred or more individuals.

c. A benefited water district created under chapter 357.

d. A rural water district created under chapter 357A or chapter 504A.

Sec._____. Each public water supply system regulated under chapter 455B which serves a city under chapter 362, each water system serving a state-owned facility regularly housing two hundred or more persons, each benefited water district created under chapter 357, and each rural water district created under chapter 357A or 504A shall test the finished water of that water supply for presence of synthetic organic chemicals and pesticides. The department of water, air and waste management shall adopt rules governing the testing under this Act. The rules shall include the procedures for gathering water samples; the synthetic organic chemicals and pesticides, but

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not more than thirty-five of each, for which the samples are to be initially tested; the approved analytical methods for conducting the analysis of water samples; and the reporting of the analytical results to the department. The department shall adopt a schedule for the initial testing which requires all the systems and districts to complete the testing not later than January 1, 1988. All of the tests shall be conducted by a single laboratory. The laboratory shall be selected by the department based on competitive bids. However, the laboratory selected shall not charge more than three hundred thirty dollars for the initial test required by this Act. The laboratory shall allow private well and private-owned public water supply water samples to undergo the same analysis for the same price. The department shall submit a report to the general assembly by April 1, 1988 of the findings of the tests and the conclusions which may be drawn from them."

2. Title page, by striking lines 1 and 2 and inserting the following:

"An Act relating to water by providing for suspensions or restrictions on water use under the state priority allocation plan, providing that a portion of the groundwater fund may be used for certain grants to public water supplies, and requiring the testing of certain water supplies.".

3. Renumber as necessary.

OSTERBERG of Linn

H–5506

Amend amendment H–5487 to House File 2448 as follows:

1. Page 1, line 20, by striking the words "a person who has been a member" and inserting the following: "a group of persons to consist of at least five percent of voting members who have been members".

2. Page 1, line 21, by striking the word "person's" and inserting the word "group's".

3. Page 1, by striking line 32, and inserting the following: "members. The records disclosed shall be limited to the most recent membership list, minutes, the most recent statement of operations, the most recent balance sheet, and the latest daily grain position record."

KREMER of Buchanan

H–5507

Amend House File 2448 as follows:

1. Page 7, by inserting after line 22 the following:

"Sec._____. Section 503.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The term "association" ~~when~~ as used in this chapter means ~~any~~ a person other than building and loan associations, state and national banks, insurance companies and associations, and corporations and co-operative associations subject to the provisions of chapters 497, ~~and~~ 498, and 499, which ~~sell~~ sells or ~~offer~~ offers for sale to the public generally memberships or certificates of membership entitling the holder to purchase merchandise, materials, equipment or services on a discount or cost-plus basis."

OSTERBERG of Linn

H–5508

Amend House File 2159 as follows:

1. Page 1, by striking lines 31 through 34 and inserting the following: "administered by the veterans administration."

VAN CAMP of Scott

H–5510

Amend amendment H–5450 to House File 2336 as follows:

1. Page 1, by striking lines 2 through 4 and inserting the following:

"1. Page 1, by striking line 7 and inserting the following: " "a", from the date costs and expenses are incurred by the state, is a lien on".

_____. Page 1, by striking line 8 and inserting the following: "real property on which the department incurs costs and expenses creating a liability under this part owned at the time the".

_____. Page 1, line 9, by striking the words "or after acquired"."

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

"_____. Page 1, line 21, by inserting after the word "lien." the following: "However, the lien shall not have priority over a first mortgage perfected prior to the effective date of this Act." "

SHOULTZ of Black Hawk

H–5511

Amend House File 2411 as follows:

1. Page 1, by striking lines 9 through 25 and inserting the following:

"Sec._____. Section 123.92, Code Supplement 1985, is amended by striking the section and inserting the following:

123.92 CIVIL LIABILITY FOR SALE OR GIFT OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT).

A licensee or permittee who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer shall not be liable unless the licensee or permittee does one of the following:

1. Causes the consumption by force or by representing that the beverages contain no alcohol.

2. Knew or had reasonable cause to believe that the person consuming was under the legal age, and the beverages provided were a substantial factor in causing injury to a third party. However, liability shall not attach if all of the following occurred:

a. The underage person falsely represented that they had attained the legal drinking age.

b. The underage person supported the representation of legal drinking age with documentation.

c. The beverages were provided in good faith

reliance on the underage person's representation of legal drinking age.

d. Based on the appearance of the underage person, an ordinary and prudent person would believe that the underaged person had attained the legal drinking age.

Every liquor control licensee and permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in an amount determined by the department."

2. By renumbering as necessary.

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

Amend amendment H—5166 to Senate File 2116 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, line 18, by striking the word "fifty" and inserting the words "one hundred".

DE GROOT of Lyon

H—5514

Amend House File 2418 as follows:

1. Page 1, line 3, by striking the word "employ" and inserting the following: "seek out for employment".

ROSENBERG of Story
RUNNING of Linn

H—5517

Amend Senate File 2242, as amended, passed and reprinted by the Senate, as follows:

1. Page 6, by inserting after line 19 the following:

"Sec._____. The board of directors of each judicial district department of correctional services established in chapter 905 shall establish for its employees retirement incentives equivalent to those established in section 1 of this Act. If funds of a

judicial district department of correctional services are insufficient to pay the retirement bonus under section 1, subsection 1, of this Act, the Iowa department of corrections may request that the governor authorize payment from the salary adjustment fund. The cost of payments under section 1, subsection 2, of this Act shall be made from funds appropriated to the salary adjustment fund, and the Iowa department of corrections shall reimburse the salary adjustment fund annually unless the governor exempts the department from the reimbursement requirements."

SWARTZ of Marshall

H–5520

Amend House File 2462 as follows:

1. Page 5, by inserting after line 25 the following:

"Sec._____. Section 442.1, Code 1985, is amended to read as follows:

442.1 STATE SCHOOL FOUNDATION PROGRAM.

This chapter establishes a state school foundation program. For each school year, each school district in the state is entitled to receive state school foundation aid, which shall be an amount per pupil equal to the difference between the sum of the amount per pupil of foundation property tax and foundation income surtax in the district, and the state foundation base or the district cost per pupil, whichever is less. However, if the amount so determined for any district is less than two hundred dollars per pupil, the district is entitled to receive not less than two hundred dollars per pupil. However, if the receipt of two hundred dollars by a school district plus the money raised by the foundation property tax and foundation income surtax exceeds the maximum allowed district cost for the budget year, the district shall be entitled to receive in state foundation aid an amount equal to the difference between the money raised by the foundation property tax and foundation income surtax for the budget year and the district cost for the budget year. In making computations and payments under this chapter, except in the case of computations relating to funding of special education support services, media services and educational services provided through the area education agencies, the state comptroller shall round amounts to the nearest whole dollar."

2. Page 5, line 31, by striking the word "forty"

and inserting the following: "~~forty~~ ten".

3. Page 6, lines 3 and 4, by striking the words "five dollars" and inserting the following: "four dollars and seventy cents".

4. Page 6, by inserting after line 12 the following:

Sec._____. NEW SECTION. 442.2A FOUNDATION INCOME SURTAX.

In addition to the foundation property tax, each school district shall impose each year, for the school general fund, a foundation income surtax of five percent of the state individual income tax.

The foundation income surtax is imposed:

1. On the individual income tax of resident taxpayers of each school district residing in the school district on the last day of the applicable tax

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year.

2. On the state individual income tax for the calendar year beginning January 1, 1986, and each succeeding calendar year or for a taxpayer's fiscal year ending during the second half of that calendar year or the first half of the succeeding calendar year.

The foundation income surtax is payable to the school districts during the budget year beginning during the next succeeding calendar year.

As used in this section, "state individual income tax" means the tax computed under section 422.5, less the credits allowed and deducted under sections 422.11, 422.11A and 422.12.

Sections 442.16, 442.17, and 442.19 apply to the foundation income surtax established in this subsection. The director of revenue shall deposit moneys received as foundation income surtax to the credit of each district from which the moneys are received, in a "foundation income surtax fund" which is established in the office of the treasurer of state. Foundation income surtax moneys received or refunded after November 1 of the budget year shall be deposited in or withdrawn from the general fund of the state.

The state comptroller shall draw warrants in payment of the amount of foundation income surtax payable to each school district on a quarterly basis beginning on July 1 of the budget year and shall transmit the warrants to the respective school districts.

Sec._____. Section 442.3, Code 1985, is amended by

striking the section and inserting in lieu thereof the following:

442.3 STATE FOUNDATION BASE.

For the school year commencing July 1, 1987 and succeeding school years, the state foundation base is eighty-one percent of the state cost per pupil. The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec._____. Section 442.5, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. "Miscellaneous income" means all receipts deposited to the general fund of a school district which are not obtained from state aid provided under section 442.1, ~~or~~ from property tax authorized under section 442.2 or 442.9, or from the foundation income surtax provided under section 442.2A. Miscellaneous

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income includes property tax levied under ~~the provisions of~~ section 613A.7, to fund the costs of tort liability insurance for the school district."

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

"Sec._____. This Act is retroactive to January 1, 1986 for the purpose of imposing an income surtax on the individual income tax for the tax year beginning on or after January 1, 1986."

6. Title page, line 10, by inserting after the word "districts" the following: "and providing that the imposition of an income surtax is retroactive to January 1, 1986".

7. By numbering and renumbering sections as necessary.

DAGGETT of Taylor
McKEAN of Jones

H–5522

Amend Senate File 2116 as amended, passed, and reprinted by the Senate as follows:

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

"Section 1. Section 542.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Grain dealer" means a person who buys during any calendar month ~~five hundred~~ one thousand bushels of grain or more from the producers of the grain for purposes of resale, milling, or processing. However, "grain dealer" does not include a producer of grain who is buying grain for the producer's own use as seed or feed; a person solely engaged in buying grain future contracts on the board of trade; a person who purchases grain only for sale in a registered feed; a person engaged in the business of selling agricultural seeds regulated by chapter 199; a person buying grain only as a farm manager; an executor, administrator, trustee, guardian, or conservator of an estate; a bargaining agent as defined in section 542A.1; a truck grain dealer as defined in 542B.1; or a custom livestock feeder."

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

"Sec._____. NEW SECTION. 542B.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Commission" means the Iowa state commerce commission.

2. "Grain" means any grain for which the United States department of agriculture has established standards including, but not limited to, corn, wheat, oats, soybeans, rye, barley, grain sorghum, flaxseeds, sunflower seed, spelt [emmer] and field peas.

3. "Truck grain dealer" means a person who buys during any calendar month one thousand bushels of grain or more from the producers of the grain for purposes of resale, milling, or processing, and whose grain dealing facilities and equipment are not principally stationary.

4. "Producer" means the owner, tenant, or operator of land in this state who has an interest in and receives all or a part of proceeds from the sale of grain produced on that land.

5. "Credit-sale contract" means a contract for the sale of grain pursuant to which the sale price is to be paid more than thirty days after the delivery of the grain to the buyer, and includes but is not limited to those contracts commonly referred to as deferred payment contracts, deferred pricing

contracts, and price-later contracts.

Sec._____. NEW SECTION. 542B.2 DUTIES AND POWERS OF THE COMMISSION.

The commission may exercise general supervision over the business operations of truck grain dealers. The supervisory and regulatory powers authorized by this chapter shall be the responsibility of the warehouse division of the commission. The commission may inspect or cause to be inspected any truck dealer operating in this state and may require the filing of reports pertaining to the operation of the dealer's business. The commission shall adopt rules to provide for the efficient administration and regulation of the provisions of this chapter, and may designate an employee of the commission to act for the commission in any details connected with such administration, including the issuance of licenses and approval of truck grain dealers' bonds in the name of the commission.

Sec._____. NEW SECTION. 542B.3 LICENSE REQUIRED — FINANCIAL RESPONSIBILITY.

1. A person shall not engage in the business of a truck grain dealer in this state without having obtained a license issued by the commission.

2. The type of license required shall be determined as follows:

a. A class 1 license is required if the truck grain dealer purchases any grain by credit-sale contract, or if the value of grain purchased by the truck grain dealer from producers during the truck grain dealer's previous fiscal year exceeds five hundred thousand dollars. Any other truck grain dealer may elect to be licensed as a class 1 truck grain dealer.

b. A class 2 license is required for any truck grain dealer not holding a class 1 license. A class 2 licensee whose purchases from producers during a fiscal year exceed a limit of five hundred thousand dollars in value shall file within thirty days of the date the limit is reached a complete application for a class 1 license. If a class 1 license is denied, the person immediately shall cease doing business as a truck grain dealer.

3. An application for a license to engage in business as a truck grain dealer shall be filed with the commission and shall be in a form prescribed by the commission. The application shall include the name of the applicant, its principal officers if the applicant is a corporation or the active members of a partnership if the applicant is a partnership and the

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location of the principal office or place of business of the applicant. A separate license shall be required for each location at which records are maintained for transactions of the truck grain dealer. The application shall be accompanied by a complete financial statement of the applicant setting forth the assets, liabilities and the net worth of the applicant. The financial statement must be prepared according to generally accepted accounting principles. Assets shall be shown at original cost less depreciation. Upon a written request filed with the commission, the commission or a designated employee may allow asset valuations in accordance with a competent appraisal. Unpriced contracts shall be shown as a liability and valued at the applicable current market price of grain as of the date the financial statement is prepared.

4. In order to receive and retain a class 1 license the following conditions must be satisfied:

a. The truck grain dealer shall have and maintain a net worth of at least fifty thousand dollars, or maintain a bond or irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 1 truck grain dealer if the person has a net worth of less than twenty-five thousand dollars. A bond or irrevocable letter of credit submitted for purposes of this paragraph shall be in addition to any bond or irrevocable letter of credit otherwise required under this chapter.

b. The truck grain dealer shall submit, as required by the commission, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The truck grain dealer may elect, however, to submit a financial statement satisfying the requirements of subsection 5, paragraph "b," in lieu of the audited financial statement specified in this paragraph, and if a truck grain dealer makes this election the commission shall cause the truck grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period

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without good cause, in the manner provided in section 542B.9.

c. The truck grain dealer shall have and maintain current assets equal to at least ninety percent of current liabilities or provide bond under the following conditions:

(1) A truck grain dealer with current assets equal to at least forty-five percent of current liabilities may provide a bond or irrevocable letter of credit of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the truck grain dealer is lacking to meet the minimum requirement. However, the bond or irrevocable letter of credit shall not be used for longer than six consecutive months in a twelve-month period.

(2) A truck grain dealer with current assets equal to less than forty-five percent of current liabilities may provide a bond or irrevocable letter of credit of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the truck grain dealer is lacking to meet the minimum requirement. However, the bond or irrevocable letter of credit shall not be used for longer than thirty consecutive days in a twelve-month period.

A bond or irrevocable letter of credit submitted for purposes of this paragraph shall be in addition to any other bond or irrevocable letter of credit permitted or required under this chapter.

5. In order to receive and retain a class 2 license the following conditions must be satisfied:

a. The truck grain dealer shall have and maintain a net worth of at least twenty-five thousand dollars, or maintain a bond or irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net deficiency. However, a person shall not be licensed as a class 2 truck grain dealer if the person has a net worth of less than ten thousand dollars. A bond or irrevocable letter of credit submitted for purposes of this paragraph shall be in addition to any bond or irrevocable letter of credit otherwise required under this chapter.

b. The truck grain dealer shall submit, as required by the commission, a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant.

c. The truck grain dealer shall have and maintain current assets equal to at least ninety percent of current liabilities or provide bond under the

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following conditions:

(1) A truck grain dealer with current assets equal to at least forty-five percent of current liabilities may provide a bond or irrevocable letter of credit of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the truck grain dealer is lacking to meet the minimum requirement. However, the bond or irrevocable letter of credit shall not be used for longer than six consecutive months in a twelve-month period.

(2) A truck grain dealer with current assets equal to less than forty-five percent of current liabilities may provide a bond or irrevocable letter of credit of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the truck grain dealer is lacking to meet the minimum requirement. However, the bond or irrevocable letter of credit shall not be used for longer than thirty consecutive days in a twelve-month period.

A bond or irrevocable letter of credit submitted for purposes of this paragraph shall be in addition to any other bond or irrevocable letter of credit permitted or required under this chapter.

6. The commission shall adopt rules relating to the form and time of filing of financial statements. The commission may require additional information or verification with respect to the financial resources of the applicant and the applicant's ability to pay producers for grain purchased from them.

7. a. When the net worth or current ratio of a licensee in good standing is less than that required by this section, the truck grain dealer shall correct the deficiency or file the necessary additional bond or irrevocable letter of credit within thirty days of written notice by the commission. Unless the deficiency is corrected or the additional bond or irrevocable letter of credit is filed within thirty days, the truck grain dealer license shall be suspended.

b. If the commission finds that the welfare of grain producers requires emergency action, and incorporates a finding to that effect in its order, immediate suspension of the license may be ordered notwithstanding the thirty-day period otherwise allowed by paragraph "a" of this subsection.

Sec._____. NEW SECTION. 542B.4 BOND REQUIRED.

An applicant for a license to operate as a truck grain dealer shall, as a condition to the granting of the license, file with the commission a bond or irrevocable letter of credit payable to the state of

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Iowa issued by a surety approved by the commission conditioned that the applicant will pay the purchase price of any grain to the producer; provided that the aggregate liability of the surety to such persons shall in no event exceed the sum of such bond or irrevocable letter of credit. The bond or irrevocable letter of credit for each class 1 license shall be in the penal sum of fifty thousand dollars. The bond or irrevocable letter of credit for each class 2 license shall be in the penal sum of twenty-five thousand dollars. One bond or irrevocable letter of credit, cumulative as to minimum requirements, shall be required where a person has more than one license, but in no event shall the total amount of security required by this section exceed three hundred thousand dollars for a class 1 licensee, or one hundred fifty thousand dollars for a class 2 licensee. No bond or irrevocable letter of credit shall be canceled by a surety before at least sixty days' notice by certified mail to the commission and the truck grain dealer. The liability of the surety shall cover purchases made by the truck grain dealer during the time the bond or irrevocable letter of credit is in force. A truck grain dealer's bond or irrevocable letter of credit filed with this commission shall be in continuous force until canceled by the surety. The liability of the surety on any bond or irrevocable letter of credit required by the provisions of this chapter shall not accumulate for each successive license period during which the bond or irrevocable letter of credit is in force.

Sec._____. NEW SECTION. 542B.5 LICENSE.

Upon the filing of the application and compliance with the terms and conditions of this chapter and rules of the commission, the commission shall issue a license to the applicant. The license shall terminate on the thirtieth of June of each year. A truck grain dealer's license may be renewed annually by the filing of a renewal fee and a renewal application on a form prescribed by the commission. An application for renewal shall be received by the commission before the thirtieth of June. A truck grain dealer license which has terminated may be reinstated by the commission upon receipt of a proper renewal application, the renewal fee, and the reinstatement fee as provided in section 542B.6 if filed within thirty days from the date of termination of the truck grain dealer license. The commission may cancel a license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a

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provision of this chapter.

If an applicant has had a license under chapter 542, 542A, 542B, or 543 revoked for cause within the past three years, or has been convicted of a felony involving violations of chapter 542, 542A, 542B, or 543, or is owned or controlled by a person who has had a license so revoked or who has been so convicted, the commission may deny a license to the applicant.

Sec._____. NEW SECTION. 542B.6 FEES.

The commission shall charge the following fees for deposit in the general fund:

1. For the issuance or renewal of a license for a truck grain dealer and for any inspection of a truck grain dealer, the fee shall be determined on the basis of dollar volume of all grain purchased the previous calendar year as follows:

a. If the total purchased is one hundred thousand dollars or less, the license fee is forty dollars and the inspection fee is fifty dollars.

b. If the total purchased is more than one hundred thousand dollars, but not more than seven hundred fifty thousand dollars, the license fee is seventy dollars and the inspection fee is seventy-five dollars.

c. If the total purchased is more than seven hundred fifty thousand dollars, but not more than one million five hundred thousand dollars, the license fee is one hundred dollars and the inspection fee is one hundred fifteen dollars.

d. If the total purchased is more than one million five hundred thousand dollars, but not more than three million dollars, the license fee is one hundred seventy-five dollars and the inspection fee is one hundred fifty dollars.

e. If the total purchased is more than three million dollars, but not more than four million seven hundred fifty thousand dollars, the license fee is three hundred dollars and the inspection fee is one hundred eighty-five dollars.

f. If the total purchased is more than four million seven hundred fifty thousand dollars, but not more than nine million five hundred thousand dollars, the license fee is four hundred twenty-five dollars and the inspection fee is two hundred twenty-five dollars.

g. If the total purchased is more than nine million five hundred thousand dollars, the license fee is five hundred seventy-five dollars and the inspection fee is two hundred sixty-five dollars.

If the applicant did not purchase grain the

previous calendar year, the applicant will pay the fee specified in paragraph "a". If during the license period the total grain actually purchased exceeds one hundred thousand dollars, the licensee shall notify the commission and the license and inspection fee shall be adjusted accordingly. Subsequent adjustments shall be made as necessary. An applicant may elect licensing in any category of this subsection. New licenses issued for less than a full year shall be prorated from the date of application.

2. For an amendment to a license, the fee is ten dollars.

3. For a duplicate license, the fee is five dollars.

4. For reinstatement of a license the fee is fifty dollars.

Sec._____. NEW SECTION. 542B.7 POSTING OF LICENSE.

The truck grain dealer's license shall be posted in a conspicuous location in the place of business. A truck grain dealer's license is not transferable.

Sec._____. NEW SECTION. 542B.8 PAYMENT.

A person licensed as a truck grain dealer shall pay the purchase price to the owner or the owner's agent for grain upon delivery or demand of the owner or agent, but not later than thirty days after delivery by the owner or agent unless in accordance with the terms of a credit-sale contract that satisfies the requirements of this chapter.

As used in this section, "delivery" means the transfer of title to and possession of grain by the seller to the truck grain dealer or to another person in accordance with the agreement of the seller and the truck grain dealer; and "payment" means the actual payment or tender of payment by the truck grain dealer to the seller of the agreed purchase price, or in the case of disputes as to sales of grain, the undisputed portion of the purchase price without reduction for any separate claim of the truck grain dealer against the seller.

Sec._____. NEW SECTION. 542B.9 INSPECTION OF PREMISES, BOOKS, AND RECORDS.

The commission may inspect the premises used by any truck grain dealer in the conduct of the dealer's business at any time, and the books, accounts, records and papers of every truck grain dealer which pertain to grain purchases are subject to inspection by the commission during ordinary business hours. The commission shall cause the business premises and books, accounts, records and papers of every truck

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grain dealer to be inspected not less than once during each twelve-month period, but not more than three times in a twenty-four month period without good cause. However, if a class 1 truck grain dealer elects to submit the unaudited financial statement under section 542B.3, subsection 4, paragraph "b," the commission shall cause the truck grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause. The transporter of grain in transit shall possess bills of lading or other documents covering the grain, and shall present them to any law enforcement officer or to a person designated as an enforcement officer under section 542B.13 on demand. If there is good cause to believe that a person is engaged without a license in the business of a truck grain dealer in this state, the commission may inspect the books, papers, and records of the person which pertain to grain purchases.

If the truck grain dealer does not maintain a place of business in this state, the commission is not required to inspect the business premises of the truck grain dealer, and the truck grain dealer shall submit all books, records and papers relating to grain transactions occurring within this state to the commission for purposes of an inspection required or permitted under this section at any reasonable time and place, including the offices of the commission during regular business hours, as ordered by the commission or the director of the warehouse division.

Sec. _____. NEW SECTION. 542B.10 SUSPENSION OR REVOCATION OF LICENSE.

The commission may after hearing and upon information being filed with the commission by the head of the warehouse division of the commission or upon complaint filed by any person, suspend or revoke the license of any person licensed under this chapter for the violation of or failure to comply with the provisions of this chapter or any rule adopted under this chapter. An information or a verified complaint stating the grounds for suspension or revocation shall be filed with the commission in triplicate. The commission shall notify the licensee of the complaint and furnish the licensee with a copy of the information or the complaint and a copy of the order of the commission fixing the time for a hearing, which time shall be at least five days from the date of notification. If the commission determines that the public good requires immediate action, the commission may, upon the filing of the information or the

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complaint and without hearing, temporarily suspend a license pending the determination by it of the complaint. Judicial review of the actions of the commission may be sought in accordance with the terms of the Iowa administrative procedure Act.

The commission may revoke a truck grain dealer's license upon information without hearing if a truck grain dealer fails to have sufficient security on file with the commission, or if a truck grain dealer fails to submit to inspection.

Sec._____. NEW SECTION. 542B.11 PENALTIES — INJUNCTIONS.

1. A person who knowingly submits false information to or knowingly withholds information from the commission or any of its employees when required to be submitted or maintained under this chapter, commits a fraudulent practice.

2. A person who engages in business as a truck grain dealer without obtaining a license, or who refuses to permit inspection of licensed premises, or books, accounts, records, or other documents required by this chapter, or who uses a scale ticket, or credit-sale contract that fails to satisfy requirements established by the commission commits a serious misdemeanor, except that a person who commits any of these offenses after having been found guilty of the same offense commits an aggravated misdemeanor.

3. Except as provided in subsections 1 and 2, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues is a separate offense.

4. A violation of this chapter, or a violation of chapter 714 or 715 involving the business of a truck grain dealer, may be restrained by an injunction in an action brought by the commerce commission.

Sec._____. NEW SECTION. 542B.12 CLAIMS — NOTICE.

Upon revocation, termination, or cancellation of a truck grain dealer license, any claim for the purchase price of grain against the truck grain dealer shall be made in writing and filed with the truck grain dealer and with the surety on the truck grain dealer bond or irrevocable letter of credit within one hundred twenty days after revocation, termination or cancellation. Failure to make this timely claim shall relieve the surety of all obligations to the claimant. However, this section shall not be construed to reduce below the face amount of the bond or irrevocable letter of credit then in effect the aggregate liability of the surety to other claimants.

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Upon revocation of a truck grain dealer license, the commission shall cause notice of such revocation to be published once each week for two consecutive weeks in a newspaper of general circulation within the state of Iowa and in a newspaper of general circulation within the county of the truck grain dealer's principal place of business when that dealer's principal place of business is located in the state of Iowa. The notice shall state the name and address of the truck grain dealer, the effective date of revocation, and the name and address of the surety on the truck grain dealer bond or irrevocable letter of credit. The notice shall also state that any claims against the truck grain dealer shall be made in writing and sent by ordinary mail or delivered personally within one hundred twenty days after revocation to the truck grain dealer and the surety on the truck grain dealer bond or irrevocable letter of credit.

Sec._____. NEW SECTION. 542B.13 ENFORCEMENT OFFICERS.

The commission may designate by resolution certain of its employees in the warehouse division to be enforcement officers. Each person so designated shall have the authority of a peace officer to make arrests for violations of this chapter.

Sec._____. NEW SECTION. 542B.14 NO OBLIGATION OF STATE.

Nothing in this chapter shall be construed to imply any guarantee or obligation on the part of the state of Iowa, or any of its agencies, employees or officials, either elective or appointive, in respect to any agreement or undertaking to which the provisions of this chapter relate.

Sec._____. NEW SECTION. 542B.15 CREDIT-SALE CONTRACTS.

1. A truck grain dealer shall not purchase grain by a credit-sale contract except as provided in this section.

2. A truck grain dealer shall give written notice to the commission prior to engaging in the purchase of grain by credit-sale contracts. Notice shall be on forms provided by the commission. The notice shall contain information required by the commission.

3. All credit-sale contract forms in the possession of a truck grain dealer shall have been permanently and consecutively numbered at the time of printing of the forms. A truck grain dealer shall maintain an accurate record of all credit-sale contract forms and numbers obtained by that dealer.

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The record shall include the disposition of each numbered form, whether by execution, destruction, or otherwise.

4. A truck grain dealer who purchases grain by credit-sale contracts shall maintain books, records and other documents as required by the commission to establish compliance with this section.

5. In addition to other information as may be required, a credit-sale contract shall contain or provide for all of the following:

a. The seller's name and address.

b. The conditions of delivery.

c. The amount and kind of grain delivered.

d. The price per bushel or basis of value.

e. The date payment is to be made.

f. The duration of the credit-sale contract, which shall not exceed twelve months from the date the contract is executed.

6. Title to all grain sold by a credit-sale contract is in the purchasing dealer as of the time the contract is executed, unless the contract provides otherwise. The contract must be signed by both parties and executed in duplicate. One copy shall be retained by the truck grain dealer and one copy shall be delivered to the seller. Upon revocation, termination, or cancellation of a truck grain dealer license, the payment date for all credit-sale contracts shall be advanced to a date not later than thirty days after the effective date of the revocation, termination, or cancellation, and the purchase price for all unpriced grain shall be determined as of the effective date of revocation, termination, or cancellation in accordance with all other provisions of the contract. However, if the business of the truck grain dealer is sold to another licensed grain dealer or licensed truck grain dealer, credit-sale contracts may be assigned to the purchaser of the business.

7. A truck grain dealer shall not purchase grain on credit during any time period in which the truck dealer's current assets are less than forty-five percent of current liabilities.

Sec._____. NEW SECTION. 542B.16 CONFIDENTIALITY OF RECORDS.

Notwithstanding chapter 22, all financial statements of truck grain dealers under this chapter shall be kept confidential by the commission and its agents and employees and are not subject to disclosure except as follows:

1. Upon waiver by the licensee.

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2. In actions or administrative proceedings commenced under this chapter or chapter 543.

3. When required by subpoena or court order.

4. Disclosure to law enforcement agencies in regard to the detection and prosecution of public offenses.

5. When released to a bonding company approved by the commission, or released to the United States department of agriculture or any of its divisions.

6. Where released at the request of the Iowa board of accountancy for licensee review and discipline in accordance with chapters 116 and 258A and subject to the confidentiality requirements of section 258A.6.

Sec._____. NEW SECTION. 542B.17 STANDARDIZATION OF RECORDS AND DOCUMENTS.

1. The commission may adopt rules specifying the form, content and use of scale tickets, and credit-sale contracts. All scale ticket forms in the possession of a truck grain dealer shall have been permanently and consecutively numbered at the time of printing. A truck grain dealer shall maintain an accurate record of all scale ticket numbers. The record shall include the disposition of each numbered form, whether issued, destroyed, or otherwise disposed of.

2. A licensed truck grain dealer shall keep complete and accurate records of all grain transactions. Records for the previous six years shall be made available for inspection by the commission.

Sec._____. NEW SECTION. 542B.18 SHRINKAGE ADJUSTMENTS — DISCLOSURES — PENALTIES.

1. A person who, in connection with the receipt of corn or soybeans for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. The use of any rate of weight adjustment for moisture content other than the one prescribed by this subsection is a fraudulent practice. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content that is prescribed by this subsection. Failure to make this disclosure is a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing or sale, adjusts the quantity of the grain received to compensate for

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losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. Failure to make the required disclosure is a simple misdemeanor.

3. A person who adjusts the scale weight of corn or soybeans both for moisture content and for handling, processing, or storage losses may combine the two adjustment factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor that results from combining these factors. Failure to make the required disclosure is a simple misdemeanor."

DE GROOT of Lyon

H–5528

Amend House File 2232 as follows:

1. Page 1, line 3, by inserting before the word "After" the following: "1."

2. Page 1, line 6, by striking the words and figure ", as defined in section 476.61,".

3. Page 1, line 8, by striking the figure "1." and inserting the following: "a."

4. Page 1, line 11, by striking the figure "2." and inserting the following: "b."

5. Page 1, by striking line 13 and inserting the following: "pilot project that was initiated pursuant to section 476.61 prior to the repeal of that section."

6. Page 1, by inserting after line 17 the following:

"2. As used in this section "energy conservation improvement" means the purchase or installation of a device, method, or material that increases the efficiency in the use of electricity or natural gas, including but not limited to:

a. Insulation and ventilation.

b. Storm or thermal doors or windows.

c. Caulking and weatherstripping.

d. Furnace efficiency modifications.

e. Thermostat and lighting controls.

f. Efficient lighting fixtures.

g. Window treatments.

h. Systems to turn off or vary the delivery of energy including load control devices.

i. Efficient appliances, water heaters, furnaces, and air conditioners.

Sec._____. Section 476.61, Code Supplement 1985, is repealed.

Sec._____. A public utility which has initiated an energy conservation improvement pilot program under section 476.61 shall terminate the program as quickly as possible consistent with good management practices and in a manner that minimizes costs to the utility's customers. Each utility shall file with the Iowa state commerce commission within thirty days of the effective date of this Act a plan for terminating any pilot project the utility is conducting under section 476.61. The utility shall cease approving loans as of the effective date of this Act. The termination plan shall include, but is not limited to, a proposed reconciliation of actual expenses incurred, including obligations, and revenues collected under section 476.61. Subject to the commission's discretion, the reconciliation shall be either a one-time adjustment or collected over the twelve months following the

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commission approval of the plan. The reconciliation amount shall not be separately identified on the customer's bill.

The collections charged pursuant to 476.61 shall be terminated by commission order no later than the third monthly billing cycle after the effective date of this Act.

Sec._____. This Act, being deemed of immediate importance, takes effect from and after its publication in The Altoona Herald-Mitchellville Index, a newspaper published in Altoona, Iowa, and in The Record-Herald & Indianola Tribune, a newspaper published in Indianola, Iowa."

7. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to public utilities by restricting the provision of certain services by public utilities and repealing the energy conservation improvement pilot programs and providing an effective date."

8. Renumber as necessary.

SHERZAN of Polk
WOODS of Polk

H–5530

Amend Senate File 2269 as amended and passed by the Senate as follows:

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

"Section 1. NEW SECTION. 299B.1 DECLARATION OF POLICY.

It is the policy of the state that every parent is responsible to provide a basic education for the parent's children in order to prepare the children to participate effectively and intelligently as citizens and to be self-reliant and self-sufficient members of society. The state also has a compelling interest in seeing that the youth who reside in this state have an opportunity to receive a basic education. Therefore, it is the intent of the general assembly to provide parents and their children with a broad range of educational alternatives in a manner that will permit the accomplishment of these objectives without infringing upon the primary rights of parents to raise and teach their children or upon religious and other beliefs of parents and their children.

Sec. 2. NEW SECTION. 299B.2 PURPOSE.

Notwithstanding chapters 280 and 299, this chapter regulates instruction in nonpublic schools and private instruction not regulated in chapter 280.

Sec. 3. NEW SECTION. 299B.3 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Nonpublic school" means a school with two or more students over seven and under sixteen years of age and not related in attendance.

2. "Private instruction" means an educational program provided in the home of one or more students over seven and under sixteen years of age who are related.

3. "Public school" means a school directly supported in whole or in part by taxation and approved by the state board of public instruction pursuant to section 257.25.

4. "Dual enrollment" means the matriculation of a child in one public school or approved nonpublic school and one nonpublic school, in one public school while receiving private instruction, or in one approved nonpublic school while receiving private instruction, in subjects, courses, or programs not available to the child otherwise.

5. "Department" means the department of public instruction.

6. "Approved nonpublic school" means a nonpublic school which is approved by the state board of public

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instruction pursuant to section 257.25.

7. "Instructor" means an instructor, who has or has not been issued a teaching certificate or the appropriate endorsement or approval by the state board of public instruction, but who provides private instruction or instruction in a nonpublic school. "Instructor" includes the person in charge of the nonpublic school.

8. "Local school district" means the school district of the child's residency.

Sec. 4. NEW SECTION. 229B.4 DUAL ENROLLMENT.

A child who is receiving private instruction pursuant to section 299B.7 or who is enrolled in a nonpublic school pursuant to section 299B.8 may also enroll in a public or approved nonpublic school for dual enrollment purposes.

If such a child enrolls in a public or approved nonpublic school on a full-time basis, the board of directors of the local school district or the authorities in charge of the approved nonpublic school may determine the appropriate grade level for the child by the administration of tests or other means of evaluation to determine achievement.

Sec. 5. NEW SECTION. 299B.5 HOME INSTRUCTION ASSISTANCE PROGRAM.

A public school or an approved nonpublic school may implement and administer a home instruction assistance program. If a public school administers a home instruction assistance program, each child enrolled in the program shall be included in the basic enrollment pursuant to section 442.4.

Sec. 6. NEW SECTION. 299B.6 ENROLLMENT.

If a child, over seven and under sixteen years of age, is not enrolled in a public or approved nonpublic school, the person having the control of the child shall enroll the child in one of the following:

1. A home instruction assistance program pursuant to section 299B.4.

2. Private instruction pursuant to section 299B.7.

3. A nonpublic school pursuant to section 299B.8.

4. A home instruction assistance program administered by a nonpublic school and meeting the requirements set forth in section 299B.8.

Sec. 7. NEW SECTION. 299B.7 PRIVATE INSTRUCTION.

A person having control of a child over seven and under sixteen years of age may provide private instruction. The person shall:

1. Have at least a high school diploma or a high school equivalency diploma.

2. Provide the following information once during

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each school year to the board of directors of the local school district in a certificate in duplicate:

a. The child's name, age, and date of birth.

b. The name and address of the child's parent or guardian.

c. The child's discerned grade or placement.

d. An indication of the child's educational progress.

e. The name and address of the individual providing the private instruction to the child.

f. Whether the parent or guardian of the child is a party to a dual enrollment agreement.

3. Provide evidence to the local school district that the educational program for the child provides, or in due course will provide instruction in the following subjects:

a. Mathematics.

b. Science.

c. Language arts.

d. United States history.

e. History of Iowa.

f. Principles of American government.

4. The person provides to the local school district a notarized statement indicating the reasons the person is providing private instruction for the child and eliminating the local school district and the state from liability and responsibility for the child's educational attainment.

5. Provide annually to the board of directors of the local school district, when the child has a discerned grade or placement between the third grade and eighth grade in comparison with a public school, the results of a nationally standardized test which has been administered under conditions mutually acceptable to the board of directors of the local school district and the parent or guardian of the child, which test results shall show that minimum competency has been achieved as reflected by the Iowa norm for other students taking similar tests.

6. Provide at the beginning of each semester or school year a curriculum and weekly lesson plans to the local school district complying with subsection 3. Failure to submit a curriculum and weekly lesson plans showing compliance is prima facie evidence that the private instruction does not meet the requirements of this section.

7. Write an annual progress assessment report which shall include the person's individualized assessment of the child's academic progress in the subjects specified in subsection 3. The progress

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reports shall be retained by the parent or guardian for at least three years.

When a person providing private instruction complies with this section, nothing herein contained grants to the state or any officers, agencies, or subdivisions of the state, any right or authority to control, manage, supervise, or make any suggestions as to the control, management, or supervision of any private instruction.

Sec. 8. NEW SECTION. 299B.8 INSTRUCTION IN NONPUBLIC SCHOOL.

An instructor may provide instruction in a nonpublic school if the instructor or parent provides:

1. Evidence that the person has received a bachelors degree from a four-year institution of higher education.

2. The local school district the following information once during each school year in a certificate in duplicate:

a. The name, age, and date of birth of each child enrolled in the nonpublic school.

b. The name and address of the parent or guardian of each child.

c. The discerned grade or placement of each child.

d. An indication of the child's educational progress.

e. The name and address of the nonpublic school in which the child is enrolled.

f. Whether the parent or guardian of the child is a party to a dual enrollment agreement.

3. Evidence to the local school district that the educational program for the child provides, or in due course will provide, instruction in the following subjects:

a. Mathematics.

b. Science.

c. Language arts.

d. United States history.

e. History of Iowa.

f. Principles of American government.

4. To the local school district a notarized statement indicating the reasons the person is placing the child to obtain instruction in a nonpublic school and eliminating the local school district and the state from liability and responsibility for the child's educational attainment.

5. Annually to the board of directors of the local school district, when the child has a discerned grade or placement between the third grade and eighth grade in comparison with a public school, the results of a

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nationally standardized test which has been administered under conditions mutually acceptable to the board of directors of the local school district and the parent or guardian of the child, which test results shall show that minimum competency has been achieved as reflected by the Iowa norm for other students taking similar tests.

When a person providing instruction in a nonpublic school complies with this section, nothing herein contained grants to the state or any officers, agencies, or subdivisions of the state, any right or authority to control, manage, supervise, or make any suggestions as to the control, management, or supervision of any nonpublic school.

Sec. 9. NEW SECTION. 299B.9 OTHERWISE NOT QUALIFIED.

An instructor who provides private instruction pursuant to section 299B.6 or provides instruction in a nonpublic school pursuant to section 299B.7 but does not hold a teacher's certificate issued by the state board of public instruction is not a certified teacher.

Sec. 10. NEW SECTION. 299.10 CHALLENGES.

In the event of challenge to the qualifications of anyone providing private instruction or instruction in a nonpublic school, it shall be an affirmative defense that such person has taken and passed a national standardized basic skills test or whose competence to provide instruction in the basic skills has been approved by informal methods of evaluation such as educational transcripts, diplomas, and other information as required by the department.

Sec. 11. NEW SECTION. 299B.11 REPEAL.

This chapter is repealed July 1, 1991."

DAGGETT of Taylor
HANDORF of Marshall

H–5533

Amend House File 2406 as follows:

1. Page 2, line 28, by striking the word "are" and inserting the word "is".

2. Page 2, by striking line 30 and inserting the following: "receipt requested, to all central federal depositories of".

VAN CAMP of Scott

H—5534

Amend House File 2448 as follows:

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

"Sec._____. Section 450.4, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. On the value of that portion of the value of local deferred patronage dividends and deferred patronage dividends remaining unpaid under chapter 499 for which a person liable for the tax on the dividends elects to treat as income upon payment of the dividends. The election under this subsection shall be made by the taxpayer in the manner prescribed by rule by the director of revenue."

KOENIGS of Mitchell

H—5542

Amend House File 2448 as follows:

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

"Section 1. Section 422.9, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The amount of local deferred patronage dividends and deferred patronage dividends declared under chapter 499 upon which the taxpayer paid Iowa income tax when allocated and which have not been paid by a date five years after the allocation of the dividends. This deduction shall be available only once for each unpaid dividend, and is not available if the unpaid dividend has been otherwise discharged and the Iowa income tax recouped. If the taxpayer receives payment on a dividend after deducting the amount of the dividend under this subsection, the taxpayer shall include the payment in the taxpayer's taxable income for the year the payment is received."

MAULSBY of Calhoun

H—5543

Amend amendment H—5487 to House File 2448 as follows:

1. Page 1, by striking lines 35 through 40 and inserting the following: "eligible group of members, or the group's agent or attorney, to examine and make extracts from its membership list, minutes, the most recent statement of operations, the most recent balance sheet, and the latest daily grain position record is liable to the group for damages but not to".

KREMER of Buchanan

H–5544

Amend House File 2440 as follows:
1. Page 1, by striking lines 1 and 2.
2. Page 1, by striking lines 3 through 15.

SPEAR of Lee

H–5547

Amend House File 2256 as follows:
1. Page 1, by inserting after line 23 the following:
"Officers or employees who are cutting the trees, shrubs or other growth into proper lengths for use as firewood shall make the wood available to residents of the county whose annual income is below the poverty income guidelines established in the annual revision of the poverty income guidelines published by the United States department of health and human services."

STUELAND of Clinton

H–5548

Amend House File 2151 as follows:
1. Page 1, by striking line 1 and inserting the following:
"Section 1. Section 455B.310, subsection 2, Code Supplement 1985, is amended to read as follows:
2. The tonnage fee is ~~twenty-five~~ fifty cents per ton of solid waste."
2. Amend the title, line 1, by striking the words "to repeal the groundwater fund and" and inserting the following: "relating to the".

STUELAND of Clinton

H–5553

Amend House File 2256 as follows:
1. Page 1, by inserting before line 24 the following:
"Officers, employees or contractors in charge of the clearing of a highway right-of-way of weeds shall not conduct general indiscriminate weed spraying operations but shall restrict spraying activities to spot spraying for noxious weeds."

MULLINS of Kossuth

H–5555

Amend House File 2256 as follows:

1. Page 1, by striking lines 12 through 14 and inserting the following: "traveling upon the highway, or obstruct the highway or tile drains. An owner, lessee, or tenant of property abutting".

McKEAN of Jones

H–5557

Amend House File 2449 as follows:

1. Page 3, by inserting after line 11 the following:

"Sec._____. Section 455B.310, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The tonnage fee is ~~twenty-five~~ fifty cents per ton of solid waste."

2. Amend the title, line 2, by inserting after the word "fertilizer" the following: "and solid waste".

STUELAND of Clinton

H–5558

Amend House File 2298 as follows:

1. Page 1, by striking lines 4 through 9 and inserting the following: "project. At least fifteen days before an area school and an employer enter into a final agreement which would provide that all or part of project costs would be paid by incremental property taxes, the area school shall notify, in writing, the governing bodies of the city, county, and school district within whose taxing authority the proposed project will take place."

2. Page 2, by striking lines 5 through 11 and inserting the following: "qualifications. At least fifteen days before an area school and an employer enter into a final agreement which would provide that all or part of project costs would be paid by incremental property taxes, the area school shall notify, in writing, the governing bodies of the city, county, and school district within whose taxing authority the proposed project will take place. If an agreement is entered into, the area school".

PEICK of Linn

H–5559

Amend Senate File 2245 as amended, passed, and reprinted by the Senate as follows:

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

"Section 1. Section 123.20, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 10. To establish wholesale and retail prices on alcoholic liquor and wine.

NEW SUBSECTION. 11. To sell at more than one retail price or at more than one wholesale price the same brand of alcoholic liquor or wine.

NEW SUBSECTION. 12. To deliver wine to a licensee or a permittee from the department's central distribution center.

NEW SUBSECTION. 13. To sell wine on credit to a licensee or permittee for a period not exceeding ten days from the date of delivery by the department."

2. By renumbering sections according to this amendment.

RENAUD of Polk

H–5565

Amend Senate Joint Resolution 2002 as passed by the Senate as follows:

1. Page 1, line 3, by striking the words "Unnumbered paragraph 3, section" and inserting the word "Section".

2. Page 1, line 5, by striking the word "paragraph" and inserting the word "section".

3. Page 1, by inserting before line 7 the following:

"STATE AND DISTRICT NOMINATING COMMISSIONS. SEC. 16. There shall be a state judicial nominating commission. Such commission shall make nominations to fill vacancies in the supreme court. Unless otherwise provided by law, the state judicial nominating commission shall be composed and selected as follows: There shall be not less than three nor more than eight appointive members, as provided by law, and one fewer number of elective members on such commission, all of whom shall be electors of the state. No more than a majority of the members shall be of the same gender. The appointive members shall be appointed by the governor subject to confirmation by the senate. The elective members shall be elected by the resident members of the bar of the state subject to confirmation by the senate. The judge of the supreme

court who is senior in length of service on said court, other than the chief justice, shall also be a nonvoting member of such commission and shall be its chairperson.

There shall be a district judicial nominating commission in each judicial district of the state. Such commissions shall make nominations to fill vacancies in the district court within their respective districts. Unless otherwise provided by law, district judicial nominating commissions shall be composed and selected as follows: There shall be not less than three nor more than six appointive members, as provided by law, and one fewer number of elective members on each such commission, all of whom shall be electors of the district. No more than a majority of the members shall be of the same gender. The appointive members shall be appointed by the governor. The elective members shall be elected by the resident members of the bar of the district. The district judge of such district who is senior in length of service shall also be a nonvoting member of such commission and shall be its chairperson."

Committee on State Government

H–5568

Amend Senate File 2235 as amended, passed, and reprinted by the Senate as follows:

1. Page 2, by inserting after line 16 the following:

"NEW SUBSECTION. 15. Prescribing the procedure under which a special retailer shall periodically remit to the department any revenue derived from the fifteen percent special tax charged to liquor control licensees on sales of alcoholic liquor conducted by a special retailer."

2. Page 4, line 6, by inserting after the figure "3." the following: "A special retailer may sell alcoholic liquor to the retail public and liquor control licensees. A special retailer is responsible for the collection of the fifteen percent special tax on sales of alcoholic liquor to liquor control licensees."

3. Page 4, line 10, by inserting after the word "liquor" the following: "on a fifteen-day invoice basis".

4. Page 5, line 35, by inserting after the word "department" the words "or special retailers".

5. Page 6, line 7, by inserting after the word "department" the words "or special retailer".

6. Page 6, line 22, by inserting after the word "department" the words "or special retailer".

7. Page 15, line 10, by striking the word "subsection" and inserting the following: "subsections 1 and".

8. Page 15, line 11, by striking the word "is" and inserting the word "are".

9. Page 15, by inserting before line 12 the following:

"1. There is imposed on every person licensed to sell alcoholic beverages for consumption on the premises where sold, a special tax equivalent to fifteen percent of the price established by the department on all alcoholic beverages for general sale to the public. The tax shall be paid by all licensees at the point of purchase from the state or special retailer on all alcoholic beverages intended or used for resale for consumption on the premises of retail establishments. The tax is in lieu of any other sales tax applied at the state store and shall be shown as a separate item on special sales slips provided by the department for purchases by licensees."

10. Page 15, line 17, by inserting after the word "section" the words "or the failure of a special retailer to collect or remit to the department the special tax imposed under this section".

Committee on State Government

H–5581

Amend Senate File 2240 as passed by the Senate as follows:

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

"Section 1. Section 321.1, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 87. "Liability insurance coverage" means any of the following:

a. An owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in this state to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle within the United States of America or the Dominion of Canada, but subject to minimum limits, exclusive of interest and costs, in the amounts

specified in section 321A.21. However, if another provision of the Code requires a person to have liability insurance coverage which exceeds the minimum requirements of this subsection, that provision of the Code supersedes the minimum requirements of this subsection.

b. A valid certificate of self-insurance issued by the director pursuant to section 321A.34.

c. A bond filed with the director pursuant to section 321A.24.

d. A valid certificate of deposit of money or security issued by the treasurer of state pursuant to section 321A.25.

NEW SUBSECTION. 88. "Proof of insurance card" means either a liability insurance card issued under section 321.20A, bond insurance card issued under section 321A.24, security insurance card issued under section 321A.25, or self-insurance card issued under section 321A.34.

Sec._____. NEW SECTION. 321.20A PROOF OF SECURITY AGAINST LIABILITY.

1. Notwithstanding chapter 321A, as it pertains to who is required to maintain proof of financial responsibility, a person shall not drive a motor vehicle which is registered in this state on the highways of this state unless liability insurance coverage as defined in section 321.1, subsection 87, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of insurance card issued for the motor vehicle.

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2. An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a liability insurance card for each registered motor vehicle insured. The liability insurance card shall be in accordance with rules adopted by the commissioner of insurance pursuant to chapter 17A after consultation with the state department of transportation. Each liability insurance card shall identify the registration number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The liability insurance card shall also contain the name and address of the insured and insurer.

3. An owner or driver of a motor vehicle who is charged with violating subsection 1 shall not be convicted if the person produces in court, within a reasonable time, proof that the motor vehicle had

liability insurance coverage at the time of the person's arrest.

Sec._____. Section 321.54, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Nonresident owners of foreign vehicles operated within this state for the intrastate transportation of persons or property for compensation or for the intrastate transportation of merchandise shall register and maintain liability insurance coverage for each ~~such~~ vehicle and pay the same fees ~~therefor as~~ is required ~~with reference to~~ for like vehicles owned by residents of this state.

Sec._____. Section 321.55, Code 1985, is amended to read as follows:

321.55 REGISTRATION REQUIRED FOR CERTAIN VEHICLES OWNED OR OPERATED BY NONRESIDENTS.

A nonresident owner or operator engaged in remunerative employment within the state or carrying on business within the state and owning or operating a motor vehicle, trailer, or semitrailer within the state shall register and maintain liability insurance coverage for each such vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, this paragraph does not apply to a person commuting from the person's residence in another state or whose employment is seasonal or temporary, not exceeding ninety days.

A nonresident owner of a motor vehicle operated within the state by a resident of the state shall register the vehicle and shall maintain liability insurance coverage for the vehicle. The nonresident owner shall pay the same fees for registration as are

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paid for like vehicles owned by residents of this state. However, registration under this paragraph ~~does not apply to~~ is not required for vehicles being operated by residents temporarily, not exceeding ninety days. It is unlawful for a resident to operate within the state an unregistered motor vehicle required to be registered under this paragraph.

Sec._____. Section 321.57, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A dealer owning any vehicle of a type otherwise required to be registered ~~hereunder~~ under this chapter may operate or move the ~~same~~ vehicle upon the highways solely for purposes of transporting, testing, demonstrating or selling the ~~same~~ vehicle without registering ~~each such~~ the vehicle upon condition that ~~any such~~ the vehicle display in the manner prescribed

in sections 321.37 and 321.38 a special plate issued to ~~such~~ the owner as provided in sections 321.58 to 321.62. ~~In addition to the foregoing, a~~ However, if the vehicle is a motor vehicle the dealer shall maintain liability insurance coverage for the motor vehicle as required under section 321.20A. A new car dealer or a used car dealer may operate or move upon the highways any new or used car or trailer owned by the dealer for either private or business purposes without registering ~~the same~~ it providing, ~~(1) such~~ the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and ~~(2)~~ there is displayed ~~thereon~~ on it a special plate issued to ~~such~~ the dealer as provided in sections 321.58 to 321.62.

Sec._____. Section 321.492, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license, to require exhibition of the proof of insurance card issued for the vehicle if the vehicle is a motor vehicle registered in this state, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.

Sec._____. Section 321A.24, subsection 1, Code 1985, is amended to read as follows:

1. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or

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a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge or clerk of a court of record, which ~~said~~ bond shall be conditioned for payment of the amounts specified in section 321A.1, subsection 10. ~~Such~~ The bond shall be filed with the director and shall not be cancelable except after ten days' written notice to the director. ~~Such~~ The director shall issue to the person filing the bond, a bond insurance card for each motor vehicle registered by the person in the state. The bond insurance card shall state the name and address of the

person and the motor vehicle registration number of the vehicle for which the card is issued. The bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed ~~such~~ the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use ~~thereof~~ of the property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after ~~such~~ the bond was filed, upon the filing of notice to that effect by the director in the office of the proper clerk of court of the county where ~~such~~ the real estate ~~shall be~~ is located. ~~Any~~ An individual surety ~~so~~ scheduling real estate security shall furnish satisfactory evidence of title ~~thereto~~ to the property and the nature and extent of all encumbrances ~~thereon~~ on the property and the value of the surety's interest ~~therein~~ in the property, in ~~such~~ the manner ~~as~~ the judge or clerk of the court of record approving the bond ~~may require~~ requires. The notice filed by the director shall, in addition to any other matters deemed by the director to be pertinent, contain a legal description of the real estate ~~so~~ scheduled, the name of the holder of the record title, the amount for which it stands as security, and the name of the person in whose behalf proof is ~~so~~ being made. Upon the filing of ~~such~~ the notice the clerk of the court of such county shall retain the ~~same~~ notice as part of the records of ~~such~~ the court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the description of the real estate, and the further notation that a lien is charged on ~~such~~ the real

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estate pursuant to the filed notice ~~filed hereunder~~. From and after the entry of the ~~foregoing~~ notice upon the encumbrance book all persons ~~whomsoever shall be~~ are charged with notice ~~thereof~~ of it.

Sec._____. Section 321A.25, subsection 1, Code 1985, is amended to read as follows:

1. ~~With respect to accidents occurring on or after January 1, 1981, and before January 1, 1983, proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named in the certificate has deposited with the treasurer forty thousand dollars in cash, or~~

~~securities such as may legally be purchased by a state bank or for trust funds of a market value of forty thousand dollars; and with respect to accidents occurring on or after January 1, 1983, proof~~ Proof of financial responsibility may be evidenced by the certificate of the ~~state~~ treasurer of state that the person named in the certificate has deposited with the treasurer of state fifty-five thousand dollars in cash, or securities ~~such as~~ which may legally be purchased by a state bank or ~~for~~ trust funds of a market value of fifty-five thousand dollars. The treasurer of state shall promptly notify the director of transportation of the name and address of the person who has been issued the certificate. Upon receipt of the notification, the director of transportation shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The ~~state~~ treasurer of state shall not accept a deposit and issue a certificate for it and the director shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Sec._____. Section 321A.34, subsections 2 and 3, Code 1985, are amended to read as follows:

2. The director may, in the director's discretion, upon the application of such a person, issue a certificate of self-insurance when the director is satisfied that ~~such~~ the person is possessed and will continue to be possessed of ability to pay judgments obtained against ~~such~~ the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the person. However, a certificate of self-insurance shall not be issued unless the person files a bond under section 321A.24

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or cash or securities under section 321A.25. The director shall issue to each person who has in effect a valid certificate of self-insurance, a self-insurance card for each motor vehicle registered in this state by the person. The card shall state the name and address of the person and shall state the registration number of the motor vehicle for which the card was issued.

3. Upon not less than five days' notice and a hearing pursuant to such notice, the director may upon

reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the self-insurer within thirty days after ~~such~~ the judgment ~~shall have become~~ becomes final ~~shall constitute~~ constitutes a reasonable ground for the cancellation of a certificate of self-insurance. Upon the cancellation of a certificate of self-insurance, the person who was issued the certificate shall surrender to the director all self-insurance cards issued to the person.

Sec. _____. Section 516A.1, Code 1985, is amended to read as follows:

516A.1 COVERAGE INCLUDED IN EVERY LIABILITY POLICY – ~~REJECTION BY INSURED~~.

~~No~~ An automobile liability or motor vehicle liability insurance policy insuring against liability for bodily injury or death arising out of the ownership, maintenance, or use of a motor vehicle shall not be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided in ~~such~~ the policy or supplemental ~~thereto~~ to the policy, for the protection of persons insured under ~~such~~ the policy who are legally entitled to recover damages from the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle or an underinsured motor vehicle because of bodily injury, sickness, or disease, including death resulting therefrom, caused by accident and arising out of the ownership, maintenance, or use of ~~such~~ the uninsured or underinsured motor vehicle, or arising out of physical contact of ~~such~~ the hit-and-run motor vehicle with the person insured or with a motor vehicle which the person insured is occupying at the time of the accident. Both the uninsured motor vehicle or hit-and-run motor vehicle coverage, and the underinsured motor vehicle coverage shall include limits for bodily injury or death at least equal to those ~~stated in section 321A.1, subsection 10~~ provided

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in the automobile or motor vehicle liability coverage of the policy. The form and provisions of ~~such~~ the coverage shall be examined and approved by the commissioner of insurance.

~~However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle or hit-and-run motor vehicle coverage, or reject the underinsured motor vehicle coverage, by written~~

~~rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.~~

Sec._____. NEW SECTION. 516B.3 PROHIBITION AGAINST POLICY RATE INCREASES SOLELY BECAUSE OF CLAIM FILED FOR ACCIDENTS INVOLVING UNINSURED OR UNDERINSURED MOTORISTS.

The rate for an insured's automobile insurance or motor vehicle insurance policy insuring against injury or damages arising out of use of a motor vehicle registered in this state delivered or issued for delivery in this state shall not be increased solely because a claim or claims against the policy were made due to injury or damages sustained caused by accident and arising out of the use of an uninsured or underinsured motor vehicle.

Sec._____. NEW SECTION. 516B.4 APPLICATION.

Section 516B.3 applies only to accidents in which the driver of the uninsured or underinsured motor vehicle is charged with violating section 321.20A. The section also applies only in accidents where the insured was not at fault in the accident. The commissioner of insurance shall adopt rules pursuant to chapter 17A determining the reasonable percentage of fault at which the insured shall be deemed to be not at fault in an accident, however, the rules adopted shall require that the percentage of fault be less than fifty percent.

Sec._____. NEW SECTION. 516C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the insurance department of Iowa.

2. "Commissioner" means the commissioner of insurance or the commissioner's designee.

3. "Victim" means a person who suffers personal

injury or death as a result of an accident arising out of the ownership, maintenance, or use of an uninsured motor vehicle in the state.

4. "Dependent" means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim's

death.

5. "Reparation" means compensation awarded by the commissioner as authorized by this chapter.

Sec._____. NEW SECTION. 516C.2 AWARD OF REPARATION.

The commissioner shall award reparations authorized by this chapter if the commissioner is satisfied that the requirements for reparation have been met.

Sec._____. NEW SECTION. 516C.3 DUTIES OF COMMISSIONER.

The commissioner shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the uninsured motorists' victim reparation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.

2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.

3. Publicize through the department, state department of transportation, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the uninsured motorists' victim reparation program, including the procedures for obtaining reparation under the program.

4. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if reparation is made. The department shall be responsible for the cost of the medical examination from moneys deposited in the uninsured motorists' victim reparation fund if reparation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.

Sec._____. NEW SECTION. 516C.4 APPLICATION FOR REPARATION.

1. To claim a reparation under the uninsured motorists' victim reparation program, a person shall apply in writing on a form prescribed by the commissioner and file the application with the commissioner within one hundred eighty days after the

date of the accident or within one hundred twenty days after the date of death of the victim.

2. A person is not eligible for reparation unless the accident was reported to the local police

department or county sheriff department within seventy-two hours of its occurrence. However, if the accident cannot reasonably be reported within that time period, the accident shall have been reported within seventy-two hours of the time a report can reasonably be made.

Sec._____. NEW SECTION. 516C.5 REPARATIONS PAYABLE.

On or after July 1, 1987, the commissioner may order the payment of reparation:

1. To or for the benefit of the person filing the claim.

2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.

3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to a reparation, the reparation may be apportioned by the commissioner as the commissioner determines to be fair and equitable among the dependents.

Sec._____. NEW SECTION. 516C.6 COMPUTATION OF REPARATION.

The commissioner shall make reparation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed ten thousand dollars.

2. Loss of income from work the victim would have performed and for which the victim would have received compensation if the victim had not been injured not to exceed two thousand dollars.

3. Reasonable funeral and burial expenses not to exceed two thousand five hundred dollars.

4. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed two thousand dollars per dependent or a total of six thousand dollars.

Sec._____. NEW SECTION. 516C.7 REDUCTIONS AND DISQUALIFICATIONS.

Reparations are subject to reduction and disqualification as follows:

1. A reparation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death:

a. From or on behalf of, the owner or driver of the uninsured motor vehicle.

b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.

c. From public funds.

d. As an emergency award under section 516C.11.

2. A person is disqualified from receiving a reparation if the victim has not cooperated with an appropriate law enforcement agency in the investigation or prosecution of the accident relating to the claim, or has not cooperated with the department in the administration of the uninsured motorists' victim reparation program.

Sec._____. NEW SECTION. 516C.8 REPARATION WHEN MONEY INSUFFICIENT.

Notwithstanding this chapter a victim otherwise qualified for a reparation under the uninsured motorists' victim reparation program, is not entitled to the reparation when there is insufficient money in the uninsured motorists' victim reparation fund to pay the reparation.

Sec._____. NEW SECTION. 516C.9 ERRONEOUS OR FRAUDULENT PAYMENT – PENALTY.

1. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the reparation. The commissioner may waive, decrease, or adjust the amount of the repayment of the reparation. However, if the commissioner does not notify the recipient of the erroneous payment or overpayment within one year of the date the reparation was made, the recipient is not liable for the repayment of the reparation.

2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment of the reparation.

Sec._____. NEW SECTION. 516C.10 RELEASE OF INFORMATION.

A person in possession or control of investigative or other information pertaining to an uninsured motorists' accident or a victim filing for a reparation shall allow the inspection and reproduction of the information by the commissioner upon the request of the commissioner, to be used only in the administration and enforcement of the uninsured motorists' victim reparation program. Information and

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records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the commissioner as required under this section.

Sec._____. NEW SECTION. 516C.11 EMERGENCY PAYMENT REPARATION.

If the commissioner determines that reparation may be made and that undue hardship may result to the person if partial immediate payment is not made, the commissioner may order an emergency reparation to be made to the person, not to exceed five hundred dollars.

Sec._____. NEW SECTION. 516C.12 RIGHT OF ACTION AGAINST PERPETRATOR — SUBROGATION.

A right of legal action by the victim against the owner or driver of an uninsured motor vehicle is not lost as a consequence of a person receiving reparation under the uninsured motorists' victim reparation program. If a person receiving reparation under the program seeks indemnification which would reduce the reparation under section 516C.7, subsection 1, the commissioner is subrogated to the recovery to the extent of payments by the commissioner to or on behalf of the person. The commissioner has a right of legal action against the owner or operator of an uninsured motor vehicle involved in an accident resulting in payment of reparation by the department to the extent of the reparation payment. However, legal action by the commissioner does not affect the right of a person to seek further relief in other legal actions.

Sec._____. NEW SECTION. 516C.13 UNINSURED MOTORISTS' VICTIM REPARATION FUND.

The uninsured motorists' victim reparation fund is created. Notwithstanding section 602.8106, all fines from violations of section 321.20A, subsection 1, received by the treasurer of state shall be deposited in the uninsured motorists' victim reparation fund. The state comptroller shall report monthly to the commissioner an account of all credits and disbursements from the fund. The state comptroller shall issue warrants for disbursements from the fund upon proper certification by the commissioner.

Sec._____. Section 805.6, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person who has been stopped by a peace officer pursuant to section 321.492 and who exhibited to the peace officer a proof of insurance

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card as defined under section 321.1, subsection 88, issued for the driven motor vehicle which, upon subsequent investigation by the peace officer, is found to be invalid, may be issued a uniform citation and complaint for a violation of section 321.20A, subsection 1, without the need of obtaining the signature of the person to whom the uniform citation and complaint is issued. The uniform citation and complaint shall be served in the manner of an original notice by R.C.P. 56.1, paragraph "a" or by certified mail addressed to the person at the address shown by the records of the state department of transportation. Return acknowledgement is required to prove the latter service.

Sec._____. Section 805.8, subsection 2, Code Supplement 1985, is amended by adding the following new paragraph:

NEW PARAGRAPH. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20A, subsection 1, the scheduled fine is five hundred dollars, otherwise the scheduled fine for violations of section 321.20A, subsection 1 is one hundred dollars.

Sec._____. Section 516A.2, Code 1985, is repealed.

Sec._____. This Act takes effect January 1, 1987. In order to implement this Act, the insurance department of Iowa and the state department of transportation shall adopt rules as required under this Act by October 1, 1986. The treasurer of state shall notify the director of transportation of the names and addresses of persons who are issued valid certificates under section 321A.25, subsection 1, by November 1, 1986, and after that date the treasurer of state shall notify the director of transportation as required under section 321A.25, subsection 1, as amended by this Act. Insurance carriers authorized to do business in this state and the director of transportation shall distribute proof of insurance cards as required under this Act by December 1, 1986."

Committee on Judiciary and Law Enforcement

H–5588

Amend amendment H–5575 to Senate File 2265 as amended, passed, and reprinted by the Senate, as follows:

1. Page 14, by striking lines 3 through 6, and inserting the following: "is entered for future damages, the court shall order that the payment".

CLARK of Cerro Gordo

H–5590

Amend Senate File 2269 as amended and passed by the Senate as follows:

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

"Section 1. NEW SECTION. 299B.1 PURPOSE.

Notwithstanding chapters 280 and 299, this chapter regulates instruction in nonpublic schools and private instruction not regulated in chapter 280.

Sec. 2. NEW SECTION. 299B.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Nonpublic school" means a school with two or more unrelated students over seven and under sixteen years of age and not supported by taxation.

2. "Private instruction" means an educational program provided in the home of one or more students over seven and under sixteen years of age who are related.

3. "Public school" means a school directly supported in whole or in part by taxation and approved by the state board of public instruction pursuant to section 257.25.

4. "Dual enrollment" means the matriculation of a child in one public school or approved nonpublic school and one nonpublic school, in one public school while receiving private instruction, or in one approved nonpublic school while receiving private instruction, in subjects, courses, or programs not available to the child otherwise.

5. "Department" means the department of public instruction.

6. "Approved nonpublic school" means a nonpublic school which is approved by the state board of public instruction pursuant to section 257.25.

7. "Instructor" means an instructor, who has or has not been issued a teaching certificate or the appropriate endorsement or approval by the state board of public instruction, who provides private instruction or instruction in a nonpublic school. "Instructor" includes the person in charge of the nonpublic school.

8. "Local school district" means the school district of the child's residency.

Sec. 3. NEW SECTION. 229B.3 DUAL ENROLLMENT.

A child who is receiving private instruction pursuant to section 299B.6 or who is enrolled in a nonpublic school pursuant to section 299B.7 may also enroll in a public or approved nonpublic school for dual enrollment purposes.

If such a child enrolls in a public or approved

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nonpublic school on a full-time basis, the board of directors of the local school district or the authorities in charge of the approved nonpublic school may determine the appropriate grade level for the child by the administration of tests or other means of evaluation to determine achievement subject to parental or guardian approval.

Sec. 4. NEW SECTION. 299B.4 HOME INSTRUCTION ASSISTANCE PROGRAM.

A person enrolling a child in a home instruction assistance program sponsored and implemented by a local school district or in such a program sponsored and implemented by an approved nonpublic school, shall be deemed to have met the requirements of this chapter. If a public school sponsors such a home instruction assistance program, the local district shall provide a certificated teacher who shall meet with each child in the home instruction assistance program at least two hours per week and each child enrolled in the program shall be considered as five-tenths of a resident pupil in the basic enrollment pursuant to section 442.4.

The home instruction assistance program shall include annual testing of a child who has a discerned grade or placement equivalent to the third grade to and including the eighth grade or its equivalency in comparison with a public school with a nationally standardized test. The test shall be administered under conditions established by the board of directors of the local school district or the authorities in charge of an approved nonpublic school.

Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.

If a child, over seven and under sixteen years of age, is not enrolled in a public or approved nonpublic school, the person having the control of the child shall enroll the child in one of the following:

1. A home instruction assistance program pursuant to section 299B.4.

2. Private instruction pursuant to section 299B.6.

3. A nonpublic school pursuant to section 299B.7.

Sec. 6. NEW SECTION. 299B.6 PRIVATE INSTRUCTION.

A person having control of a child over seven and under sixteen years of age may provide private instruction. The person shall:

1. Have at least a high school diploma or a high school equivalency diploma.

2. Provide the following information by September 1 of each school year to the board of directors of the local school district in a certificate including the following information:

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a. The child's name, age, and date of birth.
b. The name and address of the child's parent or guardian.
c. The child's discerned grade or placement.
d. A quarterly indication of the child's educational progress.
e. The name and address of the individual providing the private instruction to the child.
f. Whether the parent or guardian of the child is a party to a dual enrollment agreement.

3. Provide evidence to the local school district by September 1 of each school year that the educational program for the child provides, or in due course will provide, instruction in the following subjects:
a. Mathematics.
b. Science.
c. Language arts.
d. United States history.
e. History of Iowa.
f. Principles of American government.

4. Consult with a certificated teacher for at least three hours per month for curriculum development and coordination, compatibility with district standards, special education needs, observation of the learning environment, and other matters which enable the person having control of the child to better fulfill the requirements of private instruction.

5. Provide to the local school district an affidavit indicating the intent of the person to provide private instruction for the child and eliminating the local school district and the state from liability for the child's educational attainment.

6. Provide annually to the board of directors of the local school district, after the child has a discerned grade or placement equivalent to the third grade to and including the eighth grade or its equivalency in comparison with a public school, the results of a nationally standardized test which has been administered and evaluated by the board of directors of the local school district.

Each child receiving private instruction from a person having control of the child and fulfilling the requirements of subsection 4 shall be considered as twenty-five hundredths of a resident pupil in the basic enrollment pursuant to section 442.4 for the local school district if the parent elects to use the local school district personnel to meet the requirements of subsection 4.

Sec. 7. NEW SECTION. 299B.7 INSTRUCTION IN

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NONPUBLIC SCHOOL.

An instructor may provide instruction in a nonpublic school if the instructor or parent or guardian provides:

1. Evidence that the person has been issued a teaching certificate by the department of public instruction. The holder of a certificate issued by the state board of educational examiners for the purposes of this section shall have met all of the requirements for certification set by the board except the provisions of 670 Iowa Administrative Code, rule 13.18.

2. The local school district the following information by September 1 of each school year in a certificate including:

a. The name, age, and date of birth of each child enrolled in the nonpublic school.

b. The name and address of the parent or guardian of each child.

c. The discerned grade or placement of each child.

d. A quarterly indication of the child's educational progress.

e. The name and address of the nonpublic school in which the child is enrolled.

f. Whether the parent or guardian of the child is a party to a dual enrollment agreement.

3. Evidence to the local school district by September 1 of each school year that the educational program for the child provides, or in due course will provide, instruction in the following subjects:

a. Mathematics.

b. Science.

c. Language arts.

d. United States history.

e. History of Iowa.

f. Principles of American government.

4. To the local school district an affidavit indicating the intent of the person to obtain instruction for the child in a nonpublic school and eliminating the local school district and the state from liability for the child's educational attainment.

5. Annually to the board of directors of the local school district, after the child has a discerned grade or placement equivalent to the third grade to and including the eighth grade or its equivalency in comparison with a public school, the results of a nationally standardized test which has been administered and evaluated by the board of directors of the local school district.

Sec. 8. NEW SECTION. 299B.8 OTHERWISE NOT

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QUALIFIED.

An instructor who provides private instruction pursuant to section 299B.6 but does not hold a teacher's certificate issued by the state board of educational examiners or provides instruction in a nonpublic school pursuant to section 299B.7 and holds a limited teacher's certificate pursuant to section 299B.7 issued by the state board of educational examiners is not a certified teacher.

Sec. 9. NEW SECTION. 299B.9 STATE BOARD DUTIES.

The state board of public instruction shall adopt rules pursuant to chapter 17A to enforce this chapter and to identify compliance. The rules shall specify the minimum academic progress. The rules shall also provide a process for altering or reversing participation in a home instruction assistance program, private instruction, or instruction in a nonpublic school based on noncompliance with sections 299B.5 and 299B.6 or 299B.7. The rules shall include standards for achievements through testing pursuant to section 299B.4, 299B.6, or 299B.7 in comparison to discerned grade levels and development of remediation programs, including rules which would require a child, if remediation programs fail, to be enrolled in a public school or approved nonpublic school.

Sec. 10. NEW SECTION. 299B.10 CIVIL ENFORCEMENT.

A county attorney or legal counsel employed by a board of directors of a school corporation who receives information that a person has violated a provision of this chapter may seek judicial enforcement by filing an action in a district court in a county which is wholly or partially contained within the school district in which the child resides or the alleged violation occurred.

Upon a finding by a preponderance of the evidence that a person has violated a provision of this chapter, the court:

1. Shall assess against the person a civil penalty in an amount not more than five hundred dollars nor less than one hundred dollars, to be deposited in the general fund of the state.

2. Shall order the person to pay all costs and reasonable attorney fees incurred by a party who successfully establishes the violation.

3. May issue appropriate orders, including but not limited to temporary or permanent injunctions directing the person to refrain from future violations.

Sec. 11. NEW SECTION. 299B.11 VIOLATION REPORTING.

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Each certificated employee of a school district, an approved nonpublic school, or an area education agency shall report each known violation of this chapter to the board of directors of the school corporation or the authorities in charge of the approved nonpublic school and to the county attorney of the county in which the violation is occurring.

Sec. 12. NEW SECTION. 299B.12 REPEAL.

This chapter is repealed July 1, 1991."

2. Title page, by striking lines 2 and 3 and inserting the following: "instruction, instruction in nonpublic schools, or instruction in a home instruction assistance program."

Committee on Education

H–5598

Amend the Committee on Judiciary and Law Enforcement amendment, H–5581, to Senate File 2240 as passed by the Senate as follows:

1. Page 8, line 3, by inserting after the word "state" the following: "and who is not the owner of the uninsured motor vehicle".

KREMER of Buchanan

H–5599

Amend House File 2256 as follows:

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

"Section 1. Section 314.7, Code 1985, is amended to read as follows:

314.7 TREES — INGRESS OR EGRESS — DRAINAGE.

Officers, employees, and contractors in charge of improvement or maintenance work on any highway shall not cut down or injure any tree growing by the wayside which does not materially obstruct the highway, or tile drains, or interfere with the improvement or maintenance of the road, and which stands in front of any city lot, farmyard orchard or feed lot, or any ground reserved for any public use. Nor shall they destroy or injure reasonable ingress or egress to any property, or turn the natural drainage of the surface water to the injury of adjoining owners. It shall be their duty to use strict diligence in draining the surface water from the public road in its natural channel. To this end they may enter upon the adjoining lands for the purpose of removing from such

natural channel obstructions that impede the flow of such water.

An owner, lessee or tenant of property abutting a highway does not have any right, title or interest in trees, shrubs, underbrush and any other growth other than grass growing within the highway right-of-way."

BLACK of Jasper

H—5600

Amend amendment H—5565 to Senate Joint Resolution 2002, as passed by the Senate as follows:

1. Page 1, lines 19 and 20, by striking the words "No more than a majority of the members shall be of the same gender."

2. Page 1, lines 40 and 41, by striking the words "No more than a majority of the members shall be of the same gender."

SPEAR of Lee

H—5601

Amend amendment H—5565 to Senate Joint Resolution 2002, as passed by the Senate as follows:

1. Page 1, lines 24 and 25, by striking the words "subject to confirmation by the senate".

SPEAR of Lee

H—5603

Amend Senate File 2057, as amended, passed, and reprinted by the Senate as follows:

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

"Section 1. Section 147.1, subsections 2 and 3, Code Supplement 1985, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, ~~or~~ social worker, marital and family therapist, professional counselor, associate counselor, or means a person licensed under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, counseling, social work or dietetics.

Sec. 2. Section 147.3, Code Supplement 1985, is amended to read as follows:

147.3 QUALIFICATIONS.

An applicant for a license to practice a profession under this title is not ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. A board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, psychology, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, counseling, social work or dietetics for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 3. Section 147.13, Code Supplement 1985, is amended to read as follows:

147.13 DESIGNATION OF BOARDS.

The examining boards provided in section 147.12 shall be designated as follows: For medicine and

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surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; for psychology, psychology examiners; for podiatry, podiatry examiners; for chiropractic, chiropractic examiners; for physical therapists and occupational therapists, physical and occupational therapy examiners; for nursing, board of nursing; for dentistry and dental hygiene, dental examiners; for optometry, optometry examiners; for speech pathology and audiology, speech pathology and audiology examiners; for cosmetology, cosmetology examiners; for barbering, barber examiners; for pharmacy, pharmacy examiners; for mortuary science, mortuary science examiners; for social workers, professional counselors, and marital and family therapists, social work, marital and family therapy, and counseling examiners; for dietetics, dietetic

examiners.

Sec. 4. Section 147.14, subsection 1, Code Supplement 1985, is amended to read as follows:

1. For podiatry, cosmetology, barbering, and mortuary science~~, and social work~~, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 5. Section 147.14, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 12. For social work, marital and family therapy and counseling examiners, three members licensed to practice social work, one member licensed to practice marital and family therapy, one member licensed to practice counseling, and two members who are not licensed to practice the professions for which the board conducts examinations and who shall represent the general public. A majority of the members of the board constitutes a quorum.

Sec. 6. Section 147.25, unnumbered paragraph 4, Code Supplement 1985, is amended to read as follows:

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice medicine, surgery, podiatry, osteopathy, osteopathic medicine and surgery, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, physical therapy, occupational therapy, social work, marital and family therapy, counseling, veterinary medicine, or dietetics, which fee shall be based on the annual cost of collecting information for use by the department of

Page 3

health in the administration of the system of health personnel statistics established by this section. The fee shall be collected, transmitted to the treasurer of state and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund.

Sec. 7. Section 147.74, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A marital and family therapist licensed under chapter 154C and this chapter may use the words "licensed marital and family therapist" after the person's name.

NEW UNNUMBERED PARAGRAPH. A counselor licensed

under chapter 154C and this chapter may use the words "licensed professional counselor" after the person's name. An associate counselor licensed under chapter 154C and this chapter may use the words "licensed associate counselor" after the person's name.

Sec. 8. Section 147.80, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 22. License to practice marital and family therapy issued upon the basis of an examination given by the board of social work, marital and family therapy, and counseling examiners, license to practice marital and family therapy issued under a reciprocal agreement, or renewal of a license to practice marital and family therapy.

NEW SUBSECTION. 23. License to practice counseling issued upon the basis of an examination given by the board of social work, marital and family therapy and counseling examiners, license to practice counseling issued under a reciprocal agreement, or renewal of a license to practice counseling.

Sec. 9. Section 154C.1, subsection 1, Code 1985, is amended to read as follows:

1. "Board" means the board of social work, marital and family therapy and counseling examiners.

Sec. 10. Section 154C.1, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "Licensed social worker" ~~or "licensee"~~ means a person licensed to practice social work.

3. "Practice of licensed social work", "practice of licensed counseling", or the "practice of licensed marital and family therapy" means ~~the~~ professional activity ~~of licensed social workers~~ which is directed at enhancing, protecting, or restoring ~~people's~~ a persons's capacity for social functioning and includes the application of social work, marital and family therapy and counseling methods and values in

Page 4

evaluating personal and family problems and relationships, assisting persons and families with adjustment problems and reaching appropriate decisions about their lives, and counseling emotionally distressed individuals and families.

Sec. 11. Section 154C.1, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 5. "Licensed marital and family therapist" means a person licensed to practice marital and family therapy.

NEW SUBSECTION. 6. "Licensed professional counselor" means a person licensed to practice

counseling.

NEW SUBSECTION. 7. "Licensed associate counselor" means a person licensed to practice counseling under the supervision of a licensed professional counselor.

NEW SUBSECTION. 8. "Licensee" means a person licensed under this chapter.

Sec. 12. Section 154C.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

This chapter and chapter 147 do not prevent individuals not licensed as social workers, marital and family therapists, or counselors from working within their respective professions or occupations if they do not hold themselves out to the public as being licensed social workers, licensed marital and family therapists, or licensed professional counselors. Section 147.83 does not apply to persons who are not ~~licensed as social workers and do not hold themselves out as licensed social workers~~ licensees who do not hold themselves out as licensees.

Sec. 13. Section 154C.4, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Educational, experiential, and examinational standards required for licensure as a marital and family therapist, professional counselor, or associate counselor.

Sec. 14. Section 154C.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A ~~licensed social worker~~ licensee or a person working under supervision of a licensee shall not disclose or be compelled to disclose information acquired from persons consulting that person in a professional capacity except:".

Committee on Human Resources

H–5607

Amend amendment H–5565 to Senate Joint Resolution 2002, as passed by the Senate as follows:

1. Page 1, line 27, by striking the word "also".
2. Page 1, line 46, by striking the word "also".

SPEAR of Lee

H–5610

Amend amendment H–5575 to Senate File 2265, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 17, line 47 through page 18, line 6, and inserting the following:

"Sec._____. This Act, being deemed of immediate importance, takes effect from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in The Iowegian and Citizen, a newspaper published in Centerville, Iowa, and unless otherwise specifically provided, applies to all cases filed on or after July 1, 1986."

JAY of Appanoose

H–5614

Amend Senate File 97 as amended, passed, and reprinted by the Senate as follows:

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

"Sec. 4. It is the intent of the general assembly that this Act shall have temporary effect only and that section 1 of this Act is repealed July 1, 1988 and section 123.3, subsection 33, Code 1985, is reenacted to read as it did prior to the effective date of this Act."

HALVORSON of Webster

H–5616

Amend Senate File 2235 as amended, passed, and reprinted by the Senate as follows:

1. Page 4, by striking lines 3 through 5 and inserting the following: "a class "B" wine permit or a class "C" beer permit or both."

2. Page 6, by striking lines 14 through 17 and inserting the following: "application."

3. Page 6, by striking lines 27 through 30 and inserting the following: "consumption off the premises."

HALVORSON of Webster

H–5617

Amend Senate File 2235 as amended, passed, and reprinted by the Senate as follows:

1. Page 12, by inserting after line 11 the following:

"Sec. 22. Section 123.49, subsection 2, paragraph "b", Code Supplement 1985, is amended to read as follows:

b. Sell or dispense any alcoholic ~~beverage~~ liquor, wine, or beer for consumption on the premises covered

by the license or permit, or permit its consumption thereon between the hours of two a.m. and six a.m. on a weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday or sell or dispense wine or beer for consumption off the licensed premises between the hours of ten p.m. and six a.m. the next morning on a weekday and between the hours of ten p.m. on Saturday night and six a.m. the following Monday, however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer for consumption on the licensed premises between the hours of ten a.m. and twelve midnight on Sunday and may sell or dispense wine or beer for consumption off the licensed premises between the hours of ten a.m. and ten p.m.

Sec. 23. Section 123.49, subsection 2, paragraph k, Code Supplement 1985, is amended by striking the paragraph."

HALVORSON of Webster

H—5624

Amend the Committee on Judiciary and Law Enforcement amendment, H—5575, to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 11, by inserting after line 4 the following:

"Sec._____. Section 613A.4, subsection 6, Code 1985, is amended to read as follows:

6. Any claim for damages ~~caused by a municipality's failure to discover a latent defect in the course of~~ arising out of a municipality's performance of or failure to perform an inspection.

Sec._____. Section 613A.4, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 9. Any claim based upon an act or omission by an officer or employee of the municipality or the municipality's governing body, in the granting, suspension, or revocation of a license or permit, where the damage was caused by the person to whom the license or permit was issued, unless the act of the officer or employee constitutes actual malice.

NEW SUBSECTION. 10. Any claim based upon an act or omission of an officer or employee of the municipality, whether by issuance of permit, inspection, investigation, or otherwise, and whether the statute, ordinance, or regulation is valid, if the

damage was caused by a third party, event, or property not under the supervision or control of the municipality, unless the act or omission of the officer or employee constitutes actual malice."

2. By numbering and renumbering as necessary.

HARBOR of Mills
MAULSBY of Calhoun
DIEMER of Black Hawk
HALVORSON of Clayton
LAGESCHULTE of Bremer
SHONING of Woodbury
RENKEN of Grundy
METCALF of Polk

H–5625

Amend the Committee on Judiciary and Law Enforcement amendment, H–5575, to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 6, by striking lines 14 through 49 and inserting the following:

"Sec._____. Section 123.92, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

123.92 CIVIL LIABILITY FOR SALE OR GIFT OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT).

A licensee or permittee who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer shall not be liable unless the licensee or permittee does one of the following:

1. Causes the consumption by force or by representing that the beverages contain no alcohol.

2. Knew or had reasonable cause to believe that the person consuming was under the legal age, and the beverages provided were a substantial factor in causing injury to a third party. However, liability shall not attach if all of the following occurred:

a. The underage person falsely represented that they had attained the legal drinking age.

b. The underage person supported the representation of legal drinking age with documentation.

c. The beverages were provided in good faith reliance on the underage person's representation of legal drinking age.

d. Based on the appearance of the underage person, an ordinary and prudent person would believe that the underaged person had attained the legal drinking age.

Every liquor control licensee and permittee shall furnish proof of financial responsibility either by

the existence of a liability insurance policy or by posting bond in an amount determined by the department."

DIEMER of Black Hawk
ROYER of Page
MAULSBY of Calhoun

HALVORSON of Clayton
METCALF of Polk
SHONING of Woodbury
LAGESCHULTE of Bremer
HARBOR of Mills

H–5628

Amend Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 15, by inserting after line 23 the following:

"c. Whether the award is authorized by statute."

2. Page 15, line 25, by striking the words "answer or finding" and inserting the words "answers or findings".

3. Page 15, by striking line 26 and inserting the following: "paragraphs "a" and "c", are affirmative. If such answers or findings are".

ROYER of Page
CARPENTER of Polk
RENKEN of Grundy
DIEMER of Black Hawk

SHONING of Woodbury
BENNETT of Ida
METCALF of Polk
HARBOR of Mills
HALVORSON of Clayton

H–5631

Amend amendment H–5575 to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 18, line 5, by striking the word "The" and inserting the words: "the Ad-Express and Daily".

GRONINGA of Cerro Gordo

H–5632

Amend amendment H–5590 to Senate File 2269 as amended and passed by the Senate as follows:

1. By striking page 1, line 5 through page 6, line 9 and inserting the following:

" "Section 1. NEW SECTION. 299B.1 DECLARATION OF POLICY.

It is the policy of the state that every parent is responsible to provide a basic education for the parent's children in order to prepare the children to participate effectively and intelligently as citizens

and to be self-reliant and self-sufficient members of society. The state also has a compelling interest in seeing that the youth who reside in this state have an opportunity to receive a basic education. Therefore, it is the intent of the general assembly to provide parents and their children with a broad range of educational alternatives in a manner that will permit the accomplishment of these objectives without infringing upon the primary rights of parents to raise and teach their children or upon religious and other beliefs of parents and their children.

Sec. 2. NEW SECTION. 299B.2 PURPOSE.

Notwithstanding chapters 280 and 299, this chapter regulates instruction in nonpublic schools and private instruction not regulated in chapter 280.

Sec. 3. NEW SECTION. 299B.3 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Nonpublic school" means a school with two or more students over seven and under sixteen years of age and not related in attendance.

2. "Private instruction" means an educational program provided in the home of one or more students over seven and under sixteen years of age who are related.

3. "Public school" means a school directly supported in whole or in part by taxation and approved by the state board of public instruction pursuant to section 257.25.

4. "Dual enrollment" means the matriculation of a child in one public school or approved nonpublic school and one nonpublic school, in one public school while receiving private instruction, or in one approved nonpublic school while receiving private instruction, in subjects, courses, or programs not available to the child otherwise.

5. "Department" means the department of public instruction.

6. "Approved nonpublic school" means a nonpublic school which is approved by the state board of public

instruction pursuant to section 257.25.

7. "Instructor" means an instructor, who has or has not been issued a teaching certificate or the appropriate endorsement or approval by the state board of public instruction, but who provides private instruction or instruction in a nonpublic school. "Instructor" includes the person in charge of the nonpublic school.

8. "Local school district" means the school district of the child's residency.

Sec. 4. NEW SECTION. 229B.4 DUAL ENROLLMENT.

A child who is receiving private instruction pursuant to section 299B.7 or who is enrolled in a nonpublic school pursuant to section 299B.8 may also enroll in a public or approved nonpublic school for dual enrollment purposes.

If such a child enrolls in a public or approved nonpublic school on a full-time basis, the board of directors of the local school district or the authorities in charge of the approved nonpublic school may determine the appropriate grade level for the child by the administration of tests or other means of evaluation to determine achievement.

Sec. 5. NEW SECTION. 299B.5 HOME INSTRUCTION ASSISTANCE PROGRAM.

A public school or an approved nonpublic school may implement and administer a home instruction assistance program. If a public school administers a home instruction assistance program, each child enrolled in the program shall be included in the basic enrollment pursuant to section 442.4.

Sec. 6. NEW SECTION. 299B.6 ENROLLMENT.

If a child, over seven and under sixteen years of age, is not enrolled in a public or approved nonpublic school, the person having the control of the child shall enroll the child in one of the following:

1. A home instruction assistance program pursuant to section 299B.4.

2. Private instruction pursuant to section 299B.7.

3. A nonpublic school pursuant to section 299B.8.

4. A home instruction assistance program administered by a nonpublic school and meeting the requirements set forth in section 299B.8.

Sec. 7. NEW SECTION. 299B.7 PRIVATE INSTRUCTION.

A person having control of a child over seven and under sixteen years of age may provide private instruction. The person shall:

1. Have at least a high school diploma or a high school equivalency diploma.

2. Provide the following information once during

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each school year to the board of directors of the local school district in a certificate in duplicate:

a. The child's name, age, and date of birth.

b. The name and address of the child's parent or guardian.

c. The child's discerned grade or placement.

d. An indication of the child's educational progress.

e. The name and address of the individual providing the private instruction to the child.

f. Whether the parent or guardian of the child is a party to a dual enrollment agreement.

3. Provide evidence to the local school district that the educational program for the child provides, or in due course will provide instruction in the following subjects:

a. Mathematics.

b. Science.

c. Language arts.

d. United States history.

e. History of Iowa.

f. Principles of American government.

4. The person provides to the local school district a notarized statement indicating the reasons the person is providing private instruction for the child and eliminating the local school district and the state from liability and responsibility for the child's educational attainment.

5. Provide annually to the board of directors of the local school district, when the child has a discerned grade or placement between the third grade and eighth grade in comparison with a public school, the results of a nationally standardized test which has been administered under conditions mutually acceptable to the board of directors of the local school district and the parent or guardian of the child, which test results shall show that minimum competency has been achieved as reflected by the Iowa norm for other students taking similar tests.

6. Provide at the beginning of each semester or school year a curriculum and weekly lesson plans to the local school district complying with subsection 3. Failure to submit a curriculum and weekly lesson plans showing compliance is prima facie evidence that the private instruction does not meet the requirements of this section.

7. Write an annual progress assessment report which shall include the person's individualized assessment of the child's academic progress in the subjects specified in subsection 3. The progress

reports shall be retained by the parent or guardian for at least three years.

When a person providing private instruction complies with this section, nothing herein contained

grants to the state or any officers, agencies, or subdivisions of the state, any right or authority to control, manage, supervise, or make any suggestions as to the control, management, or supervision of any private instruction.

Sec. 8. NEW SECTION. 299B.8 INSTRUCTION IN NONPUBLIC SCHOOL.

An instructor may provide instruction in a nonpublic school if the instructor or parent provides:

1. Evidence that the person has received a bachelors degree from a four-year institution of higher education.

2. The local school district the following information once during each school year in a certificate in duplicate:

a. The name, age, and date of birth of each child enrolled in the nonpublic school.

b. The name and address of the parent or guardian of each child.

c. The discerned grade or placement of each child.

d. An indication of the child's educational progress.

e. The name and address of the nonpublic school in which the child is enrolled.

f. Whether the parent or guardian of the child is a party to a dual enrollment agreement.

3. Evidence to the local school district that the educational program for the child provides, or in due course will provide, instruction in the following subjects:

a. Mathematics.

b. Science.

c. Language arts.

d. United States history.

e. History of Iowa.

f. Principles of American government.

4. To the local school district a notarized statement indicating the reasons the person is placing the child to obtain instruction in a nonpublic school and eliminating the local school district and the state from liability and responsibility for the child's educational attainment.

5. Annually to the board of directors of the local school district, when the child has a discerned grade or placement between the third grade and eighth grade in comparison with a public school, the results of a

Page 5

nationally standardized test which has been administered under conditions mutually acceptable to

the board of directors of the local school district and the parent or guardian of the child, which test results shall show that minimum competency has been achieved as reflected by the Iowa norm for other students taking similar tests.

When a person providing instruction in a nonpublic school complies with this section, nothing herein contained grants to the state or any officers, agencies, or subdivisions of the state, any right or authority to control, manage, supervise, or make any suggestions as to the control, management, or supervision of any nonpublic school.

Sec. 9. NEW SECTION. 299B.9 OTHERWISE NOT QUALIFIED.

An instructor who provides private instruction pursuant to section 299B.6 or provides instruction in a nonpublic school pursuant to section 299B.7 but does not hold a teacher's certificate issued by the state board of public instruction is not a certified teacher.

Sec. 10. NEW SECTION. 299B.10 CHALLENGES.

In the event of challenge to the qualifications of anyone providing private instruction or instruction in a nonpublic school, it shall be an affirmative defense that such person has taken and passed a national standardized basic skills test or whose competence to provide instruction in the basic skills has been approved by informal methods of evaluation such as educational transcripts, diplomas, and other information as required by the department.

Sec. 11. NEW SECTION. 299B.11 REPEAL.

This chapter is repealed July 1, 1991.""

DAGGETT of Taylor
HANDORF of Marshall
VAN CAMP of Scott
RENSINK of Sioux

H–5634

Amend the Committee on Judiciary and Law Enforcement amendment, H–5575, to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 15, by striking lines 42 through 50 and inserting the following:

"Sec._____. Section 321.445, Code 1985, as amended by 1986 Iowa Acts, Senate File 499, section 2, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The nonuse of a seat belt by a person is not admissible or material as evidence in civil actions brought for damages."

BLANSHAN of Greene

H–5639

Amend House File 2431 as follows:

1. Page 1, by striking lines 1 through 11.

2. Page 2, by striking lines 26 through 28 and inserting the following:

"2. The amount paid to each school district for the tax credit for livestock under section 427.17 shall be regarded as property tax. ~~The portion of the payment which is foundation~~".

MUHLBAUER of Crawford

H–5643

Amend House File 2469 as follows:

1. Page 1, lines 19 and 20, by striking the words "AND EXCISE TAX".

2. Page 1, lines 22 and 23, by striking the words "and the excise tax imposed by section 206.24".

3. Page 1, by striking line 25 through page 2, line 11 and inserting the following:

"1. Forty percent of the funds collected each year shall be credited and annually appropriated to the Iowa state water resources research institute at the Iowa state university for science and technology for research, demonstration, and implementation programs designed specifically to protect Iowa's surface and groundwaters from contamination by fertilizers, pesticides, or other agricultural chemicals. Not more than ten percent of these moneys shall be spent for administration and operation of the institute.

2. Sixty percent of the funds collected each year shall be credited and annually appropriated to the groundwater fund created under section 455B.309 for the purposes set forth in that section."

4. Page 2, by striking line 12 through page 3, line 10.

5. Page 3, by inserting after line 32 the following:

"Sec._____. There is appropriated from the general fund of the state to the Iowa state water resources research institute at the Iowa state university for science and technology for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of one hundred thousand (100,000) dollars, for research, demonstration and implementation programs designed specifically to protect Iowa's surface and groundwaters from contamination by fertilizers, pesticides or other agricultural chemicals.

Sec._____. There is appropriated from the funds in

the petroleum overcharge fund to the energy policy council, or its successor agency, for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the amount of two hundred fifty thousand (250,000) dollars to be distributed to the Iowa cooperative extension service in agriculture and home economics for demonstration and education projects demonstrating energy savings through reduced use of agricultural chemicals."

6. Title page, by striking line 2 and inserting the words "fertilizer, providing for".

7. Title page, line 3, by inserting after the words "revenues" the words "and making appropriations".

JOHNSON of Winneshiek
OSTERBERG of Linn

H-5646

Amend Senate File 2083 as amended, passed, and reprinted by the Senate as follows:

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

"Section 1. Section 476.61, subsection 1, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. c. "Pilot program" means a program which is initiated for a fixed period of time and is limited to a fixed geographic area within the utility's service area, limited to a fixed number of the utility's customers, or otherwise limited so that there is sufficient information available from the results of the program to determine the long-term energy savings by the utility as a result of the program both in terms of avoided construction costs and avoided production costs.

Sec. 2. Section 476.61, subsection 3, Code Supplement 1985, is amended to read as follows:

3. As part of the pilot programs, the commission shall require public utilities to make investments in energy conservation improvements. ~~The cost of money, bad debt expense, administrative costs, and other costs of the pilot programs authorized by this section shall be included in general utility rates effective upon approval of the pilot programs by the commission pursuant to section 476.6, subsection 11. The inclusion of costs in utility rates as provided in this subsection shall not continue after the costs arising from the approved energy conservation program have been recovered.~~ The commission shall permit

recovery of reasonable actual costs of the program. However, the recovery is limited to a maximum of one quarter of one percent of the utility's gross revenue each year.

Sec. 3. Section 476.61, subsection 9, Code Supplement 1985, is amended to read as follows:

9. If after the conclusion of a pilot program the commission finds that the program is an effective method to improve energy conservation and is expected to result in long-term savings in energy costs for the utility's customers as a class, the commission may adopt rules requiring all investor-owned, rate-regulated public gas and electric utilities to make investments in energy conservation improvements in accordance with this section.

Sec. 4. Section 476.61, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 10. In implementing this section, the commerce commission shall adopt rules restricting

Page 2

the operation of pilot programs by requiring that income guidelines shall be established for eligibility of a residential customer to participate in a pilot program. The guidelines shall include a maximum income of thirty thousand dollars per year for a customer in a residential unit with one individual residing in the unit and forty thousand dollars per year for a customer in a residential unit with more than one individual residing in the unit. To determine the customer's income, the annual adjusted gross income for all individuals who have filed a personal income tax return and reside in the residence shall be aggregated. As used in this subsection, "adjusted gross income" means as properly computed for federal income tax purposes under the Internal Revenue Code of 1954 as defined in section 422.3.

NEW SUBSECTION. 11. This section is repealed July 1, 1988."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to pilot programs for energy conservation improvements and providing an effective date."

HUGHES of Union

H—5648

Amend amendment H—5603 to Senate File 2057, as amended, passed and reprinted by the Senate as

follows:

1. By striking page 1, line 5 through page 4, line 44 and inserting the following:

"Section 1. NEW SECTION. 148E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of health.

2. "Counseling" means the practice of listening to, advising, and otherwise assisting others in the understanding and development of personal goals and interpersonal relationships.

Sec. 2. NEW SECTION. 148E.2 REQUIREMENTS FOR CERTIFICATION.

An applicant shall be granted certification by the department as a certified counselor when the following requirements are satisfied:

1. The applicant possesses a master's degree in counseling, marriage and family therapy, or their equivalents as approved by the department.

2. The applicant has at least two years of counseling experience approved by the department.

3. The applicant passes an examination administered by the department.

Sec. 3. NEW SECTION. 148E.3 CERTIFIED COUNSELOR.

1. A counselor certified under this chapter may use the words "certified counselor" after the person's name.

2. Certification is not required of counselors in this state. However, a person shall not use the term "certified counselor" after the person's name, or otherwise imply that the person is a certified counselor, unless the person has received certification from the department.

3. This chapter does not prohibit the practice of counseling which is done as part of a profession licensed under chapter 147.

Sec. 4. NEW SECTION. 148E.4 RULES.

The department shall adopt rules necessary for the implementation of this chapter in accordance with chapter 17A."

2. Title page, lines 1 and 2, by striking the words "licensing of marital and family therapists and mental health" and inserting the following: "certification of".

HANSON of Delaware

H–5649

Amend Senate File 2057, as amended, passed, and reprinted by the Senate, as follows:

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

"Section 1. NEW SECTION. 148E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of health.

2. "Counseling" means the practice of listening to, advising, and otherwise assisting others in the understanding and development of personal goals and interpersonal relationships.

Sec. 2. NEW SECTION. 148E.2 REQUIREMENTS FOR CERTIFICATION.

An applicant shall be granted certification by the department as a certified counselor when the following requirements are satisfied:

1. The applicant possesses a master's degree in counseling, marriage and family therapy, or their equivalents as approved by the department.

2. The applicant has at least two years of counseling experience approved by the department.

3. The applicant passes an examination administered by the department.

Sec. 3. NEW SECTION. 148E.3 CERTIFIED COUNSELOR.

1. A counselor certified under this chapter may use the words "certified counselor" after the person's name.

2. Certification is not required of counselors in this state. However, a person shall not use the term "certified counselor" after the person's name, or otherwise imply that the person is a certified counselor, unless the person has received certification from the department.

3. This chapter does not prohibit the practice of counseling which is done as part of a profession licensed under chapter 147.

Sec. 4. NEW SECTION. 148E.4 RULES.

The department shall adopt rules necessary for the implementation of this chapter in accordance with chapter 17A."

2. Title page, lines 1 and 2, by striking the words "licensing of marital and family therapists and mental health" and inserting the following: "certification of".

HANSON of Delaware

H–5651

Amend Senate File 2265 as amended, passed, and reprinted by the Senate, as follows:

1. Page 17, by inserting after line 27, the

following:

"Sec._____. NEW SECTION. 669.1 AUTHORIZATION.

The supreme court by rule may provide for mandatory arbitration of actions brought pursuant to chapter 668, as the court deems appropriate in order to expedite in a less costly manner any action wherein a party asserts a claim not exceeding fifteen thousand dollars, or a judge of the district court, at a pretrial conference, determines that no greater amount appears to be genuinely in controversy.

Sec._____. NEW SECTION. 669.2 IMPLEMENTATION.

The supreme court shall by rule adopt procedures adapted to each judicial district to implement mandatory arbitration under this chapter.

Sec._____. NEW SECTION. 669.3 QUALIFICATION — APPOINTMENT — COMPENSATION OF ARBITRATORS.

The qualification and the method of appointment of arbitrators shall be prescribed by rule. Arbitrators shall be entitled to reasonable compensation for their services. Arbitration hearings shall be conducted by arbitrators sitting in panels of three, or a lesser number as may be stipulated by the parties.

Sec._____. NEW SECTION. 669.4 DECISION AND AWARD.

Following the arbitration hearing as prescribed by rule, the arbitrators' decision shall be filed with the district court, together with proof of service on the parties. Within the time prescribed by rule, any party to the proceeding may file with the clerk of the court a written notice of the rejection of the award. In case of a rejection, the parties may, upon payment of appropriate costs, proceed to trial in the district court.

Sec._____. NEW SECTION. 669.5 JUDGMENT OF THE COURT.

If no rejection of the award is filed, a judge of the district court may enter the award as the judgment of the court in the matter.

Sec._____. NEW SECTION. 669.6 CHAPTER NOT AFFECTED.

Chapter 679A, or any other provision of law relating to arbitration, is not applicable to arbitration proceedings pursuant to this chapter."

2. Title page 2, line 6, by inserting after the word "action," the words "creating a mandatory arbitration system for certain cases,".

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

BENNETT of Ida

H—5654

Amend amendment H—5604 to Senate File 2270 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 16 through 22.

OSTERBERG of Linn

H—5655

Amend amendment H—5604 to Senate File 2270 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, lines 35 and 36, by striking the word and figures "July 1, 1988" and inserting the following: "March 30, 1987".

OSTERBERG of Linn

H—5658

Amend amendment H—5575 to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 15, by striking lines 15 through 41.

DODERER of Johnson
SIEGRIST of Pottawattamie

H—5660

Amend H—5560 to Senate File 2268 as passed by the Senate as follows:

1. Page 1, line 37, by inserting after the figure "536A.22." the following: "However, before a member may issue a nonguaranteed thrift certificate, the member must disclose to the prospective purchase in writing and orally that the certificate is not guaranteed or insured by the guaranty corporation or the state of Iowa. The written disclose shall be made clearly and conspicuously and shall be specifically signed and dated prior to the purchase by the prospective purchaser of the certificate."

STURGEON of Woodbury
SKOW of Guthrie

H—5661

Amend the amendment H—5590 to Senate File 2269 as amended and passed by the Senate as follows:

1. Page 3, line 22, by striking the words "Consult with" and inserting the following: "Provide evidence that the child will receive instruction from".

2. Page 3, line 23, by striking the word "three" and inserting the following: "five".

O'KANE of Woodbury

H–5662

Amend H–5590 to Senate File 2269 as amended and passed by the Senate as follows:

1. Page 1, line 7, by striking the words "schools and" and inserting the following: "schools,".

2. Page 1, line 8, by inserting after the figure "280" the following: ", and instruction for persons who have received an exemption pursuant to section 299.24 by the state board of public instruction".

JAY of Appanoose

H–5665

Amend the amendment H–5590 to Senate File 2269 as amended and passed by the Senate as follows:

1. Page 6, line 3, by striking the word "shall" and inserting the following: "may".

SPEAR of Lee

H–5666

Amend the amendment H–5590 to Senate File 2269 as amended and passed by the Senate as follows:

1. Page 5, line 38, by striking the word "Shall" and inserting the following: "May".

SPEAR of Lee

H–5667

Amend the amendment H–5590 to Senate File 2269 as amended and passed by the Senate as follows:

1. By striking page 5, line 49 through page 6, line 7.

SPEAR of Lee

H—5678

Amend H—5590 to Senate File 2269 as amended and passed by the Senate as follows:

1. Page 2, by striking lines 28 through 31 and inserting the following: "standardized test. The test shall be administered by the superintendent or designee of the local school district or the authorities in charge of an approved nonpublic school at a site mutually agreed upon with the person having control of the child."

2. Page 3, line 41, by inserting after the word "district." the following: "The test shall be administered by the superintendent or designee of the local school district at a site mutually agreed upon with the person having control of the child."

3. Page 4, line 49, by inserting after the word "district." the following: "The test shall be administered by the superintendent or designee of the local school district at a site mutually agreed upon with the person having control of the child."

SCHNEKLOTH of Scott

H—5684

Amend the Committee on Judiciary and Law Enforcement amendment, H—5575, to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 8, by striking lines 13 through 35.

2. Page 17, by inserting after line 46 the following:

"Sec._____. RESTRICTIONS ON ALTERNATIVE FINANCING.

Alternative financing for insurance coverage authorized by sections 20 through 26, 28, and 39 of this Act, shall be subject to the following restrictions:

1. For the period running from the effective date of this Act to January 1, 1988, there shall be allowed a maximum of three pilot programs for the use of such alternative financing mechanisms. The pilot programs shall be selected as follows:

a. The division of risk management of the department of general services shall be the exclusive agency for the granting of authorization for pilot programs for the period running from the effective date of this Act to January 1, 1988.

b. All governmental entities seeking to use alternative financing methods authorized by this Act shall, within thirty days of the effective date of

this Act, submit to the risk management division of the department of general services an application for a pilot project, such application to be in a form similar to a request for the rating of bonds.

c. Authorization by the division of risk management shall be based on, but not limited to, the following:

(1) The existence of an implemented or planned risk management program for the entity.

(2) The entity's plans for risk management and loss avoidance, to minimize losses.

(3) The availability of expertise from a risk management specialist.

(4) The funds currently available through traditional financing methods.

(5) The funds anticipated to be raised by any planned alternative financing mechanism allowed by this Act.

(6) The entity's previous experience and success with similar alternative financing mechanisms.

(7) The completeness and thoroughness of the entity's planning.

(8) The probability for successful implementation and continuing existence of the entity's planned program.

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2. The risk manager shall file with the general assembly and the office of the governor, by January 1, 1988, a report of the feasibility and effects of alternative financing plans authorized by this Act, and making recommendations regarding the expansion of the programs. Expansion of the pilot programs established pursuant to subsection 1 shall not occur until at least thirty days following the receipt of the report required by this subsection."

HUMMEL of Benton
HARBOR of Mills
CARPENTER of Polk
DIEMER of Black Hawk
METCALF of Polk

H–5685

Amend Senate File 166 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking line 22 and inserting the following: "pigeons may be taken. The pigeons must be causing economic damage or causing a potential health hazard to be taken. The methods may include, but are not limited to, the use of trapping, chemical repellents or toxic perches."

PLATT of Muscatine
BLACK of Jasper

H–5687

Amend Senate File 19 as amended, passed and reprinted by the Senate as follows:

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

"Sec._____. Section 321.1, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 87. "Liability insurance coverage" means any of the following:

a. An owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in this state to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle within the United States of America or the Dominion of Canada, but subject to minimum limits, exclusive of interest and costs, in the amounts specified in section 321A.21. However, if another provision of the Code requires a person to have liability insurance coverage which exceeds the minimum requirements of this subsection, that provision of the Code supersedes the minimum requirements of this subsection.

b. A valid certificate of self-insurance issued by the director pursuant to section 321A.34.

c. A bond filed with the director pursuant to section 321A.24.

d. A valid certificate of deposit of money or security issued by the treasurer of state pursuant to section 321A.25.

NEW SUBSECTION. 88. "Proof of insurance card" means either a liability insurance card issued under section 321.20A, bond insurance card issued under section 321A.24, security insurance card issued under section 321A.25, or self-insurance card issued under section 321A.34.

Sec._____. NEW SECTION. 321.20A PROOF OF SECURITY AGAINST LIABILITY.

1. Notwithstanding chapter 321A, as it pertains to who is required to maintain proof of financial responsibility, a person shall not drive a motor vehicle which is registered in this state on the highways of this state unless liability insurance coverage as defined in section 321.1, subsection 87, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of insurance card issued for the motor vehicle.

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2. An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a liability insurance card for each registered motor vehicle insured. The liability insurance card shall be in accordance with rules adopted by the commissioner of insurance pursuant to chapter 17A after consultation with the state department of transportation. Each liability insurance card shall identify the registration number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The liability insurance card shall also contain the name and address of the insured and insurer.

3. An owner or driver of a motor vehicle who is charged with violating subsection 1 shall not be convicted if the person produces in court, within a reasonable time, proof that the motor vehicle had liability insurance coverage at the time of the person's arrest.

Sec._____. Section 321.54, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Nonresident owners of foreign vehicles operated within this state for the intrastate transportation of persons or property for compensation or for the intrastate transportation of merchandise shall register and maintain liability insurance coverage for each ~~such~~ vehicle and pay the same fees ~~therefor as is~~ required ~~with reference to~~ for like vehicles owned by residents of this state.

Sec._____. Section 321.55, Code 1985, is amended to read as follows:

321.55 REGISTRATION REQUIRED FOR CERTAIN VEHICLES OWNED OR OPERATED BY NONRESIDENTS.

A nonresident owner or operator engaged in remunerative employment within the state or carrying on business within the state and owning or operating a motor vehicle, trailer, or semitrailer within the state shall register and maintain liability insurance coverage for each such vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, this paragraph does not apply to a person commuting from the person's residence in another state or whose employment is seasonal or temporary, not exceeding ninety days.

A nonresident owner of a motor vehicle operated within the state by a resident of the state shall register the vehicle and shall maintain liability insurance coverage for the vehicle. The nonresident owner shall pay the same fees for registration as are

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paid for like vehicles owned by residents of this state. However, registration under this paragraph ~~does not apply to~~ is not required for vehicles being operated by residents temporarily, not exceeding ninety days. It is unlawful for a resident to operate within the state an unregistered motor vehicle required to be registered under this paragraph.

Sec. _____. Section 321.57, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A dealer owning any vehicle of a type otherwise required to be registered ~~hereunder~~ under this chapter may operate or move the ~~same~~ vehicle upon the highways solely for purposes of transporting, testing, demonstrating or selling the ~~same~~ vehicle without registering ~~each such~~ the vehicle upon condition that ~~any such~~ the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to ~~such~~ the owner as provided in sections 321.58 to 321.62. ~~In addition to the foregoing,~~ a However, if the vehicle is a motor vehicle the dealer shall maintain liability insurance coverage for the motor vehicle as required under section 321.20A. A new car dealer or a used car dealer may operate or move upon the highways any new or used car or trailer owned by the dealer for either private or business purposes without registering ~~the same~~ it providing, ~~(1) such~~ the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and ~~(2)~~ there is displayed ~~thereon~~ on it a special plate issued to ~~such~~ the dealer as provided in sections 321.58 to 321.62."

2. Page 3, by inserting after line 29, the following:

"Sec. _____. Section 321.492, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license, to require exhibition of the proof of insurance card issued for the vehicle if the vehicle is a motor vehicle registered in this state, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.

Sec. _____. Section 321A.24, subsection 1, Code 1985, is amended to read as follows:

1. Proof of financial responsibility may be

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evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge or clerk of a court of record, which ~~said~~ bond shall be conditioned for payment of the amounts specified in section 321A.1, subsection 10. ~~Such~~ The bond shall be filed with the director and shall not be cancelable except after ten days' written notice to the director. ~~Such~~ The director shall issue to the person filing the bond, a bond insurance card for each motor vehicle registered by the person in the state. The bond insurance card shall state the name and address of the person and the motor vehicle registration number of the vehicle for which the card is issued. The bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed ~~such~~ the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use ~~thereof~~ of the property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after ~~such~~ the bond was filed, upon the filing of notice to that effect by the director in the office of the proper clerk of court of the county where ~~such~~ the real estate ~~shall be~~ is located. ~~Any~~ An individual surety ~~so~~ scheduling real estate security shall furnish satisfactory evidence of title ~~thereto~~ to the property and the nature and extent of all encumbrances ~~thereon~~ on the property and the value of the surety's interest ~~therein~~ in the property, in ~~such~~ the manner ~~as~~ the judge or clerk of the court of record approving the bond ~~may require~~ requires. The notice filed by the director shall, in addition to any other matters deemed by the director to be pertinent, contain a legal description of the real estate ~~so~~ scheduled, the name of the holder of the record title, the amount for which it stands as security, and the name of the person in whose behalf proof is ~~so~~ being made. Upon the filing of ~~such~~ the notice the clerk of the court of such county shall retain the ~~same~~ notice as part of the records of ~~such~~ the court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the

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description of the real estate, and the further notation that a lien is charged on ~~such~~ the real estate pursuant to the filed notice ~~filed hereunder~~. From and after the entry of the ~~foregoing~~ notice upon the encumbrance book all persons ~~whomsoever shall be~~ are charged with notice ~~thereof~~ of it.

Sec._____. Section 321A.25, subsection 1, Code 1985, is amended to read as follows:

1. ~~With respect to accidents occurring on or after January 1, 1981, and before January 1, 1983, proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named in the certificate has deposited with the treasurer forty thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of forty thousand dollars; and with respect to accidents occurring on or after January 1, 1983, proof~~ Proof of financial responsibility may be evidenced by the certificate of the ~~state~~ treasurer of state that the person named in the certificate has deposited with the treasurer of state fifty-five thousand dollars in cash, or securities ~~such as~~ which may legally be purchased by a state bank or ~~for~~ trust funds of a market value of fifty-five thousand dollars. The treasurer of state shall promptly notify the director of transportation of the name and address of the person who has been issued the certificate. Upon receipt of the notification, the director of transportation shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The ~~state~~ treasurer of state shall not accept a deposit and issue a certificate for it and the director shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Sec._____. Section 321A.34, subsections 2 and 3, Code 1985, are amended to read as follows:

2. The director may, in the director's discretion, upon the application of such a person, issue a certificate of self-insurance when the director is satisfied that ~~such~~ the person is possessed and will continue to be possessed of ability to pay judgments obtained against ~~such~~ the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the person. However, a

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certificate of self-insurance shall not be issued unless the person files a bond under section 321A.24 or cash or securities under section 321A.25. The director shall issue to each person who has in effect a valid certificate of self-insurance, a self-insurance card for each motor vehicle registered in this state by the person. The card shall state the name and address of the person and shall state the registration number of the motor vehicle for which the card was issued.

3. Upon not less than five days' notice and a hearing pursuant to such notice, the director may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the self-insurer within thirty days after ~~such~~ the judgment ~~shall have become~~ becomes final ~~shall constitute~~ constitutes a reasonable ground for the cancellation of a certificate of self-insurance. Upon the cancellation of a certificate of self-insurance, the person who was issued the certificate shall surrender to the director all self-insurance cards issued to the person.

Sec. _____. Section 516A.1, Code 1985, is amended to read as follows:

516A.1 COVERAGE INCLUDED IN EVERY LIABILITY POLICY — ~~REJECTION BY INSURED~~.

~~No~~ An automobile liability or motor vehicle liability insurance policy insuring against liability for bodily injury or death arising out of the ownership, maintenance, or use of a motor vehicle shall not be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided in ~~such~~ the policy or supplemental ~~thereto~~ to the policy, for the protection of persons insured under ~~such~~ the policy who are legally entitled to recover damages from the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle or an underinsured motor vehicle because of bodily injury, sickness, or disease, including death resulting therefrom, caused by accident and arising out of the ownership, maintenance, or use of ~~such~~ the uninsured or underinsured motor vehicle, or arising out of physical contact of ~~such~~ the hit-and-run motor vehicle with the person insured or with a motor vehicle which the person insured is occupying at the time of the accident. Both the uninsured motor vehicle or hit-and-run motor vehicle coverage, and the underinsured motor vehicle coverage shall include

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limits for bodily injury or death at least equal to those ~~stated in section 321A.1, subsection 10~~ provided in the automobile or motor vehicle liability coverage of the policy. The form and provisions of ~~such~~ the coverage shall be examined and approved by the commissioner of insurance.

~~However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle or hit-and-run motor vehicle coverage, or reject the underinsured motor vehicle coverage, by written rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.~~

Sec._____. NEW SECTION. 516B.3 PROHIBITION AGAINST POLICY RATE INCREASES SOLELY BECAUSE OF CLAIM FILED FOR ACCIDENTS INVOLVING UNINSURED OR UNDERINSURED MOTORISTS.

The rate for an insured's automobile insurance or motor vehicle insurance policy insuring against injury or damages arising out of use of a motor vehicle registered in this state delivered or issued for delivery in this state shall not be increased solely because a claim or claims against the policy were made due to injury or damages sustained caused by accident and arising out of the use of an uninsured or underinsured motor vehicle.

Sec._____. NEW SECTION. 516B.4 APPLICATION.

Section 516B.3 applies only to accidents in which the driver of the uninsured or underinsured motor vehicle is charged with violating section 321.20A. The section also applies only in accidents where the insured was not at fault in the accident. The commissioner of insurance shall adopt rules pursuant to chapter 17A determining the reasonable percentage of fault at which the insured shall be deemed to be not at fault in an accident, however, the rules adopted shall require that the percentage of fault be less than fifty percent.

Sec._____. NEW SECTION. 516C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the insurance department of Iowa.

2. "Commissioner" means the commissioner of

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insurance or the commissioner's designee.

3. "Victim" means a person who suffers personal injury or death as a result of an accident arising out of the ownership, maintenance, or use of an uninsured motor vehicle in the state.

4. "Dependent" means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim's death.

5. "Reparation" means compensation awarded by the commissioner as authorized by this chapter.

Sec._____. NEW SECTION. 516C.2 AWARD OF REPARATION.

The commissioner shall award reparations authorized by this chapter if the commissioner is satisfied that the requirements for reparation have been met.

Sec._____. NEW SECTION. 516C.3 DUTIES OF COMMISSIONER.

The commissioner shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the uninsured motorists' victim reparation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.

2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.

3. Publicize through the department, state department of transportation, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the uninsured motorists' victim reparation program, including the procedures for obtaining reparation under the program.

4. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if reparation is made. The department shall be responsible for the cost of the medical examination from moneys deposited in the uninsured motorists' victim reparation fund if reparation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.

Sec._____. NEW SECTION. 516C.4 APPLICATION FOR REPARATION.

1. To claim a reparation under the uninsured motorists' victim reparation program, a person shall apply in writing on a form prescribed by the

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commissioner and file the application with the commissioner within one hundred eighty days after the date of the accident or within one hundred twenty days after the date of death of the victim.

2. A person is not eligible for reparation unless the accident was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. However, if the accident cannot reasonably be reported within that time period, the accident shall have been reported within seventy-two hours of the time a report can reasonably be made.

Sec._____. NEW SECTION. 516C.5 REPARATIONS PAYABLE.

On or after July 1, 1987, the commissioner may order the payment of reparation:

1. To or for the benefit of the person filing the claim.

2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.

3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to a reparation, the reparation may be apportioned by the commissioner as the commissioner determines to be fair and equitable among the dependents.

Sec._____. NEW SECTION. 516C.6 COMPUTATION OF REPARATION.

The commissioner shall make reparation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed ten thousand dollars.

2. Loss of income from work the victim would have performed and for which the victim would have received compensation if the victim had not been injured not to exceed two thousand dollars.

3. Reasonable funeral and burial expenses not to exceed two thousand five hundred dollars.

4. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed two thousand dollars per dependent or a total of six thousand dollars.

Sec._____. NEW SECTION. 516C.7 REDUCTIONS AND DISQUALIFICATIONS.

Reparations are subject to reduction and disqualification as follows:

1. A reparation shall be reduced by the amount of

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any payment received, or to be received, as a result of the injury or death:

a. From or on behalf of, the owner or driver of the uninsured motor vehicle.

b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.

c. From public funds.

d. As an emergency award under section 516C.11.

2. A person is disqualified from receiving a reparation if the victim has not cooperated with an appropriate law enforcement agency in the investigation or prosecution of the accident relating to the claim, or has not cooperated with the department in the administration of the uninsured motorists' victim reparation program.

Sec._____. NEW SECTION. 516C.8 REPARATION WHEN MONEY INSUFFICIENT.

Notwithstanding this chapter a victim otherwise qualified for a reparation under the uninsured motorists' victim reparation program, is not entitled to the reparation when there is insufficient money in the uninsured motorists' victim reparation fund to pay the reparation.

Sec._____. NEW SECTION. 516C.9 ERRONEOUS OR FRAUDULENT PAYMENT — PENALTY.

1. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the reparation. The commissioner may waive, decrease, or adjust the amount of the repayment of the reparation. However, if the commissioner does not notify the recipient of the erroneous payment or overpayment within one year of the date the reparation was made, the recipient is not liable for the repayment of the reparation.

2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment of the reparation.

Sec._____. NEW SECTION. 516C.10 RELEASE OF INFORMATION.

A person in possession or control of investigative or other information pertaining to an uninsured motorists' accident or a victim filing for a reparation shall allow the inspection and reproduction of the information by the commissioner upon the request of the commissioner, to be used only in the

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administration and enforcement of the uninsured motorists' victim reparation program. Information and records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the commissioner as required under this section.

Sec._____. NEW SECTION. 516C.11 EMERGENCY PAYMENT REPARATION.

If the commissioner determines that reparation may be made and that undue hardship may result to the person if partial immediate payment is not made, the commissioner may order an emergency reparation to be made to the person, not to exceed five hundred dollars.

Sec._____. NEW SECTION. 516C.12 RIGHT OF ACTION AGAINST PERPETRATOR — SUBROGATION.

A right of legal action by the victim against the owner or driver of an uninsured motor vehicle is not lost as a consequence of a person receiving reparation under the uninsured motorists' victim reparation program. If a person receiving reparation under the program seeks indemnification which would reduce the reparation under section 516C.7, subsection 1, the commissioner is subrogated to the recovery to the extent of payments by the commissioner to or on behalf of the person. The commissioner has a right of legal action against the owner or operator of an uninsured motor vehicle involved in an accident resulting in payment of reparation by the department to the extent of the reparation payment. However, legal action by the commissioner does not affect the right of a person to seek further relief in other legal actions.

Sec._____. NEW SECTION. 516C.13 UNINSURED MOTORISTS' VICTIM REPARATION FUND.

The uninsured motorists' victim reparation fund is created. Notwithstanding section 602.8106, all fines from violations of section 321.20A, subsection 1, received by the treasurer of state shall be deposited in the uninsured motorists' victim reparation fund. The state comptroller shall report monthly to the commissioner an account of all credits and disbursements from the fund. The state comptroller shall issue warrants for disbursements from the fund upon proper certification by the commissioner.

Sec._____. Section 805.6, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person who has been stopped

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by a peace officer pursuant to section 321.492 and who exhibited to the peace officer a proof of insurance card as defined under section 321.1, subsection 88, issued for the driven motor vehicle which, upon subsequent investigation by the peace officer, is found to be invalid, may be issued a uniform citation and complaint for a violation of section 321.20A, subsection 1, without the need of obtaining the signature of the person to whom the uniform citation and complaint is issued. The uniform citation and complaint shall be served in the manner of an original notice by R.C.P. 56.1, paragraph "a" or by certified mail addressed to the person at the address shown by the records of the state department of transportation. Return acknowledgement is required to prove the latter service.

Sec._____. Section 805.8, subsection 2, Code Supplement 1985, is amended by adding the following new paragraph:

NEW PARAGRAPH. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20A, subsection 1, the scheduled fine is five hundred dollars, otherwise the scheduled fine for violations of section 321.20A, subsection 1 is one hundred dollars.

Sec._____. Section 516A.2, Code 1985, is repealed.

Sec._____. This Act takes effect January 1, 1987. In order to implement this Act, the insurance department of Iowa and the state department of transportation shall adopt rules as required under this Act by October 1, 1986. The treasurer of state shall notify the director of transportation of the names and addresses of persons who are issued valid certificates under section 321A.25, subsection 1, by November 1, 1986, and after that date the treasurer of state shall notify the director of transportation as required under section 321A.25, subsection 1, as amended by this Act. Insurance carriers authorized to do business in this state and the director of transportation shall distribute proof of insurance cards as required under this Act by December 1, 1986."

3. Title page, line 1, by striking the words "which treats," and inserting the following: "relating to motor vehicle law including insurance coverage requirements for motor vehicles in this state, creating the uninsured motorists' victim reparation fund, and treating,".

4. Title page, line 4, by inserting after the word "cancellations" the following: "and providing a penalty and effective dates".

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5. By renumbering as necessary.

SWARTZ of Marshall

H–5688

Amend the Committee on Judiciary and Law Enforcement amendment, H–5575, to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 10, by inserting after line 23 the following:

"Sec._____. NEW SECTION. 507D.1 SHORT TITLE.

This Act shall be known as the "Insurance Assistance Act".

Sec._____. NEW SECTION. 507D.2 DISCLOSURE OF INFORMATION.

The commissioner of insurance shall adopt rules pursuant to chapter 17A for the collection of information relating to the availability, obtainability, costs, profits, and losses associated with the provision of property, casualty, product, professional, or other liability insurance within the state, and relating to the feasibility and implementation of market assistance programs, mandatory risk allocation programs, risk-sharing programs, risk management programs, or any other authorized program under section 507D.3.

Sec._____. NEW SECTION. 507D.3 AUTHORIZED ASSISTANCE PROGRAMS.

The commissioner of insurance is authorized to institute programs, order the institution of programs within the private sector, or to contract with or delegate authority to the risk management division of the department of general services for the institution of programs relating to insurance assistance including, but not limited to, the following:

1. The development and implementation of a market assistance program to facilitate, arrange, or provide for the acquisition of property, casualty, product, professional, or other liability insurance coverage for all persons or entities seeking such coverage but for which the coverage is presently unavailable or unobtainable to the person or entity.

2. The development and implementation of a mandatory risk allocation system for property, casualty, product, professional, or other liability insurance, except asbestosis and environmental impairment liability, in order to assure that all

persons or entities for which such insurance is essential may obtain such insurance from insurers authorized to do business within this state.

3. The development and implementation of a risk-sharing program to assist and advise persons or entities seeking property, casualty, product, professional, or other liability insurance, except

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asbestosis and environmental impairment liability, on the most efficient manner in which to share or pool similar risks in order to obtain essential insurance coverage at the minimum cost.

4. The development and implementation of a risk management program for persons or entities to which property, casualty, product, professional, or other liability insurance is essential, such program to include at a minimum the following:

a. Assistance in developing and maintaining loss and loss exposure data on such liability risks.

b. Recommendations regarding risk reduction and risk elimination programs.

c. Recommendations of those practices which will permit protection against such losses at the lowest costs, consistent with good underwriting practices and sound risk management techniques.

5. Subsections 2 and 3 shall have no application or effect after July 1, 1991.

Sec._____. NEW SECTION. 507D.4 FINANCING OF ASSISTANCE PROGRAMS.

The insurance commissioner may, by rule, provide for the financing, as necessary, for any or all programs under section 507D.3 by the assessment of fees to insurers authorized to write property, casualty, product, professional, or other liability insurance within this state. The commissioner of insurance may assess fees and charges against persons or entities for costs incurred in providing assistance to the person or entity pursuant to section 507D.3. Fees collected pursuant to such rules shall be used solely for the purposes of the program for which assessed, and are not to be transmitted to the general fund or used for any other purposes.

Sec._____. NEW SECTION. 507D.5 RATE ADJUSTMENT REVIEW.

The commissioner of insurance shall conduct a rate adjustment review for all insurers authorized to write property, casualty, product, professional, or other liability insurance within this state and who make a request for rate adjustment regarding such insurance.

The commissioner of insurance may employ or contract with actuarial consultants as necessary to review the request. The person conducting the review shall report to the commissioner as to the advisability of the adjustment requested.

The reasonable fees and expenses of an actuarial consultant employed or contracted by the commissioner of insurance for purposes of a rate adjustment review shall be assessed against and paid by the person

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requesting such rate adjustment.

Sec._____. NEW SECTION. 507D.6 CONTINUING STUDIES.

The commissioner of insurance is authorized to conduct such further surveys, market reviews, data collection and analysis, studies of a mandatory risk allocation system and a risk sharing program and such other studies as the commissioner deems necessary for the proper implementation of this chapter.

Sec._____. NEW SECTION. 507D.7 AUTHORIZATION TO ACCEPT FUNDS.

The commissioner of insurance may accept gifts, grants, or other funds from any sources for the purpose of defraying the costs incurred by the department of insurance in carrying out the provisions of this chapter, provided the funds are made available by more than one source during the fiscal year. However, the commissioner shall transmit to the general assembly by January 1 of each year a list of contributions received from private sources, the contributors, and the purposes for which the contributions were used."

RUNNING of Linn
GRONINGA of Cerro Gordo

H–5690

Amend Senate File 2240 as passed by the Senate as follows:

1. Page 1, line 12, by inserting after the word "misdemeanor" the following: ", and upon conviction the department shall revoke all motor vehicle registrations registered in the person's name".

VAN CAMP of Scott

H–5693

Amend the amendment, H–5687, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 8, line 5, by inserting after the word "state" the following: "and who is not the owner of the uninsured motor vehicle".

KREMER of Buchanan

H–5695

Amend amendment H–5604 to Senate File 2270 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by inserting after line 36 the following:

"_____. Page 2, by inserting before line 6 the following:

"Sec._____. Section 654.7, Code 1985, is amended to read as follows:

654.7 OVERPLUS. If there is an overplus remaining after satisfying the mortgage and costs, and if there is no other lien upon the property, ~~such~~ the amount of the overplus up to the mortgagor's basis in the property shall be paid to the mortgagor and any overplus remaining after the recovery of the basis shall be paid to the mortgagee." "

HUMMEL of Benton

H–5696

Amend amendment H–5604 to Senate File 2270 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, line 34, by striking the words "agricultural land" and inserting the words "any real estate".

2. Page 1, line 43, by striking the words "agricultural land" and inserting the words "real estate".

HUMMEL of Benton

H–5697

Amend House File 2256 as follows:

1. Page 1, lines 12 through 14, by striking the words ", obstruct the highway or tile drains, or

interfere with proper improvement or maintenance of the highway".

2. Page 1, line 14, by inserting after the word "highway." the following: "Prior to the removal of all or part of trees, shrubs, underbrush or other growth from within the highway right-of-way, the agency in control of the secondary road or primary road shall provide written notice of its intended action at least thirty days prior to any action to the owner of the abutting property. If the property is occupied by a tenant, notice shall also be provided to the tenant. The notice shall identify the work intended to be done and advise the owner or tenant that if the owner or tenant objects to the action proposed by the agency in control of the secondary road or primary road, the owner or tenant of the abutting property may appeal the proposed action to the county board of supervisors in the case of a secondary road or to the transportation commission in the case of a primary road. If the proposed action is appealed, the agency in control of the secondary road or primary road shall delay the project until final disposition of the appeal."

3. Page 1, line 15, by striking the words "does not have any right, title, or interest in" and inserting the words "does have a right to remove".

LLOYD-JONES of Johnson

H—5698

Amend the amendment H—5687 to Senate File 19 as amended, passed and reprinted by the Senate as follows:

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

"_____. Page 1, by inserting after line 19 the following:

"Sec. 777. Section 321.189, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. The department may issue a motorized bicycle license to a person ~~fourteen~~ sixteen years of age or older who has passed a vision test and a written examination on the rules of the road. After ~~January~~ July 1, ~~1982~~ 1986, persons under the age of ~~sixteen~~ eighteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver

education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession. The license is valid for a period of two years, subject to termination or cancellation as provided in this section." "

2. Page 12, line 27, by striking the word "This" and inserting the following: "Except for section 777, this".

3. Page 12, line 41, by inserting after the figure "1986." the following: "Section 777 of this Act applies to motorized bicycle licenses issued on or after July 1, 1986."

4. Page 12, line 47, by inserting after the word "fund," the following: "raising the minimum age requirement for issuance of motorized bicycle licenses,".

5. Renumber sections and correct internal references as necessary.

CHAPMAN of Linn

H–5699

Amend the Committee on Transportation amendment, H–3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting before line 5 the following:

"Sec._____. Section 321.1, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 87. "Liability insurance coverage" means any of the following:

a. An owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in this state to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle within the United States of America or the Dominion of Canada, but subject to minimum limits, exclusive of interest and costs, in the amounts specified in section 321A.21. However, if another provision of the Code requires a person to have liability insurance coverage which exceeds the minimum

requirements of this subsection, that provision of the Code supersedes the minimum requirements of this subsection.

b. A valid certificate of self-insurance issued by the director pursuant to section 321A.34.

c. A bond filed with the director pursuant to section 321A.24.

d. A valid certificate of deposit of money or security issued by the treasurer of state pursuant to section 321A.25.

NEW SUBSECTION. 88. "Proof of insurance card" means either a liability insurance card issued under section 321.20A, bond insurance card issued under section 321A.24, security insurance card issued under section 321A.25, or self-insurance card issued under section 321A.34.

Sec._____. NEW SECTION. 321.20A PROOF OF SECURITY AGAINST LIABILITY.

1. Notwithstanding chapter 321A, as it pertains to who is required to maintain proof of financial responsibility, a person shall not drive a motor vehicle which is registered in this state on the highways of this state unless liability insurance coverage as defined in section 321.1, subsection 87, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of insurance

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card issued for the motor vehicle.

2. An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a liability insurance card for each registered motor vehicle insured. The liability insurance card shall be in accordance with rules adopted by the commissioner of insurance pursuant to chapter 17A after consultation with the state department of transportation. Each liability insurance card shall identify the registration number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The liability insurance card shall also contain the name and address of the insured and insurer.

3. An owner or driver of a motor vehicle who is charged with violating subsection 1 shall not be convicted if the person produces in court, within a reasonable time, proof that the motor vehicle had liability insurance coverage at the time of the person's arrest.

Sec._____. Section 321.54, unnumbered paragraph 1,

Code 1985, is amended to read as follows:

Nonresident owners of foreign vehicles operated within this state for the intrastate transportation of persons or property for compensation or for the intrastate transportation of merchandise shall register and maintain liability insurance coverage for each ~~such~~ vehicle and pay the same fees ~~therefor as is~~ required ~~with reference to~~ for like vehicles owned by residents of this state.

Sec. _____. Section 321.55, Code 1985, is amended to read as follows:

321.55 REGISTRATION REQUIRED FOR CERTAIN VEHICLES OWNED OR OPERATED BY NONRESIDENTS.

A nonresident owner or operator engaged in remunerative employment within the state or carrying on business within the state and owning or operating a motor vehicle, trailer, or semitrailer within the state shall register and maintain liability insurance coverage for each such vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, this paragraph does not apply to a person commuting from the person's residence in another state or whose employment is seasonal or temporary, not exceeding ninety days.

A nonresident owner of a motor vehicle operated within the state by a resident of the state shall register the vehicle and shall maintain liability insurance coverage for the vehicle. The nonresident

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owner shall pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, registration under this paragraph ~~does not apply to~~ is not required for vehicles being operated by residents temporarily, not exceeding ninety days. It is unlawful for a resident to operate within the state an unregistered motor vehicle required to be registered under this paragraph.

Sec. _____. Section 321.57, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A dealer owning any vehicle of a type otherwise required to be registered ~~hereunder~~ under this chapter may operate or move the ~~same~~ vehicle upon the highways solely for purposes of transporting, testing, demonstrating or selling the ~~same~~ vehicle without registering ~~each such~~ the vehicle upon condition that ~~any such~~ the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to ~~such~~ the owner as provided in sections 321.58 to 321.62. ~~In addition to the foregoing, a~~ However, if

the vehicle is a motor vehicle the dealer shall maintain liability insurance coverage for the motor vehicle as required under section 321.20A. A new car dealer or a used car dealer may operate or move upon the highways any new or used car or trailer owned by the dealer for either private or business purposes without registering ~~the same~~ it providing, ~~(1) such~~ the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and ~~(2)~~ there is displayed ~~thereon~~ on it a special plate issued to ~~such~~ the dealer as provided in sections 321.58 to 321.62."

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

"Sec._____. Section 321.492, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license, to require exhibition of the proof of insurance card issued for the vehicle if the vehicle is a motor vehicle registered in this state, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle."

3. Page 2, by inserting after line 24, the following:

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"Sec._____. Section 321A.24, subsection 1, Code 1985, is amended to read as follows:

1. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge or clerk of a court of record, which ~~said~~ bond shall be conditioned for payment of the amounts specified in section 321A.1, subsection 10. ~~Such~~ The bond shall be filed with the director and shall not be cancelable except after ten days' written notice to the director. ~~Such~~ The director shall issue to the person filing the bond, a bond insurance card for each motor vehicle registered by the person in the state. The bond

insurance card shall state the name and address of the person and the motor vehicle registration number of the vehicle for which the card is issued. The bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed ~~such~~ the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use ~~thereof~~ of the property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after ~~such~~ the bond was filed, upon the filing of notice to that effect by the director in the office of the proper clerk of court of the county where ~~such~~ the real estate ~~shall be~~ is located. ~~Any~~ An individual surety ~~so~~ scheduling real estate security shall furnish satisfactory evidence of title ~~thereto~~ to the property and the nature and extent of all encumbrances ~~thereon~~ on the property and the value of the surety's interest ~~therein~~ in the property, in ~~such~~ the manner ~~as~~ the judge or clerk of the court of record approving the bond ~~may require~~ requires. The notice filed by the director shall, in addition to any other matters deemed by the director to be pertinent, contain a legal description of the real estate ~~so~~ scheduled, the name of the holder of the record title, the amount for which it stands as security, and the name of the person in whose behalf proof is ~~so~~ being made. Upon the filing of ~~such~~ the notice the clerk of the court of such county shall retain the ~~same~~ notice as part of

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the records of ~~such~~ the court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the description of the real estate, and the further notation that a lien is charged on ~~such~~ the real estate pursuant to the filed notice ~~filed hereunder~~. From and after the entry of the ~~foregoing~~ notice upon the encumbrance book all persons ~~whomsoever shall be~~ are charged with notice ~~thereof~~ of it.

Sec._____. Section 321A.25, subsection 1, Code 1985, is amended to read as follows:

1. ~~With respect to accidents occurring on or after January 1, 1981, and before January 1, 1983, proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named in the certificate has deposited with the~~

~~treasurer forty thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of forty thousand dollars; and with respect to accidents occurring on or after January 1, 1983, proof~~ Proof of financial responsibility may be evidenced by the certificate of the ~~state~~ treasurer of state that the person named in the certificate has deposited with the treasurer of state fifty-five thousand dollars in cash, or securities ~~such as~~ which may legally be purchased by a state bank or ~~for~~ trust funds of a market value of fifty-five thousand dollars. The treasurer of state shall promptly notify the director of transportation of the name and address of the person who has been issued the certificate. Upon receipt of the notification, the director of transportation shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The ~~state~~ treasurer of state shall not accept a deposit and issue a certificate for it and the director shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Sec._____. Section 321A.34, subsections 2 and 3, Code 1985, are amended to read as follows:

2. The director may, in the director's discretion, upon the application of such a person, issue a certificate of self-insurance when the director is satisfied that ~~such~~ the person is possessed and will continue to be possessed of ability to pay judgments

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obtained against ~~such~~ the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the person. However, a certificate of self-insurance shall not be issued unless the person files a bond under section 321A.24 or cash or securities under section 321A.25. The director shall issue to each person who has in effect a valid certificate of self-insurance, a self-insurance card for each motor vehicle registered in this state by the person. The card shall state the name and address of the person and shall state the registration number of the motor vehicle for which the card was issued.

3. Upon not less than five days' notice and a

hearing pursuant to such notice, the director may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment for damages arising out of the ownership, maintenance, or use of any vehicle owned by ~~such~~ the self-insurer within thirty days after ~~such~~ the judgment ~~shall have become~~ becomes final ~~shall constitute~~ constitutes a reasonable ground for the cancellation of a certificate of self-insurance. Upon the cancellation of a certificate of self-insurance, the person who was issued the certificate shall surrender to the director all self-insurance cards issued to the person.

Sec. _____. Section 516A.1, Code 1985, is amended to read as follows:

516A.1 COVERAGE INCLUDED IN EVERY LIABILITY POLICY — ~~REJECTION BY INSURED~~.

~~No~~ An automobile liability or motor vehicle liability insurance policy insuring against liability for bodily injury or death arising out of the ownership, maintenance, or use of a motor vehicle shall not be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided in ~~such~~ the policy or supplemental ~~thereto~~ to the policy, for the protection of persons insured under ~~such~~ the policy who are legally entitled to recover damages from the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle or an underinsured motor vehicle because of bodily injury, sickness, or disease, including death resulting therefrom, caused by accident and arising out of the ownership, maintenance, or use of ~~such~~ the uninsured or underinsured motor vehicle, or arising out of physical contact of ~~such~~ the hit-and-run motor vehicle with the person insured or with a motor vehicle which the person insured is occupying at the

time of the accident. Both the uninsured motor vehicle or hit-and-run motor vehicle coverage, and the underinsured motor vehicle coverage shall include limits for bodily injury or death at least equal to those ~~stated in section 321A.1, subsection 10~~ provided in the automobile or motor vehicle liability coverage of the policy. The form and provisions of ~~such~~ the coverage shall be examined and approved by the commissioner of insurance.

~~However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle or hit-and-run motor vehicle coverage, or reject the~~

~~underinsured motor vehicle coverage, by written rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.~~

Sec._____. NEW SECTION. 516B.3 PROHIBITION AGAINST POLICY RATE INCREASES SOLELY BECAUSE OF CLAIM FILED FOR ACCIDENTS INVOLVING UNINSURED OR UNDERINSURED MOTORISTS.

The rate for an insured's automobile insurance or motor vehicle insurance policy insuring against injury or damages arising out of use of a motor vehicle registered in this state delivered or issued for delivery in this state shall not be increased solely because a claim or claims against the policy were made due to injury or damages sustained caused by accident and arising out of the use of an uninsured or underinsured motor vehicle.

Sec._____. NEW SECTION. 516B.4 APPLICATION.

Section 516B.3 applies only to accidents in which the driver of the uninsured or underinsured motor vehicle is charged with violating section 321.20A. The section also applies only in accidents where the insured was not at fault in the accident. The commissioner of insurance shall adopt rules pursuant to chapter 17A determining the reasonable percentage of fault at which the insured shall be deemed to be not at fault in an accident, however, the rules adopted shall require that the percentage of fault be less than fifty percent.

Sec._____. NEW SECTION. 516C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

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1. "Department" means the insurance department of Iowa.

2. "Commissioner" means the commissioner of insurance or the commissioner's designee.

3. "Victim" means a person who suffers personal injury or death as a result of an accident arising out of the ownership, maintenance, or use of an uninsured motor vehicle in the state and who is not the owner of the uninsured motor vehicle.

4. "Dependent" means a person wholly or partially

dependent upon a victim for care or support and includes a child of the victim born after the victim's death.

5. "Reparation" means compensation awarded by the commissioner as authorized by this chapter.

Sec._____. NEW SECTION. 516C.2 AWARD OF REPARATION.

The commissioner shall award reparations authorized by this chapter if the commissioner is satisfied that the requirements for reparation have been met.

Sec._____. NEW SECTION. 516C.3 DUTIES OF COMMISSIONER.

The commissioner shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the uninsured motorists' victim reparation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.

2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.

3. Publicize through the department, state department of transportation, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the uninsured motorists' victim reparation program, including the procedures for obtaining reparation under the program.

4. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if reparation is made. The department shall be responsible for the cost of the medical examination from moneys deposited in the uninsured motorists' victim reparation fund if reparation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.

Sec._____. NEW SECTION. 516C.4 APPLICATION FOR

REPARATION.

1. To claim a reparation under the uninsured motorists' victim reparation program, a person shall apply in writing on a form prescribed by the commissioner and file the application with the commissioner within one hundred eighty days after the date of the accident or within one hundred twenty days after the date of death of the victim.

2. A person is not eligible for reparation unless the accident was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. However, if the accident cannot reasonably be reported within that time period, the accident shall have been reported within seventy-two hours of the time a report can reasonably be made.

Sec._____. NEW SECTION. 516C.5 REPARATIONS PAYABLE.

On or after July 1, 1987, the commissioner may order the payment of reparation:

1. To or for the benefit of the person filing the claim.

2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.

3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to a reparation, the reparation may be apportioned by the commissioner as the commissioner determines to be fair and equitable among the dependents.

Sec._____. NEW SECTION. 516C.6 COMPUTATION OF REPARATION.

The commissioner shall make reparation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed ten thousand dollars.

2. Loss of income from work the victim would have performed and for which the victim would have received compensation if the victim had not been injured not to exceed two thousand dollars.

3. Reasonable funeral and burial expenses not to exceed two thousand five hundred dollars.

4. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed two thousand dollars per dependent or a total of six thousand dollars.

Sec._____. NEW SECTION. 516C.7 REDUCTIONS AND

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DISQUALIFICATIONS.

Reparations are subject to reduction and disqualification as follows:

1. A reparation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death:

a. From or on behalf of, the owner or driver of the uninsured motor vehicle.

b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.

c. From public funds.

d. As an emergency award under section 516C.11.

2. A person is disqualified from receiving a reparation if the victim has not cooperated with an appropriate law enforcement agency in the investigation or prosecution of the accident relating to the claim, or has not cooperated with the department in the administration of the uninsured motorists' victim reparation program.

Sec._____. NEW SECTION. 516C.8 REPARATION WHEN MONEY INSUFFICIENT.

Notwithstanding this chapter a victim otherwise qualified for a reparation under the uninsured motorists' victim reparation program, is not entitled to the reparation when there is insufficient money in the uninsured motorists' victim reparation fund to pay the reparation.

Sec._____. NEW SECTION. 516C.9 ERRONEOUS OR FRAUDULENT PAYMENT – PENALTY.

1. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the reparation. The commissioner may waive, decrease, or adjust the amount of the repayment of the reparation. However, if the commissioner does not notify the recipient of the erroneous payment or overpayment within one year of the date the reparation was made, the recipient is not liable for the repayment of the reparation.

2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment of the reparation.

Sec._____. NEW SECTION. 516C.10 RELEASE OF INFORMATION.

A person in possession or control of investigative or other information pertaining to an uninsured

motorists' accident or a victim filing for a reparation shall allow the inspection and reproduction of the information by the commissioner upon the request of the commissioner, to be used only in the

administration and enforcement of the uninsured motorists' victim reparation program. Information and records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the commissioner as required under this section.

Sec._____. NEW SECTION. 516C.11 EMERGENCY PAYMENT REPARATION.

If the commissioner determines that reparation may be made and that undue hardship may result to the person if partial immediate payment is not made, the commissioner may order an emergency reparation to be made to the person, not to exceed five hundred dollars.

Sec._____. NEW SECTION. 516C.12 RIGHT OF ACTION AGAINST PERPETRATOR — SUBROGATION.

A right of legal action by the victim against the owner or driver of an uninsured motor vehicle is not lost as a consequence of a person receiving reparation under the uninsured motorists' victim reparation program. If a person receiving reparation under the program seeks indemnification which would reduce the reparation under section 516C.7, subsection 1, the commissioner is subrogated to the recovery to the extent of payments by the commissioner to or on behalf of the person. The commissioner has a right of legal action against the owner or operator of an uninsured motor vehicle involved in an accident resulting in payment of reparation by the department to the extent of the reparation payment. However, legal action by the commissioner does not affect the right of a person to seek further relief in other legal actions.

Sec._____. NEW SECTION. 516C.13 UNINSURED MOTORISTS' VICTIM REPARATION FUND.

The uninsured motorists' victim reparation fund is created. Notwithstanding section 602.8106, all fines from violations of section 321.20A, subsection 1, received by the treasurer of state shall be deposited in the uninsured motorists' victim reparation fund. The state comptroller shall report monthly to the commissioner an account of all credits and disbursements from the fund. The state comptroller shall issue warrants for disbursements from the fund

upon proper certification by the commissioner.

Sec._____. Section 805.6, Code Supplement 1985, is

amended by adding the following new subsection:

NEW SUBSECTION. 7. A person who has been stopped by a peace officer pursuant to section 321.492 and who exhibited to the peace officer a proof of insurance card as defined under section 321.1, subsection 88, issued for the driven motor vehicle which, upon subsequent investigation by the peace officer, is found to be invalid, may be issued a uniform citation and complaint for a violation of section 321.20A, subsection 1, without the need of obtaining the signature of the person to whom the uniform citation and complaint is issued. The uniform citation and complaint shall be served in the manner of an original notice by R.C.P. 56.1, paragraph "a" or by certified mail addressed to the person at the address shown by the records of the state department of transportation. Return acknowledgement is required to prove the latter service.

Sec._____. Section 805.8, subsection 2, Code Supplement 1985, is amended by adding the following new paragraph:

NEW PARAGRAPH. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20A, subsection 1, the scheduled fine is five hundred dollars, otherwise the scheduled fine for violations of section 321.20A, subsection 1 is one hundred dollars.

Sec._____. Section 516A.2, Code 1985, is repealed.

Sec._____. This Act takes effect January 1, 1987. In order to implement this Act, the insurance department of Iowa and the state department of transportation shall adopt rules as required under this Act by October 1, 1986. The treasurer of state shall notify the director of transportation of the names and addresses of persons who are issued valid certificates under section 321A.25, subsection 1, by November 1, 1986, and after that date the treasurer of state shall notify the director of transportation as required under section 321A.25, subsection 1, as amended by this Act. Insurance carriers authorized to do business in this state and the director of transportation shall distribute proof of insurance cards as required under this Act by December 1, 1986."

4. Page 2, line 27, by inserting after the word "to" the following: "motor vehicle law including insurance coverage requirements for motor vehicles in this state, creating the uninsured motorists' victim reparation fund, and providing provisions relating

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to".

5. Page 2, line 28, by inserting after the word "limit" the following: "and providing a penalty and effective dates".

6. By renumbering as necessary.

SWARTZ of Marshall

H–5709

Amend the Senate amendment, H–5554, to House File 2380, as amended, passed and reprinted by the House as follows:

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

"_____. Page 2, lines 18 and 19, by striking the words and figures "not later than April 15, 1986".

_____. Page 2, line 32, by inserting after the figure "1987." the words "Funds appropriated by this section may be expended or encumbered after June 30, 1986. Notwithstanding section 8.33, any remaining unencumbered funds appropriated under this section shall revert to the general fund of the state on June 30, 1987." "

VARN of Johnson

H–5710

Amend Senate File 2235 as amended, passed and reprinted by the Senate as follows:

1. By striking page 2, line 17 through page 3, line 3.

2. By striking page 5, line 31 through page 7, line 3.

3. Page 15, by striking lines 22 through 26.

4. By renumbering as required.

HALVORSON of Webster

H–5713

Amend the Committee on Judiciary and Law Enforcement amendment, H–5575, to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. Page 8, lines 32 and 33, by striking the words and figure "pursuant to section 613A.7".

2. Page 9, lines 17 and 18, by striking the words

and figure "pursuant to section 613A.7".

3. Page 9, line 50, by striking the words and figure "pursuant to section 613A.7".

4. Page 10, line 16, by inserting after the figure "18;" the word "or".

5. Page 10, line 17, by striking the words and figure "; or section 613A.7".

O'KANE of Woodbury

H—5714

Amend amendment H—5565 to Senate Joint Resolution 2002 as passed by the Senate as follows:

1. Page 1, by striking line 16 and inserting the following: "There shall be five or seven".

2. Page 1, line 36 and 37, by striking the words "not less than three nor more than six" and inserting the word "five".

3. Page 1, by inserting after line 47 the following:

"_____. Page 1, line 14, by inserting after the word "law." the words "The election of members shall provide for equal representation of men and women."

SPEAR of Lee

H—5717

Amend the Committee on Judiciary and Law Enforcement Amendment, H—5575, to Senate File 2265, as amended, passed, and reprinted by the Senate, as follows:

1. Page 5, by striking lines 49 and 50, and inserting the following: "XXIII. This subsection does not apply to acts or omissions which constitute gross negligence amounting to a willful and wanton disregard for the rights or safety of others. However, an act or omission shall not be deemed to constitute gross negligence amounting to a willful and wanton disregard for the rights or safety of others if the state can establish that it has complied with its policy or level of service for such financial regulation. For purposes of establishing such compliance, the state may introduce any material evidence relating to its policy or level of service, including extent of statutory mandate and fiscal and personnel resources available."

HAVERLAND of Polk
JAY of Appanoose

H–5718

Amend Senate Joint Resolution 2002 as passed by the Senate as follows:

1. Page 1, line 14, by inserting after the word "law." the words "The election of members shall provide for equal representation of men and women."

SPEAR of Lee

H–5719

Amend the Committee on Transportation amendment, H–3069, to Senate File 19 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting before line 5 the following:

"Sec. 777. Section 321.189, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. The department may issue a motorized bicycle license to a person ~~fourteen~~ sixteen years of age or older who has passed a vision test and a written examination on the rules of the road. After ~~January~~ July 1, ~~1982~~ 1986, persons under the age of ~~sixteen~~ eighteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession. The license is valid for a period of two years, subject to termination or cancellation as provided in this section."

2. Page 2, by inserting after line 24 the following:

"Sec._____. Section 777 of this Act applies to motorized bicycle licenses issued on or after July 1, 1986."

3. Page 2, line 27, by inserting after the word "to" the following: "motor vehicle law by raising the minimum age requirement for issuance of motorized bicycle licenses, and providing provisions relating to".

4. Renumber sections and correct internal references as necessary.

CHAPMAN of Linn

H–5725

Amend House File 2474 as follows:

1. Page 1, lines 15 and 16, by striking the words "nor less than one hundred dollars".

SPEAR of Lee

H–5730

Amend the Senate Amendment H–5721 to House File 2245 as passed by the House as follows:

1. Page 1, by inserting after line 29, the following:

"_____. Title page, line 1, by inserting after the word "archaeological" the following: "or ecologically sensitive".

GRUHN of Dickinson

H–5733

Amend the amendment H–5575 to Senate File 2265, as amended, passed, and reprinted by the Senate, as follows:

1. Page 10, by inserting after line 23, the following:

"Sec._____. NEW SECTION. 507D.1 SHORT TITLE.

This Act shall be known as the "Insurance Assistance Act".

Sec._____. NEW SECTION. 507D.2 DISCLOSURE OF INFORMATION.

The commissioner of insurance shall adopt rules pursuant to chapter 17A for the collection of information relating to the availability, obtainability, costs, profits, and losses associated with the provision of property, casualty, product, professional, or other liability insurance within the state, and relating to the feasibility and implementation of market assistance programs, mandatory risk allocation programs, risk-sharing programs, risk management programs, or any other authorized program under section 507D.3.

Sec._____. NEW SECTION. 507D.3 AUTHORIZED ASSISTANCE PROGRAMS.

The commissioner of insurance is authorized to institute programs, order the institution of programs within the private sector, or to contract with or delegate authority to the risk management division of the department of general services for the institution of programs relating to insurance assistance including, but not limited to, the following:

1. The development and implementation of a market assistance program to facilitate, arrange, or provide for the acquisition of property, casualty, product, professional, or other liability insurance coverage for all persons or entities seeking such coverage but for which the coverage is presently unavailable or unobtainable to the person or entity.

2. The development and implementation of a mandatory risk allocation system for property, casualty, product, professional, or other liability insurance, except asbestosis and environmental impairment liability, in order to assure that all persons or entities for which such insurance is essential may obtain such insurance from insurers authorized to do business within this state.

3. The development and implementation of a risk-sharing program to assist and advise persons or entities seeking property, casualty, product, professional, or other liability insurance, except asbestosis and environmental impairment liability, on

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the most efficient manner in which to share or pool similar risks in order to obtain essential insurance coverage at the minimum cost.

4. The development and implementation of a risk management program for persons or entities to which property, casualty, product, professional, or other liability insurance is essential, such program to include at a minimum the following:

a. Assistance in developing and maintaining loss and loss exposure data on such liability risks.

b. Recommendations regarding risk reduction and risk elimination programs.

c. Recommendations of those practices which will permit protection against such losses at the lowest costs, consistent with good underwriting practices and sound risk management techniques.

5. Subsections 2 and 3 shall have no application or effect after July 1, 1991.

Sec._____. NEW SECTION. 507D.4 FINANCING OF ASSISTANCE PROGRAMS.

The insurance commissioner may, by rule, provide for the financing, as necessary, for any or all programs under section 507D.3 by the assessment of fees to insurers authorized to write property, casualty, product, professional, or other liability insurance within this state. The commissioner of insurance may assess fees and charges against persons or entities for costs incurred in providing assistance

to the person or entity pursuant to section 507D.3. Fees collected pursuant to such rules shall be used solely for the purposes of the program for which assessed, and are not to be transmitted to the general fund or used for any other purposes.

Sec._____. NEW SECTION. 507D.5 RATE ADJUSTMENT REVIEW.

The commissioner of insurance shall conduct a rate adjustment review for all insurers authorized to write property, casualty, product, professional, or other liability insurance within this state and who make a request for rate adjustment regarding such insurance. The commissioner of insurance may employ or contract with actuarial consultants as necessary to review the request. The person conducting the review shall report to the commissioner as to the advisability of the adjustment requested.

The reasonable fees and expenses of an actuarial consultant employed or contracted by the commissioner of insurance for purposes of a rate adjustment review shall be assessed against and paid by the person requesting such rate adjustment.

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Sec._____. NEW SECTION. 507D.6 CONTINUING STUDIES.

The commissioner of insurance is authorized to conduct such further surveys, market reviews, data collection and analysis, studies of a mandatory risk allocation system and a risk sharing program and such other studies as the commissioner deems necessary for the proper implementation of this chapter."

STROMER of Hancock

H–5737

Amend House File 2274 as follows:

1. Page 8, by striking lines 9 through 24.
2. By renumbering as necessary.

RUNNING of Linn

H–5738

Amend House File 655 as follows:

1. Page 1, line 26, by striking the words "one hundred thousand dollars" and inserting the following: "two hundred thousand dollars, adjusted annually by an inflation factor calculated as provided in section 422.4, subsection 17, paragraph "a"."

RUNNING of Linn

H–5744

Amend the Committee on Judiciary and Law Enforcement amendment, H–5575, to Senate File 2265, as amended, passed and reprinted by the Senate, as follows:

1. Page 5, by striking lines 49 and 50, and inserting the following: "XXIII. This subsection does not apply to acts or omissions which constitute gross negligence amounting to a willful and wanton disregard for the rights or safety of others. However, an act or omission shall not be deemed to constitute gross negligence amounting to a willful and wanton disregard for the rights or safety of others if the state has made all reasonable efforts to meet its policy or level of service for such financial regulation considering the availability or unavailability of fiscal or personnel resources."

HAVERLAND of Polk

H–5746

Amend amendment H–5575 to Senate File 2265 as amended, passed and reprinted by the Senate as follows:

1. By striking page 13, line 16 through page 14, line 22, and inserting the following:

"Punitive or exemplary damages shall not be available."

HUMMEL of Benton
CLARK of Cerro Gordo

H–5750

Amend House File 2469 as follows:

1. Page 1, by striking lines 1 through 24 and inserting the following:

"Section 1. NEW SECTION. 200.22 FUNDS FROM EXCISE TAX ON STORAGE WAREHOUSING.

Notwithstanding section 422.69, the amount, not to exceed one million one hundred thousand dollars in any fiscal year, of state sales, services, and use taxes collected on the rendering, furnishing, or performing of storage warehousing of raw agricultural products shall be distributed as follows:".

2. By striking page 2, line 12 through page 3, line 10.

3. Title page, by striking lines 1 through 3 and inserting the following: "An Act providing for certain state revenues to be used for programs, activities, and research related to agricultural chemicals and groundwater."

BENNETT of Ida

H–5751

Amend Senate Joint Resolution 2002 as follows:
1. Page 1, line 8, by inserting after the word "of" the word "state".

SPEAR of Lee

H–5752

Amend House File 2476 as follows:
1. Page 1, line 16, by striking the words "qualified electors" and inserting the words "votes cast".

SPEAR of Lee

H–5754

Amend House File 2469 as follows:
1. Page 3, by inserting after line 32 the following:
"Sec. . Section 455B.310, subsection 2, Code Supplement 1985, is amended to read as follows:
2. The tonnage fee is ~~twenty-five~~ fifty cents per ton of solid waste."
2. Amend the title, line 2, by inserting after the word "fertilizer" the following: "and solid waste".

PELLETT of Cass
RENSINK of Sioux
MAULSBY of Calhoun
STUELAND of Clinton
SCHNEKLOTH of Scott
STROMER of Hancock
BENNETT of Ida
DE GROOT of Lyon

H–5757

Amend the Committee on Judiciary and Law Enforcement amendment, H–5575, to Senate File 2265 as amended, passed and reprinted by the Senate as follows:
1. By striking page 5, lines 42 through 50, and inserting the following:
"Sec._____. Section 25A.14, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 11. Any claim for financial loss based upon an act or omission in financial regulation, including but not limited to examinations, inspections, audits, or other financial oversight responsibilities, pursuant to titles XIX through

XXIII. This subsection does not apply to acts or omissions which constitute gross negligence amounting to a willful and wanton disregard for the rights or safety of others. However, an act or omission shall not be deemed to constitute gross negligence amounting to a willful and wanton disregard for the rights or safety of others if the state has made all reasonable efforts to meet its policy or level of service for such financial regulation, considering the availability or unavailability of fiscal or personnel resources."

HAVERLAND of Polk
JAY of Appanoose

H—5765

Amend the Committee on Judiciary and Law Enforcement amendment, H—5575, to Senate File 2265 as amended, passed, and reprinted by the Senate, as follows:

1. Page 13, by striking lines 14 through 49, and inserting the following:

"Sec._____. NEW SECTION. 624.39 PUNITIVE OR EXEMPLARY AWARDS.

1. In a trial of a claim involving the request for punitive or exemplary damages, the court shall instruct the jury to answer special interrogatories or, if there is no jury, shall make findings, indicating all of the following:

a. Whether the conduct of the defendant from which the claim arose constituted willful and wanton disregard for the rights or safety of another.

b. Whether the conduct of the defendant was directed specifically at the claimant, or at the person from which the claimant's claim is derived.

2. An award for punitive or exemplary damages shall not be made unless the answer or finding pursuant to subsection 1, paragraph "a", is affirmative. If such answer or finding is affirmative, the jury, or court if there is no jury, shall fix the amount of punitive or exemplary damages to be awarded, and such damages shall be ordered paid as follows:

a. If the answer or finding pursuant to subsection 1, paragraph "b", is affirmative, the full amount of the punitive or exemplary damages awarded shall be paid to the claimant.

b. If the answer or finding pursuant to subsection 1, paragraph "b", is negative, after payment of all applicable costs and fees, an amount not to exceed twenty-five percent of the punitive or exemplary

damages awarded may be ordered paid to the claimant, with the remainder of the award to be ordered paid into a civil reparations trust fund administered by the state court administrator. Funds placed in the civil reparations trust shall be under the control and supervision of the executive council, and shall be disbursed only for purposes of indigent civil litigation programs or insurance assistance programs."

SHOULTZ of Black Hawk

H–5772

Amend House File 2472 as follows:

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

"Sec._____. Section 422.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Subtract the gain resulting from depreciation taken in prior tax years on agricultural machinery or breeding livestock where the agricultural machinery or breeding livestock is transferred to a creditor in cancellation of a debt or is sold or exchanged as a result of a forced liquidation, foreclosure, or bankruptcy."

DAGGETT of Taylor

H–5778

Amend House File 2479 as follows:

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

"Sec._____. Section 422.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Subtract the gain from the forfeiture of an installment real estate contract, the transfer of real or personal property securing a debt to a creditor in cancellation of that debt, or from the sale or exchange of property as a result of actual notice of foreclosure."

BENNETT of Ida

H–5785

Amend Senate File 19 as amended, passed and reprinted by the Senate as follows:

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

Section 1. Section 321.178, subsection 2,

paragraph b, Code 1985, is amended to read as follows:

b. The department may suspend a restricted license issued under this section upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways, other than parking violations as defined in section 321.210. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the suspension or revocation of a restricted license under this paragraph, but this treatment shall only be afforded for up to two violations within a twelve-month period. After revoking a license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the person attains the age of eighteen whichever is the longer period.

Sec. 2. Section 321.189, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. A motorized bicycle license shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the cancellation of a motorized bicycle license under this paragraph, but this treatment shall only be afforded for up to two violations within a twelve-month period. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section 321A.17, unless the conviction would otherwise result in a suspension or revocation of a person's operator's license.

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Sec. 3. Section 321.194, unnumbered paragraph 3, Code 1985, is amended to read as follows:

A school license issued under this section is

subject to suspension or revocation in like manner as any other license or permit issued under a law of this state. The department may also suspend a school license upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a school license ~~issued under this section~~ upon receiving a record of the licensee's conviction for one violation and shall revoke the school license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the suspension or revocation of a school license under this section, but this treatment shall only be afforded for up to two violations within a twelve-month period. After revoking a school license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the licensee's sixteenth birthday whichever is the longer period.

Sec. 4. Section 321.210, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to a motor vehicle license suspension under this section, but this treatment shall only be afforded for up to two violations within a twelve-month period.

Sec. 5. Section 321.215, subsection 3, Code 1985, is amended to read as follows:

3. A temporary restricted permit is valid only if the department is in receipt of records required by this section. The permit shall be canceled upon conviction of a moving traffic violation or upon a

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violation of a term of the permit. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the cancellation of a temporary restricted permit under this subsection, but this treatment shall only be afforded for up to two violations within a twelve-month period. A "moving traffic violation" does not include a parking violation as defined in section 321.210.

Sec. 6. Section 321.283, subsection 13, Code 1985, is amended to read as follows:

13. FEE FOR TEMPORARY DRIVING PERMIT — POSSESSION REQUIRED. The fee for a temporary driving permit under subsection 6 is three dollars. The temporary driving permit must be in the permittee's immediate possession while operating a motor vehicle and becomes invalid when the permittee is issued a drivers license. The temporary driving permit shall be canceled upon conviction for a moving traffic violation. A violation of ten miles per hour or less over the legal speed limit shall be treated as one-half of a violation, except that a violation of ten miles per hour or less over the legal speed limit on a primary highway outside the corporate limits of a city shall not be treated as a violation, for purposes of considering the violation in relation to the cancellation of a temporary driving permit under this subsection, but this treatment shall only be afforded for up to two violations within a twelve-month period. A "moving traffic violation" does not include a parking violation as defined in section 321.210."

2. Title page, by striking lines 1 through 4 and inserting the following: "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 or as not a violation in relation to certain motor vehicle license suspensions, revocations, and cancellations."

MUHLBAUER of Crawford

H—5787

Amend House File 2226 as amended, passed, and reprinted by the House as follows:

1. Page 1, lines 6 and 7, by striking the words "who resides upon the farm unit".

2. Page 1, by striking line 16 and inserting the following: "licensee ~~to whom it is issued resides~~ is the owner, tenant, or member of owner's or tenant's family."

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

"An application by a tenant or tenant's family member shall be given preference over an application by an owner or member of the owner's family who does not reside on the farm unit. An application by an owner or owner's family member who does not reside on the farm unit shall be accompanied by a signed statement that no other application is being made for the farm unit and by a copy of evidence of ownership."

Senate Amendment

H–5791

Amend House File 2479 as follows:

1. Page 6, by striking line 35 and inserting the following: "net income after deduction of federal income tax adjusted as provided under subsection 2, paragraph "b", subparagraph (2), not to".

2. Page 7, by striking line 11 and inserting the following: "net income after deduction of federal income tax adjusted as provided under subsection 2, paragraph "b", subparagraph (2), not to".

3. By striking page 7, line 19 through page 8, line 4 and inserting the following:

"Sec. 9. Section 422.9, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. (1) Add the amount of federal income taxes paid or accrued as the case may be, during the tax year, adjusted by any federal income tax refunds and as provided under subparagraph (2). Provided, however, that where married persons, who have filed a joint federal income tax return, file separately, such total shall be divided between them according to the portion thereof paid or accrued, as the case may be, by each.

(2) The federal income tax to be deducted under subsection 1 and the federal income tax to be added under paragraph (1) are to be adjusted for the federal income taxes attributable to those items deductible from federal adjusted gross income under section 422.7, subsections 1, 6, 15, 16, and 18. The federal income taxes attributable to such items is that proportion of the total federal income taxes paid or

accrued during the tax year equal to the ratio of the sum of the amounts subtracted from the federal adjusted gross income under section 422.7, subsections 1, 6, 15, 16, and 18 to the total federal adjusted gross income."

4. Title page, line 2, by striking the word "eliminating" and inserting the following: "adjusting".

5. Title page, lines 3 and 4, by striking the words "except under certain circumstances,".

CARPENTER of Polk

H—5827

Amend the amendment H—5789 to House File 2344 as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 14 through 45 and inserting the following:

1. A hazardous waste technical research and assistance program is created at Iowa state university of science and technology. The program shall be administered by the center for industrial research and service which shall coordinate with and use the services of the civil engineering department at Iowa state university for the purposes set forth in this section.

2. The center for industrial research and service may seek and receive grants, donations, gifts, bequests, or other moneys from public and private sources to be used for the purposes set forth in this section.

3. The hazardous waste technical research and assistance program is created specifically for and authorized to do all of the following, upon the request of a business, firm, or corporation located within Iowa or the state or a political subdivision of the state:

a. Conduct research into new techniques, methods, and applications for the proper and safe treatment or disposal of hazardous wastes.

b. Provide advice and consultation on the proper, safe, and cost effective methods, techniques, and applications for the treatment, storage, or disposal of hazardous wastes.

c. Provide other technical or financial assistance to aid in the proper, safe, and cost effective treatment or disposal of hazardous wastes.

4. In carrying out its responsibilities under this section, the hazardous waste technical research and

assistance program shall give priority to providing research and assistance on hazardous waste sites which impair the future economic development of a particular area including but not limited to the development of infrastructure, highways, sewers, industrial sites, educational facilities, and other assets essential for the development of a city.

5. The center for industrial research and service shall report to the general assembly annually on receipt and disbursement of funds and activities conducted by the hazardous waste technical research and assistance program pursuant to this section.

6. This section shall not be construed to do any of the following:

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a. Relieve any person receiving assistance under this section of any duties or liabilities otherwise created or imposed upon the person by law.

b. Transfer to the state, Iowa state university of science and technology, or any employee of the state or the university, any duty or liability otherwise imposed by law on a person receiving assistanee under this section.

c. Create any liability to the state, Iowa state university of science and technology, or any employee of the state or the university for any act or omission arising from the providing of assistance or advice in cleaning up, handling, or disposal of hazardous waste. However, an individual may be liable if the act or omission results from intentional wrong doing or gross negligence."

OSTERBERG of Linn

H–5844

Amend House File 2480 as follows:

1. Page 1, line 5, by inserting after the word "associations," the following: "corporations organized under chapter 491 which have been determined to be exempt from taxation under section 501(c)(12) of the Internal Revenue Code of 1954,".

2. Title page, line 2, by inserting after the figure "499" the following: "and certain corporations organized under chapter 491".

KREMER of Buchanan

H—5845

Amend the amendment, H—5833, to Senate File 2084, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 1, line 48 through page 2, line 20 and inserting the following:

"2. It is unlawful for any manufacturer or distributor to:

a. Offer to sell or to sell any new motor vehicle at a lower actual price than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or utilize any device including, but not limited to, sales promotion plans or programs, rebates, interest assistance, or assistance pass throughs which result in a lesser actual price. However, this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of government, charitable organization or employee of a manufacturer or distributor, nor to sales to a motor vehicle dealer or any motor vehicle ultimately sold, donated, or used by such dealer in a driver education program. This paragraph shall not apply so long as a manufacturer or distributor offers to sell or sells new motor vehicles to all motor vehicle dealers on a nondiscriminatory basis.

b. Offer, sell, or lease any new motor vehicle to any person, except a distributor, at a lower actual price than the actual price offered and charged a motor vehicle dealer for the same model vehicle similarly equipped or utilize any device which results in such less actual price. However, this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of government, charitable organization or employee of a manufacturer or distributor, to sales made directly to a unit of government, charitable organization or employee of a manufacturer or distributor, nor to sales to a motor vehicle dealer or any motor vehicle ultimately sold, donated, or used by the dealer in a driver education program."

2. Page 4, by striking lines 13 through 30 and inserting the following:

"9. This section shall not bar any claim of a person who suffers damages as a result of violations of this Act against such person committing the violation or making the violation. The court in its discretion may award actual damages or any other relief the court deems proper. In any action brought by a person under this section, the court may award reasonable attorneys' fees and costs to the prevailing party. However, the state may not recover any

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attorneys' fees."

3. Renumber sections and correct internal references as necessary in accordance with this amendment.

SHERZAN of Polk
PEICK of Linn
RUNNING of Linn
SHOULTZ of Black Hawk
TEAFORD of Black Hawk

H–5850

Amend the amendment, H–5732, to House File 2349 as amended, passed, and reprinted by the House as follows:

1. Page 1, line 30, by inserting after the words "national organization" the following: "and the national organization is a tax-exempt organization under one of the provisions enumerated in section 99B.7, subsection 1, paragraph "m",".

2. Page 1, line 32, by striking the word "two" and inserting the following: "five".

3. Page 2, line 24, by striking the word "awarded" and inserting the following: "offered".

4. By striking page 2, line 40 through page 3, line 1.

5. Page 3, line 25, by striking the words "at a bingo occasion" and inserting the following: "by a qualified organization during any twenty-four hour period".

6. Page 3, by striking lines 37 and 38 and inserting the following: "limited license bingo, no more than three bingo occasions per".

7. Page 4, by striking lines 22 through 36.

8. Page 4, by inserting after line 36 the following:

"_____. Page 5, by inserting after line 10 the following:

"Sec._____. Section 99B.13, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 5. Defining what constitutes a cash prize.

NEW SUBSECTION. 6. Providing that a person conducting a game of skill, game of chance, or a raffle under this chapter and who gives merchandise prizes shall not be required to pay sales tax pursuant to chapter 422 when purchasing the merchandise for the prize.

Sec._____. NEW SECTION. 99B.21 TAX ON PRIZES.
All prizes awarded are Iowa earned income and are subject to state and federal income tax laws. An amount deducted from the prize for payment of a state tax shall be remitted to the state department of revenue on behalf of the prize winner." "
9. Page 4, by striking lines 37 through 43.
10. Renumber as necessary.

PAVICH of Pottawattamie

H–5861

Amend the Senate amendment, H–5749, to House File 123, as amended, passed and reprinted by the House, as follows:
1. Page 1, by striking lines 37 through 50.
2. Page 2, lines 12 through 14, by striking the words and figures "Sections 711 and 713 apply to registration plates and handicapped identification devices" and inserting the words and figure "Section 711 applies to registration plates".

GRUHN of Dickinson

H–5862

Amend the amendment, H–5732, to House File 2349 as amended, passed, and reprinted by the House as follows:
1. Page 1, line 30, by inserting after the words "national organization" the following: "and the national organization is a tax-exempt organization under one of the provisions enumerated in section 99B.7, subsection 1, paragraph "m",".
2. Page 1, line 32, by striking the word "two" and inserting the following: "five".
3. Page 2, line 24, by striking the word "awarded" and inserting the following: "offered".
4. By striking page 2, line 40 through page 3, line 1.
5. Page 3, line 25, by striking the words "at a bingo occasion" and inserting the following: "by a qualified organization during any twenty-four hour period".
6. Page 3, by striking lines 37 and 38 and inserting the following: "limited license bingo, no more than three bingo occasions per".
7. Page 4, line 12, by inserting after the word "bingo" the following: "and raffles".
8. Page 4, by striking lines 22 through 36.

9. Page 4, by inserting after line 36 the following:

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

"Sec._____. NEW SECTION. 99B.21 TAX ON PRIZES.

All prizes awarded are Iowa earned income and are subject to state and federal income tax laws. An amount deducted from the prize for payment of a state tax shall be remitted to the state department of revenue on behalf of the prize winner.

Sec._____. Section 422.45, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 32. Gross sale from the sale of raffle tickets for a raffle licensed pursuant to section 99B.5." "

10. Page 4, by striking lines 37 through 43.

11. Renumber as necessary.

PAVICH of Pottawattamie

H—5864

Amend the amendment, H—5838, to House File 2454, as amended, passed, and reprinted by the House, as follows:

1. Page 3, by inserting after line 25 the following:

"The court shall, in all cases under this section, consider placement in staff secure shelter care the preferable disposition over placement in detention. If detention is ordered under this section, the court shall order that reasonable efforts are made to assure that the child is detained separately from delinquent children."

STURGEON of Woodbury

H—5868

Amend House File 2483 as follows:

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

"Sec._____. Section 411.6, subsection 8, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

8. a. Upon the receipt of proof of the death of a member in service, or a member not in service who has completed fifteen or more years of service as provided in subsection 1, paragraph b, there shall be paid at the option of the beneficiary to the person designated by the member to the board of trustees as the member's

beneficiary one of the following:

(1) If the member has had one or more years of membership service and no pension is payable under subsection 9, an amount equal to fifty percent of the compensation earnable by the member during the year immediately preceding the member's death if the member is in service, or an amount equal to fifty percent of the compensation earned by the member during the member's last year of service if the member is not in service.

(2) For a member in service at the time of death, a pension equal to one-fourth of the average final compensation of the member, but not less than seventy-five dollars.

(3) For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph b.

(4) If the beneficiary selects a pension under subparagraphs 2 or 3, the pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five.

b. The payments under this subsection shall be made to designated beneficiaries as follows:

(1) To the spouse to continue so long as the spouse remains unmarried.

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

(3) If there is no surviving spouse or child, then

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to the member's dependent father or mother, or both, as the board of trustees determines, to continue until the dependent father or mother's death, or the death of both.

c. If there is no nomination of beneficiary, the benefits provided in this subsection shall be paid to the member's estate.

d. In addition to the pension specified in paragraph "a", there shall also be paid for each child of a member, a monthly pension equal to six percent of

the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department.

Sec._____. Section 411.9, Code 1985, is amended to read as follows:

411.9 MILITARY SERVICE EXCEPTIONS.

~~Any~~ A member who is absent while serving in the armed services of the United States or its allies and is discharged or separated ~~therefrom~~ from the armed services under honorable conditions shall have ~~any such~~ the period or periods of absence while serving in ~~such~~ the armed services ~~on other than a voluntary basis and one such period of absence~~, not in excess of four years unless any period in excess of four years is at the request and for the convenience of the federal government, ~~while serving in such armed forces on a voluntary basis~~ included as part of the member's period of service in the department. ~~Such~~ The member shall not ~~be required to~~ continue the contributions required of the member under section 411.8 during ~~such~~ the period of military service, ~~provided that~~ if the member ~~shall~~, within six months after the member has been discharged or separated under honorable conditions from ~~such~~ military service, ~~return and resume~~ returns and resumes duties in the department, and ~~provided further, that such~~ if the member ~~shall be~~ is declared physically capable of resuming ~~such~~ duties upon examination by the medical board. A period of absence may exceed four years at the request and for the convenience of the federal government."

2. By numbering and renumbering sections as necessary.

RUNNING of Linn

H–5871

Amend House File 2484 as follows:

1. Page 30, line 15, by striking the word "Hospitals" and inserting the following: "The university of Iowa hospitals and clinics and other hospitals".

2. Page 30, line 17, by striking the word "The" and inserting the following: "University hospital billings shall be submitted directly to the state comptroller and other".

3. Page 30, line 27, by inserting after the word "clinics" the following: "under both the statewide

indigent patient care program and the statewide indigent obstetrical patient quota system".

4. Page 32, line 26, by inserting after the word "statewide" the following: "indigent".

5. Page 32, line 35, by inserting after the word "statewide" the following: "indigent".

ZIMMERMAN of Dallas

H–5874

Amend House File 2484 as follows:

1. Page 59, by inserting after line 25 the following:

"Sec._____. NEW SECTION. COORDINATION OF BONDING ACTIVITIES OF STATE BOARD OF REGENTS.

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

a. "Board" means the state board of regents.

b. "Obligations" means notes, bonds, including refunding bonds, and other evidences of indebtedness of the board.

c. "Treasurer" means the treasurer of state of the state of Iowa.

2. Notwithstanding any provisions of Senate File 2175 of the Seventy-first General Assembly or any other provision of the Code the treasurer shall coordinate the issuance of obligations by the board with other authorities. The treasurer, or the treasurer's designee, shall serve as ex officio nonvoting member of the board. Prior to the issuance of obligations, the board shall notify the treasurer of its intention to do so. The treasurer shall:

a. Select and fix the compensation for, in consultation with the board, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the treasurer's judgment are necessary to carry out the board's intention. Prior to the initial selection, the treasurer shall, after consultation with the board, establish a procedure which provides for a fair and open selection process including, but not limited to, the opportunity to present written proposals and personal interviews. The treasurer shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take into consideration, but is not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and

length of the engagement. The treasurer may waive the requirements for a competitive selection procedure for any specific employment upon written notice to the executive council stating why the waiver is in the public interest. Upon selection by the treasurer, the board shall promptly employ the individual or firm and be responsible for payment of costs.

b. Submit an account to the board for all costs incurred in each transaction. The treasurer will charge the board for costs of administration. The

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board shall disburse to the treasurer the amounts set forth in the account.

c. Direct the investment or deposit of the proceeds of the sale of the obligations, in accordance with the language of the documents drafted to effectuate issuance of the obligations, except for the proceeds necessary to fund the ongoing operations of the board. This paragraph does not apply to proceeds of obligations issued before the effective date of this section.

d. Collect from the board and other sources, any statistical and financial information necessary to draft an offering document or prepare a presentation necessary for the issuance or marketing of the obligations.

3. The board shall consult with the treasurer on the following:

a. Amount, terms, and conditions of the obligations to be issued by the board including other provisions deemed necessary by the treasurer or the board.

b. The documents or instruments necessary to effectuate issuance of the obligation.

c. Presentations to rating agencies and marketing activities. The treasurer may choose to participate in these presentations.

4. Professional services, including but not limited to attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees employed by a project sponsor may be selected by the project sponsor, if the obligation is issued in behalf of the project sponsor and the purchaser of the obligation does not have recourse to the board or state.

5. The treasurer may delay implementation of this section for up to six months following the effective date of this section for the board to facilitate an orderly transition."

HATCH of Polk

H—5875

Amend House File 2484 as follows:

1. Page 93, line 14, by inserting after the word "camps" the following: ", excluding facilities established under section 402, subsection 2 of this Act for treatment of OWI offenders".

SPEAR of Lee

H—5881

Amend House File 2484 as follows:

1. Page 98, by inserting after line 34 the following:

"6. For payment of grants to dispute resolution programs under the prosecuting attorney training program ..... $ 50,000".

HAMMOND of Story
PETERSON of Carroll
COCHRAN of Webster

H—5886

Amend House File 2484 as follows:

1. Page 29, line 23, by inserting after the word "seventy" the following: "interstate highway".

2. Page 29, by striking line 24 and inserting the following: "clinics, has a population of more than seventy-five thousand, and is contained in a federal".

3. Page 30, line 4, by inserting after the word "its" the following: "total reimbursement from the obstetrical patient care fund pursuant to its".

4. Page 31, by striking lines 21 and 22 and inserting the following: "services."

VARN of Johnson

H—5889

Amend House File 2484 as follows:

1. Page 103, by striking lines 17 through 30 and inserting the following:

"Notwithstanding section 80B.11, subsection 5, during the fiscal year beginning July 1, 1986, not more than one-half of the cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged to the candidates taking the examinations by the Iowa law enforcement academy.

The Iowa law enforcement academy may also charge each law enforcement officer candidate not more than one-half of the cost of providing the ten-week course which is designed to meet the minimum basic training requirements for a law enforcement officer."

O'KANE of Woodbury
PLATT of Muscatine
COOPER of Lucas
WELDEN of Hardin
MUHLBAUER of Crawford

H–5892

Amend House File 2484 as follows:

1. Page 118, line 27, by striking the figure "119,056" and inserting the following: "146,000".

GROTH of Buena Vista

H–5896

Amend House File 2484 as follows:

1. Page 33, by striking lines 22 through 34.

HANSON of Delaware

H–5908

Amend House File 2484 as follows:

1. Page 34, by inserting after line 6 the following:

"Sec._____. The legislative council is requested to include as an area for study and review by an interim study committee established to study education matters the costs and means of funding sections 273.11, 281.12, 282.19, and 282.27."

VARN of Johnson

H–5909

Amend House File 2484 as follows:

1. Page 16, line 30, by striking the figure "4,148,910" and inserting the following: "4,113,864".

2. Page 19, line 10, by striking the figure "150,000" and inserting the following: "185,046".

CARPENTER of Polk

H–5910

Amend House File 2484 as follows:

1. Page 40, line 31, by inserting after the figure "442.26." the following: "However, the amount paid to an area education agency under this section for a fiscal year shall not exceed the amount paid to that area education agency for the fiscal year beginning July 1, 1985."

2. Page 41, line 20, by inserting after the figure "442.26." the following: "However, the amount paid to a school district under this section for a fiscal year shall not exceed the amount paid to that school district for the fiscal year beginning July 1, 1985."

3. Page 42, line 9, by inserting after the figure "442.26." the following: "However, the amount paid to a school district under this section for a fiscal year shall not exceed the amount paid to that school district for the fiscal year beginning July 1, 1985."

4. Page 43, line 28, by inserting after the figure "442.26." the following: "However, the amount paid to a school district under this section for a fiscal year shall not exceed the amount paid to that school district for the fiscal year beginning July 1, 1985."

VARN of Johnson

H–5912

Amend House File 2484 as follows:

1. Page 48, line 18, by striking the word "eighty-one" and inserting the following: "eighty".

DAGGETT of Taylor

H–5921

Amend House File 2484 as follows:

1. Page 79, lines 11 and 12, by striking the words and figure "five hundred sixty thousand (560,000)" and inserting the following: "sixty thousand (60,000)".

RENSINK of Sioux
VAN MAANEN of Mahaska

H–5922

Amend House File 2484 as follows:

1. Page 76, line 3, by striking the figure "126,500,000" and inserting the figure "127,200,000".

2. Page 87, by striking lines 7 through 9 and inserting the following:

"c. For the fiscal year beginning July 1, 1986, the incentive and inflation factors shall be reinstated as in place on July 1, 1985. Beginning January 1,".

HESTER of Pottawattamie
CLARK of Cerro Gordo
McKEAN of Jones
MAULSBY of Calhoun
STROMER of Hancock
HANSON of Delaware
PAULIN of Plymouth
SHONING of Woodbury
PELLETT of Cass
PETERSEN of Muscatine
McINTEE of Black Hawk
RENSINK of Sioux
ROYER of Page
STUELAND of Clinton
DE GROOT of Lyon
VAN MAANEN of Mahaska
KREMER of Buchanan
HERMANN of Scott
HANDORF of Marshall
BENNETT of Ida
HALVORSON of Clayton
DAGGETT of Taylor
MULLINS of Kossuth
BRANSTAD of Winnebago
VAN CAMP of Scott
SIEGRIST of Pottawattamie
PLATT of Muscatine
GRANDIA of Marion
MILLER of Cherokee
SCHNEKLOTH of Scott
RENKEN of Grundy
SWEARINGEN of Keokuk

H–5927

Amend the amendment, H–5903, to House File 2484 as follows:

1. Page 10, line 17, by inserting after the figure "1986," the following: "not to exceed".

2. Page 10, line 20, by striking the word "shall" and inserting the following: "may".

SPEAR of Lee

H–5932

Amend House File 2484 as follows:

1. Page 24, by striking lines 25 and 26.

2. Page 25, by inserting after line 8 the following:

"The university hospitals shall reduce its public relations expenditures by forty thousand dollars."

3. By striking page 29, line 2 through page 33, line 4 and inserting the following:

"Sec. 111. INDIGENT OBSTETRICAL PATIENT QUOTAS.

1. The statewide indigent patient care program shall continue the nonquota system for indigent obstetrical and orthopedic patients and shall maintain the current county quota system for other indigent patients. In addition, commencing October 1, 1986, under the statewide indigent patient care program each county shall be allocated an indigent obstetrical patient quota equal to the lesser of sixty patients or a total number equal to four percent of the average number of live births per year in the county, calculated for the 1983, 1984, and 1985 calendar years, minus the number of obstetrical patients from the county who delivered at the university of Iowa hospitals and clinics under the statewide indigent patient care program in the fiscal year beginning July 1, 1985. However, each county shall be allocated a minimum indigent obstetrical patient quota of four, and each county, for which the department of human services may contract with the university hospitals for obstetric and newborn care under the authority of 1984 Iowa Acts, chapter 1310, section 3, subsection 2, unnumbered paragraph 2, provided the county is not located more than seventy interstate highway miles from the university of Iowa hospitals and clinics, has a population of more than 75,000, and is contained in a federal metropolitan statistical area, shall be allocated a maximum indigent obstetrical patient quota of four. The department of public health shall provide for the reassignment of an unused county obstetrical quota allotment to other counties on April 1, 1986. The reassignment shall only be taken from a county which has an unused obstetrical patient quota for the portion of the fiscal period ending March 31, 1986, and the reassignment shall not affect the county's portion of the quota for the calendar quarter ending June 30, 1986. The reassignments shall be made to other counties on a first-come, first-served basis. A newborn infant who is born locally to an indigent woman under a county's indigent obstetrical patient quota may be transferred to the university of Iowa hospitals and clinics and receive care as a nonquota

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indigent patient. A county may use its obstetrical quota to provide services to indigent obstetrical patients and their newborns under the county's general relief program to hospitals licensed in this state and to physicians licensed and practicing in this state if the providers of the services agree to accept as full

payment the reimbursements allowable under the medical assistance program established pursuant to chapter 249A, adjusted for intensity of care. However, the total reimbursement from the obstetrical patient care fund to providers for residents of a county is limited to that county's indigent obstetrical patient quota multiplied by one thousand four hundred dollars. The university of Iowa hospitals and clinics and other hospitals shall submit their billings on the UB 82, uniform hospital billing form, and physicians shall submit their billings on the HCFA 1500. University hospital billings shall be submitted directly to the department of public health and other billings shall be submitted through the county general relief directors to the department of public health.

2. The department of public health, in collaboration with the department of human services and in consultation with the Iowa state association of counties, shall adopt rules, pursuant to chapter 17A, establishing minimum standards for eligibility for obstetrical and newborn care, including physician examination, medical testing, and inpatient transportation costs, for indigent obstetrical and newborn care provided at the university of Iowa hospitals and clinics and by other hospitals licensed in this state and physicians licensing and practicing in this state. The minimum standards for eligibility shall provide eligibility for persons with incomes at or below one hundred fifty percent of the annual revision of the poverty income guidelines published by the United States department of health and human services, and shall provide, but shall not be limited to providing, eligibility for uninsured and underinsured persons financially unable to pay for necessary obstetrical and newborn care. The minimum standards may include a spend-down provision. The resource standards shall be set at or above the resource standards under the federal supplemental security income program. The resource exclusions allowed under the federal supplemental security income program shall be allowed and shall include resources necessary for self-employment. The department of public health shall adopt administrative rules to implement the statewide indigent obstetrical patient

quota system under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b" and the rules shall become effective no later than October 1, 1986.

3. The department of public health shall establish procedures for payment to other hospitals licensed in this state, and physicians licensed and practicing in this state.

4. A county shall not be held responsible for the costs of providing obstetrical and newborn care, including physician examination, medical testing, and transportation costs, to pregnant women and their newborn infants who meet the eligibility requirements adopted by the department of public health.

5. A person desiring obstetrical and newborn care, the cost of which is payable under the obstetrical patient care program, or the parent or guardian of a minor desiring or in need of such care, may apply to the general relief director of the person's county of residence to have the cost of such care paid from the obstetrical patient care fund. The applicant shall attest to the accuracy of the information contained on the application. The county general relief director shall first ascertain from the local office of the department of human services if the applicant would be eligible for medical assistance or for assistance under the medically needy program without any spend-down requirement, pursuant to chapter 249A. The county general relief director shall also assure that any local obligations under the federal Hill-Burton program for free care, as well as any other nonpublic programs for care, are fully utilized. If the applicant is eligible for assistance pursuant to chapter 249A, if the applicant is eligible for maternal and child health care services covered by a maternal and child health program, or if the applicant is eligible for Hill-Burton care or other nonpublic programs, the obstetrical patient care program shall not provide such assistance, care, or covered services provided under other programs.

6. The legislative fiscal bureau and the state health data commission shall study the operation of the obstetrical patient care program for the fiscal period beginning July 1, 1986, and ending June 30, 1988, shall identify the levels of medical care provided and the location of the care provided under the program, and the costs of the care provided by all hospitals under this section, and shall report its preliminary findings to the governor and the general assembly convening in 1987 and its final

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determinations to the governor and the general assembly convening in 1988.

7. There is appropriated from the general fund of the state to a special account in the state treasury to be known as the obstetrical patient care fund, for the fiscal year beginning July 1, 1986, and ending June 30, 1987, one million one hundred thousand (1,100,000) dollars, or so much thereof as is necessary, for the development and operation, commencing October 1, 1986, of a statewide obstetrical patient care program as provided in this section. The department of public health shall be the administrator of the fund.

If moneys appropriated to the obstetrical patient care fund by this section remain unobligated and unencumbered on June 30, 1987, the moneys shall not revert to the general fund of the state but shall be transferred to the indigent patient care fund established pursuant to chapter 255.

8. It is the intent of the general assembly that commencing July 1, 1987 under the statewide indigent patient care program established pursuant to chapter 255, each county shall be allocated an indigent obstetrical and newborn patient quota equal to the lesser of seventy patients or a total number equal to six percent of the average number of live births per year in the county, calculated for the 1984, 1985, and 1986 calendar years, minus the number of obstetrical patients from the county who delivered at the university of Iowa hospitals and clinics under the statewide indigent patient care program in the fiscal year beginning July 1, 1986, with each county being allocated a minimum quota of four.

It is the intent of the general assembly that the portion of the indigent patient care program established pursuant to chapter 255 serving indigent obstetrical and newborn patients be completely decentralized to all counties by July 1, 1988 so as to allow reimbursement for care locally as well as at the university of Iowa hospitals and clinics. It is the intent of the general assembly that persons certified for obstetrical and newborn care under the decentralized program be entitled to reimbursement only to the extent of moneys appropriated to the program. It is further the intent of the general assembly that adequate support be provided to the university of Iowa hospitals and clinics for the maintenance of a tertiary health care facility and a teaching hospital."

VARN of Johnson

H–5942

Amend House File 2484 as follows:

1. Page 123, by inserting after line 26 the following:

"Sec._____. NEW SECTION. 117.54 EXPENSES OF THE COMMISSION — FEES.

All expenses required in the discharge of the duties and responsibilities imposed upon the Iowa real estate commission, the administrator, and the professional licensing and regulation division of the department of commerce and industry with respect to the commission by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the fund established in this section. All of these fees are payable to the administrator. The administrator shall pay all the fees and other money received by the administrator to the treasurer of state within the time required by section 12.10. The treasurer of state shall hold these funds in an account that shall be established in the name of the administrator for the payment of the expenses of the commission. This fund is subject at all times to the warrant of the department of revenue and finance, drawn upon written requisition of the administrator or the administrator's designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the commission. The administrator may keep on hand with the treasurer of state funds in excess of the current needs of the commission to the extent approved by the professional licensing and regulation division. No transfers shall be made from the general fund of the state or any other fund for the payment of the expenses of the commission. No part of the funds held by the treasurer of state for the account of the administrator shall be transferred to the general fund of the state or any other fund. The funds held by the treasurer of state for the account of the administrator shall be invested by the treasurer of state and the income derived from these investments shall be credited to the general fund of the state.

The administrator shall account for receipts and disbursements according to the separate duties imposed upon the administrator by the laws of this state and each separate duty shall be fiscally self-sustaining."

GROTH of Buena Vista

H–5944

Amend House File 2484 as follows:

1. Page 24, by striking lines 2 through 9 and inserting the following: "appropriated in this paragraph so that each institution receives a portion of the appropriation equal to the percent the budget for eligible full-time equivalent faculty, professional, and scientific employees at the institution bears to the total budget for full-time equivalent faculty, professional, and scientific employees at all institutions. The funds distributed by the university of northern Iowa for organized faculty shall be distributed either through the collective bargaining agreement in force for the fiscal year beginning July 1, 1986, or according to a different procedure that is acceptable to the collective bargaining representatives for the faculty at the university of northern Iowa and for the university of northern Iowa."

STROMER of Hancock
LLOYD-JONES of Johnson
ROSENBERG of Story
DODERER of Johnson

H–5947

Amend the Senate amendment, H–5860, to House File 2462 as amended, passed, and reprinted by the House as follows:

1. Page 2, by striking lines 37 and 38 and inserting the following:

"_____. Page 3, line 7, by striking the word "March" and inserting the following: "January"."

HAVERLAND of Polk

H–5948

Amend the Senate amendment H–5860 to House File 2462, as amended, passed, and reprinted by the House, as follows:

1. Page 7, line 43, by inserting after the figure "442.26" the following: "nor shall the reductions apply to appropriations made to the department of human services for general administration; field operations; volunteer services; special programs including aid to families with dependent children, medical assistance, medical contracts, child support recoveries, state supplementary assistance, aid to

Indians, home-based services, foster care, community-based programs, county-based juvenile justice reimbursement, and the registry for the brain-injured; juvenile institutions; Iowa veterans home; mental health institutes; hospital-schools; and for supplementation of federal social services block grant funds and for allocation to the various counties for the purchase of local services and child day care services. The reductions shall not apply to the appropriation to the state community mental health and mental retardation services fund."

HAVERLAND of Polk

H—5950

Amend House File 2484 as follows:

1. Page 103, line 18, by inserting after the figure "1986," the following: "not to exceed".

2. Page 103, line 20, by striking the word "shall" and inserting the following: "may".

SPEAR of Lee

H—5951

Amend House File 2484 as follows:

1. Page 103, line 29, by striking the words "officer candidate" and inserting the following: "person".

SPEAR of Lee

H—5964

Amend House Concurrent Resolution 122 as amended, passed, and reprinted by the House as follows:

1. By striking page 1, line 12 through page 2, line 25 and inserting the following:

"A House Concurrent Resolution requesting a report to be provided to the Legislative Council from the investigation team going to Honduras to investigate the circumstances of Iowa National Guard units going to Honduras on training missions.

Whereas, there are currently plans to send an Iowa National Guard unit on a training mission to Honduras in the spring or summer of 1986; and

Whereas, there has been considerable legislative and public debate regarding the safety and desirability of permitting the Iowa National Guard unit to make the trip; and

Whereas, the safety of members of the Iowa National Guard is of the utmost concern in light of warfare taking place in or near Honduras; and

Whereas, Governor Terry E. Branstad has stated that he will send an investigation team to Honduras to investigate the circumstances of the proposed training mission prior to authorizing the trip; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the investigation team sent to Honduras shall file a written report with the Legislative Council and any other member of the General Assembly who requests a copy of the report; and

Be It Further Resolved, That the report shall detail the investigation team's findings regarding the circumstances of the Iowa National Guard unit's participation in the training mission in Honduras including, but not limited to, the purpose of the training mission, the role that Iowa National Guard unit would be asked to assume, the location of the training mission in relationship to areas where there are hostile military confrontations or activities, measures that will be taken to assure the safety of members of the Iowa National Guard and to protect them from hostile actions, and the relationship of the training mission to providing material or logistical support to military groups operating within or out of Honduran territory."

Senate Amendment

H–5967

Amend the amendment, H–5903, to House File 2484 as follows:

1. Page 9, by striking lines 26 through 29 and inserting the following:

"116. By striking page 95, line 4 through page 96, line 9 and inserting the following: "conditions specified in this paragraph. The director of the department of corrections shall solicit proposals for the operation of residential facilities designed to house inmates. The proposals may be submitted by cities, judicial district departments of correctional services, other interested parties, or a combination of these entities. The facilities may be sited in one or more locations and may be operated by the department of corrections, one or more judicial district departments of correctional services, or another entity. Contract proposals shall include, but are not limited to, provisions for treatment and work

arrangements, housing, health care, and security. The director of the department of corrections, with approval of the board of corrections, may accept any of the proposals, parts of several proposals, or reject all of the proposals. Before a contract is finalized, the department of corrections shall submit a report to the members of the justice system appropriations subcommittees, the legislative council, and the legislative fiscal bureau describing the provisions of the contract. If no proposals are accepted, the appropriation shall revert to the general fund of the state as provided in section 8.33." "

O'KANE of Woodbury

H—5968

Amend House File 2484 as follows:

1. Page 123, by inserting after line 26 the following:

"Sec._____. Section 476.10, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In computing expenses chargeable to the public utilities under this section, the commission shall also include as a part of the expenses an amount equal to the loss in interest income as a result of not investing the commission's appropriations allocation at a rate of interest equal to the prime rate as defined in section 421.7, subsection 5. That amount shall be assessed by the commission to the public utilities in proportion to their respective gross operating revenues during the last calendar year derived from intrastate public utility operations. The amount collected shall be deposited by the commission with the treasurer of state. The treasurer of state shall credit the moneys to a special fund to be used to finance the administration of programs funded out of section 93.15 and to supplement other energy conservation projects."

HATCH of Polk
ROSENBERG of Story
OSTERBERG of Linn

H—5979

Amend the amendment, H—5959, to House File 2484 as follows:

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

"_____. Page 98, by inserting after line 34 the following:

"6. For payment of grants to dispute resolution programs under the prosecuting attorney training program ..... $ 25,000"."

2. Renumber as necessary.

BRAMMER of Linn

H-5982

Amend House File 2484 as follows:

1. Page 13, by inserting after line 7 the following:

"Sec._____. Section 324.65, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a licensee or other person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date or pays less than ninety percent of any tax required to be shown on the return, there shall be added to the tax a penalty of five percent of the amount of the tax due. The penalty imposed under this section is not subject to waiver. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7 counting each fraction of a month as an entire month, computed from the date the return was required to be filed. If the amount of the tax as determined by the appropriate state agency is less than the amount paid, the excess shall be refunded with interest, the interest to begin to accrue on the first day of the third calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the latest, at the rate in effect under section 421.7 counting each fraction of a month as an entire month under the rules prescribed by the appropriate state agency."

2. Renumber sections and correct internal references as necessary in accordance with the amendment.

KOENIGS of Mitchell
SKOW of Guthrie

H-5985

Amend the amendment, H-5903, to House File 2484 as follows:

1. By striking page 3, line 49 through page 4, line 1.

JOCHUM of Dubuque

H—5986

Amend House File 2483 as follows:

1. Page 8, by striking lines 12 and 13 and inserting the following: "the department shall send written notification to a member's spouse of the election of an option under this section."

HALVORSON of Webster
HANSON of Delaware

H—5987

Amend Senate File 97 as amended, passed and reprinted by the Senate as follows:

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

"Section 1. If there is a reduction of previously allocated federal highway construction funds by the federal government, the director of transportation shall immediately cease construction and maintenance operations on and along the interstate roads and shall declare them closed for safety reasons."

JAY of Appanoose
HALVORSON of Webster

H—5993

Amend House File 2484 as follows:

1. Page 120, by inserting after line 6 the following:

"If the governor determines that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, and that finding is concurred in by the executive council, and the governor orders reductions in the appropriations under section 8.31, an additional amount equal to the reduction shall be transferred to the general fund of the state. If the utilities division determines that additional funds are necessary, the utilities division shall adjust the assessments authorized under section 476.10."

OSTERBERG of Linn

H—5996

Amend amendment H—5925 to page 95 of House File 2484 as follows:

1. Page 1, by striking lines 20 through 25 and

inserting the following: "reject all of the proposals. Before a contract proposal is finally accepted, the department of corrections shall submit the contract proposal for the approval of a five-member committee appointed by the legislative council. If no proposals are".

SHERZAN of Polk

H–6010

Amend House File 2484 as follows:

1. Page 137, by inserting after line 27 the following:

"Sec._____. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

	1986-1987 Fiscal Year
For salaries, support, maintenance, and other operational purposes to pay the costs of administration of the Iowa public employees' retirement system	$ 1,664,685".

2. Renumber as necessary in accordance with this amendment.

JOCHUM of Dubuque

H–6014

Amend House File 2484 as follows:

1. Page 140, line 5, by inserting after the word "liquor" the words "and wine sold by the department".

2. Page 140, line 15, by inserting after the word "liquors" the words "and wine".

3. Page 140, line 19, by inserting after the word "licensees" the words "and to offer such wine for sale to qualified licensees and permittees".

4. Page 140, line 20, by inserting after the word "liquors" the words "or wine".

5. Page 140, line 21, by inserting after the word "liquors" the words "or wine".

6. Page 140, line 33, by inserting after the word "liquors" the words "and wine".

7. Page 141, line 5, by inserting after the word "liquors" the words "and wine".

8. Page 141, lines 8 and 9, by striking the words "~~purchasers~~ class "E" liquor control licensees" and inserting the following: "purchasers".

9. Page 141, line 10, by inserting after the word "liquor" the words "and wine".

10. Page 141, line 29, by inserting after the word "liquors" the words "and wine".

11. Page 142, by striking lines 12 through 15 and inserting the following: "wine, and except as otherwise provided in this chapter. The department may continue to purchase wine from persons holding a vintner's certificate of compliance or a class "A" wine permit for resale in state liquor stores. The department".

12. By striking page 142, line 20 through page 144, line 8 and inserting the following:

"123.24 ~~VENDORS — CASH SALES~~ ALCOHOLIC LIQUOR AND WINE SALES BY THE DEPARTMENT — DISHONORED CHECKS — LIQUOR PRICES.

1. ~~In the conduct and management of state liquor stores, the director is empowered to employ a person who shall be known as a "vendor" who shall, subject to the directions of the director, observe all provisions of this chapter and the rules and regulations of the department. No vendor of any state liquor store shall sell alcoholic liquor to any person except for cash or traveler's check.~~ The department shall sell alcoholic liquor and wine at wholesale only. The department shall sell alcoholic liquor to class "E" liquor control licensees only. The department shall offer the same price on alcoholic liquor and wine to all purchasers.

2. a. ~~Notwithstanding the preceding paragraph, a vendor may accept from a class "A", "B", "C" or "D"~~

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The department may accept from a liquor control licensee~~,~~ or wine permittee a cashier's check which shows the licensee or permittee is the remitter or a check issued by the licensee~~,~~ or permittee in payment of alcoholic liquor or wine ~~purchased for resale. In the event~~ If a check is subsequently dishonored, the ~~vendor~~ department shall cause a notice of nonpayment and penalty to be served upon the licensee or permittee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored check is not made within ten days of the service of notice, the licensee's liquor control license or the permittee's wine permit shall be suspended ~~by the procedures of~~

under section 123.39. The notice of nonpayment and penalty shall be in a form prescribed by the director, and shall be served by a peace officer.

b. If upon notice and hearing under ~~the procedures specified in~~ section 123.39 and pursuant to the provisions of chapter 17A concerning a contested case hearing, the director determines that the licensee or permittee failed to satisfy the obligation for which the check was issued within ten days after the notice of nonpayment and penalty was served on the licensee or permittee as provided in paragraph "a" of this subsection, the director shall suspend the licensee's liquor control license or the permittee's wine permit for not less than three days but not more than thirty days.

c. Paragraphs "a" and "b" do not apply if a licensee or permittee tenders the department three or more checks during a twelve-month period which are dishonored. Following notification to the department of dishonor of ~~any~~ a check after the second check so dishonored from the same licensee or permittee, the director shall suspend a licensee's liquor control license or wine permit for not less than three nor more than thirty days, after notice and an opportunity for hearing. Payment of ~~any~~ a check whose dishonor subjects the licensee or permittee to suspension does not affect the liability of the licensee or permittee to suspension.

3. The price of alcoholic liquor and wine sold by the department shall include a markup at least equal to sixty percent of the wholesale price paid by the department for the alcoholic liquor or wine. The markup shall apply to all alcoholic liquor and wine sold by the department; however, the department may reduce the markup on selected kinds of alcoholic liquor and wine sold by the department if the average

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return to the department on all sales of alcoholic liquor and wine equals or exceeds the wholesale price paid by the department and the sixty percent markup."

13. Page 146, line 33, by striking the words "~~the department or~~" and inserting the words "the department or".

14. Page 147, line 6, by striking the words "~~the department or~~" and inserting the words "the department or".

15. Page 147, line 18, by striking the words "~~the department or~~" and inserting the words "the department or".

16. Page 147, lines 24 and 25, by striking the words "~~the department or~~" and inserting the words "the department or".

HALVORSON of Webster

H–6025

Amend House File 2483 as follows:

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

"Section 1. Section 97A.6, subsection 8, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

8. a. Upon the receipt of proof of the death of a member in service, or a member not in service who has completed fifteen or more years of service as provided in subsection 1, paragraph "b", there shall be paid to the person designated by the member to the board of trustees as the member's beneficiary if the member has had one or more years of membership service and no pension is payable under subsection 9, an amount equal to fifty percent of the compensation earnable by the member during the year immediately preceding the member's death if the member is in service, or an amount equal to fifty percent of the compensation earned by the member during the member's last year of service if the member is not in service.

b. In lieu of the payment specified in paragraph "a", a beneficiary meeting the qualifications of paragraph "c" may elect to receive a pension equal to one-fourth of the average final compensation of the member, but not less than fifty dollars if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "b".

The pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five.

In addition to the pension, there shall also be paid for each child of a member, a monthly pension equal to six percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or the highest grade in the rank of police patrol officer,

for a child of a deceased member of a police department.

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

(1) The spouse, to continue so long as the spouse remains unmarried.

(2) If there is no spouse, or if the spouse dies

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or remarries and there is a child of a member, then the guardian of the member's child or children, divided as the board of trustees determines, to continue as a joint and survivor pension until every child of the member dies or attains the age of eighteen, or twenty-two if applicable.

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

d. If there is no nomination of beneficiary, the benefits provided in this subsection shall be paid to the member's estate."

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

"Sec._____. Section 411.6, subsection 8, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

8. a. Upon the receipt of proof of the death of a member in service, or a member not in service who has completed fifteen or more years of service as provided in subsection 1, paragraph "b", there shall be paid to the person designated by the member to the board of trustees as the member's beneficiary if the member has had one or more years of membership service and no pension is payable under subsection 9, an amount equal to fifty percent of the compensation earnable by the member during the year immediately preceding the member's death if the member is in service, or an amount equal to fifty percent of the compensation earned by the member during the member's last year of service if the member is not in service.

b. In lieu of the payment specified in paragraph "a", a beneficiary meeting the qualifications of paragraph "c" may elect to receive a pension equal to one-fourth of the average final compensation of the member, but not less than seventy-five dollars if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1,

paragraph "b".

The pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five.

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In addition to the pension, there shall also be paid for each child of a member, a monthly pension equal to six percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department.

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

(1) The spouse, to continue so long as the spouse remains unmarried.

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

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

d. If there is no nomination of beneficiary, the benefits provided in this subsection shall be paid to the member's estate.

Sec._____. Section 411.9, Code 1985, is amended to read as follows:

411.9 MILITARY SERVICE EXCEPTIONS.

~~Any~~ A member who is absent while serving in the armed services of the United States or its allies and is discharged or separated ~~therefrom~~ from the armed services under honorable conditions shall have ~~any such~~ the period or periods of absence while serving in ~~such~~ the armed services ~~on other than a voluntary basis and one such period of absence~~, not in excess of four years unless any period in excess of four years

is at the request and for the convenience of the federal government, ~~while serving in such armed forces on a voluntary basis~~ included as part of the member's period of service in the department. ~~Such~~ The member shall not ~~be required to~~ continue the contributions required of the member under section 411.8 during ~~such~~ the period of military service, ~~provided that~~ if the member ~~shall~~, within six months after the member has been discharged or separated under honorable conditions from ~~such~~ military service, ~~return and resume~~ returns and resumes duties in the department,

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and ~~provided further, that such~~ if the member ~~shall be~~ is declared physically capable of resuming ~~such~~ duties upon examination by the medical board. A period of absence may exceed four years at the request and for the convenience of the federal government."

2. By numbering and renumbering sections as necessary.

RUNNING of Linn

H–6026

Amend the Senate amendment, H–5857, to House File 2393 as passed by the House as follows:

1. Page 1, by striking lines 3 through 10.

2. Page 1, by inserting after line 21 the following:

"_____. Page 2, line 29, by inserting after the word "fees." the following: "Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the city." "

3. Page 1, by inserting after line 45 the following:

"_____. Page 5, line 12, by inserting after the word "fees." the following: "Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the county." "

4. By renumbering as necessary.

O'KANE of Woodbury

H–6074

Amend Senate File 2304 as amended, and passed by the Senate as follows:

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

"Sec._____. NEW SECTION. 476E.1 AGRICULTURAL ENERGY MANAGEMENT FUND.

1. The agricultural energy management fund is created within the department of natural resources. The fund shall be used to finance education and demonstration projects regarding tillage practices and the management of fertilizer and pesticide use which result in management practices that reduce energy inputs in agriculture and reduce potential for groundwater contamination.

2. An agricultural energy management advisory council is established which shall consist of the director of the department of natural resources and the chief administrator of each of the following organizations or the administrator's designee:

a. The energy and geological resources division of the department of natural resources.

b. The environmental protection division of the department of natural resources.

c. Iowa state university of science and technology college of agriculture.

d. Iowa state university of science and technology college of engineering.

e. Iowa state water resource research institute.

f. State university of Iowa department of preventative medicine and environmental health.

g. Division of soil conservation of the department of agriculture and land stewardship.

h. Iowa cooperative extension service in agriculture and home economics.

The director of the department of natural resources shall be the chairperson of the council. The presiding officers of the senate and house shall each appoint two nonvoting members, not more than one of any one political party, to serve on the advisory council for a term of two years. The council may invite the administrators of the United States geological survey and the federal environmental protection agency to each appoint a person to meet with the council in an advisory capacity. The council shall meet quarterly or upon the call of the chairperson. The council shall review possible uses of the funds and the effectiveness of current and past expenditures of the fund. The council shall make recommendations to the department of natural resources on the uses of the fund.

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3. The department of natural resources shall report annually to the standing committees on energy and environmental protection of the house and senate on the projects conducted with the agricultural energy management fund.

Sec._____. ENERGY CONSERVATION TRUST FUND APPROPRIATIONS.

There is appropriated from the funds available in the energy conservation trust fund, established in section 93.11, pursuant to Senate File 2305, for the fiscal year beginning July 1, 1986, and ending June 30, 1987 one million (1,000,000) dollars to the agricultural energy management fund created in section 467E.1 for use by the department of natural resources. However, if Senate File 2305 is enacted with an appropriation for the agricultural energy management fund this section shall not apply."

2. Title page, line 6, by inserting after the word "grants" the following: "and made available to the energy conservation trust fund".

ROSENBERG of Story

H–6079

Amend the Senate amendment, H–5822, to House File 2066, as amended, passed and reprinted by the Senate as follows:

1. Page 3, by inserting after line 37 the following:

"_____. Page 7, by inserting after line 31 the following:

"Sec._____. Section 79.19, as enacted by 1986 Iowa Acts, Senate File 2175, section 234, is repealed." "

2. Page 3, by inserting after line 37 the following:

"_____. Page 7, by inserting after line 31 the following:

"Sec._____. Section 79.37, as enacted by 1986 Iowa Acts, Senate File 2175, section 240, is repealed." "

3. By renumbering as necessary.

WELDEN of Hardin

H–6089

Amend the Committee on Ways and Means amendment, H–6060, to Senate File 2296 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 3 through 49 and inserting the following:

"_____. Page 1, by striking lines 1 through 18."

BLACK of Jasper

H–6095

Amend the amendment, H–5664, to Senate File 2208, as amended, passed, and reprinted by the Senate as follows:

1. By striking page 1, line 3 through page 2, line 50 and inserting the following:

"_____. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 22.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Applications and accompanying information filed pursuant to sections 524.1808 and 524.1809 regarding acquisition of a bank or bank holding company by an out-of-state holding company.

Sec. 2. Section 524.803, subsection 1, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Subject to the prior approval of the superintendent, organize, acquire, or invest in a subsidiary for the purpose of engaging in the selling of securities pursuant to section 524.825.

Sec. 3. Section 524.814, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. To provide any margin for trading financial futures, forward, or standby contracts under section 524.901, subsection 1, paragraph "f".

Sec. 4. Section 524.805, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A state bank shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110.

Sec. 5. NEW SECTION. 524.825 SECURITIES ACTIVITIES.

Subject to the prior approval of the superintendent, a subsidiary of a state bank organized or acquired pursuant to section 524.803, subsection 1, paragraph "f" may engage in directly, or may organize, acquire, or invest in a subsidiary for the purpose of engaging in securities activities and any aspect of the securities industry, including, but not limited to, any of the following:

1. Issuing, underwriting, selling, or distributing stocks, bonds, debentures, notes, mutual funds, money market type mutual funds, or other securities.

2. Organizing, sponsoring, and operating one or more mutual funds.

3. Acting as a securities broker-dealer licensed under chapter 502. The business relating to securities shall be conducted through, and in the name of, the broker-dealer.

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The requirements of chapter 502 apply to any business of the broker-dealer transacted in this state.

Sec. 6. Section 524.901, subsection 1, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Subject to the prior approval of the superintendent and pursuant to applicable federal laws and regulations governing such contracts; futures, forward, and standby contracts to purchase and sell any of the securities permitted in this subsection. However, the activity shall be conducted in accordance with safe and sound banking practices and with levels of the activity being reasonably related to the state bank's business needs and capacity to fulfill its obligations under the contracts.

Sec. 7. Section 524.901, subsection 3, paragraph d, Code Supplement 1985, is amended to read as follows:

d. Shares in a corporation which the state bank is authorized to acquire and hold pursuant to section 524.803, subsection 1, paragraphs "c", "d", ~~and~~ "e", and "f".

Sec. 8. Section 524.901, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. i. Shares or obligations of a corporation or a fund established by a corporation which has been approved by the superintendent and whose shares or obligations are secured by the United States government or by an agency or instrumentality of the United States government, or whose investments are guaranteed by the United States government or by an agency or instrumentality of the United States government. However, the aggregate amount invested in any one corporation or fund under this paragraph shall not exceed twenty percent of the capital and surplus of the state bank.

Sec. 9. Section 524.901, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A state bank may invest in obligations, bonds, notes, shares, certificates or securities, as provided in subsections 1 through 5, in amounts that exceed the allowable percentage of the capital and surplus of the bank provided in those subsections with the approval of and pursuant to any conditions prescribed by the superintendent. The state bank shall submit a written application to the

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superintendent setting forth such information as the superintendent deems necessary to determine whether and on what conditions to grant a waiver of the limitations provided in subsections 1 through 5. A waiver granted pursuant to this subsection shall be for a limited time, to be determined by the superintendent at the time the waiver is granted. A waiver granted pursuant to this subsection means that the superintendent will not take administrative action to enforce the normal capital and surplus standards set forth in this section. The superintendent shall adopt rules that establish conditions under which this subsection may be used. In establishing the conditions, the superintendent shall take into account procedures adopted by the federal deposit insurance corporation.

Sec. 10. Section 524.904, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A state bank may make or maintain loans which exceed the limitations set forth in subsection 2 with the approval of and pursuant to any conditions prescribed by the superintendent. The state bank shall submit a written application to the superintendent setting forth such information as the superintendent deems necessary to determine whether and on what conditions to grant a waiver of the limitations set forth in subsection 2. A waiver granted pursuant to this subsection shall be for a limited time, to be determined by the superintendent at the time the waiver is granted. A waiver granted pursuant to this subsection means that the superintendent will not take administrative action to enforce the normal capital and surplus standards set forth in this section. The superintendent shall adopt rules that establish conditions under which this subsection may be used. In establishing the conditions, the superintendent shall take into account procedures adopted by the federal deposit insurance corporation.

Sec. 11. Section 524.910, subsection 2, Code Supplement 1985, is amended to read as follows:

2. Real property purchased by a state bank at sales upon foreclosure of mortgages or deeds of trust owned by it, or acquired upon judgments or decrees obtained or rendered for debts due it, or real property conveyed to it in satisfaction of debts previously contracted in the course of its business, or real property obtained by it through redemption as a junior mortgagee or judgment creditor, shall be sold or otherwise disposed of by the state bank within five

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years after title is vested in the state bank, unless the time is extended by the superintendent. Agricultural land held by a state bank pursuant to this subsection shall be valued on the books of the bank at a value determined by obtaining the per acre average of the valuations for the current year and the four previous years for agricultural land in the county in which the agricultural land is located as published by Iowa state university of science and technology. If an appraisal conducted by an independent real estate appraiser is available for the current year, the five-year county average shall be adjusted by either adding or subtracting from the five-year average the percentage by which the particular farm's current appraised value exceeds or is less than the current year's county average value. To the extent permitted by federal law, national banks may value agricultural land on the same basis as state banks. Before the state bank sells or otherwise disposes of agricultural land held pursuant to this subsection, the state bank shall first offer the immediately prior owner the opportunity to repurchase the agricultural land on the terms the state bank proposes to sell or dispose of the agricultural land if less than five years have passed since the bank has acquired that land. The immediately prior owner has thirty days from the time the offer is made to exercise the right to accept the offer. After the lapse of that time, the bank may sell or otherwise dispose of that land to any other person on the terms upon which it has offered the land to the immediately prior owner. As used in this subsection, "immediately prior owner" means the titleholder which immediately prior to the foreclosure had owned the property. However, if the titleholder had entered into a land sales contract, then "immediately prior owner" means the latest holder of the contract that was not in default on the contract obligations at the time of the foreclosure. If there is no such holder of the contract, then the titleholder is the immediately prior owner.

Sec. 12. Section 524.1805, Code 1985, is amended to read as follows:

524.1805 OUT-OF-STATE HOLDING COMPANIES.

1. ~~Nothing in~~ Except as provided in subsection 2 and sections 524.1808 and 524.1809, this division ~~shall be construed to~~ does not authorize a bank holding company which is with respect to the state of Iowa an "out-of-state bank holding company", as defined or referred to in 12 U.S.C. § 1842(d), as

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amended to January 1, 1971, to acquire any of the voting shares of, any interest in, all or substantially all of the assets of, or power to control in any manner the election of any of the directors of ~~any~~ a bank in this state, unless ~~such~~ the bank holding company was on January 1, 1971 registered with the federal reserve board as a bank holding company, and on that date owned at least two banks in this state.

2. Notwithstanding the restrictions of subsection 1, an out-of-state bank holding company which had entered into a contract on or before July 1, 1984 to directly or indirectly acquire voting shares, an interest in all or substantially all of the assets of, or control of a bank holding company or a bank located in this state is declared to have established a specific presence in this state as of the date on which the respective contract was executed, and may on or after January 1, 1988, consummate the transaction and acquire the voting shares, an interest in or substantially all of the assets of, or control of the bank holding company or bank located in this state as provided in the contract upon approval by the appropriate regulatory authorities and may make changes as may be required by the regulatory authorities in the terms of the acquisition. This subsection shall be void and of no force or effect if, prior to the implementation of any transactions authorized and accommodated by this subsection, it is determined by any court or federal regulatory agency having jurisdiction over the parties to the transaction that the United States congress has passed and the president has approved a federal law which provides that the enactment of this subsection and the implementation of any transaction authorized by this section results in the loss, whether immediately or as of a subsequent date, of the right of this state to restrict the acquisition of Iowa banks by out-of-state bank holding companies on the basis of the states in which out-of-state bank holding companies are located.

Sec. 13. NEW SECTION. 524.1808 EMERGENCY ACQUISITION OF FAILED BANK.

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

a. "Acquire" means either of the following:

(1) To acquire all or a portion of the capital stock of a failed bank, or purchase all or a portion of the assets and assume all or a portion of the liabilities of a failed bank.

(2) To acquire all or a portion of the capital

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stock of a new state bank or new national bank which will merge or consolidate with, or which will purchase all or a portion of the assets and assume all or a portion of the liabilities of a failed bank.

b. "Failed bank" means a state or national bank which has its principal place of business in this state, is insolvent, and is under the receivership of the federal deposit insurance corporation.

c. "Qualified bidder" means any person who in the judgment of the superintendent is financially, legally, and otherwise qualified to submit a binding bid or offer to acquire a failed bank.

d. "Reasonable good-faith bid" means a bid or offer which is submitted to the federal deposit insurance corporation pursuant to an auction or other procedure involving the purchase of assets and assumption of liabilities of a failed bank, and which is determined by the superintendent to be a reasonable bid or offer submitted in good faith by a qualified bidder.

2. Effective July 1, 1986, a bank holding company which is with respect to this state an "out-of-state bank holding company", as defined or referred to in 12 U.S.C. § 1842(d), as amended to January 1, 1971, and which is located in either Illinois, Minnesota, Missouri, Nebraska, South Dakota, or Wisconsin may acquire a failed bank upon a written application submitted to and approved by the superintendent as provided in this section. For purposes of this subsection, a bank holding company is deemed to be located in the state in which the operations of its banking subsidiaries are "principally conducted", as defined in 12 U.S.C. § 1842(d), as amended to January 1, 1971.

3. An emergency acquisition under this section shall be subject to the following terms and conditions:

a. The superintendent shall not approve an acquisition if the superintendent determines that a reasonable good-faith bid for the acquisition of the failed bank is received from any person who is eligible to acquire ownership or control of the failed bank without reliance on this section, or if the superintendent is unable to make this determination.

b. The superintendent shall not approve an acquisition if the terms and conditions of that acquisition are materially different from those which were presented by the federal deposit insurance corporation for the purpose of soliciting bids from qualified bidders who are eligible to acquire

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ownership or control of the failed bank without reliance on this section. If a material change is made in any of the terms and conditions during the bidding process, an acquisition shall not be approved unless all qualified bidders are afforded an opportunity to submit a bid based upon the modified terms and conditions.

c. The superintendent shall not approve an acquisition unless the superintendent finds that all of the following conditions are satisfied:

(1) Approval of the acquisition is, on balance and without applying any presumptions, preferable to permitting the liquidation of the failed bank, considering both of the following:

(a) The convenience and needs of the communities principally served by the failed bank.

(b) The extent to which, if any, the closing of the failed bank would be more detrimental to its depositors and creditors, considering the availability of insurance, guarantees, and assets which would be available for distribution, than the effects upon those persons if the acquisition were to be approved. For purposes of this subparagraph part, "creditors" does not include creditors who also are shareholders or officers of the failed bank or of a bank holding company which owns the failed bank.

(2) The applicant has done all of the following:

(a) Provided all information and documents requested by the superintendent under this section.

(b) Demonstrated an acceptable prior record of meeting the credit needs of the local communities in which it has engaged in the banking business.

(c) Demonstrated a commitment and willingness to meet the credit needs of the local Iowa communities it will serve if the application is approved.

(d) Demonstrated financial resources, prior investment policies, and managerial capabilities which will enable it adequately to serve the local Iowa communities in which it will engage in the banking business if the acquisition is approved.

(3) The application and the applicant has satisfied any other conditions or requirements established by the superintendent.

d. The acquisition shall be limited to the business locations constituting the principal place of business and bank offices of the failed bank as of the date it was closed, or such fewer number of business locations as may be agreed upon by the applicant and the federal deposit insurance corporation. An out-of-state bank holding company which acquires a failed

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bank under this section shall not acquire direct or indirect ownership or control, within the meaning of section 524.1802, of any other state or national bank located in this state, except that it may acquire other failed banks upon application and approval under this section and subject to the limitation contained in section 524.1802.

4. An application for an approval under this section shall be in the form and contain the information required by rules adopted by the superintendent under chapter 17A. The applicant shall submit a nonrefundable filing fee of one thousand dollars at the time the application is filed. An application not approved or denied within thirty days following the date of filing shall be deemed denied.

5. Until such time as a failed bank has been acquired under this section or its disposition otherwise has been determined by the federal deposit insurance corporation, information regarding the failed bank, any applications and supporting information received under this section, and all other information received by the superintendent of the department of banking in relation to the failed bank shall be confidential and not subject to public disclosure under chapters 21 or 22. This subsection does not restrict the authority of the superintendent to communicate with bank regulatory agencies or otherwise to perform official duties.

6. The superintendent may investigate the books, records, and financial affairs of a failed bank and an affiliate of a failed bank as deemed necessary by the superintendent to permit the proper consideration of an application under this section. The superintendent may make any examinations, investigations, or inquiries deemed necessary by the superintendent for the proper performance of duties established by this section including, but not limited to, the seeking of the advice and counsel of federal bank regulatory officials.

7. The superintendent shall consult with the federal deposit insurance corporation prior to adopting administrative rules and prior to granting any approval under this section. It is the intent of the general assembly that this section shall not be implemented unless the federal deposit insurance corporation cooperates with the superintendent by establishing procedures for submitting all bids or other offers for acquisitions of failed banks for review by the superintendent, and by adopting policies and procedures as may be necessary to enable the

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superintendent to make the determinations required by subsection 3, paragraphs "a" and "b".

8. This section is enacted in the exercise of the police powers of this state, and the provisions of this section are not severable. If any court or administrative officer or agency of this state or of the United States determines that a condition or requirement of this section is invalid or is unenforceable as against a bank or a bank holding company for any reason whatever, then this section shall be void, and any pending or subsequent acquisition based upon the authority of this section shall be ineffective. However, any acquisition that has been consummated may be maintained.

Sec. 14. NEW SECTION. 524.1809 EMERGENCY ACQUISITION OF DISTRESSED BANK HOLDING COMPANY.

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

a. "Acquire" means any of the following:

(1) To directly or indirectly acquire all of the assets of a distressed bank holding company, including, but not limited to the Iowa bank subsidiaries of a distressed bank holding company.

(2) To directly or indirectly acquire all of the capital stock of a distressed bank holding company.

(3) To directly or indirectly acquire the capital stock of another bank holding company which will acquire a distressed bank holding company.

(4) To merge or consolidate with a distressed bank holding company.

b. A "distressed bank holding company" means a bank holding company which meets both of the following conditions:

(1) Has two or more Iowa bank subsidiaries that have in the aggregate over one billion dollars in time and demand deposits as determined by the superintendent on the basis of the most recent reports of those banks submitted to their supervisory authorities and available to the superintendent.

(2) Is subject to the jurisdiction of the United States bankruptcy court for the southern or northern districts of Iowa under chapter 11 of the United States bankruptcy code.

c. "Iowa bank" means a state or national bank having its principal place of business in this state.

d. "Qualified bidder" means any person who in the judgment of the superintendent is financially, legally, and otherwise qualified to submit a binding bid or offer to acquire a distressed bank holding company.

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2. Subject to subsections 3, 4, 5, and 7, an out-of-state bank holding company which is located in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, or Wisconsin may acquire one or more distressed bank holding companies. This section shall not be deemed, construed, or interpreted to authorize any acquisition except one consisting of a transfer of ownership of a distressed bank holding company as a whole, in its entirety, and in a single transaction.

3. An acquisition pursuant to subsection 2 is subject to the approval of the bankruptcy court and the superintendent. The out-of-state bank holding company desiring to make an acquisition under subsection 2 and the distressed bank holding company which is proposed to be acquired shall file an application with the bankruptcy court and the superintendent. The application shall contain information the bankruptcy court and the superintendent deem necessary or appropriate for the purpose of making a determination under this section. The application and the supporting information thus obtained shall be confidential and privileged and not subject to public disclosure, except that the application and supporting information may be disclosed to appropriate federal or state bank regulatory agencies.

4. If applications are submitted by a qualified bidder who is eligible to acquire a distressed bank holding company without reliance on this section, and by a qualified bidder who is an out-of-state bank holding company, and the terms and conditions of the proposed acquisitions are not materially different, including the amounts of assistance requested or the premiums bid for the assets and liabilities, the bankruptcy court and the superintendent shall give preference to and shall approve the application of the qualified bidder who is eligible to acquire the distressed bank holding company without reliance on this section.

5. In determining whether to approve an application under this section, the bankruptcy court and the superintendent shall consider all of the following:

a. The financial institution structure of this state.

b. The economy of this state and the need for access to credit, financial services, and capital.

c. The convenience and needs of the communities principally served by the Iowa bank subsidiaries of

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the distressed bank holding company.

d. Alternative actions that may be taken without reliance on this section to resolve the difficulties of the distressed bank holding company.

e. Other factors deemed relevant by the court or the superintendent.

f. Whether the applicant has done all of the following:

(1) Provided all information and documents requested under this section.

(2) Demonstrated an acceptable prior record of meeting the credit needs of the communities in which it has engaged in the banking business, if applicable.

(3) Demonstrated a commitment and willingness to meet the credit needs of the Iowa communities it will serve if the application is approved.

(4) Demonstrated financial resources, prior investment policies, and managerial capabilities which will enable it to adequately serve the Iowa communities in which it will engage in the banking business if the application is approved.

6. An out-of-state bank holding company which acquires a distressed bank holding company under the authority of this section thereafter may acquire direct or indirect ownership or control, within the meaning of section 524.1802, of other state or national banks located in this state, subject to the limitation contained in section 524.1802.

7. An application for the acquisition of a distressed bank holding company pursuant to this section shall not be filed or approved prior to January 1, 1988.

Sec. 15. Section 527.2, subsection 2, Code 1985, is amended to read as follows:

2. "Data processing center" means a facility, wherever located, at which electronic impulses or other indicia of a transaction originating at a satellite terminal are received and are processed in order to enable the satellite terminal to perform any function for which it is designed. However, "data processing center" does not include a facility which is directly connected to a satellite terminal and which performs only the functions of direct transmission of all requested transactions from that terminal to a data processing facility without performing any review of the requested transactions for the purpose of categorizing, separating, or routing.

Sec. 16. Section 527.2, Code 1985, is amended by adding the following new subsections:

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NEW SUBSECTION. 8. "Municipal corporation" means an incorporated city.

NEW SUBSECTION. 9. "Unincorporated area" means a location within this state not within the boundaries of a municipal corporation.

Sec. 17. Section 527.4, subsection 3, paragraph a, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

a. A financial institution may establish any number of satellite terminals in any of the following locations:

(1) Within the boundaries of a municipal corporation if the principal place of business or an office of the financial institution is also located within the boundaries of the municipal corporation.

(2) Within an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex if the principal place of business or an office of the financial institution is also located in the urban complex.

(3) Within the unincorporated area of a county in which the financial institution has its principal place of business or an office if another financial institution does not have its principal place of business or an office located within a one-mile radius of the proposed location of the satellite terminal.

(4) Within a municipal corporation located in the same county as the principal place of business or an office of the financial institution if another financial institution has not located its principal place of business or an office within the municipal corporation.

(5) At any location within this state if the satellite terminal is designed or configured to not accept deposits and to not dispense cash or script or other negotiable instruments and if the satellite terminal is utilized only for the purpose of making payment to a retailer for goods or services purchased at the location of the satellite terminal.

A financial institution shall not establish a satellite terminal at any other location except pursuant to an agreement with a financial institution which is authorized by this paragraph "a" to establish a satellite terminal at that location and which will utilize the satellite terminal at that location. Nothing in this paragraph "a" shall be interpreted to amend, modify, or supersede any provision of chapter 524 regulating the number or locations of bank offices

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of a state or national bank, or to authorize the establishment by a financial institution of any offices or other facilities except satellite terminals at locations permitted by this paragraph "a".

Sec. 18. Section 527.5, subsection 5, Code 1985, is amended to read as follows:

5. The satellite terminal shall bear a sign or label identifying each type of financial institution utilizing the terminal. A satellite terminal location shall not be used to advertise individual financial institutions or ~~any~~ a group of financial institutions. However, if a satellite terminal is located inside or consolidated into the wall of the principal place of business or any other authorized office of a financial institution which has established the terminal, the satellite terminal may bear a sign or other advertisement of the establishing institution. The administrator ~~is empowered to~~ may authorize ~~such~~ methods of identification as the administrator deems necessary to enable the general public to determine the accessibility of the satellite terminal.

Sec. 19. Section 527.9, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. Effective July 1, 1986, a person owning or operating a central routing unit authorized under this section shall include public representation on any board setting policy for the central routing unit. Four public members shall be appointed to the board in the following manner:

(1) Two members shall be appointed by the superintendent of banking.

(2) One member shall be appointed by the administrator of the credit union department.

(3) One member shall be appointed by the supervisor of savings and loan associations.

b. The superintendent of banking, administrator of the credit union department, and the supervisor of savings and loan associations shall form a committee to set, in conjunction with the entity owning or operating the central routing unit, the term of office, the rate of compensation, and the rate of reimbursement for each public member. However, the public members shall be entitled to reasonable compensation and reimbursement from the board.

c. Each public member is entitled to all the rights of participation and voting as any other member of the board. The public members are to represent the interest of consumers and the business and agricultural communities in establishing policies for the central routing unit.

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d. It is the intention of the general assembly that the ratio of public members to the overall membership of the board shall not be less than one public member for each seven members of the board. If the number of members on the board is increased, then the number of members appointed pursuant to paragraph "a" shall be increased to maintain the minimum ratio. In this event, a committee composed of the superintendent of banking, the administrator of the credit union department, and the supervisor of savings and loan associations shall appoint additional public members in order to maintain the minimum ratio.

e. An individual shall not be appointed as a public member pursuant to this subsection if the individual is directly employed by a financial institution doing business in this state.

Sec. 20. Section 533.4, subsection 5, Code Supplement 1985, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. Deposits, obligations, participations, or other instruments insured by a state-chartered deposit insurance corporation.

NEW PARAGRAPH. j. Commercial paper issued by United States corporations as defined by the administrator by rule.

Sec. 21. Section 533.5, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

533.5 MEMBERSHIP.

The membership of a credit union shall consist of those persons in the common bond, duly admitted, who have paid any required one-time or periodic membership fee, or both, have subscribed to one or more shares, and have complied with other requirements the articles of incorporation and bylaws specify. To continue membership, a member shall comply with any changes in the par value of the share. The common bond shall be determined by the board of directors. If adopted as a policy by the board of directors of a credit union, members who cease to meet qualifications of membership may retain their credit union membership and all membership privileges. Organizations, incorporated or otherwise, may be members.

Sec. 22. Section 533.9, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Within five days following the organization meeting and each annual meeting the directors shall elect from their own number a chairperson of the board, a vice chairperson, ~~president and~~ a secretary, ~~of whom the last two may be the same individual, and also~~ a chief

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elected financial officer whose title shall be designated by the board of directors, a credit committee of not less than three members, and an auditing committee of not less than three members, and may also elect alternate members of the credit committee. ~~It shall be the duty of the~~ The board may appoint an executive committee to act on its behalf when designated for that purpose. The directors ~~to~~ have responsibility for the general management of the affairs of the credit union~~, particularly to:~~.

Sec. 23. Section 533.9, subsections 1 through 7, Code 1985, are amended by striking the subsections.

Sec. 24. Section 533.9, unnumbered paragraph 2, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 25. Section 533.11, subsections 1 and 2, Code 1985, are amended to read as follows:

1. Make or cause to be made an examination of the affairs of the credit union at least ~~quarterly~~ semi-annually, including an audit of its books and, ~~in the event said~~ if the committee feels ~~such~~ the action to be necessary, it shall call the members together ~~thereafter~~ after the examination and submit to them its report.

2. ~~Make~~ In addition, make or cause to be made an annual ~~audit and~~ report and submit ~~the same~~ it at the annual meeting of the members.

Sec. 26. Section 533.34, subsection 1, Code 1985, is amended to read as follows:

1. A state credit union may convert into a federal credit union with the approval of the administrator of the national credit union administration and by the affirmative vote of a majority of the credit union's members ~~eligible to~~ who vote on the proposal. This vote, if taken, shall be at a ~~special~~ meeting called for that purpose and shall be in the manner prescribed by the bylaws. ~~Any member eligible to vote and not present at the meeting may, within twenty days after the date on which the meeting was held, vote in favor of conversion by signing a statement in a form satisfactory to the administrator of the credit union department. This vote shall have the same force and effect as if cast at the meeting.~~

Sec. 27. Section 533.38, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A corporate central credit union may be established. Credit unions organized under this chapter, the Federal Credit Union Act, or any other credit union ~~act~~ Act, and credit union organizations may be members. In addition, regulated financial

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institutions, nonprofit organizations, and cooperative organizations may be members to the extent and manner provided for in the bylaws of the corporate central credit union. The corporate central credit union ~~shall have~~ has all the powers, restrictions, and obligations imposed upon, or granted to a credit union under this chapter, except that the corporate central credit union may exercise any of the following additional powers subject to the adoption of rules by the administrator pursuant to chapter 17A and with the prior written approval of the administrator:

Sec. 28. NEW SECTION. 533.48 CREDITING OF CHECKS.

A credit union shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110.

Sec. 29. NEW SECTION. 533.49 INVESTMENT IN BANKS OR SAVINGS AND LOAN ASSOCIATIONS.

1. With the prior approval of the administrator and the superintendent of banking, a credit union may invest in the capital stock, obligations, or other securities of a bank.

2. With the prior approval of the administrator and the supervisor of savings and loan associations, a credit union may invest in the capital stock, obligations, or other securities of a state savings and loan association.

3. The administrator shall not grant an approval under subsection 1 or 2, except after making one of the following findings:

a. Based upon a preponderance of the evidence presented, the proposed investment will not have the immediate effect of significantly reducing competition between depository financial institutions located in the same community in which the institution whose shares would be acquired is located.

b. Based upon a preponderance of the evidence presented, the proposed investment would have the anticompetitive effect specified in paragraph "a", but other factors, to be specifically cited, outweigh the anticompetitive effect so that there will be a net public benefit as a result of the investment.

4. An investment under this section shall not be grounds for denying the incorporation of another bank or savings and loan association in the community of the acquired bank or savings and loan association.

Sec. 30. Section 534.102, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 34. "Mutual holding company" means a corporation which is organized under chapter

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496A and of which the sole shareholders are persons who would be members of a stock association which is wholly owned by the corporation if the stock association were a mutual association.

NEW SUBSECTION. 35. "Stock holding company" means an association holding company which is not a mutual holding company.

Sec. 31. Section 534.207, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Loans secured by ~~first~~ liens or ~~first~~ claims on residential real estate, participation interests in groups of loans secured by ~~first~~ liens or ~~first~~ claims on residential real estate, securities that are secured by groups of loans secured by ~~first~~ liens or ~~first~~ claims on residential real estate, or property improvement loans for the making of improvements upon residential real property, or a combination of these.

Sec. 32. Section 534.209, subsection 2, Code 1985, is amended to read as follows:

2. As an annual average, based on monthly computations, an association ~~may~~ shall hold not more than one percent of its assets in commercial loans~~, provided that~~. However, this limitation shall increase to two percent of assets on July 1, 1983, to three percent of assets on July 1, 1984, to four percent of assets on July 1, 1985, and to five percent of assets on July 1, 1986~~, but further provided that~~. In addition, commencing on the effective date of any federal statute or federal rule or regulation removing all limitations or controls on the rates of interest that may be paid by banks and savings and loan associations on savings accounts, an association may hold not more than ~~ten~~ forty percent of its assets in commercial loans and consumer loans.

Sec. 33. NEW SECTION. 534.309 CREDITING OF CHECKS.

An association shall credit a deposit of a check to the account to which the deposit is made in the manner prescribed in section 554.4110.

Sec. 34. NEW SECTION. 534.518 MUTUAL HOLDING COMPANY SHAREHOLDERS.

A mutual holding company shall not issue stock certificates to its shareholders. A shareholder shall have all voting rights as specified in chapter 496A. A shareholder is entitled to the same number of votes the shareholder would have in a mutual association if the stock association which is a wholly owned subsidiary of the mutual holding company were the mutual association. Upon dissolution of the mutual holding company, each shareholder has the same rights

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relative to other shareholders as the shareholder would have upon dissolution of a mutual association if the stock association which is a wholly owned subsidiary of the mutual holding company were such mutual association. This section supersedes conflicting provisions of chapter 496A and other sections of this chapter.

Sec. 35. NEW SECTION. 534.519 FORMATION OF MUTUAL HOLDING COMPANY.

A mutual holding company may be formed as provided in one or more transactions authorized in this section.

1. PLAN OF REORGANIZATION. The board of directors of a mutual association shall adopt a plan of reorganization providing for all of the following:

a. The organization of a corporation under chapter 496A to become the mutual holding company.

b. The incorporation of a stock association under this chapter.

c. The transfer from the mutual association to the stock association of a substantial part of its assets.

d. The assumption by the stock association of all of the deposit account liabilities of the mutual association.

e. The transfer from the mutual association to the mutual holding company of a portion of its assets.

f. The issuance by the stock association of all of its common stock to the mutual holding company.

g. The members of the mutual association becoming shareholders of the mutual holding company.

h. Any other lawful provisions as determined by the board of directors.

2. APPROVAL AND NOTIFICATION. The approval of the plan of reorganization by the members of the mutual association is not required. The plan of reorganization shall be submitted to the supervisor for approval as provided in section 534.509, subsection 4, for a plan of conversion. The board of directors shall also submit to the supervisor for approval a summary of the plan of reorganization which shall be mailed to the members of the mutual association after approval of the plan of reorganization by the supervisor.

Sec. 36. NEW SECTION. 534.520 CONVERSION OF MUTUAL HOLDING COMPANY.

A mutual holding company may be converted to a stock holding company as provided in this section.

1. PLAN OF CONVERSION. The board of directors of the mutual holding company shall adopt a plan of conversion providing for the issuance of stock

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certificates to the shareholders of the mutual holding company as of a specified date of conversion and providing for any other lawful provisions as determined by the board of directors.

2. APPROVAL AND NOTIFICATION. The approval of the plan of conversion by the shareholders of the mutual holding company is not required. The plan of conversion shall be submitted to the supervisor for approval as provided in section 534.509, subsection 4, for a plan of conversion of an association. The board of directors shall also submit to the supervisor for approval a summary of the plan of conversion which shall be mailed to the shareholders of the mutual holding company after approval of the plan of conversion by the supervisor.

Sec. 37. Section 535.8, subsection 2, paragraph b, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon request of the borrower, the lender shall provide the borrower with a copy of any document or report that the lender used in processing the loan and for which the borrower was charged under this paragraph "b". The borrower's right to copies under this paragraph is retroactive and may be exercised for any loan on property in which the borrower has an ownership interest at the time of the request.

Sec. 38. Section 535.10, subsection 2, Code 1985, is amended by striking the subsection and inserting the following:

2. A home equity line of credit is subject to chapter 537 regardless of whether the amount financed, as defined in section 537.1301, subsection 4, paragraph "b", exceeds twenty-five thousand dollars and regardless of whether the debt is incurred primarily for a personal, family or household purpose as long as the account is secured by real estate which is the consumer's principal dwelling. However, sections 537.2307, 537.2402, and 537.2510 do not apply to a home equity line of credit.

Sec. 39. Section 536A.22, Code 1985, is amended to read as follows:

536A.22 THRIFT CERTIFICATES.

Licensed industrial loan companies may sell senior debt to the general public in the form of thrift certificates, installment thrift certificates, certificates of indebtedness, promissory notes, or similar evidences of indebtedness. The total amount of ~~such~~ the thrift certificates, installment thrift certificates, certificates of indebtedness, promissory

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notes, or similar evidences of indebtedness outstanding and in the hands of the general public shall not at any time exceed ten times the total amount of capital, surplus, and undivided profits ~~and subordinated debt that gives priority to such securities~~ of the issuing industrial loan company. Except as provided in chapter 536B, the sale of ~~such~~ the securities ~~shall be~~ is subject to ~~the provisions of~~ chapter 502, and ~~shall~~ is not ~~be construed to be~~ exempt ~~therefrom~~ from chapter 502 by reason of ~~the provisions of~~ section 502.202, subsection 10, except that the sale of thrift certificates or installment thrift certificates which are redeemable by the holder ~~thereof~~ either upon demand or within a period not in excess of one hundred eighty days ~~shall be~~ are exempt from sections 502.201 and 502.602.

Sec. 40. NEW SECTION. 554.4110 CREDITING OF CHECKS.

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

a. "Account" means a demand deposit account or other similar transaction account including, but not limited to, a negotiable order of withdrawal account or a share draft account at a financial institution.

b. "Business day" means any day other than Saturday, Sunday, or a legal holiday.

c. "Cashier's check" means a check which is drawn on a financial institution, is signed by an officer or employee of the financial institution, and is a direct obligation of the financial institution.

d. "Certified check" means a check with respect to which a financial institution certifies that the signature on the check is genuine and the financial institution has set aside funds from the account which are equal to the amount of the check and are to be used only to pay the check.

e. "Check" means any negotiable demand draft drawn on or payable through a financial institution.

f. "Depository check" means a cashier's check, certified check, teller's check, or other functionally equivalent instrument.

g. "Financial institution" means a bank, savings and loan association, savings bank, or credit union.

h. "Teller's check" means a check issued by a financial institution and drawn on another depository institution.

2. Funds deposited in an account at a financial institution doing business in this state by check shall be available on two business days following the business day on which the check was deposited if

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either of the following is applicable:

a. The check is an amount of one hundred dollars or less.

b. The check is deposited in the same financial institution on which it is drawn or is deposited in an office or a branch of the same financial institution on which it is drawn.

3. Not more than four business days shall intervene between the business day on which funds are deposited in an account at a financial institution doing business in this state by a check drawn on a financial institution located in this state and the business day on which the funds are available for withdrawal.

4. The time limitations contained in subsections 2 and 3 may be extended by one business day if the deposit is at a shared automatic teller machine.

5. The time limitations in subsections 2 and 3 may be extended by one business day if the financial institution in which the check is deposited utilizes a correspondent or depository financial institution in the check clearing process.

6. The time limitations contained in subsections 2 and 3 do not apply to a check deposited in an account that has been open less than thirty calendar days.

7. In the case of funds deposited on any business day in an account at a financial institution by checks the aggregate amount of which exceeds five thousand dollars, subsections 2 and 3 shall apply only with respect to the first five thousand dollars of such aggregate amount.

8. In the case of a check which was returned unpaid by the originating financial institution, subsections 2 and 3 shall not apply to any subsequent redeposit of such check in an account at a financial institution.

9. In any case in which, on three separate and distinct occasions within any six-month period, any account (or successor account) of a depositor has been the subject of checks which were written by such depositor and which were in excess of the available funds in the account involved, subsections 2 and 3 shall not apply to any such account for a period of six months following the last occasion involved.

10. Subsections 2 and 3 shall not apply in any case in which a check is drawn on a financial institution, or an office of a financial institution, located outside of the United States.

11. A financial institution shall post in a conspicuous place in each location where deposits are

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accepted by individuals employed by the financial institution, a specific notice which describes the time periods applicable to the availability of funds deposited in a customer's account.

12. In the case of an automated teller machine at which funds are received for deposit in an account at a financial institution, the owner or operator of the automated teller machine shall post a general notice that funds deposited in the machine may not be immediately available for withdrawal.

Sec. 41. NEW SECTION. 654.2A FORECLOSURE ON HOMESTEAD — NOTICE, RIGHT TO CURE DEFAULT.

1. A creditor shall not initiate an action pursuant to this chapter to foreclose on a deed of trust or mortgage on a homestead, as defined in chapter 561, until the creditor has complied with this section.

2. A creditor who believes in good faith that a borrower on a deed of trust or mortgage on a homestead is in default shall give the borrower a notice of right to cure as provided in section 654.2B. A creditor gives the notice when the creditor delivers the notice to the consumer or mails the notice to the borrower's residence.

3. The borrower has a right to cure the default within thirty days from the date the creditor gives the notice.

4. a. The creditor shall not accelerate the maturity of the unpaid balance of the obligation, demand or otherwise take possession of the land, otherwise than by accepting a voluntary surrender of it, or otherwise attempt to enforce the obligation until thirty days after a proper notice of right to cure is given.

b. Until the expiration of thirty days after notice is given, the borrower may cure the default by tendering either the amount of all unpaid installments due at the time of tender, without acceleration, or the amount stated in the notice of right to cure, whichever is less, or by tendering any other performance necessary to cure a default which is described in the notice of right to cure.

5. The act of curing a default restores to the borrower the borrower's rights under the obligation and the deed of trust or mortgage.

6. This section does not prohibit a borrower from voluntarily surrendering possession of the homestead and does not prohibit the creditor from enforcing the creditor's interest in the land at any time after the creditor has complied with this section and the

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borrower did not cure the alleged default.

Sec. 42. NEW SECTION. 654.2B REQUIREMENTS OF NOTICE OF RIGHT TO CURE.

The notice of right to cure shall be in writing and shall conspicuously state the name, address, and telephone number of the creditor to which payment is to be made, a brief identification of the obligation secured by the deed of trust or mortgage and of the borrower's right to cure the default, a statement of nature of the right to cure the default, a statement of the nature of the alleged default, a statement of the total payment or other performance necessary to cure the alleged default, the exact date by which the amount must be paid or performance tendered and a statement that if the borrower does not cure the alleged default that the creditor is entitled to proceed with initiating a foreclosure action.

Sec. 43. Section 654.18, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The agreement provided for in subsection 1 is not enforceable against the mortgagor if the agreement is entered into more than three months prior to the recording of the conveyance from the mortgagor to the mortgagee described in subsection 1, subparagraph (a). A prior agreement or arrangement between the mortgagor and mortgagee, that they will enter into an agreement provided for in subsection 1 if the mortgagor is unable to make payments or otherwise is in danger of default, is void.

Sec. 44. Sections 41 and 42 of this Act shall apply to any foreclosure on a homestead in which an action pursuant to chapter 652 was initiated on or after January 1, 1986.

Sec. 45. If the federal government enacts legislation concerning the subject matter contained in sections 4, 28, 33, and 40 of this Act, the attorney general shall determine whether the federal legislation preempts any part of this subject matter contained in those sections. If the attorney general determines that there is any preemption, sections 4, 28, 33, and 40 of this Act shall be deemed totally preempted and shall be void.

Sec. 46. Sections 4, 28, 33, and 40 of this Act are effective January 1, 1987."

_____. Title page, by striking lines 1 through 4 and inserting the following: "An Act relating to financial transactions." "

SCHNEKLOTH of Scott

H-6106

Amend Senate File 2208 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting after line 21 the following:

"Sec._____. Section 524.1202, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Except as otherwise provided in subsection 2 ~~of this section~~ or section 524.1421, ~~no~~ a state bank shall not establish a bank office outside the corporate limits of a municipal corporation or in a municipal corporation in which there is already an established state or national bank or office~~, however~~. However, the subsequent chartering and establishment of ~~any~~ a state or national bank, through the opening of its principal place of business within the municipal corporation where the bank office is located, shall not affect the right of the bank office to continue in operation in that municipal corporation. The existence and continuing operation of a bank office shall not be affected by the subsequent discontinuance of a municipal corporation pursuant to ~~the provisions of~~ sections 368.11 to 368.22. A bank office existing and operating on July 1, 1976, which is not located within the confines of a municipal corporation, shall be allowed to continue its existence and operation without regard to this subsection.

Sec._____. NEW SECTION. 524.1421 REORGANIZATION OF BANK AFFILIATES.

1. Notwithstanding any other provision of this chapter, the resulting bank of a merger or consolidation of two or more banks, which have been affiliates as defined in section 524.1101 for more than five years prior to the effective date of the merger or consolidation, may retain and operate as its retained bank offices the principal places of business and all bank offices of the affiliate banks which are merged or consolidated into the resulting bank.

2. The resulting bank may establish bank offices allowed by other sections of this chapter to the same extent as if the merger or consolidation had not occurred.

3. This section does not permit the resulting bank to establish after the effective date of the merger or consolidation any bank offices in addition to those allowed to the resulting bank by other sections of this chapter. However, the resulting bank may establish and operate facilities which in the absence of the merger or consolidation would be considered under section 524.1202, subsection 2, paragraphs "c"

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and "d", to be an integral part of the former principal places of business of the affiliates which are merged or consolidated into the resulting bank.

4. Retained bank offices as provided in subsection 1 shall be operated by the resulting bank in the same manner as bank offices established under section 524.1201. The banks which are merged or consolidated under this section shall retain an advisory board of directors to advise on the operations of the retained bank office. The board shall be comprised of citizens residing in the area served by the bank office.

5. This section does not alter the limitations upon bank holding companies contained in section 524.1802.

6. The privileges of this section are available on the same conditions to national banks.

7. This section shall be strictly construed as an exception to the bank office location limitations contained in section 524.1202 and it is the intent of the general assembly that a court or regulatory agency interpreting this section shall not interpret it to permit statewide branch banking or the location of a bank office in this state other than as provided in this section and in sections 524.312 and 524.1202. This section does not authorize the establishment of bank offices at any time or by any bank except when done as the direct and immediate consequence of a merger or consolidation, does not authorize the establishment of the principal place of business of the resulting bank of a merger or consolidation at any location other than one actually occupied and operated as a principal place of business of one of the parties to the merger or consolidation, does not authorize a bank office at any location other than one actually occupied and operated as a principal place of business or bank office by one of the parties to the merger or consolidation, and does not authorize a greater number of bank offices within the municipality or urban complex of the principal place of business of the resulting bank than is expressly permitted by section 524.1202, subsection 2."

2. Renumber as necessary.

HATCH of Polk
SCHNEKLOTH of Scott
O'KANE of Woodbury

H–6108

Amend the amendment, H–6103, to House File 2484, as amended, passed, and reprinted by the House, as follows:

1. Page 16, lines 43 and 44, by striking the words "PUBLIC HEALTH" and inserting the following: "INSPECTIONS AND APPEALS".

2. Page 16, lines 49 and 50, by striking the words "public health" and inserting the following: "inspections and appeals".

3. Page 17, line 25, by striking the words "public health" and inserting the following: "inspections and appeals".

4. Page 17, lines 37 and 38, by striking the words "public health" and inserting the following: "inspections and appeals".

VAN MAANEN of Mahaska

H–6110

Amend the Senate amendment, H–6103, to House File 2484 as amended, passed, and reprinted by the House as follows:

1. Page 33, by inserting after line 38 the following:

"_____. Page 168, line 22, by striking the words "and served".

_____. Page 168, line 26, by striking the words "sold to and".

_____. Page 168, line 33, by inserting before the word "beer" the following: "or "C" "."

2. Page 34, by inserting after line 22 the following:

"Sec._____. If both this Act and Senate File 2265 are enacted by the Seventy-first General Assembly, the amendment to section 123.92, enacted as a part of this Act shall prevail over the amendment to section 123.92 enacted as a part of Senate File 2265."

3. By renumbering as required.

WOODS of Polk
RENAUD of Polk
OSTERBERG of Linn
CLARK of Cerro Gordo
HALVORSON of Webster
VAN CAMP of Scott
RUNNING of Linn
MULLINS of Kossuth
JAY of Appanoose

H–6116

Amend the House amendment, H–6110, to the Senate amendment, H–6103, to House File 2484 as amended, passed, and reprinted by the House as follows:

1. Page 1, by striking line 9, and inserting the

following: " "sold to and served the" and inserting the words "sold the beer, wine, or intoxicating liquor and served a"."

HALVORSON of Webster

H–6118

Amend the Senate amendment, H–6103, to House File 2484, as amended, passed, and reprinted by the House, as follows:

1. Page 7, by striking lines 5 through 12 and inserting the following:

"_____. Page 26, by striking lines 24 through 27 and inserting the following: "faculty at the three institutions. The"."

TEAFORD of Black Hawk

H–6148

Amend House File 102 as amended, passed and reprinted by the House as follows:

1. Page 1, line 11, by striking the words "or serving as a place of work".

2. Page 1, by striking lines 12 through 15 and inserting the following: "but not limited to, retail stores and offices containing one thousand or more square feet of floor space, waiting rooms of two hundred or more square feet of".

3. Page 1, by striking lines 16 and 17, and inserting in lieu thereof the words "floor space, and other commercial establishments;".

4. Page 1, line 21, by striking the words "indoor arenas, and meeting rooms" and inserting in lieu thereof words "and indoor arenas".

5. Page 1, line 22, by inserting after the word "include" the following: "restaurants,".

6. Page 1, lines 22 and 23, by striking the words "occupied exclusively by smokers".

7. Page 1, by striking lines 27 through 30, and inserting in lieu thereof the words "facility or hospital."

8. Page 2, by striking lines 1 through 6 and inserting the following: "beverages as defined in section 123.3, subsection 8."

9. Page 2, by striking lines 13 through 19, and inserting in lieu thereof the following: "hall is used for a private social function.".

10. Page 2, line 25, by inserting after the word "and" the following: "existing".

11. Page 2, line 26, by inserting after the word

"areas." the following: "The department of health shall adopt rules necessary to determine the maximum level of toxic effect allowable for no-smoking areas specified in this section."

12. Page 2, by striking lines 31 through 33 and inserting the following: "area in its entirety."

13. Page 3, line 9, by striking the word "smoke-free" and inserting the following: "no-smoking".

14. Page 3, line 26, by inserting after the word "meeting." the following: "However, if the public place is designated as a smoking area in its entirety, such smoking prohibition statement need not be posted.".

15. Page 4, line 11, by striking the word "fifty" and inserting the following: "twenty-five".

16. Page 4, by inserting after line 14 the following:

"Sec. _____. This Act takes effect January 1, 1987."

17. Title page, line 2, by inserting after the word "penalties" the following: "and providing an

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effective date".

18. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Senate Amendment

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-first General Assembly, 1986 Session, not otherwise printed in the House Journal.

House Concurrent Resolution 105
By Renken, Harbor, Cochran, Pellett, Kremer, Hester, Paulin, Rensink, Swearingen, Welden, Hummel, Corey, De Groot, Miller, Royer, Van Maanen, Grandia, Petersen of Muscatine, Platt, Siegrist, Van Camp, Schnekloth, Lageschulte, Mullins, Shoning, Branstad, McIntee, Carpenter, Halvorson of Clayton, Bennett, Maulsby, Handorf, Hanson, Diemer, Stromer, Skow, Cooper, Spear, Halvorson of Webster, Metcalf, Sturgeon, Groninga, Muhlbauer, Pavich, Teaford, Shoultz, Sherzan, Oxley, Clark, Stueland, Gruhn, Carter, Fogarty, Knapp, Osterberg, Fey and Poncy

A House Concurrent Resolution relating to Congressman Cooper Evans.

Whereas, Congressman Cooper Evans of Grundy Center, Iowa, has announced his intention not to seek reelection in 1986; and

Whereas, Congressman Evans has indicated a sincere interest in the position of Deputy Secretary of the United States Department of Agriculture; and

Whereas, Congressman Evans is eminently well qualified by virtue of his first-hand knowledge of and experience in farming; and

Whereas, Congressman Evans is looked to by his congressional colleagues of both parties as an authority in farm and rural-America finance; and

Whereas, the Midwest is the center of severely depressed agricultural conditions and is in need of a strong voice for and an advocate of agriculture; and

Whereas, Congressman Evans can well fill this Midwestern need by his geographical location, his knowledge of concerns, and the respect afforded him by all of his congressional colleagues; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the Honorable Ronald Reagan, President of the United States, be respectfully petitioned to name Congressman Cooper Evans as the Deputy Secretary of Agriculture; and

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Be It Further Resolved, That copies of this Concurrent Resolution be forwarded to the Honorable Ronald Reagan, the Honorable Terry E. Branstad, Governor of Iowa, and all members of the Iowa Congressional Delegation.

HCR 105 filed from the floor; House adopted January 28, 1986.

House Concurrent Resolution 113
By Committee On Economic Development

A House Concurrent Resolution endorsing "Iowa Homecoming '86".

Whereas, the Iowa General Assembly recognizes the great untapped potential of this state in the area of tourism; and

Whereas, many famous, important, and otherwise noteworthy people have been born and raised, or have resided in, this state; and

Whereas, participation by such famous, important, and otherwise noteworthy people in community festivals and celebrations throughout the state can be expected to attract other former Iowans as well as visitors from other states; and

Whereas, such community festivals and celebrations will assist the state in its economic development efforts and provide a boost in morale for all Iowans; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the Iowa General Assembly enthusiastically endorses the "Iowa Homecoming '86" project, encourages current and former Iowans of all ages to lend their time and efforts to ensure success of the project, and invites people everywhere to come to Iowa and join in the celebration of the people, the heritage, the traditions, the resources, and the values that have made Iowa the great state that it is.

HCR 113 filed February 26, 1986; House adopted March 10, 1986; Senate adopted April 11, 1986.

House Concurrent Resolution 114
By Committee On Human Resources

A House Concurrent Resolution relating to the creation of an interim study committee relating to health care for the indigent population of Iowa.

Whereas, there is a need for complete information concerning all methods to fund health care for low income persons in Iowa; and

Whereas, there is a need to quantify the availability of health care for indigent persons in Iowa; and

Whereas, there is a need to quantify the cost and evaluate the effectiveness of programs for medically indigent persons, including programs operated by state agencies, the University of Iowa hospitals and clinics, local governments, individual hospitals, and other agencies and persons; and

Whereas, there is a need to evaluate and anticipate federal activity concerning health care programs, including activity relating to the federal Medicare and Medicaid programs, medical education, and research dollars; and

Whereas, there is a need to coordinate health programs for low income persons and for persons who do not qualify for any health care benefit programs; and

Whereas, there is a need to foster availability and efficiency of health care services for such persons; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the Legislative Council

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authorize the creation of an interim study committee composed of ten Senate and House members of both political parties to collect information on health care programs for low income persons and other persons who do not qualify for any health care benefit programs, and that the study committee develop recommendations to improve delivery of health care services to persons who are financially unable to afford health services; and

Be It Further Resolved, That the study committee shall submit a report of its recommendations and accompanying legislative proposals to the Legislative Council and to members of the General Assembly which convenes in 1987.

HCR 114 filed February 27, 1986; House adopted March 11, 1986.

House Concurrent Resolution 115

By Doderer, Poncy, Running, Woods, Van Maanen, Connors, Harbor, Pavich, Ollie, Arnould, Fey, Swearingen, Renken and Paulin

A House 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.

Whereas, the United States Congress in 1977 created what is known as the Social Security "*Notch*"; and

Whereas, the "*Notch*" arbitrarily reduced benefits to recipients born between 1917 and 1921; and

Whereas, the "*Notch*" did not adversely affect recipients born prior to 1917; and

Whereas, the "*Notch*" does not adversely affect recipients born after 1921; and

Whereas, the "*Notch*" was created to balance the Social Security System; and

Whereas, the "*Notch*" is arbitrary and without justification and discriminates against the class of recipients born in 1917 through 1921; and

Whereas, this discrimination has severely and adversely affected the lives of many Social Security recipients who had relied upon the prior level of benefits; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the Iowa General Assembly request the United States Congress to address the

adverse effects created by the "*Notch*"; and
Be It Further Resolved, That the United States Congress be urged not to arbitrarily discriminate

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against a class of recipients, current or future, in such a fashion which adversely affects the class; and
Be It Further Resolved, That copies of this resolution be sent to the President of the Senate of the United States, the Speaker of the United States House of Representatives, and to all members of the Iowa Congressional Delegation.

HCR 115 filed February 28, 1986; House adopted April 14, 1986; Senate adopted April 25, 1986.

House Concurrent Resolution 116
By Clark and Lloyd-Jones

A House Concurrent Resolution relating to Women's History Week.
Whereas, the governor has proclaimed the week of March 2-8, 1986 as Women's History Week in this state; and
Whereas, public awareness of women and their contributions is necessary to an accurate understanding of history; and
Whereas, the accomplishments of women of various cultures and societies need to be emphasized, highlighted and understood further through educational programs; and
Whereas, women individually and collectively have played a vital role in the development of our society; and
Whereas, it is appropriate to recognize women as full partners in the social, political and economic life of our state and nation; *Now Therefore*,
Be It Resolved By The House Of Representatives, The Senate Concurring, That the general assembly join with the governor in urging the citizens of this state to recognize with appreciation the contributions women have made to our great state.

HCR 116 filed February 28, 1986; House adopted March 3, 1986; Senate adopted March 7, 1986.

House Concurrent Resolution 119
By Poncy, Renaud, Running, Cooper, Harbor, Halvorson of Clayton, Johnson, Diemer, Connors, Rensink, Varn, Lonergan, 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 House Concurrent Resolution honoring and congratulating Dale L. Renaud, an Iowan who is 1985-1986 National Commander of the American Legion.

Whereas, Dale L. Renaud was elected National Commander of the American Legion at its 67th National Convention; and

Whereas, Dale L. Renaud is a Coast Guard veteran of the Korean War who has served 31 years as a Legionnaire, 29 years with the Samuel H. Bridge Post 396 in Bondurant, Iowa; and

Whereas, for the past 15 years, National Commander Renaud has served as a member, vice chairman, and chairman of the Americanism Commission which is responsible for programs including high school oratorical contests, Boys State, Boys Nation, Boy Scouts, and American Legion baseball; and

Whereas, since 1964, National Commander Renaud has served with distinction in almost every office from the post to the national level including commander of the Bondurant post from 1964 to 1966, district adjutant, vice commander, and commander from 1967 to 1969, Iowa department commander in 1971, national executive committeeman in 1979; *Now Therefore*,

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Be It Resolved By The House Of Representatives, The Senate Concurring, That the Iowa General Assembly honor and congratulate Dale L. Renaud for his election as National Commander of the American Legion and for his 31 years of distinguished service as a Legionnaire; and

Be It Further Resolved, That a copy of this concurrent resolution be sent to Dale L. Renaud, National Commander of the American Legion.

HCR 119 filed on March 4, 1986; House adopted April 2, 1986; Senate adopted April 2, 1986.

House Concurrent Resolution 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 House Concurrent Resolution requesting Governor Branstad to prevent the sending of Iowa National Guard units to Honduras.

Whereas, it was recently announced that an Iowa National Guard unit will be sent on a training mission to Honduras in the spring or summer of 1986; and

Whereas, Honduras is located in the volatile Central American region bordering the nations of Nicaragua, El Salvador, and Guatemala; and

Whereas, the warfare currently being waged in Central America has repeatedly spilled over into Honduras and frequently has directly involved Honduran military or other military forces operating out of Honduran territory; and

Whereas, serious questions have been raised about the wisdom and legality of United States foreign and military policies in Central America including the holding of repeated and large-scale military maneuvers in Honduras and providing materials and assistance to Nicaraguan rebels operating out of Honduras; and

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Whereas, a negotiated political solution would be far preferable to the continued military escalations in Central America and the resultant loss of life and injuries suffered by the Central American people; and

Whereas, the sending of Iowa National Guard units to Central America needlessly and dangerously exposes those individuals involved to substantial dangers and involves the state of Iowa in sustaining and promoting questionable military policies in the region; and

Whereas, the wisdom of sending National Guard units to Central America has been questioned by the governors of other states including the governors of Arizona and Maine; and

Whereas, the governor of Maine has refused to permit Maine National Guard units to go to Honduras; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the sending of Iowa National Guard units to Honduras to participate in military maneuvers or road-building exercises is unwise, dangerous, and needlessly inflammatory; and

Be It Further Resolved, That Iowa Governor Terry E. Branstad should prohibit the participation of Iowa National Guard units in military maneuvers or road-building exercises in Honduras or elsewhere in Central American during 1986.

HCR 122 filed March 5, 1986; House adopted March 11, 1986; Senate adopted April 22, 1986.

House Concurrent Resolution 127
By Fey and Arnould

A House Concurrent Resolution urging the Congress not to reduce federal funding of the Job Training Partnership Act.

Whereas, the federal Job Training Partnership Act was enacted in 1983 calling for a partnership between business, local elected officials, and state government in the administration of a federally funded employment and training program; and

Whereas, the Job Training Partnership Act provides an efficient program to prepare economically disadvantaged and long-term unemployed individuals to enter the labor force; and

Whereas, Title III of the Act is designed for dislocated workers to assist them in retraining for job readiness to reenter the job market; and

Whereas, Iowa employees have been hit especially hard during the recent years due to plant closings and layoffs forcing many Iowans out of work; and

Whereas, the vast majority of these dislocated workers are highly skilled, highly productive, and have excellent work records; and

Whereas, due to projected federal appropriations reductions, federal funds for the Title III program will be reduced for Iowa from $1,737,526 to $972,286, a reduction of 44% and

Whereas, the projected reductions will have a disasterous effect on attempts to retrain and reemploy these workers; *Now Therefore*,

Be It Resolved By The House Of Representatives, The

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Senate Concurring, That the Iowa General Assembly urges the United States Congress not to reduce federal funds for the Job Training Partnership Act; and

Be It Further Resolved, That copies of this resolution be sent to the President of the Senate of the United States, the Speaker of the United States House of Representatives, and to all members of the Iowa Congressional Delegation.

HCR 127 filed April 7, 1986; House adopted April 18, 1986; Senate adopted April 30, 1986.

House Concurrent Resolution 128
By Fey, Clark, Sturgeon, Baxter, Haverland, Brammer, Arnould, Doderer, McKean, Buhr, Johnson, Hatch, Holveck and Carpenter

A House Concurrent Resolution relating to the Iowa General Assembly urging support of the Civil Rights Restoration Act of 1985.

Whereas, certain aspects of recent decisions and opinions of the United States Supreme Court have

unduly narrowed or cast doubt upon the broad application of Title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title VI of the Civil Rights Act of 1964; and

Whereas, congressional action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered before the controversial decisions of the United States Supreme Court; and

Whereas, American civil liberties have been limited by the United States Supreme Court's restrictive Grove City v. Bell decision in 1984 and dramatically narrowed the coverage of civil rights laws and reversing enforcement practices previously followed by both Republican and Democratic administrations; and

Whereas, the Iowa General Assembly recognizes four areas affected specifically by the Grove City v. Bell decision:

1. Title VI, Civil Rights Act of 1964 which outlawed discrimination on the basis of race, color and national origin;

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2. Title IX of the Education Amendments of 1972 which championed the rights of females within educational institutions;

3. Section 504 of the Rehabilitation Act of 1973 which advanced the rights of disabled persons;

4. The Age Discrimination Act of 1975 which holds significant promise for protecting our elderly; and

Whereas, under the specified four laws programs or activities receiving federal funds are prohibited from discriminating against women, minorities, the disabled, and the elderly and the original intention of these laws was to apply this prohibition to all programs operated by an institution; and

Whereas, the Iowa House of Representatives and Senate support the passage of the proposed federal legislation, H.R. 700, more commonly known as the "Civil Rights Restoration Act of 1985"; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the Iowa General Assembly urges the members of Iowa's Congressional Delegation to support H.R. 700 without amendment to restore the broad scope of coverage and to clarify the application of these civil rights laws; and

Be It Further Resolved, That the President of the United States and all members of the Iowa Congressional Delegation receive copies of this resolution.

HCR 128 filed April 15, 1986; House adopted May 2, 1986.

House Concurrent Resolution 129
By Peick

A House Concurrent Resolution relating to recognition of medical clerks and medical secretaries.

Whereas, there are many medical clerks and medical secretaries appropriately maintaining medical records in the United States and Iowa, most of whom are employed in physicians' offices, hospitals, or other medical offices; and

Whereas, these dedicated health professionals make a substantial contribution to the quality of health care in this country and state through assisting the physician in any paper work, accurate record keeping, patient billing, and assisting patients with their accounts; and

Whereas, these individuals provide a vital service to the people of this country and state; and

Whereas, these professionals continuously work to expand their technical skills through a wide range of continuing education programs; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That May 8, 1986 be declared as Medical Clerks and Medical Secretaries Day.

HCR 129 filed April 17, 1986; House adopted April 21, 1986; Senate adopted April 25, 1986.

House Concurrent Resolution 130
By Hughes, Clark, Osterberg, Daggett, Skow, Diemer, Peterson of Carroll, Petersen of Muscatine, Holveck, McIntee, Rosenberg, Handorf, Groninga, Peick, Koenigs, Black, Beatty, Shoultz, Swartz, Ollie, Lloyd-Jones, Carter, Hummel, Buhr, Shoning, Miller, Arnould, Platt, Mullins, Spear, Teaford, McKean, Johnson, Cooper, Hammond, Sturgeon, Haverland, Brammer and Siegrist

A House Concurrent Resolution relating to refugees of the civil war in El Salvador.

Whereas, over forty thousand civilians have been killed since 1979 in the civil war in El Salvador; and

Whereas, international human rights organizations estimate that El Salvador, with a population of five million, now has more than five hundred thousand displaced persons within its borders and another five hundred thousand persons who have fled to other Central American nations, Mexico, or the United States; and

Whereas, innocent refugees continue to flee the violence of both sides in the Salvadoran civil war; and

Whereas, many Salvadorans who have fled personal threats and the violence in their homeland have sought temporary refuge in Iowa; and

Whereas, Iowa citizens and churches have expressed their willingness and eagerness to extend hospitality legally to these refugees until they can return safely to their native homeland; and

Whereas, international human rights organizations

Page 2

have expressed deep concern over the fate of Salvadorans who have been deported; and

Whereas, Salvadoran refugees in Iowa fervently long to return to their homeland when their safety and their families' safety can be assured; and

Whereas, the judiciary committee of the United States Senate presently is considering the Moakley-DeConcini Bill, S.377, which would grant extended voluntary departure status to Salvadoran refugees for approximately two years until the United States general accounting office will have completed a study of the fate of Salvadorans who are deported from the United States back to El Salvador; and

Whereas, United States Senator Charles Grassley cast the deciding vote in favor of passing the Moakley-DeConcini bill out of subcommittee on to the full judiciary committee and has interceded with the United States immigration and naturalization service on behalf of Salvadoran refugees in Iowa; and

Whereas, United States Senator Tom Harkin has also expressed his support of the Moakley-DeConcini bill; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the Iowa General Assembly urges the United States government to adopt the policy that Salvadorans who have taken refuge in Iowa should not be ordered to return to their native land until it is safe for them to do so; and

Be It Further Resolved, That the Iowa General Assembly commends the work of the Iowa congressional

Page 3

delegation in support of Salvadoran refugees in Iowa and urges the Iowa congressional delegation to continue its support of the Moakley-DeConcini bill; and

Be It Further Resolved, That copies of this resolution shall be sent to the president of the United States, the United States attorney general, the United States secretary of state, and to all members of the Iowa congressional delegation.

HCR 130 filed April 18, 1986; House adopted April 22, 1986.

House Concurrent Resolution 132
By Lloyd-Jones, McKean, Clark, Hughes, Johnson, Connolly, Koenigs, Hammond, Sherzan, Teaford, Peick, Rosenberg, Osterberg, Knapp, Mullins, Beatty, Black, Parker, Shoultz, Baxter, Carpenter, Doderer, Norland, Lonergan, Blanshan, Hatch, Zimmerman, Carl, Sullivan, and Peterson of Carroll

A House Concurrent Resolution relating to teaching of global studies and conflict resolution in elementary and secondary schools.

Whereas, we live in a period of instability in international relations, causing our children to live in fear of domestic violence, childnappings, terrorist attacks, hijackings, and nuclear war; and

Whereas, the state of Iowa is devoted to educating and nurturing its greatest resource, its children, and through its educational system intends to provide children with knowledge and understanding of cultural diversity and with an appreciation of other peoples of the world as well as the skills required to live with such variety; and

Whereas, it will be increasingly necessary for our citizens to understand and manage conflict situations in nonviolent ways on many levels; and

Whereas, techniques for resolving conflicts in nonviolent ways can be taught, even to very young children, and courses in peace education and conflict management have been developed by many accredited institutions; *Now Therefore*,

Be It Resolved By The House Of Representatives, The

Page 2

Senate Concurring, That the state of Iowa encourage the integration of global studies and techniques of conflict resolution throughout its elementary and secondary public education system.

HCR 132 filed April 28, 1986; House adopted May 2, 1986.

SUPPLEMENT TO THE HOUSE JOURNAL

BILLS AND RESOLUTIONS APPROVED, VETOED OR ITEM VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on bills and resolutions passed by the 1986 Regular Session of the Seventy-first General Assembly and which action was had subsequent to the date of final adjournment:

H.F. 123— Relating to the issuance of handicapped identification devices and stickers and providing effective dates. Approved 5-27-86.

H.F. 665— Relating to the operation of motorboats. Approved 5-28-86.

H.F. 2060— Relating to assignments of income in delinquent support cases and providing a penalty. Approved 5-15-86.

H.F. 2065— Relating to nonsubstantive Code corrections. Approved 5-29-86

H.F. 2066— Relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect or alter current practices, and providing penalties. Approved 5-29-86.

H.F. 2067— Relating to the false use of financial instruments and providing penalties. Approved 5-27-86.

H.F. 2167— Relating to petitions, notice of termination, and the collective bargaining process because of reorganization of school districts. Approved 5-29-86.

H.F. 2178— To establish a consignment relationship between artists and art dealers for the sale of the artist's works. Approved 5-28-86.

H.F. 2219— Providing for optional payment by corporations subject to chapters 509, 514, and 514B for services performed by chiropractors, making corporations organized by chiropractors for establishing, maintaining, and operating a health care 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. Approved 5-5-86.

H.F. 2229— 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. Approved 5-21-86.

H.F. 2245— Relating to the confidentiality of archaeological sites, ecologically sensitive sites, or resource information and subjecting violators to civil and criminal penalties. Approved 5-28-86.

H.F. 2288— Striking a special provision relating to the apportionment of net income of a farm corporation for purposes of the corporate income tax, striking provisions prohibiting a franchise tax refund or claim and a sales, services, and use tax refund or claim for taxes voluntarily paid based upon an alleged mistake of law, and providing effective dates. Approved 5-20-86.

H.F. 2300— Relating to the transfer of moneys in the temporary emergency surcharge fund to the unemployment compensation fund under certain circumstances. Approved 5-22-86.

H.F. 2303— Relating to the contamination of public water supply systems by providing for a testing program, authorizing the use of ground water funds for grants to eliminate or abate contamination, and dedicating part of the ground water fund to such grants. Approved 5-5-86.

H.F. 2330— To allow the registration of trailers and semitrailers for a period of six registration years. Approved 5-6-86.

H.F. 2344— Relating to the cleanup of hazardous waste. Approved 5-28-86.

H.F. 2349— Relating to games of skill, games of chance, and raffles and providing an effective date. Approved 5-21-86.

H.F. 2350— Relating to the publication of official public notices by defining a newspaper and by establishing fees for the publication of official notices. Approved 5-6-86.

H.F. 2354— Relating to the Iowa insurance guaranty association. Approved 5-6-86.

H.F. 2363— 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. Approved 5-7-86.

H.F. 2378— Providing for referendums to terminate the collection of the beef and soybean assessments. Approved 5-20-86.

H.F. 2380— 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. Approved 5-7-86.

H.F. 2393— Authorizing cities and counties to establish civil penalties for violations of ordinances. Approved 5-21-86.

H.F. 2400— Relating to the Iowa community development loan program. Approved 5-6-86.

H.F. 2405— Relating to the administration of the local police and fire retirement systems. Approved 5-21-86.

H.F. 2407— Relating to the sale, lease, or disposal of property of a school corporation. Approved 5-27-86.

H.F. 2412— Relating to the allocation of lottery funds and programs for which the funds may be used and providing an effective date. Approved 5-22-86.

H.F. 2414— Relating to hunting and fishing. Approved 5-29-86.

H.F. 2433— Relating to domestic abuse, and providing penalties. Approved 5-5-86.

H.F. 2443— To establish the Iowa conservation corps and making an appropriation. Approved 5-15-86.

H.F. 2448— Relating to cooperative associations. Approved 5-20-86.

H.F. 2457— Relating to elections. Approved 5-27-86.

H.F. 2458— Relating to victims and witnesses of criminal offenses, and providing penalties. Approved 5-5-86.

H.F. 2462— Relating to educational cost efficiencies including the creation of school district economy task forces and area education agency economy task forces, changing certain reorganization procedures, providing for multimember director districts of school districts, providing for attendance of pupils in classes in other school districts, reducing the levy for bonded indebtedness, the additional levy, and the uniform levy in certain reorganized school districts, providing for supplementary weighting for shared administrators, providing a time limitation on supplementary weighting, continuing supplementary weighting for reorganized school districts and making appropriations. Approved 5-27-86.

H.F. 2471— 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. Approved 5-29-86.

H.F. 2472— 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. Approved 5-23-86.

H.F. 2473— Relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default and the appointment of a receiver in relation to a foreclosure on agriculture land, providing a procedure for the waiver of homestead exemption, providing for the ownership of agricultural land by certain nonresident aliens, providing for a farm mediation program, designating a farm crisis program coordinator, and providing an effective date. Approved 5-23-86.

H.F. 2475— Exempting certain nonresidents engaged in feature film, television, and educational production from the state income tax withholding provisions. Approved 5-22-86.

H.F. 2477— Relating to the payment of installments of special assessments. Approved 5-23-86.

H.F. 2478— Relating to the exemption from the use tax of transactions subject to the sales tax. Approved 5-22-86.

H.F. 2480— Relating to membership sales, by exempting cooperatives organized under chapter 499 and certain mutual or cooperative telephone companies organized under chapter 491. Approved 5-22-86.

H.F. 2481— Relating to the size of a board of review for property tax assessments. Approved 5-28-86.

H.F. 2483— Relating to administration and benefits for public retirement systems in this state and making an appropriation. Approved 5-29-86.

H.F. 2484— Relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive. Approved 5-31-86 with the exception of Section 1, Subsection 2, paragraphs 2, 3, and 4; Section 15; Section 110, Subsection 1.a and Section 138. See Governor's Item Veto Message.

H.F. 2485— To legalize the proceedings of the city council of Bloomfield, Iowa, to transfer certain moneys to the general fund of the city. Approved 5-21-86.

H.F. 2488— Relating to agricultural grain marketing, by adopting the interstate compact on agricultural grain marketing, and providing an effective date. Approved 5-20-86.

H.F. 2489— Relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas. Approved 5-28-86.

H.F. 2490— To appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986. Approved 5-20-86.

H.F. 2491— Relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date. Approved 5-28-86.

H.F. 2492— Relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code. Approved 5-29-86.

H.F. 2493— Relating to criminal penalties arising from the operation of motor vehicles. Approved 5-27-86.

HCR 133— Relating to the board of regents' ten-year building program and providing for the purchase of equipment. Approved 5-27-86.

HCR 134— Relating to the board of regents' ten-year building program and providing for Gilman hall remodeling, phase II, at Iowa state university of science and technology. Approved 5-27-86.

HCR 135— Relating to the board of regents' ten-year building program and providing for the construction and equipping of a classroom/office building at the university of northern Iowa. Approved 5-27-86.

HCR 136— Relating to the board of regents' ten-year building program and providing for the chemistry-botany remodeling, phase II at the university of Iowa. Approved 5-27-86.

S.F. 97— Establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years. Approved 5-27-86.

S.F. 106— 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. Approved 5-7-86.

S.F. 293— Creating a fire service institute. Approved 5-7-86.

S.F. 314— To repeal the rebuttable presumption of negligence on the part of persons operating electrical transmission lines for injuries to person or property. Approved 5-21-86.

S.F. 447— Relating to the minimum training standards imposed upon operators of radiation emitting equipment. Approved 5-23-86.

S.F. 2052— Relating to contributions by judges to the judicial retirement fund, and providing an effective date. Vetoed 5-30-86. See Governor's Veto Message.

S.F. 2084— Prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties. Approved 5-28-86.

S.F. 2097— Relating to agricultural economic diversification. Approved 5-20-86.

S.F. 2175— 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. Approved 5-29-86.

S.F. 2210— 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. Approved 5-23-86.

S.F. 2242— To establish incentives to encourage certain state and local government employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication. Approved 5-20-86.

S.F. 2248— Relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist. Approved 5-23-86.

S.F. 2265— Relating to liability and liability insurance, providing penalties, and providing for publication and effective dates. Approved 5-22-86.

S.F. 2270— Relating to certain loans, debts and obligations, by providing for the separate redemption of a homestead, delaying the enforceability of certain deficiency judgments or general executions related to obligations secured by agricultural land, providing for certain exemptions from execution and garnishment, providing for the eligibility of certain types of real estate for a foreclosure continuance, providing time limits for applying for a foreclosure continuance and for the term of a foreclosure continuance, providing immediate foreclosure continuance eligibility to real estate used for small business, providing an extension of time under the current declaration of economic emergency, extending the period for grants under the agricultural assistance program, and providing an effective date. Approved 5-23-86.

S.F. 2284— 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. Approved 5-7-86.

S.F. 2291— Creating an Iowa economic development bond bank program within the Iowa finance authority to provide financing for economic development and making an appropriation. Approved 5-22-86.

S.F. 2294— Relating to the state individual and corporate income tax by limiting, modifying, eliminating, and changing certain deductions and credits in computing the tax liability, and providing an effective date. Approved 5-28-86.

S.F. 2295— To increase snowmobile registration fees and providing an effective date. Approved 5-28-86.

S.F. 2296— Relating to the movement of vehicles of excessive size and weight. Approved 5-22-86.

S.F. 2302— Relating to the local option taxes and providing effective dates. Approved 5-21-86.

S.F. 2303— Relating to restoring provisions of legislation relating to appropriations which had been removed from the comprehensive legislation on the subject of state government reorganization. Approved 5-29-86.

S.F. 2304— Appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date. Approved 5-27-86.

S.F. 2305— Relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund. Approved 5-22-86.

GOVERNOR'S VETO MESSAGE

May 30, 1986

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2052, an act relating to contributions by judges to the judicial retirement fund, and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

In 1985 the legislature passed a law which would have required judges to pay a larger percentage of their salaries to the judicial retirement system. At the same time the legislature froze all judicial salaries. I exercised my item veto on this provision

indicating that the judges were unfairly singled out for a cut in pay which would harm the quality of judges in Iowa. I stand by my decision.

The legislature sued over my exercise of the item veto alleging it was unconstitutional. The legislature has passed Senate File 2052 which purports not to take effect until a final decision is reached in the legal case. The legislature is trying to have it both ways. The legislature is attempting to preserve the legal issue of whether my item veto was constitutional while resolving the question of whether judges should contribute more than four percent for retirement. This is an inappropriate legal maneuver and should not be allowed to occur. Furthermore, this provision raises legal questions about whether the effective date of the legislation can be dependent upon a decision in a lawsuit.

With my veto, judges will continue to be protected pending the outcome of the suit. Once it is decided legislative redress, if needed, can be addressed.

Therefore, for the above reasons, I hereby disapprove of Senate File 2052.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGE

May 31, 1986

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2484, an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

House File 2484 is approved May 31, 1986 with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as paragraphs 2, 3 and 4, of Section 1, Subsection 2, which reads as follows:

> Of the funds appropriated by this subsection, one hundred thousand (100,000) dollars, or so much thereof as is necessary, shall be expended to develop a state tourism marketing plan. The plan shall be provided to the legislative council upon completion. Of the funds appropriated by this subsection, one million (1,000,000) dollars shall not be expended prior to the completion of the state tourism marketing plan and presentation of the plan to the legislative council.

There is created a tourism marketing plan task force. The director of the department of economic development or the director's designee shall serve as chairperson of the tourism marketing plan task force. The task force shall consist of five members. The director shall appoint a representative of the state conservation commission, a representative of the recreation, tourism, and leisure study committee, a representative of the department of cultural affairs, and a representative of the tourism industry from the private sector.

The task force shall develop guidelines for the preparation of a comprehensive statewide tourism marketing plan and tourism information delivery system plan, recommendations from which shall be submitted by the task force to the legislative council for the release of withheld funds.

Section 1, Subsection 2, of House File 2484 appropriates $1.4 million for tourism promotion programs to the Iowa Department of Economic Development. I am disappointed that the legislature did not adopt my recommendation to provide $2.6 million in tourism promotion money. These additional funds could be used to promote tourism attractions in the state of Iowa.

Nevertheless, the increased appropriation by the General Assembly is welcomed and will provide an immediate economic stimulus to the state of Iowa.

I cannot approve, however, language which is included in this appropriation which would hamstring the department and the expenditure of the tourism funds. The department already has a successful plan in place for tourism marketing promotion. Last year that plan resulted in a 20% increase in tourism spending. Tourism requests are already up almost 10% in Iowa. What is needed now is funding to provide the tools to implement that existing marketing plan. In order to avoid an unnecessary and unwise delay in the expenditure of tourism marketing funds, I am disapproving language which would prevent the immediate implementation of our tourism marketing efforts.

I am unable to approve Section 15 in its entirety.

Section 15 directs the Department of Transportation to establish an additional permit center at the junction of Iowa highways 151, 61 and 52. However, there is no convenience to the industry or efficiency in government to be gained by opening another center. For over 10 years, truckers have been able to pick up a telephone, make one call to the existing 24-hour center and have all necessary permits transmitted by wire anywhere they wish in the country. A consensus of the Department of Transportation's Motor Carrier Advisory Committee (composed of members of the industry and related businesses) is that the section should be vetoed. Moreover, many truck stop operators use permit transmittals as a business enhancement and could view this as more government intrusion.

The restructuring bill appropriately maintains the authority of the Department of Transportation Commission to make the decisions affecting these matters. This section would inappropriately involve the legislature in those decisions. For those reasons I hereby disapprove Section 15 of House File 2484.

I disapprove a portion of Section 110, Subsection 1.a, which reads as follows:

The state board of regents shall not assess charges to the three institutions of higher education under the control of the state board for fiscal year beginning July 1, 1986, in excess of the charges to the three institutions assessed and approved by the state board as of April 1, 1986 for the fiscal year ending June 30, 1986.

Section 110 of House File 2484 includes a provision which limits the ability of the State Board of Regents to secure funding. The state board serves a critical role coordinating the efforts of the three public institutions of higher education and applying appropriate public policy input into the decision-making process. In order to discharge their governance responsibilities appropriately, the Board of Regents' office needs the flexibility. This language could prevent the office from providing the services and the management that we expect from a governing board and is therefore disapproved.

I hereby disapprove Section 138 in its entirety.

Section 138 of House File 2484 includes a substantial change in the method to reimburse parents for non-public transportation. I am a strong supporter of such a reimbursement. And, I am concerned that this change will limit the availability of this reimbursement for some families. The present reimbursement system is working appropriately and has been funded adequately. With the disapproval of this section, we will be able to maintain the current system and ensure funds for the reimbursement of non-public school parents.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2484 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE

May 15, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that House File 2379 was published in The Messenger, Fort Dodge, Iowa, on April 23, 1986, and in The Daily Reporter, Spencer, Iowa, on April 23, 1986.

I further certify that House File 2313 was published in The Bancroft Register, Bancroft, Iowa, on April 23, 1986, and in the Marshalltown Times-Republican, Marshalltown, Iowa, on May 2, 1986.

I further certify that Senate File 2083 was published in the Altoona Herald-Mitchellville Index, Altoona, Iowa, on May 1, 1986, and in The Record-Herald & Indianola Tribune, Indianola, Iowa, on May 6, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 27, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that Senate File 2116 was published in the Marshalltown Times-Republican, Marshalltown, Iowa, on May 2, 1986, and in The Belle Plaine Union, Belle Plaine, Iowa, on May 14, 1986.

I further certify that House File 2463 was published in the Muscatine Journal, Muscatine, Iowa, on May 5, 1986, and in the North Iowa Times, McGregor, Iowa, on May 7, 1986.

I further certify that House File 2370 was published in The Bellevue Herald-Leader, Bellevue, Iowa, on May 8, 1986, and in The Jefferson Bee, Jefferson, Iowa, on May 13, 1986.

I further certify that House File 2380 was published in the Oskaloosa Herald, Oskaloosa, Iowa, on May 12, 1986, and in the Solon Economist, Solon, Iowa, on May 13, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 4, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that House File 2473 was published in The Messenger, Fort Dodge, Iowa, on May 29, 1986, and in The Mt. Pleasant News, Mount Pleasant, Iowa, on May 29, 1986.

I further certify that House File 2490 was published in The Messenger, Fort Dodge, Iowa, on May 24, 1986, and in the North Iowa Times, McGregor, Iowa, on May 28, 1986.

I further certify that Senate File 2242 was published in the Muscatine Journal, Muscatine, Iowa, on May 27, 1986, and in The Messenger, Fort Dodge, Iowa, on May 31, 1986.

I further certify that Senate File 2270 was published in the Audubon News-Advocate, Audubon, Iowa, on May 28, 1986, and in the Kossuth County Advance, Algona, Iowa, on May 31, 1986.

I further certify that Senate File 2302 was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on May 28, 1986, and in the West Des Moines Express, Des Moines, Iowa, on May 30, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 6, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, because of inherent and immediate need, I hereby designate that Senate File 2270 be published in the Kossuth County Advance, a newspaper published in Algona, Iowa.

I hereby certify that Senate File 2270 was published in the Audubon News-Advocate, Audubon, Iowa, on May 28, 1986, and in the Kossuth County Advance, Algona, Iowa, on May 31, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 10, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that House File 2412 was published in the Globe-Gazette, Mason City, Iowa, on May 29, 1986, and in The Forest City Summit, Forest City, Iowa, on June 4, 1986.

I further certify that House File 2462 was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on June 3, 1986, and in The New Hampton Tribune, New Hampton, Iowa, on June 5, 1986.

Sincerely,
MARY JANE ODELL
Secretary of State

June 11, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

Dear Mr. O'Hern:

I hereby certify that Senate File 2265 was published in the Ad-Express and Daily Iowegian and Citizen, Centerville, Iowa, on May 28, 1986, and in The Sioux City Journal, Sioux City, Iowa, on June 7, 1986.

I further certify that Senate File 2304 was published in the Grinnell Herald-Register, Grinnell, Iowa, on June 2, 1986, and in the Ames Daily Tribune, Ames, Iowa, on June 6, 1986.

I further certify that House File 2344 was published in the Ames Daily Tribune, Ames, Iowa, on June 3, 1986, and in The Sun, Mount Vernon, Iowa, on June 5, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 20, 1986

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
LOCAL

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 Advocate News, published in Wilton, Iowa, I hereby designate that House File 2349 be published in the Wilton-Durant Advocate News, a newspaper published in Wilton, Iowa.

I hereby certify that House File 2349 was published in the Wilton-Durant Advocate News, Wilton, Iowa, on May 29, 1986, and in The Cascade Pioneer-Advertiser, Cascade, Iowa, on June 12, 1986.

I further certify that House File 2472 was published in The Nevada Evening Journal, Nevada, Iowa, on May 27, 1986, and in The North Scott Press, Eldridge, Iowa, on June 11, 1986.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

IN MEMORIAM

House

Memorials adopted by the House of Representatives, 1986 Regular Session of the Seventy-first General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

ALBERT H. DETJE .....March 14, 1902—February 22, 1986

KEITH H. DUNTON .....March 20, 1915—April 6, 1985

WILLIAM M. FANDEL ....February 25, 1892—December 23, 1984

ROSCOE E. GREENWOOD .....December 4, 1904—May 13, 1985

FRED MOHRFELD .....December 23, 1911—October 14, 1985

GEORGE L. PAUL .....April 30, 1903—April 6, 1985

JACK A. ROONEY .....May 31, 1912—August 28, 1985

LYLE R. STEPHENS .....June 23, 1911—November 21, 1985

CHARLES F. STROTHMAN .....June 11, 1901—May 27, 1985

ALBERT H. DETJE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Albert H. Detje, begs leave to submit the following memorial:

Albert H. Detje was born March 14, 1902, in Hamburg, Germany. He emigrated to the United States in December 1924 where he became a naturalized citizen in 1931. On June 11, 1936, he married Minna Reese, to which union was born one son.

Mr. Detje worked as a journeyman in heating and ventilation while attending night school in Chicago. During the depression he moved to Traer, Iowa, and operated and later owned a service station business and distributorship for twenty-eight years.

Mr. Detje served as a member of the Iowa State Aeronautics Commission from 1955 to 1963; was a former director of the Traer Chamber of Commerce; was a former trustee of the local utilities; was former airport manager, and a deacon of the Ripley United Church of Christ. He was a member of the International Flying Farmers, the Quiet Birdman, and the National Fraternal Organization of Pilots.

A Democrat, Mr. Detje represented Tama County in the Sixty-first General Assembly.

Albert H. Detje died on February 22, 1986. He was preceded in death by his wife, Minna, in 1981. He is survived by his son, Chris, of Traer; five grandchildren; and one brother, Henry, of Hamburg, Germany.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable Albert H. Detje, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

WARD HANDORF
KYLE HUMMEL
MYRON OXLEY

Committee

KEITH HOLLAND DUNTON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Keith Holland Dunton, begs leave to submit the following memorial:

Keith Holland Dunton was born March 20, 1915 in Deep River, Iowa. On March 7, 1939 he married Ethel Cowan, to which union was born one daughter.

Engaged in farming and livestock raising for 66 years in Thornburg, Mr. Dunton was a member of the Thornburg United Methodist Church, Universe Lodge 242 AF & AM, Order of the Eastern Star, El Kahir Shrine, Elks, Lions, Izaak Walton League, and Farm Bureau. A former chairman of the YMCA Youth in Government of Iowa; the Boy Scouts District Executive Council; Flying Farmers; and the Keokuk County School Board, he served as chairman of the House Appropriations and Legislative Fiscal Committees; Iowa Legislative Council; Iowa State Crime Commission; Governor's Committee on Employment of the Handicapped; Governor's Commission on Terrace Hill, and the National Commission in support of public schools.

A Democrat, Mr. Dunton represented Keokuk, Iowa and Washington Counties during the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth and Sixty-seventh General Assemblies.

Keith Holland Dunton died on April 6, 1985. He is survived by his wife, Ethel; a daughter, Cynthia Kay Vogel, of Bloomfield, Iowa; two grandchildren; a brother, William V., of Fountain Hill, Arizona; a half-brother, Phillip, of Texas; and a half-sister, Katherine Lynch, of Iowa City.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable Keith Holland Dunton, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

GEORGE R. SWEARINGEN
CHARLES PONCY
HAROLD VAN MAANEN

Committee

WILLIAM M. FANDEL

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable William M. Fandel, begs leave to submit the following memorial:

William "Bill" M. Fandel was born February 25, 1892 in Lourdes, Illinois. On January 24, 1917 he married Adelle Reilly, to which union was born six daughters and three sons.

Mr. Fandel was a seed corn representative for Pfister Corn Company from 1930 through 1947; farmed in the Whittemore area until retiring in 1958; was mayor of Whittemore from 1961 through 1971; served as a member of the local creamery board; was a member of the local school board and was a member of the Holy Name Society at St. Michael's Catholic Church.

A Democrat, Mr. Fandel represented Palo Alto County in the Fifty-third General Assembly.

William Fandel died December 23, 1984. Preceded in death by his wife, Adelle; his son, William; his daughter, Edna; nine brothers and sisters and two grandchildren, Mr. Fandel is survived by his sons Father James Fandel, Milford, and Francis Fandel, Rodman; his daughters Ada McCullum, Munster, Indiana; Roseann Corley, Mason City; Zita Bormann, Whittemore; Marian Youngworth, Sherburn, Minnesota; and Bernadette Steier, Whittemore; two brothers Father Edward Fandel, West Bend and Herman Fandel, Manson; thirty-nine grandchildren and forty-nine great grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable William M. Fandel, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DANIEL FOGARTY
SUE B. MULLINS
CLIFFORD BRANSTAD

Committee

ROSCOE EMERY GREENWOOD

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Roscoe Emery Greenwood, begs leave to submit the following memorial:

Roscoe Emery Greenwood was born December 4, 1904. On December 15, 1932 he married Pauline Davis, to which union was born one son and one daughter.

Having attended school in Emerson and Beaver Dam, Wisconsin, he was a 1928 graduate of Iowa State University where he was a member of Tau Kappa Epsilon fraternity.

Roscoe Greenwood was engaged in the retail lumber business in Emerson; served as Vice President of the Iowa Retail Lumbermen's Association; was a Scottish Rite Mason; Shriner; was active in the southwest Iowa Boy Scout Council and was a member of the Baptist Church.

A Republican, Mr. Greenwood represented Mills County in the Fifty-seventh and Fifty-eighth General Assemblies.

Roscoe Emery Greenwood died May 13, 1985. He is survived by his wife, Pauline; his daughter, Jeanine, of Denver, Colorado; four grandchildren and two great grandchildren. He was preceded in death by his son, Gary.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable Roscoe Emery Greenwood, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

WILLIAM H. HARBOR
BILL ROYER
EMIL S. PAVICH

Committee

FRED MOHRFELD

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Fred Mohrfeld, begs leave to submit the following memorial:

Fred Mohrfeld was born December 23, 1911, in Tama, Iowa. In 1933 he married Evelyn Turbett, to which union were born two daughters.

The owner of a service station, motel and cafe in Toledo until his retirement in 1966, Mr. Mohrfeld moved to Sun City, Arizona in 1972, where he worked for ten years.

A member of the Methodist Church; Tama Lions Club; Masonic Lodge of Tama; Eastern Star; Toledo Toastmasters Club, Toledo Chamber of Commerce, Mr. Mohrfeld was a past member of the Advisory Council of Standard Oil Company; was a past president of the Lions Club; was a past master of the Masonic Lodge, as well as a board member of the Chamber of Commerce.

A Republican, Mr. Mohrfeld represented Tama County in the Sixty-second and Sixty-third General Assemblies.

Fred Mohrfeld died October 14, 1985. He is survived by his wife, Evelyn; two daughters, Mrs. Robert (Sharon) Werner, Cincinnati, Ohio; and Dr. Cherie Mohrfeld, San Francisco, California; and three grandsons.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable Fred Mohrfeld, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

WARD HANDORF
DELWYN STROMER
RICHARD WELDEN

Committee

GEORGE L. PAUL

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable George L. Paul, begs leave to submit the following memorial:

George L. Paul was born April 30, 1903 at Newton, Iowa. On February 14, 1935 he married Rachel Reeder.

After attending Grinnell public schools, he was a 1925 graduate of Grinnell College. Mr. Paul was employed by Hart, Schaffner and Marx Company in Chicago prior to moving back to Iowa where he started farming near Brooklyn. During his farming career he served as township assessor for ten years; served on community and Poweshiek County AAA committees; was a member of the Poweshiek County Farm Bureau, serving as secretary; served as a secretary-treasurer of Brooklyn Cooperative Creamery Association; served on the Board of Directors of State Brand Creameries, Inc.; was vice president of the American Dairy Foods, Inc; was a board member of the National Creameries Association in St. Paul and was on the board of the Western National Insurance Company in Minneapolis. A fifty-year member of the Masons, he belonged to the Des Moines Consistory; the Za-Ga-Zig Shrine Temple in Des Moines, and was a member of Phi Beta Kappa. Mr. Paul was appointed to the Iowa Board of Parole, serving from 1964 to 1973, also serving as chair of the board.

A Republican, Mr. Paul represented Poweshiek County in the Fifty-second Extra, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth and Sixtieth General Assemblies.

George L. Paul died April 6, 1985. He was preceded in death by his wife, Rachel. He is survived by three nephews, David Paul, Malcom; Dudley Koontz, Cedar Rapids; and Dr. Whalen Koontz, Cedar Rapids.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable George L. Paul, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JANET CARL
RICHARD VARN
DORIS PEICK

Committee

JACK A. ROONEY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Jack A. Rooney, begs leave to submit the following memorial:

Jack A. Rooney was born May 31, 1912, the only son of Thomas A. and Frances Rooney. Married to Patricia A. Shay, they had one daughter, Patricia A.

A native of Council Bluffs, Mr. Rooney attended St. Joseph's grade school and St. Francis Academy. He was employed by the Burlington Railroad for thirty-seven years before moving to California where he worked for the State of California. Mr. Rooney served as Pottawattamie County Democratic Chairman from 1955 to 1959. He was a member of St. Mary's Catholic Church in Lakeport; the Knights of Columbus; St. Mary's Men's Club; the Elks Club and Foresters of Lakeport.

A Democrat, Mr. Rooney represented Pottawattamie County in the Fifty-eighth General Assembly.

Jack A. Rooney died August 28, 1985. He is survived by his wife, Patricia, of Lakeport, California; his daughter, Patricia Jones, of Stockton; and two grandsons.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable Jack A. Rooney, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

EMIL S. PAVICH
JOAN L. HESTER
J. BRENT SIEGRIST

Committee

LYLE R. STEPHENS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Lyle R. Stephens, begs leave to submit the following memorial:

Lyle R. Stephens was born June 23, 1911 in Aurora, South Dakota, the son of Roy and Ella Stephens. On September 1, 1938 he married Marie Borchers, to which union twin daughters and one son were born.

A graduate of Le Mars High School, he attended Western Union (Westmar) College. Mr. Stephens owned and operated a 600 acre grain livestock farm until 1966. He was a member of the Presbyterian Church, serving as chairman of the Board of Trustees for fifteen years; was chairman and vice chairman of the Plymouth County Farm Bureau; was chairman of the Plymouth County Fair Board; was director of the Iowa Farm Bureau for twelve years; and Director of Farm Services, Inc. for seven years.

A Republican, Mr. Stephens represented Plymouth and a portion of Sioux County in the Sixty-fifth, Sixty-sixth and Sixty-seventh General Assemblies.

Lyle R. Stephens died November 21, 1985. He is survived by his wife, Marie; his twin daughters, Mary Loughran, of Iowa City, Iowa, and Margaret Torbert, of Akron, Iowa; and his son, Jay B., of Washington, D.C.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable Lyle R. Stephens, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DONALD PAULIN
KENNETH DE GROOT
WILMER RENSINK

Committee

CHARLES F. STROTHMAN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Charles F. Strothman, begs leave to submit the following memorial:

Charles F. Strothman was born June 11, 1901. On June 11, 1929 he married Doris Maxwell, to which union were born three sons and three daughters.

Mr. Strothman was engaged in farming, livestock-feeding and breeding of Polled Hereford cattle. He served as President of the New London School Board; New London Farmers Co-op; Henry County Farm Bureau; and Henry County 4-H committee. He served on the boards of the New London State Bank, the United Methodist Church, and livestock boards. He was past President of the Southeast Iowa Hereford Association and Henry County Livestock Feeders; was a member of United Methodist Church; the American Polled Hereford Associations; the Iowa Cattleman's Association; and was a Republican precinct and congressional committeeman.

A Republican, Mr. Strothman represented Henry County as well as parts of Louisa, Jefferson and Des Moines Counties during the Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth and Sixty-fifth General Assemblies, serving as Chairman of the House Agriculture Committee for a portion of that time.

Charles F. Strothman died May 27, 1985. He is survived by his wife, Doris, of New London; three daughters, Mrs. Carol Messer, of Yarmouth; Mrs. Charlotte Young, of North Liberty; and Mrs. Charlene Larson, of Stevens Point, Wisconsin; three sons, Charles M., of Oskaloosa; Fredric, of New London; and John, of New London; nineteen grandchildren; nine great grandchildren; and a sister, Mrs. Hallie Gehring, of Burlington.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-first General Assembly of Iowa, That in the passing of the Honorable Charles F. Strothman, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BRIAN CARTER
VIRGIL E. COREY
ELAINE BAXTER

Committee

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House File 2414—1766
Senate File 2116—1423
Senate File 2175—1549
Senate File 2242—1854

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—
(See President of the United States, Congress and/or Federal Agencies)

CONNOLLY, MICHAEL W.—Representative **Dubuque** County
Amendments filed—519, 611, 686, 772, 1946
Amendments offered—599, 753, 1841, 1954
Bills introduced—194, 214, 279, 341
Committee appointments—1625
Leave of absence—534, 647, 947
Reports—2050-2056
Resolutions offered—548, 566, 1860
Subcommittee assignments—101, 156, 157, 158, 284, 286, 485, 707, 1549

CONNORS, JOHN H.—Representative **Polk** County, Speaker Pro Tempore
Amendments filed—377, 404, 519, 643, 686, 894-895, 986, 1168, 1921-1922
Amendments offered—695, 696, 894
Bills introduced—8, 114, 176, 213, 214, 231, 242, 266, 279, 380, 407, 435
Bills rereferred to committee—325
Committee appointments—2151, 2325
Leave of absence—341, 534, 603, 628, 1199, 1408, 1489
Presentation of visitors—274, 1548
Presented to the House foreign exchange student, Namiko Fujiyama from Kawasaki City, Japan—303
Presided at sessions of the House—176, 273, 324, 399, 581, 769, 771, 982, 1190, 1277, 1282, 1314, 1328, 1347, 1353, 1358, 1373, 1380, 1412, 1452, 1545, 1558, 1610, 1644, 1750, 1792, 1974, 1975, 2061
Reports—2179-2183
Resolutions offered—141, 434, 518, 548, 566
Rulings made—1328, 1354, 1413, 1416, 1418, 1419, 1454, 1455, 1752
Subcommittee assignments—46, 122, 304, 374, 485, 942

COOPER, JAMES J.—Representative Clarke-Monroe-**Lucas**-Wayne Counties
Amendments filed—533, 775, 783-784, 945, 1080, 1316-1317, 1322, 1629

Amendments offered—556, 579, 693
Bills introduced—94, 129, 213, 214, 241, 251, 267, 279, 295, 361
Conference committee appointed—1845
Petitions presented—947
Presided at sessions of the House—1228, 1844
Resolutions offered—434, 548, 566, 1577
Rulings made—1229, 1847, 1850, 1851, 1852
Subcommittee assignments—112, 121, 122, 191, 196, 227, 247, 288, 304, 338, 355, 374, 375, 445, 725, 767, 1002

COREY, VIRGIL E.—Representative Des Moines-**Louisa**-Washington Counties
Amendments filed—91, 147-148, 175, 340, 465, 566, 642, 686, 1118, 1168, 1236, 1416-1417, 1891-1897
Amendments offered—147, 740, 952, 1416
Bills introduced—9, 10, 44, 115, 129, 193, 213, 232, 239, 252, 279, 360
Committee appointments—733
Leave of absence—329, 1527
Subcommittee assignments—190, 286, 355, 445

CREDENTIALS, COMMITTEE ON—
Appointed—1
Supplemental report—2

DAGGETT, HORACE—Representative Adams-Decatur-Ringgold-**Taylor** Counties
Amendments filed—102, 311, 465, 466, 533, 642, 768, 783-784, 795-796, 822-826, 945, 979, 986, 1119, 1168, 1363, 1417, 1611-1612, 1612, 1629, 1630, 1631, 1650-1651, 1659, 1686, 1698, 1753, 1793-1794
Amendments offered—559, 618, 783, 1411, 1417, 1612, 1635, 1644, 1652, 1686
Amendments withdrawn—998, 1395, 1642
Appointed to the Education Commission of the States—26
Bills introduced—32, 33, 94, 129, 194, 198-199, 214, 232, 240, 252, 279, 294, 295, 296, 330, 361
Committee appointments—1778, 2142-2144
Leave of absence—176, 1120
Petitions presented—834
Presided at sessions of the House—317
Reports—2142-2144
Resolutions offered—434, 548, 1577, 1945
Subcommittee assignments—46, 111, 155, 157, 158, 227, 246, 268, 304, 305, 306, 338, 375, 420, 485, 542, 942, 976, 1022, 1294

DE GROOT, KENNETH—Representative **Lyon**-O'Brien-Osceola-Sioux Counties
Amendments filed—17, 91, 292, 611, 642, 945, 978, 979, 1041, 1119, 1168, 1322, 1363, 1476, 1620-1624, 1630, 1631, 1650-1651, 1691-1692, 1753, 1843-1844
Amendments offered—699, 1041, 1415
Amendments withdrawn—1041, 1057
Bills introduced—50, 51, 128, 129, 162, 188, 213, 214, 241, 252, 279, 295, 361
Committee appointments—33, 733, 1210
Leave of absence—659, 1303
Subcommittee assignments—47, 122, 155, 157, 158, 185, 191, 235, 288, 338, 355, 485, 909, 943, 975, 985, 1858

DEVELOPMENT, COMMISSION ON—
Communication from—685

DIEMER, MARVIN E.—Representative **Black Hawk** County
Amendments filed—466, 642, 784-785, 810, 832, 946, 1080, 1118, 1119, 1167, 1213, 1236, 1608, 1629, 1632
Amendments offered—1300
Bills introduced—94, 129, 198, 213, 239, 252, 279, 280
Committee appointments—1574, 1624, 1625, 1813
Leave of absence—1477
Reports—1778-1779, 1782, 2131
Resolutions offered—434, 548, 986, 1577
Subcommittee assignments—45, 88, 121, 235, 284, 287, 304, 374, 485, 725

DODERER, MINNETTE—Representative **Johnson** County
Amendments filed—425, 434, 489, 643, 774, 945, 1080, 1167, 1168, 1236, 1295, 1341, 1631, 1649, 1753, 1860, 1874, 1921-1922, 1946, 1971, 2016-2017, 2128-2129
Amendments offered—1100, 1303, 1308, 1340, 1341, 1753, 1871, 1874, 1883, 1971, 2027
Amendments withdrawn—1345, 1358, 1971
Bills introduced—129, 295, 379, 436
Committee appointments—1845
Leave of absence—729, 1573
Presented to the House the Honorable Harold Fischer, former member of the House—1575
Presented to the House the Honorable Loren Schmit, State Senator of Nebraska—1423
Presided at sessions of the House—1139, 1897
Reports—2022-2023
Resolutions offered—328, 518, 566, 1493, 1860, 2034
Subcommittee assignments—156, 227, 247, 285, 287, 305, 339, 375, 401, 461, 910, 943, 976, 1022, 1858

ECONOMIC DEVELOPMENT, COMMITTEE ON—
Bills introduced—15, 232, 342, 534, 591, 688
Recommendations—12, 192, 326, 358, 546, 606, 1023
Resolutions offered—465
Subcommittee assignments—101, 102, 155, 158, 262, 910

EDUCATION, COMMISSION OF THE STATES—
Appointment to—26

EDUCATION, COMMITTEE ON—
Amendments filed—238, 292, 424, 1079
Amendments offered—349, 482, 618
Bills introduced—468, 569, 687, 709
Recommendations—236-237, 291, 327, 423, 463, 563, 606-607, 1078
Subcommittee assignments—111, 227, 268, 304, 305, 325, 420, 517, 976, 1022, 1294

EMPLOYEES—
(See Officers and Employees)

ENERGY AND ENVIRONMENTAL PROTECTION, COMMITTEE ON—
Amendments filed—1005, 1074
Amendments offered—1126, 1152, 1154, 1228
Assignment—41
Bills introduced—242, 265, 329, 330, 379, 381, 407, 408, 454, 468, 521, 644, 645, 688, 689
Recommendations—237, 263, 308, 327, 358, 402, 449, 486-487, 583-584, 1003, 1070-1071
Subcommittee assignments—101, 122, 185, 210, 235, 338, 339, 542, 725, 909, 985

ENERGY POLICY COUNCIL—
Communications from—184, 221

ENROLLED BILLS—
(See Bills, Sent to the Governor, Chief Clerk of the House, Joe O'Hern and/or Speaker of the House, Donald D. Avenson)

ETHICS, COMMITTEE ON—
Resolution relating to, HR 102—2034

EXPLANATIONS OF VOTE—
House Concurrent Resolution 122—Representative Connolly—706
House Concurrent Resolution 122, H-5302—Representative Connolly—706
House File 166—Representative Baxter—1423
House File 254—Representative Connolly—372-373
House File 497—Representative Baxter—1423
House File 665—Representative Lonergan—886
House File 665—Representative McIntee—1165
House File 724—Representative Baxter—1423
House File 732—Representative Van Camp—1361
House File 2014—Representative McIntee—221
House File 2019—Representative Schnekloth—684
House File 2019—Representative McIntee—831
House File 2035—Representative Lageschulte—706
House File 2035—Representative Peterson of Carroll—725
House File 2035—Representative McIntee—831
House File 2049—Representatives Connolly & Metcalf—372-373
House File 2066—Representative Hermann—2033
House File 2066, H-6073—Representative Carl—2033
House File 2067—Representative Black—151
House File 2068—Representative McIntee—221
House File 2069—Representatives Groth & Black—151
House File 2070—Representative McIntee—221
House File 2078—Representative Peterson of Carroll—338
House File 2078—Representative Baxter—1423
House File 2082—Representative Lageschulte—706
House File 2082—Representative Peterson of Carroll—725
House File 2098—Representative Lonergan—725
House File 2110—Representatives Connolly & Metcalf—372-373
House File 2120—Representative Connolly—984

House File 2128—Representative Lonergan—725
House File 2128—Representative McIntee—831
House File 2167—Representative Schnekloth—684
House File 2167—Representative McIntee—831
House File 2178—Representative Hatch—354
House File 2178—Representatives Connolly & Metcalf—372-373
House File 2181—Representative Baxter—541
House File 2185—Representative Koenigs—641
House File 2189—Representative Schnekloth—684
House File 2189—Representative McIntee—831
House File 2204—Representative Lonergan—725
House File 2204—Representative McIntee—831
House File 2208—Representative Schnekloth—684
House File 2211—Representative McIntee—604
House File 2216—Representative Schnekloth—684
House File 2220—Representative Connolly—984
House File 2221—Representative Peterson of Carroll—338
House File 2221—Representative Baxter—1423
House File 2222—Representative Lonergan—725
House File 2225—Representative Swearingen—516
House File 2226—Representative Connolly—706
House File 2229—Representatives McIntee & Peterson of Carroll—338
House File 2229—Representative Connolly—984
House File 2230—Representatives McIntee & Peterson of Carroll—338
House File 2235—Representative Lonergan—886
House File 2239—Representative Lonergan—886
House File 2244—Representative Connolly—984
House File 2245—Representatives Connolly & Metcalf—372-373
House File 2252—Representative Lonergan—886
House File 2257—Representatives Corey & Lonergan—337
House File 2280—Representative Lonergan—725
House File 2286—Representative Schnekloth—684
House File 2286—Representative McIntee—831
House File 2287—Representative Lageschulte—706
House File 2287—Representative Peterson of Carroll—725
House File 2288—Representative Baxter—1423
House File 2293—Representative Connolly—706
House File 2293—Representative Peterson of Carroll—725
House File 2293—Representative McIntee—831
House File 2301—Representative Baxter—1423
House File 2317—Representative Lageschulte—706
House File 2317—Representative Peterson of Carroll—725
House File 2319—Representative Lonergan—725
House File 2337—Representative Schnekloth—684
House File 2337—Representative McIntee—831
House File 2339—Representative Siegrist—528
House File 2339—Representative Lonergan—604
House File 2344—Representatives Holveck & Ollie—541
House File 2347—Representative Schnekloth—684
House File 2347—Representative McIntee—831
House File 2349—Representative Connolly—2033

House File 2350—Representative Connolly—984
House File 2352—Representative Osterberg—561
House File 2354—Representative Schnekloth—684
House File 2369—Representative Connolly—984
House File 2370—Representative Baxter—1423
House File 2376—Representative Schnekloth—684
House File 2376—Representative Baxter—1423
House File 2378—Representative Schnekloth—684
House File 2378—Representative McIntee—831
House File 2379—Representative Schnekloth—684
House File 2379—Representative McIntee—831
House File 2380, H-5216—Representative Koenigs—641
House File 2380—Representative Koenigs—641
House File 2380—Representative Van Camp—1361
House File 2384—Representative Schnekloth—684
House File 2386—Representative Schnekloth—684
House File 2387—Representatives Connolly & Lageschulte—706
House File 2387—Representative Peterson of Carroll—725
House File 2387—Representative McIntee—831
House File 2388—Representatives Connolly & Lageschulte—706
House File 2388—Representative Peterson of Carroll—725
House File 2388—Representative McIntee—831
House File 2389—Representatives Connolly & Lageschulte—706
House File 2389—Representative Peterson of Carroll—725
House File 2389—Representative McIntee—831
House File 2390—Representatives Connolly & Lageschulte—706
House File 2390—Representative Peterson of Carroll—725
House File 2390—Representative McIntee—831
House File 2393—Representatives Connolly & Lageschulte—706
House File 2393—Representative Peterson of Carroll—725
House File 2393—Representative McIntee—831
House File 2395—Representative Schnekloth—684
House File 2400—Representative Schnekloth—684
House File 2400—Representative McIntee—831
House File 2401—Representative Lonergan—886
House File 2403—Representative Lonergan—725
House File 2403—Representative Baxter—1423
House File 2404—Representative Lonergan—725
House File 2404—Representative McIntee—831
House File 2405—Representative Lonergan—725
House File 2405—Representative McIntee—831
House File 2407—Representative Lonergan—886
House File 2409—Representative Lonergan—886
House File 2409—Representative McIntee—1165
House File 2412—Representative Lonergan—886
House File 2415—Representative Lonergan—725
House File 2415—Representative McIntee—831
House File 2416—Representative Lonergan—725
House File 2416—Representative McIntee—831
House File 2417—Representative Lonergan—886
House File 2417—Representative Baxter—1423

House File 2437—Representative Kremer—1001
House File 2438—Representative Connolly—984
House File 2441—Representative McIntee—1002
House File 2442—Representative Hummel—908
House File 2451—Representative Zimmerman—1002
House File 2452—Representative McIntee—1002
House File 2455—Representative Connolly—984
House File 2455—Representative Baxter—1423
House File 2459—Representative Connolly—984
House File 2460—Representative Baxter—1423
House File 2461—Representative Connolly—984
House File 2462—Representative Baxter—1021
House File 2463—Representative Connolly—984
House File 2464—Representative Connolly—984
House File 2466—Representative Hermann—908
House File 2471—Representative Van Camp—1361
House File 2471—Representative Connolly—1944
House File 2472—Representative Van Camp—1361
House File 2473—Representative Van Camp—1361
House File 2475—Representative Van Camp—1361
House File 2476—Representative Carter—1406
House File 2476—Representative Baxter—1423
House File 2477—Representative Van Camp—1361
House File 2479—Representative Baxter—1423
House File 2479, H-5783 & H-5797—Representative Baxter—1423
House File 2484, H-6019—Representative Poncy—1766
House File 2485—Representative Renaud—1911
House File 2492, H-6114—Representative Running—2033
Senate File 97—Representative Renaud—1911
Senate File 106—Representative Running—1804
Senate File 178—Representative Baxter—1423
Senate File 199—Representative Swearingen—516
Senate File 276—Representatives McIntee & Peterson of Carroll—338
Senate File 293—Representative McIntee—1165
Senate File 326—Representative Hatch—354
Senate File 326—Representatives Connolly & Metcalf—372-373
Senate File 421—Representative Hatch—354
Senate File 421—Representatives Connolly & Metcalf—372-373
Senate File 477—Representative McIntee—1165
Senate File 505—Representative McIntee—1165
Senate File 508—Representative Daggett—1234
Senate File 540—Representative Maulsby—517
Senate File 590—Representative Black—151
Senate File 2037—Representative Van Camp—1166
Senate File 2037—Representative Daggett—1234
Senate File 2044—Representative Baxter—1423
Senate File 2100—Representative McIntee—1165
Senate File 2133—Representative McIntee—1165
Senate File 2143—Representative McIntee—1165
Senate File 2150—Representative Daggett—1234
Senate File 2167—Representative McIntee—1165

Senate File 2167, H-5303—Representative McIntee—1165
Senate File 2210—Representative Renaud—1911
Senate File 2212—Representative Metcalf—1234
Senate File 2217—Representative Daggett—1234
Senate File 2247—Representative Daggett—1234
Senate File 2248—Representative Connolly—1944
Senate File 2253—Representative Daggett—1234
Senate File 2265, H-5692 to H-5575—Representative Corey—1361
Senate File 2265, H-5734, H-5747, H-5623 & H-5611 to H-5575— Representative Van Camp—1361
Senate File 2265, H-5602, H-5707A, H-5668 & H-5708 to H-5575—Representative Van Camp—1361-1362
Senate File 2268—Representative Van Camp—1361
Senate File 2268, H-5656 to H-5560—Representative Van Camp—1361
Senate File 2268—Representative Baxter—1423
Senate File 2275—Representative Metcalf—1234
Senate File 2277—Representative Van Camp—1361
Senate File 2283—Representative Daggett—1234
Senate File 2289—Representative Connolly—1944, 2033
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Senate File 2295—Representative Connolly—2033
Senate Joint Resolution 1—Representatives Corey & Lonergan—337
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Senate Joint Resolution 1, H-5035—Representative Platt—338
Senate Joint Resolution 2002—Representative Ollie—1804

FEDERAL AGENCIES—
(See President of the United States, Congress and/or Federal Agencies)

FEY, THOMAS H.—Representative **Scott** County
Amendments filed—160, 175, 378, 451, 1080, 1236, 1860
Amendments offered—1871, 2026
Bills introduced—187, 194, 213, 214, 242, 313, 361, 452
Committee appointments—3, 1981
Leave of absence—1447, 1489
Presentation of gifts—2061
Presented to the House the Honorable Greg Cusack, former member of the House—303
Presided at sessions of the House—1299
Reports—19-25, 152-154, 443-444, 1320-1321, 2151
Resolutions offered—518, 548, 566, 1295, 1493
Rulings made—1302
Subcommittee assignments—46, 88, 111, 121, 156, 190, 191, 225, 284, 286, 421, 445, 485, 562, 707, 1022

FOGARTY, DANIEL P.—Represenative Clay-**Palo Alto** Counties
Amendments filed—102, 292, 806, 938, 1080, 1167, 1322, 1631
Amendments offered—915, 1180, 1185, 1186
Bills introduced—129, 162, 213, 214, 279, 360, 361, 436
Committee appointments—732
Leave of absence—523

Petitions presented—312
Presented to the House the Honorable Ben Briscoe, member of the Irish Parliament—714-715
Presided at sessions of the House—621, 714
Resolutions offered—566, 732
Rulings made—717
Subcommittee assignments—46, 155, 157, 235, 247, 286, 287, 355, 375, 445, 461, 485, 707, 767, 942

GENERAL ASSEMBLY—HOUSE—
(See also Rules and Administration Committee in the General Index and/or House Concurrent Resolutions, House Resolutions and Senate Concurrent Resolutions listed in Legislative Index Volume)
Resolutions relating to:
House Concurrent Resolution 101, condition of the state and budget message—6 adopted
House Concurrent Resolution 102, condition of the judicial department's message—7 adopted
House Concurrent Resolution 103, explanations on reprinted bills—102
House Concurrent Resolution 104, pay tribute to Edward H. Jones, lobbyist—141 adopted, 142
House Concurrent Resolution 105, petition President Reagan, Congressman Cooper Evans, Deputy Secretary of Agriculture—189 adopted
House Concurrent Resolution 108, define appropriation bill, joint rules—328
House Concurrent Resolution 110, request fed. action, assign or employ fed. grain inspectors, foreign ports of destination, grading of grains, U.S.—377
House Concurrent Resolution 113, endorse "Iowa Homecoming 86"— 465, 639 adopted, 1477
House Concurrent Resolution 115, S.S. program NOTCH—518, 1456 adopted
House Concurrent Resolution 116, appreciate contributions women have made to our great state—519, 521 adopted, 522
House Concurrent Resolution 119, honor and congratulate Dale L. Renaud, 1985-1986 National Commander of the American Legion—548, 1120-1121 adopted, 1217-1218
House Concurrent Resolution 120, adequate funding, research projects at ISU—566
House Concurrent Resolution 121, implement a farm tax policy, remove minimum nine percent interest rate, farm contract sales—566
House Concurrent Resolution 122, prevent sending Iowa National guard units to Honduras—566, 638, 639, 640, 641, 642, 647-649, adopted, 706, 1634, 1697
House Concurrent Resolution 127, Black Hawk County Viet Nam Veterans Memorial—986 (SCR 118 substituted), 1609-1610
House Concurrent Resolution 128, Civil Rights Restorations Act of 1985—1493, 2138 adopted, 2141
House Concurrent Resolution 130, refugees, civil war, El Salvador —1577, 1609 adopted
House Concurrent Resolution 133, bd. of regents' ten-year bldg. program, purchase of equipment—1829, 1836-1838 adopted, 1844, 2014

House Concurrent Resolution 134, bd. of regents' ten-year bldg. program, Gilman hall remodeling, phase II, ISU of science and technology—1829, 1832-1834 adopted, 1844, 2014
House Concurrent Resolution 135, bd. of regents' ten-year bldg. program, construction and equipment, classroom/office bldg., UNI—1829, 1834-1836 adopted, 1844, 2014
House Concurrent Resolution 136, bd. of regents' ten-year bldg. program, chemistry-botany remodeling, phase II, U of I—1829, 1830-1832 adopted, 1844, 2014
House Resolution 101, amend rules, definition of appropriation bills—328
Senate Concurrent Resolution 125, honor and congratulate Jennifer J. Demmon, 1986 American Legion National Oratorical Contest winner—1803, 1806, 1943-1944 adopted

GIFTS—
(See Awards and Gifts)

GOVERNOR BRANSTAD, TERRY E.—
Addressed joint convention—35-40
Bills signed by—189, 229, 267, 273, 400, 541, 766, 885, 941-942, 1021, 1116, 1293-1294, 1320, 1405-1406, 1422-1423, 1474-1475, 1492, 1533-1534, 1547, 1574-1575, 1606-1607, 1626, 1854-1857, 2032, 2319-2320
Closing message—2326-2327
Committees to escort—35, 40, 53, 59
Committees to notify—3, 34, 2325
Communication from—2326-2327
Delivered the Condition of the State and Budget Messages—35-40
Item veto messages—336-337, 2734-2736
Item veto sustained—410-411
Resolutions relating to the condition of the state and budget messages, HCR 101—6 adopted
Resolutions relating to:
House Concurrent Resolution 101—6 adopted
House Concurrent Resolution 116—519, 521 adopted, 522
House Concurrent Resolution 117—519
House Concurrent Resolution 122—566, 638, 639, 640, 641, 642, 647-649 adopted, 706, 1634, 1697
Veto messages—1546-1547, 2733-2734

GRANDIA, ROBERT J.—Representative **Marion** County
Amendments filed—404, 642, 1630, 1650-1651
Amendments offered—315
Bills introduced—129, 213, 241, 252, 279, 435
Committee appointments—3
Presented to the House Le Ann Vander Hart, Queen of the 1986 Pella Tulip Festival—1544
Presented to the House foreign exchange students, Eugenia Lizano of Heredia, Costa Rica; Francesca Scorza, Verona, Italy; and teacher Kang Li-Xing, Hebei, China—582
Request his name be added as a sponsor of House File 2024—45
Resolutions offered—434, 548
Subcommittee assignments—46, 88, 89, 101, 121, 122, 196, 247, 338, 485

GRONINGA, JOHN—Representative **Cerro Gordo** County
Amendments filed—377, 404, 417, 643, 727, 832, 979, 1080, 1119, 1213, 1237, 1267, 1350-1351, 1608, 1618, 1632, 1697, 1753, 1946
Amendments offered—718, 753, 990, 1257, 1350, 1618, 1724
Amendments withdrawn—417, 1299, 1300, 1352
Bills introduced—194, 266
Committee appointments—1625
Leave of absence—398, 534
Presided at sessions of the House—148, 181, 572
Presented to the House foreign exchange students Tilman Ferbert of Germany and Tomas Amat of Spain—1235
Presented to the House foreign exchange student Marion Pannenbacker from Germany—1857
Reports—2050-2056
Resolutions offered—2, 434, 566, 1577
Subcommittee assignments—46, 121, 156, 157, 196, 262, 284, 286, 287, 325, 375, 401, 725, 910, 976, 1549, 1858

GROTH, RICHARD—Representative **Buena Vista**-Pocahontas Counties
Amendments filed—512, 548, 642, 822-826, 986, 1080, 1629, 1631, 1753
Amendments offered—482, 512, 556, 658, 822, 996
Amendments withdrawn—483, 656, 1736
Bills introduced—213, 214
Presided at sessions of the House—900
Resolutions offered—566
Subcommittee assignments—111, 227, 268, 286, 287, 304, 305, 485, 707, 976, 1022, 1294, 1858

GRUHN, JOSEPHINE—Representative **Dickinson**-Emmet Counties
Amendments filed—91, 548, 945, 986, 1295, 1577, 1698, 1753, 2034
Amendments offered—98, 556, 989, 1121, 1774
Amendments withdrawn—989, 1384, 1774
Bills introduced—9, 129, 213, 214, 241, 242, 251, 272
Committee appointments—1574
Leave of absence—1202
Petitions presented—312
Presided at sessions of the House—1663
Reports—1778-1779
Resolutions offered—566
Subcommittee assignments—46, 112, 121, 155, 235, 286, 288, 355, 375, 445

HALVORSON, RODNEY N.—Representative **Webster** County, Assistant Majority Floor Leader
Amendments filed—451, 708, 727, 850, 910, 1118, 1237, 1363, 1630, 1631, 1677, 1697, 1698, 1753, 1842-1843, 1843, 2034, 2110-2111
Amendments offered—850, 930, 1379, 1673, 1677, 1843, 1845, 1852, 1884
Amendments withdrawn—494, 753, 1852, 1889, 2109, 2110
Bills introduced—214, 251, 379, 454
Committee appointments—994, 1778, 1864, 2063, 2325
Petitions presented—2324
Presented to the House a Rotary International Group Study Exchange Team from Scotland—1475

Reports—1916, 2142-2144, 2148-2149, 2183-2315
Resolutions offered—566
Subcommittee assignments—155, 247, 305, 338, 355, 375, 461, 685, 942, 943, 1002

HALVORSON, ROGER A.—Representative Allamakee-**Clayton** Counties, Assistant Minority Floor Leader
Amendments filed—377, 451, 466, 642, 708, 728, 775, 832, 945, 978, 1118, 1119, 1167, 1295, 1311-1312, 1363, 1450, 1476, 1608, 1629, 1630, 1631, 1650-1651, 1666, 1691-1692, 1697, 1843-1844, 1946, 2038
Amendments offered—883, 1133, 1136, 1311, 1450, 1666, 1669, 1683, 1736, 1952
Amendments withdrawn—916, 1306, 1343
Bills introduced—43, 51, 92, 94, 114, 127, 128, 129, 162, 213, 214, 231, 239, 279, 380
Leave of absence—729, 1179, 1214
Presented to the House the Honorable Tom Tauke, United States Congressman and former member of the House—521
Request his name be added as a sponsor of House File 2004—108
Resolutions offered—548
Subcommittee assignments—88, 89, 224, 225, 226, 227, 234, 285, 286, 287, 374, 432, 444, 445, 446, 460, 517, 542, 685, 767, 909, 910, 976, 1022, 2321

HAMMOND, JOHNIE—Representative **Story** County
Amendments filed—112, 451, 489, 768, 772, 789, 807, 832, 886, 887, 945, 1080, 1537, 1608, 1620-1624, 1628, 1629, 1630, 1697, 1753, 1860, 1954-1957, 2128-2129
Amendments offered—142, 147, 772, 807, 836, 920, 929, 963, 1620, 1639, 1734, 1847, 1954
Amendments withdrawn—509, 1657
Appointed to the Advisory Commission on Intergovernmental Relations—26
Bills introduced—129, 188, 199, 212, 240, 266, 272, 379, 454
Committee appointments—994, 1845
Leave of absence—426, 741
Reports—2022-2023, 2183-2315
Resolutions offered—566, 1577, 1860
Subcommittee assignments—88, 111, 156, 190, 191, 225, 247, 285, 287, 288, 305, 339, 375, 421, 461, 562, 910, 942, 943, 976, 1022

HANDORF, WARD—Representative Black Hawk-**Marshall**-Tama Counties
Amendments filed—17, 642, 986, 1024, 1080, 1119, 1630, 1632, 1650-1651, 2109
Amendments offered—2109
Bills introduced—129, 213, 214, 241, 252, 294,
Committee appointments—551, 732
Leave of absence—2139
Resolutions offered—551, 732, 1577
Subcommittee assignments—47, 111, 155, 157, 235, 286

HANSON, DARRELL R.—Representative Buchanan-**Delaware**-Linn Counties
Amendments filed—179, 197, 276, 311, 772, 775, 782-783, 796, 798-806, 832, 1167, 1629, 1630, 1631, 1650-1651, 1671-1672, 1697, 1753, 1946, 1972
Amendments offered—179, 369, 782, 798, 851, 1953
Amendments withdrawn—301, 1635
Bills introduced—129, 188, 194, 199, 232, 239, 252, 294, 379, 407
Committee appointments—994, 1981

Presentation of visitors—528
Presented to the House the Honorable Maurice Hennessey, former member of the House—1424
Presided at sessions of the House—349, 527, 1380, 1500
Reports—163-172, 2065-2066, 2183-2315
Request his name be added as sponsor of House Files 2040 & 2051—151
Subcommittee assignments—88, 89, 101, 102, 112, 156, 157, 158, 191, 262, 286, 287, 305, 374, 485, 707, 942, 943

HARBOR, WILLIAM H.—Representative **Mills**-Montgomery-Pottawattamie Counties
Amendments filed—404, 466, 642, 806, 978, 999, 1024, 1118, 1119, 1167, 1198, 1213, 1236, 1295, 1322, 1476, 1608, 1631, 1686, 1843-1844
Amendments offered—478, 671, 999, 1198, 1394
Bills introduced—44, 92, 129, 214, 243, 279, 280, 313, 330
Committee appointments—732-733
Leave of absence—172, 312, 322, 598, 746, 972, 1063, 1120, 1199, 1305, 1558, 2148
Petitions presented—265, 277
Presentation of gifts—2061
Presented to the House foreign exchange student, Hiroko Urno of Japan—541
Presented to the House Elizabeth Emmons Gussak, Clinton, Iowa who is the National Commander of the China-Burma-India veterans association—721
Presided at sessions of the House—770
Resolutions offered—518, 548, 732
Subcommittee assignments—111, 355

HATCH, JACK—Representative **Polk** County
Amendments filed—160, 276, 328, 588, 642, 788-789, 811-813, 832, 843-844, 1080, 1213, 1628, 1631, 1697, 1753, 2012
Amendments offered—748, 749, 788, 811, 843, 847, 1228, 1229, 1639, 1738
Amendments withdrawn—842, 845, 850, 1648, 1743
Bills introduced—50, 115, 128, 176, 188, 193, 213, 214, 279, 329
Leave of absence—277, 312
Resolutions offered—1212, 1493, 1860
Subcommittee assignments—47, 101, 155, 157, 185, 210, 235, 284, 285, 325, 355, 375, 460, 909, 1069

HAVERLAND, MARK A.—Representative **Polk** County
Amendments filed—197, 249, 276, 532, 686, 945, 996, 1000, 1074, 1080, 1295, 1300, 1322, 1353-1354, 1354, 1620-1624, 1629, 1630, 1631, 1753, 1793, 1797
Amendments offered—257, 299, 575, 719, 996, 1160, 1353, 1354, 1646, 1792, 1793, 1797
Amendments withdrawn—1353, 1792, 1793
Appointed to the Medical Assistance Advisory Council—26
Bills introduced—32, 49, 94, 176, 188, 213, 242, 295
Committee appointments—51, 1624, 1813
Leave of absence—251, 590, 1120, 1214
Petitions presented—212
Presided at sessions of the House—1443
Reports—52, 2131
Resolutions offered—548, 566, 1212, 1493, 1577, 1945
Subcommittee assignments—89, 111, 224, 225, 226, 268, 285, 286, 287, 288, 401, 420, 444, 445, 446, 461, 910, 985, 1022, 1294, 2321

HEALTH DATA COMMISSION—
Appointment to—26
Communication from—45

HERMANN, DONALD F.—Representative **Scott** County
Amendments filed—466, 642, 832, 833, 1118, 1629, 1630, 1650-1651
Amendments offered—840, 935, 1650
Amendments withdrawn—936
Bills introduced—8, 42, 94, 213, 241, 252, 266, 279, 295, 435
Committee appointments—2063, 2151
Leave of absence—7
Reports—2148-2149, 2179-2183
Resolutions offered—548, 1212
Subcommittee assignments—121, 305

HESTER, JOAN L.—Representative Harrison-**Pottawattamie** Counties
Amendments filed—310, 404, 611, 642, 1630, 1650-1651
Bills introduced—43, 94, 199, 213, 214, 252, 279
Committee appointments—34, 988
Leave of absence—1408
Petitions presented—265
Resolutions offered—434
Subcommittee assignments—121, 122, 235, 261, 262, 305, 306, 420, 421, 562, 725, 985, 1002, 1022, 1069

HOLVECK, JACK—Representative **Polk** County
Amendments filed—790, 794-795, 887, 1074, 1080, 1537, 1629, 1630, 1671-1672, 1753, 1953
Amendments offered—790, 794, 891, 1109, 1125, 1671, 1953
Bills introduced—129, 188, 379, 380, 435, 521
Leave of absence—980, 999, 1007, 1055
Resolutions offered—566, 1493, 1577
Subcommittee assignments—156, 225, 227, 234, 285, 286, 325, 374, 401, 420, 446, 485, 542, 767, 910, 1235

HOUSE COMMITTEE ASSIGNMENTS—41

HOUSE CONCURRED—
House File 123, H-5749 as amended—1776
House File 166, H-5573—137
House File 244, H-4267 as amended—14
House File 392, H-5793—1501
House File 497, H-5084—1370
House File 724, H-5701—1387
House File 732, H-5595 as amended—1276
House File 2060, H-5847—1563
House File 2066, H-5822 as amended—1973
House File 2067, H-5594—1457
House File 2078, H-5593—1372
House File 2164, H-5786—1465
House File 2167, H-5767 as amended—1797

House File 2178, H-5592 as amended—1459
House File 2197, H-5539 as amended—1065
House File 2216, H-5703—1513
House File 2219, H-5843—1565
House File 2221, H-5671—1388
House File 2229, H-5218—968
House File 2280, H-5764—1463
House File 2287, H-5283—683
House File 2300, H-5821—1496
House File 2301, H-5574—1384
House File 2303, H-5830—1561
House File 2330, H-5788—1505
House File 2344, H-5789 as amended—1510
House File 2348, H-5801—1466
House File 2349, H-5732 as amended—1759
House File 2350, H-5723—1519
House File 2351, H-5338—735
House File 2353, H-5339—737
House File 2354, H-5854—1580
House File 2363, H-5800—1517
House File 2370, H-5700—1378
House File 2376, H-5742—1390
House File 2380, H-5554 as amended—1292
House File 2387, H-5802—1469
House File 2388, H-5720—1497
House File 2393, H-5857 as amended—1909
House File 2397, H-5704—1461
House File 2400, H-5722—1567
House File 2401, H-5741—1462
House File 2403, H-5740—1391
House File 2405, H-5795 as amended—1512
House File 2407, H-5813 as amended—1521
House File 2417, H-5706—1376
House File 2423, H-5811—1506
House File 2433, H-5819—1553
House File 2443, H-5812—1503
House File 2452, H-5796—1471
House File 2454, H-5838 as amended—1872
House File 2455, H-5705—1373
House File 2457, H-5855 as amended—1761
House File 2458, H-5820—1555
House File 2460, H-5739—1375
House File 2462, H-5860 as amended—1794
House File 2463, H-5792—1473
House File 2471, H-6033—1865
House File 2471, H-6033 as amended—1874
House File 2473, H-6112 as amended—2060
House File 2483, H-6139 as amended—2129
House File 2484, H-6103 as amended—2111
House File 2489, H-6143—2136
House File 2490, H-6145 as amended—2140

House File 2492, H-6141—2134
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Senate File 2049, H-5809—1539
Senate File 2050, H-5828—1542
Senate File 2064, H-5055—217
Senate File 2265, H-5965—1905
Senate File 2270, H-6115—2045
Senate File 2283, H-5829—1543
Senate File 2304, H-6134—2064
Senate File 2305, H-6119—2025

HOUSE INSISTS—
House File 2349—1864
House File 2454—1981
Senate File 447—1981
Senate File 2116—1210
Senate File 2175—993-994
Senate Joint Resolution 1—1777-1778

HOUSE RECEDES—
Senate File 2248—1862-1863

HOUSE REFUSED TO CONCUR—
House File 665, H-5859—1581-1582
House File 2035, H-5702—1383
House File 2245, H-5721—1384
House File 2339, H-5848—1605
House File 2378, H-5814—1517
House File 2412, H-5856—1590
House File 2414, H-5798—1500
House File 2472, H-6032—1867
House File 2491, H-6127—2041
Senate File 97, H-6125—2042
Senate File 2052, H-5805—1763
Senate File 2084, H-6131—2059
Senate File 2242, H-5846—1595

HOUSE RULES AND ADMINISTRATION COMMITTEE—
(See Rules and Administration, Committee On)

HUGHES, RANDY—Representative Adair-Adams-Cass-Clarke-**Union** Counties
Amendments filed—642, 945, 1080, 1167, 1232, 1236, 1671-1672, 1753
Amendments offered—673, 1158, 1228, 1231, 1232
Amendments withdrawn—1231
Bills introduced—129, 188, 213, 214, 232, 240, 242, 271, 279, 330
Leave of absence—7, 513, 829, 1059, 1844
Presided at sessions of the House—638, 722, 846, 1591
Resolutions offered—566, 1577, 1860
Subcommittee assignments—122, 155, 157, 185, 210, 227, 235, 288, 325, 338, 355, 909, 943, 976, 1002

HUMAN RESOURCES, COMMITTEE ON—
Amendments filed—310, 311, 1080
Amendments offered—351, 387, 1192
Assignment—41
Bills introduced—255, 468, 469, 590, 614, 645, 688
Recommendations—249, 308-309, 463-464, 563-564, 607, 768, 977, 1078
Resolutions offered—488
Subcommittee assignments—88, 89, 111, 122, 190, 191, 225, 235, 304, 305, 306, 420, 421, 562, 1022, 1069

HUMMEL, KYLE—Representative **Benton**-Black Hawk Counties
Amendments filed—17, 48, 311, 343, 377, 434, 451, 642, 887, 903-904, 1080, 1213, 1236, 1322, 1569-1572, 1628, 1649, 1985-2009
Amendments offered—476, 902, 903, 1200
Amendments withdrawn—476, 1311, 1557
Bills introduced—92, 252, 279, 313, 380, 435
Committee appointments—732
Leave of absence—593, 1420
Presided at sessions of the House—741
Resolutions offered—102, 548, 1577
Subcommittee assignments—234, 235, 284, 285, 286, 287, 325, 374, 460, 517, 942, 976

INTERIM COMMITTEES—
(See also Legislative Council and/or Study Committees)
Appointments—26
Resolutions relating to:
House Concurrent Resolution 112—434
House Concurrent Resolution 114—488, 682 adopted
House Concurrent Resolution 126—1212
House Concurrent Resolution 131—1628
House Concurrent Resolution 137—1945
House Concurrent Resolution 138—2321
House Concurrent Resolution 139—2321
House Resolution 102—2304

INTRODUCTION OF BILLS—
(See Bills, Introduction of, and/or Individual Listings)

IPERS, ADVISORY INVESTMENT BOARD—
Communications from—109, 244

JAY, DANIEL J.—Representative **Appanoose**-Davis-Wapello Counties
Amendments filed—102, 112, 139, 311, 404, 405, 465, 488, 489, 509, 708, 708-709, 727, 978, 986, 1006, 1024, 1063, 1080, 1081, 1119, 1167, 1168, 1236, 1237, 1295, 1322, 1355, 1357, 1358-1359, 1528-1532, 1536, 1631, 1677, 1697, 1946, 1951, 2017, 2034, 2037, 2110-2111
Amendments offered—131, 137, 139, 474, 498, 500, 502, 718, 744, 764, 1026, 1027, 1059, 1061, 1062, 1303, 1334, 1353, 1358, 1528, 1838, 1948, 1951, 2037
Amendments withdrawn—500, 502, 510, 741, 1353, 1840
Bills introduced—95, 213, 407
Committee appointments—53, 1694, 2063

Leave of absence—172, 329, 406, 523, 613, 980
Presided at sessions of the House—1177
Reports—2148-2149
Resolutions offered—566
Subcommittee assignments—47, 224, 225, 226, 227, 286, 287, 288, 355, 401, 444, 445, 725, 910, 2321

JOB SERVICE OF IOWA—
Communications from—27, 1492

JOCHUM, THOMAS J.—Representative **Dubuque** County
Amendments filed—292, 548, 588, 774, 818-819, 1080, 1167, 1628, 1629, 1631, 1658, 1664-1665, 1668, 1668-1669, 1678, 1684, 1697, 1698, 1744, 1970-1971, 2021, 2101-2108, 2110
Amendments offered—596, 774, 1558, 1647, 1658, 1664, 1668, 1678, 1684, 1686, 1700, 1718, 1723, 1724, 1727, 1728, 1744, 1970, 2021, 2101, 2110
Amendments withdrawn—1744
Bills introduced—194, 452, 521
Petitions presented—113
Resolutions offered—548, 566
Special recognition—2061
Subcommittee assignments—432, 685, 686, 1493

JOHNSON, PAUL W.—Representative Allamakee-**Winneshiek** Counties
Amendments filed—428, 611, 642, 643, 781-782, 846, 945, 1080, 1167, 1236, 1322, 1327, 1620-1624, 1753
Amendments offered—650, 661, 846, 1326, 1327
Bills introduced—104, 161, 187, 188, 214, 242, 251, 436
Committee appointments—1574, 1625
Escorted to the front of the well and presented to the House Jolene Hjerleid, Iowa's Junior Miss for 1986—44
Presided at sessions of the House—300, 840, 935, 1642
Reports—1778-1779, 1782
Resolutions offered—548, 566, 1212, 1493, 1577, 1860
Rulings made—936
Subcommittee assignments—89, 111, 122, 185, 210, 235, 305, 338, 420, 517

JOINT CONVENTIONS—
Condition of the Judicial Department Message—53-58
Condition of the State and Budget Messages—35-40
Resolutions relating to:
House Concurrent Resolution 101, condition of the state and budget messages—6 adopted
House Concurrent Resolution 102, condition of the judicial department's messages—7 adopted

JOINT RULES—
(See also Rules and/or Rules and Administration, Committee On)
Rules invoked:
Joint Rule 11 (code editor's correction bill):
House File 2066—1943

Joint Rule 13.2 (conference committee):
House File 665—1813
Joint Rule 17 (fiscal notes):
House File 2303—443
House File 2441—878
Pursuant to Joint Rule 20 (time of committee passage and consideration of bills):
Bills removed from calendar—1140
Resolutions relating to:
House Concurrent Resolution 103—102
House Concurrent Resolution 108—328

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—
Amendments filed—238, 488, 588, 945, 1005, 1074
Amendments offered—320, 577, 757, 934, 1109, 1123, 1141, 1239
Bills introduced—59, 60, 280, 341, 397, 406, 407, 426, 453, 455, 549, 550, 591, 594, 614, 615, 630, 644, 645, 646, 689
Corrected committee recommendation—102
Recommendations—89-90, 159, 210, 237, 268, 291, 358, 402-403, 450, 487, 546, 584-585, 608-609, 726, 944-945, 1003-1004, 1071-1072, 1768, 2036
Subcommittee assignments—88, 89, 111, 224, 225, 226, 227, 285, 286, 287, 288, 401, 444, 445, 446, 517, 542, 767, 909, 910, 976, 1022, 1768, 2321

KNAPP, DONALD J.—Representative **Dubuque**-Jones Counties
Amendments filed—1851
Amendments offered—216, 1851, 1979
Bills introduced—194, 213, 214, 270, 279
Resolutions offered—566, 1860
Subcommittee assignments—89, 225, 226, 247, 287, 288, 401, 767, 2321

KOENIGS, DEO A.—Representative Chickasaw-Howard-**Mitchell** Counties
Amendments filed—181, 197, 377, 489, 519, 533, 708, 813-815, 886, 887, 945, 978, 986, 1005, 1054, 1167, 1611-1612, 1631, 1697
Amendments offered—201, 526, 813, 1034, 1041, 1049, 1051, 1056, 1611, 1728
Amendments withdrawn—1041, 1051, 1057, 1727, 1731
Bills introduced—115, 214, 241, 279, 314
Committee appointments—1210
Leave of absence—319, 593, 974
Presided at sessions of the House—914, 989
Reports—1480-1488
Resolutions offered—340, 566, 1577, 1860
Subcommittee assignments—47, 112, 155, 157, 191, 235, 286, 288, 355, 445

KREMER, JOSEPH M.—Representative Black Hawk-**Buchanan** Counties
Amendments filed—276, 311, 359, 404, 451, 548, 588, 589, 642, 978, 1006, 1057, 1080, 1081, 1168, 1236, 1537, 1550, 1629, 1630, 1650-1651, 1891-1897
Amendments offered—409, 740, 1310, 1593
Amendments withdrawn—572, 1593
Bills introduced—129, 199, 213, 214, 239, 252, 279, 361
Committee appointments—53, 1625
Leave of absence—411, 497, 980, 1017, 1477, 1540, 1578, 1807, 2064
Petitions presented—277

Presented to the House, foreign exchange student Anna Christina from Columbia—1945
Reports—2050-2056
Subcommittee assignments—46, 225, 226, 234, 235, 262, 284, 285, 286, 287, 288, 374, 460, 767, 985, 2321

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—
Amendments filed—1074
Amendments offered—386, 1131
Bills introduced—314, 324, 452, 591, 594, 613, 689
Recommendations—192, 309, 327, 449, 586, 609, 1072
Subcommittee assignments—46, 121, 122, 261-262, 942, 985

LAGESCHULTE, RAYMOND—Representative Black Hawk-**Bremer**-Butler Counties
Amendments filed—17, 48, 451, 642, 1105, 1118, 1119, 1167, 1537, 1629, 1691-1692, 1753, 1851, 2018
Amendments offered—1105, 1691, 1851, 2018
Bills introduced—129, 214, 239, 252, 278, 279
Leave of absence—426, 671, 925, 972
Petitions presented—277
Presented to the House foreign exchange students: Jesus Amado, Mexico; Adriana Brandao, Brazil; Janeth Lansisalmi, Finland; Jessica Olesen, Denmark—303
Subcommittee assignments—46, 112, 156, 225, 287, 355, 446, 485, 542, 562, 725, 767, 2321

LEAVE OF ABSENCE—
7, 106, 130, 161, 172, 176, 201, 212, 251, 270, 277, 312, 319, 322, 329, 341, 346, 379, 398, 406, 411, 416, 426, 469, 490, 497, 513, 515, 523, 534, 568, 590, 593, 598, 603, 613, 620, 628, 647, 659, 671, 687, 729, 741, 746, 770, 829, 850, 873, 881, 888, 925, 947, 972, 974, 980, 987, 999, 1007, 1017, 1025, 1055, 1059, 1063, 1103, 1109, 1120, 1122, 1139, 1140, 1173, 1179, 1190, 1199, 1202, 1214, 1231, 1232, 1238, 1297, 1300, 1303, 1305, 1323, 1342, 1359, 1366, 1404, 1408, 1420, 1426, 1447, 1477, 1489, 1495, 1527, 1540, 1551, 1558, 1573, 1578, 1633, 1664, 1680, 1807, 1844, 1853, 1861, 1876, 1913, 2018, 2064, 2130, 2139, 2148

LEGISLATIVE COUNCIL—
(See also Study Committees)
Resolutions relating to:
House Concurrent Resolution 112—434
House Concurrent Resolution 114—488, 682 adopted
House Concurrent Resolution 126—1212
House Concurrent Resolution 131—1628
House Concurrent Resolution 138—2321
House Concurrent Resolution 139—2321
Senate Concurrent Resolution 134—1911, 1945, 2058 adopted

LEGISLATIVE EMPLOYEES—
(See Officers and Employees)

LEGISLATIVE SERVICE BUREAU—
Resolution relating to, HCR 103—102

LLOYD-JONES, JEAN—Representative **Johnson** County, Assistant Majority Floor Leader
Amendments filed—451, 790-794, 796, 816-817, 818, 827-829, 829-830, 832, 1080, 1236, 1608, 1631, 1753, 1763, 1769, 1921-1922, 1934-1943, 2016-2017, 2038
Amendments offered—770, 790, 796, 816, 829, 1809, 1920, 1930
Bills introduced—129, 188, 379, 454
Committee appointments—994, 1778
Leave of absence—1140, 1173, 1861
Reports—2142-2144, 2183-2315
Resolutions offered—566, 1577, 1860
Subcommittee assignments—355, 374, 942, 943

LOBBYISTS—
(See Ethics, Committee on)

LOCAL GOVERNMENT, COMMITTEE ON—
Amendments filed—292, 488, 548, 588
Amendments offered—346, 579, 693, 951
Assignment—41
Bills introduced—242, 415, 452, 453, 468, 490, 549
Recommendations—159, 210, 237, 291, 403, 423, 449-450, 487-488, 546-547, 586-587, 609-610, 1004, 1072-1073
Subcommittee assignments—45, 46, 47, 101, 121, 122, 196, 227, 287, 304, 305, 306, 374, 401, 485, 725, 1002

LONERGAN, JOYCE—Representative **Boone**-Story Counties
Amendments filed—13-14, 589, 1080, 1167, 1629, 1753
Amendments offered—1194, 1650
Amendments withdrawn—1196
Bills introduced—104, 114, 213, 214
Committee appointments—2325
Leave of absence—329, 513, 770, 1297, 1495
Presided at sessions of the House—1271, 1871
Resolutions offered—548, 566, 1212, 1860
Subcommittee assignments—89, 304, 421, 460, 975

MAJORITY FLOOR LEADER, Lowell E. Norland—Representative Cerro-Gordo-Winnebago-**Worth** Counties
(See Norland, Lowell E.—Representative Cerro-Gordo-Winnebago-**Worth** Counties, Majority Floor Leader)

MAULSBY, RUHL—Representative **Calhoun**-Sac-Webster Counties
Amendments filed—250, 642, 946, 1006, 1118, 1167, 1168, 1236, 1322, 1407, 1416-1417, 1476, 1608, 1630, 1650-1651, 1733, 1843-1844, 1891-1897, 2018
Amendments offered—350, 1413, 1657, 1733
Amendments withdrawn—922, 1133
Bills introduced—129, 213, 214, 239, 241, 252, 279, 360, 435
Committee appointments—2325
Petitions presented—687
Presented to the House the Honorable Warren Johnson, former member of the House—41
Reports—25-26
Subcommittee assignments—226, 286, 287, 288, 305, 432, 686, 910, 1424, 1493, 2321

McINTEE, JOHN E.—Representative **Black Hawk** County
Amendments filed—197, 451, 466, 488, 489, 509, 532, 642, 643, 1065, 1080, 1236, 1476, 1628, 1629, 1630, 1650-1651, 1691-1692, 1698, 1843-1844, 1891-1897, 1972
Amendments offered—492, 504, 506, 507, 509, 511, 934, 1725, 1731, 1735
Amendments withdrawn—494, 506, 507
Bills introduced—106, 162, 186-187, 213, 252, 278, 279, 361
Committee appointments—1694
Leave of absence—176, 319, 379, 613, 770
Resolutions offered—986, 1577, 1628
Subcommittee assignments—88, 225, 226, 227, 287, 288, 325, 339, 375, 445, 446, 767, 909, 910, 2321

McKEAN, ANDREW (ANDY)—Representative **Jones**-Linn Counties
Amendments filed—102, 112, 404, 451, 979, 1024, 1080, 1168, 1236, 1630, 1650-1651, 1677, 2038, 2110-2111
Amendments offered—2038
Appointed to the Medical Assistance Advisory Council—26
Bills introduced—32, 129, 239, 252, 435
Committee appointments—1694
Leave of absence—176, 1231
Resolutions offered—566, 1493, 1577, 1860
Subcommittee assignments—111, 227, 268, 288, 2321

MEDICAL ASSISTANCE ADVISORY COUNCIL—
Appointments to—26

MEMORIALS—
Committees appointed—551, 732, 733, 988
In Memoriam List—2741
Memorials—2742-2749
Resolutions relating to—551, 732, 733, 988

MESSAGES—
(See also Communications, Joint Conventions and Addressed the House)
From Governor Terry E. Branstad—2326-2327
From Senate—11-12, 60, 95, 104, 115-116, 162, 189, 194-195, 206, 233, 243, 270, 280-281, 296-297, 314, 342, 361-362, 382, 398-399, 520-521, 535, 550-551, 568-569, 592-593, 594, 615, 646, 689-691, 712-714, 731, 834-836, 851, 884-885, 889-890, 905-906, 912, 947-948, 975, 987-988, 989, 993, 1007, 1018, 1025-1026, 1076-1077, 1082, 1115, 1169-1170, 1189, 1215-1218, 1277-1279, 1296-1297, 1323-1324, 1337, 1364-1365, 1408-1410, 1421-1422, 1446-1447, 1474, 1477-1479, 1491, 1495, 1522, 1538-1539, 1546, 1551-1552, 1568-1569, 1578, 1609, 1610, 1612, 1624, 1633-1634, 1693, 1766, 1770, 1800-1803, 1844-1845, 1861, 1876, 1891, 1910-1911, 1913-1914, 1947-1948, 1974, 2013-2015, 2035-2036, 2063, 2112-2113, 2138-2139, 2141, 2150-2151, 2179, 2316
Immediate messages—7, 19, 142, 189, 336, 371, 372, 442, 516, 522, 604, 975, 995, 1001, 1019, 1068, 1121, 1593, 1751, 1765, 1795, 1800, 1844, 1875, 1879, 1880, 1890, 1899, 1900, 1920, 1923, 1930, 1977, 1978, 1980, 1983, 2020, 2031, 2036, 2040, 2043, 2061, 2130, 2132, 2141
Item veto messages—336-337, 2734-2736
Objection to immediate message—15, 183

Senate messages considered—10, 130, 163, 194, 200, 233, 243, 256, 272, 296, 331, 361, 381, 408, 534, 550, 570, 592, 630-631, 710-712, 729-731, 769-770, 888-889, 906-908, 924-925, 925, 969, 980, 983, 995, 1018-1019, 1067-1068, 1305, 1336, 1337-1338, 1491, 1647, 1694, 1699, 1772, 1803, 1807-1808, 1876, 1948
Veto messages—1546-1547, 2733-2734

METCALF, JANET S.—Representative **Polk** County
Amendments filed—359, 377, 425, 434, 466, 886, 1118, 1119, 1167, 1213, 1236, 1454-1455, 1628, 1629
Amendments offered—495, 1454
Bills introduced—129, 241
Leave of absence—201, 341
Resolutions offered—1212
Subcommittee assignments—235, 262, 284, 287, 325, 375, 460, 942

MILEAGE, COMMITTEE ON—
Supplemental report—25-26
Supplemental report adopted—51

MILLER, TOM H.—Representative **Cherokee**-Clay-O'Brien Counties
Amendments filed—17, 404, 642, 910, 1119, 1450-1451, 1630, 1650-1651, 1697, 2038
Amendments offered—346, 1345, 1450, 1750
Bills introduced—129, 161, 162, 213, 241, 252, 279
Committee appointments—3
Leave of absence—534
Petitions presented—277
Resolutions offered—434, 1577
Subcommittee assignments—47, 121, 156, 158, 287, 304, 485, 1022, 1858

MINORITY FLOOR LEADER, Delwyn Stromer—Representative Franklin-**Hancock**-Wright Counties
(See Stromer, Delwyn—Representative Franklin-**Hancock**-Wright Counties, Minority Floor Leader)

MOTION TO OVERRIDE GOVERNOR'S ITEM VETO—
Filed:
House File 764—410
Lost:
House File 764—411

MOTIONS TO RECONSIDER—
Filed:
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House File 665—258, 259
House File 2001—430
House File 2067—150, 1474
House File 2019, H-5116B, H-5116A to H-5096—419
House File 2086—941
House File 2097—302
House File 2097, H-5064—302
House File 2154—516

House File 2173—484
House File 2197, H-5075—301
House File 2229—975
House File 2393—684
House File 2404—706
House File 2413—765
House File 2414, H-5313—724
House File 2428—908
House File 2441—940
House File 2448—940
House File 2479—1422
House File 2481—1606
House File 2484, H-5925—1694
Senate File 293—1115
Senate File 314—258
Senate File 421—354
Senate File 447—420
Senate File 447, H-5092—420
Senate File 2063—1165
Senate File 2083—1234
Senate File 2084—1533, 1545
Senate File 2116—1068
Senate File 2167—1115, 1116
Senate File 2231—1165
Senate File 2248—1210, 1234
Senate File 2265, H-5707A & H-5623—1319
Senate File 2265, H-5747—1320
Senate File 2268—1293
Senate File 2270—1574
Senate Joint Resolution 1—336

Lost:

House File 2001—491
House File 2173—925-926
House File 2393—734
House File 2428—984
House File 2479—1544-1545
Senate File 2265, H-5623 & H-5747—1358

Prevailed:

House File 665—762
House File 2154—882-883
House File 2414, H-5313—738
House File 2441—969-970
House File 2481—1798
House File 2484, H-5925—1749
Senate File 293—1558
Senate File 2268—1394
Senate File 2270—1891

Ruled out of order:

House File 665—762
House File 2173—926
House File 2481—1798
Senate File 293—1558
Senate File 2270—1891

Withdrawn:
House File 254—1800
House File 2019, H-5116B to H-5096—622
House File 2019, H-5116A to H-5096—624
House File 2067—430
House File 2097, H-5064—335
House File 2197, H-5075—370
House File 2404—884
House File 2448—1054
Senate File 447—523
Senate File 447, H-5092—523
Senate File 2083—1366
Senate File 2084—1770
Senate File 2116—1083
Senate File 2248—1337
Senate File 2265, H-5707A & H-5623—1358
Senate Joint Resolution 1—416
Motions to reconsider (from the floor):
House File 244—15
House File 665, H-5057—762
House File 665, H-5065 to H-5057—763
House File 2066, H-6073—1967
House File 2066, H-6091B—1968
House File 2066, H-6078—1972
House File 2336—1019
House File 2339, H-5211 to H-5169A as amended—514
House File 2441, H-5464—970
House File 2441, H-5472 to H-5464—970
House File 2462, H-5546 to H-5519—999
House File 2471—1873
House File 2471, H-6033—1874
House File 2481, H-5858—1799
House File 2484, H-5960 as amended—1680
House File 2486—1812, 1813
House File 2486, H-6024—1813
Senate File 477, H-5518—1113
Senate File 477, H-5629A to H-5518—1113
Senate File 499, H-5031—204
Senate File 2064—183
Senate File 2084—2137-2138
Senate File 2116, H-5484B to H-5166—1051
Senate File 2167, H-5620—1105
Senate File 2175, H-5378 to H-5349—826
Senate File 2175, H-5367 to H-5349—826
Senate File 2175, H-5404 to H-5349—831
Senate File 2175, H-5358—864
Senate File 2175, H-5434—865
Senate File 2265, H-5745—1359
Senate File 2265, H-5760—1360
Senate File 2268, H-5560—1394
Senate File 2302, H-6061—1927

Lost:
House File 244—15
House File 2339, H-5211 to H-5169A as amended—515
Senate File 499, H-5031—204
Senate File 2064—183-184
Senate File 2084—2137-2138
Senate File 2175, H-5367 to H-5349—826-827
Senate File 2265, H-5745—1359
Senate File 2265, H-5760—1360
Prevailed:
House File 665, H-5057—762
House File 665, H-5065 to H-5057—763
House File 2066, H-6073—1967
House File 2066, H-6091B—1968
House File 2066, H-6078—1972
House File 2302, H-6061—1927
House File 2441, H-5464—970
House File 2441, H-5472 to H-5464—970
House File 2471—1871
House File 2471, H-6033—1874
House File 2481, H-5858—1799
House File 2484, H-5960—1681
House File 2486—1813
House File 2486, H-6024—1813
Senate File 477, H-5518—1113
Senate File 477, H-5629A to H-5518—1113
Senate File 2116, H-5484B to H-5166—1051
Senate File 2167, H-5620—1105
Senate File 2175, H-5404 to H-5349—831
Senate File 2175, H-5358—864
Senate File 2175, H-5434—865
Senate File 2268, H-5560—1394
Ruled out of order:
House File 2336—1019
House File 2486—1813
Withdrawn:
House File 2462, H-5546 to H-5519—999
Senate File 2175, H-5378—826
Motions to table, motion to reconsider:
House File 2336—1019
Prevailed:
House File 2336—1019
Motions to take from table prevailed:
Senate File 19, H-5027—1230

MUHLBAUER, LOUIS J.—Representative **Crawford**-Shelby Counties
Amendments filed—48, 175, 404, 611, 1167, 1168, 1322, 1363, 1407, 1452-1453, 1629
Amendments offered—723, 745, 1223, 1225, 1443
Bills introduced—114, 129, 213, 214, 241, 279, 294, 295, 361, 380
Committee appointments—1210, 1625
Leave of absence—987, 1297

Petitions presented—293, 568, 947, 1495
Presented to the House foreign exchange student Graeme Hunt of Bathurst, Australia—1235
Presented to the House Tom McGrane, coach of the Denison High School Academic Decathlon Team—1491
Presided at sessions of the House—1831
Reports—1480-1488, 1780-1781
Resolutions offered—566
Rulings made—1832, 1840
Subcommittee assignments—46, 158, 190, 191, 287, 288, 355, 445, 485, 562, 685, 943, 1424

MULLINS, SUE B.—Representative Humboldt-**Kossuth**-Palo Alto-Pocahontas Counties
Amendments filed—264, 269, 301, 340, 548, 611, 768, 782-783, 806, 1024, 1080, 1119, 1236, 1322, 1614-1615, 1616-1617, 1620-1624, 1630, 1650-1651, 1677, 1753, 1860, 2034, 2038
Amendments offered—301, 351, 476, 870, 1155, 1614, 1616
Amendments withdrawn—301, 618
Bills introduced—8, 104, 114, 129, 214, 252, 361, 454
Committee appointments—732, 1981
Leave of absence—416, 888, 1179, 1342
Presided at sessions of the House—972, 1544
Reports—2151
Requested her name be withdrawn as a sponsor of House Concurrent Resolution 122—581
Resolutions offered—548, 566, 1577, 1860
Subcommittee assignments—88, 89, 111, 122, 185, 190, 191, 210, 225, 235, 305, 306, 338, 420, 421, 542, 562, 686, 985, 1022, 1069

NATURAL RESOURCES AND OUTDOOR RECREATION, COMMITTEE ON—
Amendments filed—126, 230, 249, 377, 424, 465, 1024
Amendments offered—219, 256, 315, 473, 536, 556, 1218
Bills introduced—270, 314, 342, 426, 591, 613, 645, 646, 688, 709, 720
Recommendations—125, 197, 229-230, 249, 309, 327, 423-424, 464, 517-518, 564-565, 610, 1023
Resolutions offered—532
Subcommittee assignments—88, 89, 121, 191, 247, 286, 287, 338, 374, 376, 461, 707

NORLAND, LOWELL E.—Representative Cerro Gordo-Winnebago-**Worth** Counties, Majority Floor Leader
Amendments filed—1080
Bills introduced—1214, 1421, 1545, 1551, 1578, 1625, 1646, 2031
Bills removed from regular calendar—1140, 1545
Leave of absence—1633
Presented to the House the Honorable Charles F. Mertens, Minority Floor Leader, State of North Dakota—605
Presented to the House the Honorable Lyle Scheelhaase, former member of the House—516
Presented to the House the Honorable Richard Gephart, Congressman from Missouri—184

Presented with gift—2061
Remarks by—2316-2317
Resolutions offered—6, 7, 141, 548, 566, 1860
Unanimous consent to correct bills—682-683

OATH OF OFFICE—
By Representative-elect Dan Petersen—2

OBJECTIONS—
Raised—7, 15, 16, 97, 98, 178, 180, 183, 331, 439, 441, 557, 596, 638, 639, 717, 738, 846, 895, 896, 904, 938, 964, 974, 1034, 1059, 1066, 1067, 1068, 1150, 1163, 1190, 1202, 1221, 1229, 1340, 1396, 1412, 1413, 1416, 1419, 1442, 1611, 1663, 1670, 1675, 1731, 1953, 2011, 2028

OFFICERS AND EMPLOYEES—
Maxine Mann, Assistant Legal Counsel, retiring—2062
Pages—21-22
Pay grades and steps, list of—19-25, 152-154, 443-444, 1320-1321
Resignations—1, 25, 2328
Special presentation to House Pages—522, 1862
Took oath of office—2-3

O'KANE, JAMES D.—Representative **Woodbury** County
Amendments filed—404, 588, 686, 768, 826, 945, 1080, 1168, 1295, 1309-1310, 1355, 1425, 1629, 1630, 1632, 1697, 1769, 1806, 1848-1850, 1946, 2012
Amendments offered—662, 826, 949, 1309, 1355, 1511, 1655, 1848, 1908, 1924, 2029
Amendments withdrawn—957, 1309, 1657, 1724, 1909
Bills introduced—43, 95, 114, 187, 199, 213, 214, 267, 279
Leave of absence—687
Petitions presented—277, 520
Presided at sessions of the House—1187
Reports—163-172
Resolutions offered—238, 434, 566
Subcommittee assignments—45, 46, 121, 156, 157, 158, 196, 227, 287, 304, 305, 401, 725, 1002, 1858

OLLIE, C. ARTHUR—Representative **Clinton** County
Amendments filed—310, 359, 611, 772, 832, 887, 957, 1080, 1316-1317, 1628, 1631, 1698, 1793-1794
Amendments offered—367, 772, 841, 913, 957, 1131, 1192, 1666, 1793
Bills introduced—92, 114, 162, 194, 251, 330
Presided at sessions of the House—1231
Resolutions offered—518, 566, 1577
Rulings made—1231
Subcommittee assignments—89, 111, 122, 227, 235, 262, 268, 304, 305, 306, 420, 421, 562, 985, 1022, 1069

OSTERBERG, DAVID—Representative Cedar-**Linn** Counties
Amendments filed—264, 269, 301, 340, 441, 489, 519, 643, 727, 809-810, 833, 880, 946, 978, 1080, 1167, 1322, 1476, 1508-1510, 1620-1624, 1629, 1630, 1631, 1671-1672, 1677, 1697, 1753, 1851, 2034, 2038, 2110-2111

Amendments offered—301, 441, 524, 809, 878, 880, 1508, 1677, 1685
Amendments withdrawn—1426
Bills introduced—93, 104, 105, 161, 188, 209, 213, 214, 452, 467
Leave of absence—212, 671, 1139
Presided at sessions of the House—1179
Resolutions offered—548, 566, 1577, 1860
Subcommittee assignments—101, 122, 157, 158, 185, 210, 235, 287, 338, 420, 485, 542, 707, 725, 909, 975, 985, 1002

OXLEY, MYRON B. (MIKE)—Representative **Linn** County
Amendments filed—588, 910, 1080, 1168, 1629
Amendments offered—746, 948
Bills introduced—43, 49, 266, 279
Committee appointments—732
Leave of absence—329, 1573
Resolutions offered—434
Subcommittee assignments—46, 101, 121, 156, 157, 158, 234, 306, 485

PAGES—
Appointment of—21-22
Special presentation to—522, 1862

PARKER, EDWARD G.—Representative **Jasper**-Marion-Polk-Warren Counties
Amendments filed—18, 197, 311, 589, 728, 832, 887, 979, 1065, 1664-1665, 1678-1679, 1684, 1891-1897, 1985-2009
Amendments offered—18, 203, 319, 369, 651, 750, 839, 891, 1065, 1678, 1684, 1985
Bills introduced—103, 104, 188, 194, 198, 199, 213, 214, 231, 278, 279, 453
Committee appointments—1625
Leave of absence—130, 534, 687, 1551, 1876
Reports—2050-2056
Resolutions offered—566, 1860
Subcommittee assignments—101, 102, 155, 157, 158, 210, 234, 235, 284, 285, 286, 287, 325, 374, 460, 517, 910, 976

PAULIN, DONALD J.—Representative **Plymouth**-Woodbury Counties
Amendments filed—102, 112, 249, 250, 311, 340, 359, 378, 404, 466, 588, 642, 708, 886, 986, 1006, 1322, 1629, 1630, 1650-1651, 1698
Amendments offered—146, 147, 256, 297, 343, 394, 443, 456, 750, 751, 1094, 1458, 1740
Bills introduced—114, 129, 213, 241, 252, 279, 361
Committee appointments—733, 1574, 1624, 1813
Leave of absence—1238, 2131
Petitions presented—888
Reports—1778-1779
Resolutions offered—518, 548, 733
Special recognition—2061
Subcommittee assignments—88, 101, 210, 235, 247, 910

PAVICH, EMIL S.—Representative **Pottawattamie** County
Amendments filed—175, 378, 404, 465, 806, 910, 1080, 1494, 1550, 1577, 1608, 1628, 1753
Amendments offered—202, 806, 1641, 1758

Amendments withdrawn—1758
Bills introduced—50, 93, 94, 267, 279, 379
Committee appointments—732-733, 988, 1864
Petitions presented—265, 1770
Presented to the House the Honorable Jim O. Henry, former member of the House and Senate—108
Reports—2, 1916
Resolutions offered—518, 548, 566, 988
Subcommittee assignments—88, 89, 111, 156, 157, 246, 338, 339, 355, 374, 375, 461, 942, 943

PEICK, DORIS A.—Representative **Linn** County
Amendments filed—377, 434, 566, 611, 1024, 1080, 1167, 1195, 1236, 1550, 1628, 1629, 1753
Amendments offered—741, 1195
Bills introduced—8, 9, 44, 49, 103, 104, 213, 214, 232, 271, 272, 279
Committee appointments—2, 988
Leave of absence—947, 1305, 1323
Presented to the House the Honorable James Jordan, former member of the House—373
Presided at sessions of the House—301
Reports—2
Resolutions offered—230, 434, 566, 1550, 1577, 1860
Subcommittee assignments—46, 122, 235, 305, 306, 375, 420, 421, 562, 1022, 1069

PELLETT, WENDELL C.—Representative **Cass**-Harrison-Pottawattamie-Shelby Counties
Amendments filed—17, 440-441, 533, 611, 642, 783-784, 1024, 1322, 1629, 1630, 1632, 1650-1651
Amendments offered—1045, 1660
Bills introduced—32, 33, 129, 213, 214, 239, 252, 279, 361
Committee appointments—1210, 1625
Leave of absence—490, 1190, 2018
Petitions presented—103, 265, 277, 467
Presented to the House the Honorable Lester Kluever, former member of the House—1695
Reports—1480-1488, 1780-1781
Requested his name be withdrawn as a sponsor of House Joint Resolution 2004—281
Subcommittee assignments—46, 88, 155, 191, 247, 288, 943

PERSONNEL COMMITTEE—
(See Officers and Employees and/or Rules and Administration, Committee On)

PETERSEN, DANIEL F.—Representative **Muscatine**-Scott Counties
Amendments filed—17, 642, 708, 1006, 1322, 1628, 1629, 1630, 1631, 1650-1651
Amendments offered—1659
Bills introduced—213, 239, 241, 279
Committee appointment—52
Committee assignments—41
Request his name be added as a sponsor of House Joint Resolution 5—108
Resolutions offered—434, 1577, 2321

Subcommittee assignments—45, 46, 101, 122, 185, 196, 227, 235, 304, 338, 401, 542, 707, 909, 1235
Took oath of office—2-3

PETERSON, MICHAEL K.—Representative Audubon-**Carroll**-Shelby Counties
Amendments filed—197, 276, 611, 700, 768, 978, 1080, 1236, 1348-1349, 1619, 1628, 1629, 1631, 1753
Amendments offered—201, 698, 807, 980, 1152, 1348
Bills introduced—93, 94, 111, 214, 239, 436
Committee appointment—51
Committee assignments—41
Leave of absence—312, 671
Petitions presented—452
Resolutions offered—566, 1577, 1860
Subcommittee assignments—88, 89, 101, 156, 190, 225, 226, 227, 285, 286, 287, 339, 444, 445, 446, 542, 767, 909, 1022, 1235, 1768, 2321

PETITIONS—
(See also Individual Listings)
Filed—103, 113, 193, 212, 265, 277, 293, 312, 341, 406, 452, 467, 520, 568, 644, 687, 834, 912, 947, 1120, 1214, 1477, 1495, 1633, 1770, 1807, 2324

PLATT, DONALD R.—Representative Louisa-**Muscatine** Counties
Amendments filed—276, 377, 378, 384, 404, 820, 826, 946, 1080, 1213, 1218-1219, 1295, 1316-1317, 1629, 1630, 1650-1651, 1686
Amendments offered—382, 384, 820, 965, 1218, 1722
Amendments withdrawn—1316
Bills introduced—129, 187, 194, 213, 239, 241, 270, 279, 435, 454
Committee appointments—2
Committee assignments—41
Leave of absence—329, 1527
Presided at sessions of the House—1125
Resolutions offered—434, 1577
Subcommittee assignments—47, 89, 112, 190, 191, 235, 287, 304, 374, 401, 485

POINTS OF ORDER RAISED—
House File 123, H-5832—Representative Gruhn—1774
House File 665, joint rule 13.2 invoked, conference com. meeting—Representative Black—1813
House File 2066, invoked joint rule 11—Representative Stromer—1943
House File 2066, H-6080—Representative Jay—1953
House File 2066, H-6088—Representative Tabor—1957
House File 2069, H-5020—Representative Bennett—139
House File 2086, H-5441 to H-5222—Representative Rosenberg—936
House File 2181, invoked rule 32, refer to approp.—Representative Brammer—318
House File 2240, H-5241—Representative Cooper—557
House File 2302, H-5203—Representative Osterberg—558
House File 2302, H-5228—Representative Cochran—560
House File 2303, invoked joint rule 17, fiscal notes—Representative Harbor—443
House File 2315, H-5179—Representative Ollie—457
House File 2315, invoked rule 32, refer to approp.—Representative Maulsby—458

House File 2327, H-5316—Representative Carpenter—717
House File 2350, invoked rule 32, refer to ways & means—Representative Schnekloth—746
House File 2370, H-5301 as amended—Representative O'Kane—670
House File 2414, H-5326 as amended—Representative Stromer—719
House File 2414, invoked rule 32, refer to ways & means—Representative Schnekloth—738
House File 2427, H-5336—Representative Tabor—923
House File 2441, invoked joint rule 17, fiscal note—Representative Halvorson of Clayton—878
House File 2441, invoked rule 32, refer to ways & means—Representative Halvorson of Clayton—904
House File 2454, H-5466—Representative Sturgeon—894
House File 2454, H-5471—Representative Carl—895
House File 2459, invoked rule 32, refer to approp.—Representative Maulsby—955
House File 2462, invoked rule 32, refer to ways & means—Representative Schnekloth—1000
House File 2464, H-5494—Representative Stromer—964
House File 2469, H-5755—Representative Stromer—1327
House File 2469, invoked rule 32, refer to ways & means—Representative Stromer—1328
House File 2479, H-5773—Representative Arnould—1411
House File 2479, H-5790—Representative Arnould—1413
House File 2479, H-5794—Representative Arnould—1416
House File 2479, H-5804—Representative Hughes—1418
House File 2479, H-5804—Representative Doderer—1419
House File 2484, H-5955—Representative Bennett—1662
House File 2484, H-5954—Representative Jochum—1670
House File 2484, H-5926—Representative Jochum—1675
House File 2484, H-5977—Representative Jochum—1676
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Senate File 19, H-5817—Representative Groninga—1451
Senate File 19, H-5823—Representative Woods—1452
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Senate File 97, H-6047—Representative Blanshan—1850
Senate File 97, H-6041—Representative Hermann—1851
Senate File 97, H-6048—Representative Blanshan—1852

Senate File 249, invoked rule 32, refer to approp.—Representative Stromer—1201
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Senate File 2208, H-5664 as amended—Representative Schnekloth—2011
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Senate File 2302, H-6069—Representative O'Kane—1929

PONCY, CHARLES N.—Representative **Wapello** County
Amendments filed—175, 489, 708, 979, 1611-1612, 1613, 1614, 1618, 1629, 1631, 2016-2017
Amendments offered—715, 998, 1613, 1614, 1618, 1635, 1642, 2016
Bills introduced—114, 194, 239, 279, 435
Committee appointments—3, 551
Presented to the House Dale L. Renaud, National Commander of the American Legion—1120
Presided at sessions of the House—596
Reports—6
Resolutions offered—434, 518, 548
Subcommittee assignments—121, 122, 262, 304, 305, 432, 485, 686, 942

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House Concurrent Resolution 107, request fed. gov't. & agencies make full payments in lieu of taxes, land withdrawn, purchased or bought under trust status by fed. gov't.—238
House Concurrent Resolution 110, request fed. action, assign or employ fed. grain inspectors, foreign ports of destination, grading of grain, U.S.—377
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House Concurrent Resolution 121, farm tax policy—566
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House Concurrent Resolution 127, urge congress not to reduce fed. funding of the Job Training Partnership Act—1295, 1556 adopted, 2035
House Concurrent Resolution 128, congress support the Civil Rights Restoration Act of 1985—1493, 2138 adopted, 2141
House Concurrent Resolution 130, refugees of the civil war in El Salvador—1577, 1609 adopted
Senate Concurrent Resolution 110, fed. gov't policy requiring minimum interest rate of 9%, farm contract sales—714, 727, 1556 adopted

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House Concurrent Resolution 133—1829, 1836-1838 adopted, 2014. Approved 5-27-86.
House Concurrent Resolution 134—1829, 1832-1834 adopted, 1844, 2014. Approved 5-27-86.
House Concurrent Resolution 135—1829, 1834-1836 adopted, 1844, 2014. Approved 5-27-86.
House Concurrent Resolution 136—1829, 1830-1832 adopted, 1844, 2014. Approved 5-27-86.

RENAUD, DENNIS L.—Representative **Polk** County
Amendments filed—175, 359, 377, 978, 1024, 1080, 1167, 1629, 1665-1666, 1697, 1742, 1753, 1891-1897, 1946, 2034, 2110-2111
Amendments offered—1083, 1098, 1123, 1665, 1742, 1743, 1977
Amendments withdrawn—1744
Bills introduced—104, 213, 232, 242, 279, 435
Committee appointments—1694
Leave of absence—1807
Petitions presented—1120
Presided at sessions of the House—1054
Resolutions offered—548, 566
Subcommittee assignments—89, 111, 112, 121, 122, 190, 225, 226, 261, 262, 285, 286, 287, 288, 355, 445, 517, 562, 910, 985, 2321

RENKEN, ROBERT H.—Representative Butler-**Grundy** Counties
Amendments filed—589, 642, 686, 1118, 1119, 1236, 1620-1624, 1630, 1650-1651, 1753
Bills introduced—129, 213, 252, 279
Committee appointments—1845, 1981
Leave of absence—1109
Presided at sessions of the House—877
Reports—2022-2023, 2065-2066
Resolutions offered—434, 518, 548
Subcommittee assignments—45, 46, 88, 89, 101, 121, 122, 156, 157, 196, 227, 246, 287, 305, 306, 375, 445, 460, 485, 707, 725, 942, 943, 976, 1002

RENSINK, WILMER—Representative Plymouth-**Sioux** Counties
Amendments filed—17, 404, 642, 727, 772, 1080, 1119, 1322, 1407, 1629, 1630, 1632, 1650-1651
Amendments offered—1415, 1636, 1641
Amendments withdrawn—1652
Bills introduced—128, 188, 214, 239, 252, 279, 294
Committee appointments—733, 1625
Leave of absence—729, 925
Reports—1782
Resolutions offered—548
Subcommittee assignments—46, 89, 156, 157, 235, 355, 375, 1002

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House Concurrent Resolution 137—1945
House Concurrent Resolution 138—2321
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ROSENBERG, RALPH—Representative Story County
Amendments filed—343, 532, 643, 772, 774-775, 795, 811-813, 819, 832, 886, 887, 910, 945, 979, 1079, 1080, 1357, 1629, 1631, 1662, 1697, 1698, 1753, 1860, 1946
Amendments offered—343, 673, 772, 774, 795, 819, 837, 848, 893, 894, 934, 956, 1031, 1112, 1124, 1126, 1141, 1662, 1723, 1872

Amendments withdrawn—849, 957, 2021
Bills introduced—8, 10, 33, 49, 95, 115, 176, 187, 188, 199, 200, 214, 242, 271, 436, 454
Committee appointments—33, 1981
Presided at sessions of the House—806
Reports—163-172, 2151
Resolutions offered—566, 1577, 1860, 2321
Subcommittee assignments—88, 156, 157, 185, 210, 225, 226, 227, 235, 288, 338, 445, 446, 485, 517, 542, 707, 767, 909, 975, 985, 2321

ROYER, WILLIAM D. (BILL)—Representative Fremont-Mills-**Page** Counties
Amendments filed—359, 377, 404, 466, 642, 1118, 1119, 1167, 1236, 1629, 1630, 1650-1651
Bills introduced—129, 213, 241, 252, 279, 280, 313
Committee appointments—732-733
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Petitions presented—277
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House File 2327, H-5316—717
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Senate File 2210, H-6038—1827

Senate File 2283, H-5621—1135
Senate File 2283, H-5622—1138
Senate File 2296, H-6102—2028
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House Concurrent Resolution 134—1829
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Senate File 97, H-5837—1840
Senate File 97, H-5841—1847
Senate File 97, H-6041—1851
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House File 2414—739
House File 2441—904
House File 2462—1000
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Committee notice and agenda—7-8
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House File 2483, H-6039—1884
House File 2484, H-5880—1617
House File 2484, H-5939—1636
House File 2484, H-5931—1638
House File 2484, H-5888—1643
House File 2484, H-5956—1651
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House File 2484, H-5943—1677
House File 2484, H-5960 as amended—1681
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House File 2484, H-5895—1685
House File 2484, H-6011—1731
House File 2484, H-6007—1735
House File 2484, H-6004 as amended—1741
House File 2492, H-6114—2018
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Senate File 19, H-5027—1225
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Senate File 2123, refer to approp.—1015
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Senate File 2167, H-5303—1102
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House File 2462, refer to ways & means—1000
House File 2469, refer to ways & means—1328
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House File 2484, H-5959B as amended—1749
House File 2488—1876
House File 2489—1876
House File 2490—1876
House File 2491—1976

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Senate File 2294—1918
Senate File 2295—1918
Senate File 2296—1918, 2026
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Senate File 2304—2020
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RUNNING, RICHARD V.—Representative **Linn** County, Assistant Majority Floor Leader
Amendments filed—175, 230, 434, 451, 519, 532, 537, 727, 728, 774, 979, 1080, 1213, 1295, 1321, 1363, 1537, 1550, 1608, 1612-1613, 1628, 1677, 1753, 1769, 1885-1888, 1891-1897, 2034, 2110-2111
Amendments offered—437, 537, 1612, 1682, 1885
Amendments withdrawn—537, 1313, 1885
Bills introduced—9, 10, 32, 33, 42-43, 50, 104, 114, 214, 240, 241, 242, 266, 271, 279, 294, 454, 1408
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Petitions presented—212, 1214
Presided at sessions of the House—913, 1107, 1489, 1610
Resolutions offered—518, 548, 566, 708
Subcommittee assignments—121, 122, 261, 262, 305, 910, 942, 2321

SCHNEKLOTH, HUGO—Representative **Scott** County
Amendments filed—17, 126, 264, 519, 589, 611, 656-657, 986, 1168, 1213, 1236, 1322, 1363, 1577, 1608, 1628, 1629, 1630, 1650-1651, 2011, 2012
Amendments offered—17, 145, 299, 656, 678, 1314, 1397, 1410, 1415, 1579, 1652, 1683, 1751
Amendments withdrawn—658, 659, 1799
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Leave of absence—172, 534, 613, 1231
Petitions presented—293
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SHERZAN, GARY—Representative **Polk** County
Amendments filed—377, 404, 611, 642, 986, 1080, 1167, 1168, 1494, 1526, 1550, 1612-1613, 1631, 1697, 1753, 2039
Amendments offered—555, 655, 663, 1523, 1526, 1720, 2039
Amendments withdrawn—658, 1749
Bills introduced—115, 128, 214, 232, 242, 266, 279
Committee appointments—33
Leave of absence—687, 987, 1007, 1861
Presided at sessions of the House—386
Reports—34
Resolutions offered—548, 566, 1860
Subcommittee assignments—234, 262, 286, 685, 686, 767, 976, 985

SHONING, DON—Representative **Woodbury** County
Amendments filed—404, 466, 642, 789, 1080, 1118, 1119, 1167, 1236, 1629, 1630, 1650-1651, 1753, 2038
Bills introduced—31, 32, 43, 113, 114, 129, 213, 241, 252, 266, 279, 435
Committee appointments—51, 1778, 1981
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Resolutions offered—434, 1212, 1577
Subcommittee assignments—191, 225, 227, 235, 247, 286, 304, 401, 444, 910, 943, 975, 2321

SHOULTZ, DON—Representative **Black Hawk** County
Amendments filed—404, 566, 832, 886, 978, 1006, 1080, 1119, 1168, 1236, 1356, 1451-1452, 1550, 1619, 1629, 1753, 2020
Amendments offered—629, 836, 1016, 1154, 1451, 1619, 2020-2021
Bills introduced—129, 188, 213, 452
Leave of absence—568, 613, 1404, 1426, 1578
Petitions presented—341, 687, 1633
Presided at sessions of the House—457
Resolutions offered—566, 986, 1577, 1860
Subcommittee assignments—111, 304, 305, 338, 517, 542, 725

SIEGRIST, J. BRENT—Representative **Pottawattamie** County
Amendments filed—404, 946, 979, 1080, 1167, 1628, 1630, 1650-1651, 1753
Bills introduced—94, 213, 214, 313, 379
Committee appointments—988, 1864
Leave of absence—515
Petitions presented—265, 644, 1770
Reports—1916

Resolutions offered—548, 1577
Subcommittee assignments—111, 156, 157, 224, 225, 226, 227, 247, 268, 285, 286, 287, 288, 401, 420, 444, 445, 446, 461, 707, 910, 975, 976, 1022, 1549, 1768, 1858, 2321

SKOW, BOB—Representative Adair-Dallas-Guthrie-Madison Counties
Amendments filed—181, 440-441, 450, 548, 567, 589, 642, 1167, 1168, 1213, 1295, 1322, 1628, 1697, 2059
Amendments offered—181, 440, 455, 573, 647, 1207, 1267, 1268, 1330, 2059
Bills introduced—43, 50, 92, 214, 231, 239, 279, 293
Committee appointments—1210
Leave of absence—130, 974, 2130
Presented to the House the Honorable Ernie Gilson, former member of the House—1211
Presided at sessions of the House—873, 1147, 2057
Reports—1480-1488
Resolutions offered—340, 566, 1577
Subcommittee assignments—47, 101, 155, 156, 157, 235, 284, 285, 288, 355, 460, 542, 942, 943, 976

SMALL BUSINESS AND COMMERCE, COMMITTEE ON—
Amendments filed—48, 269, 377, 424, 519, 1024, 1080
Amendments offered—96, 343, 555, 1207, 1257, 1267, 1814
Bills introduced—212, 242, 256, 296, 381, 415, 467, 468, 709, 720, 724
Recommendations—47-48, 192, 237-238, 268, 292, 424, 464-465, 518, 565, 610-611, 977, 1023-1024, 1549-1550
Subcommittee assignments—234, 235, 284, 285, 286, 287, 325, 374, 375, 376-377, 480, 517, 767, 975, 976, 1078-1079

SPEAKER OF THE HOUSE—Donald D. Avenson, Representative Chickasaw-Fayette Counties
Addressed the House—3-4, 2318-2319
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Education Commission of the States—26
Health Data Commission—26
Iowa Advisory Commission on Intergovernmental Relations—26
Iowa Commission on Compensation, Expenses and Salaries for Elected Officials—26
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Bills signed by—151, 209, 233, 273, 484, 707, 766, 885, 941, 1068-1069, 1210, 1234, 1293, 1361, 1422, 1492, 1547, 1767, 1803-1804, 1911, 1944, 2032, 2319, 2324-2325
Committees appointed by—2, 33, 51, 2325
Communications received—1, 336-337
Conference committees appointed—994, 1210, 1574, 1624, 1625, 1694, 1766, 1778, 1813, 1864, 1911, 1981, 2063, 2151
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Memorial committees appointed—551, 732, 733, 988
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Presented with gift—2061
Presided at sessions of the House—1, 6, 11, 17, 31, 33, 34, 40, 42, 45, 49, 52, 59, 92, 99, 103, 106, 113, 127, 140, 149, 161, 172, 177, 182, 186, 193, 195, 198, 203, 206, 212, 231, 239, 243, 251, 255, 265, 270, 273, 277, 281, 293, 300, 301, 312, 318, 329, 341, 351, 354, 360, 365, 371, 379, 397, 399, 406, 418, 426, 429, 435, 441, 452, 454, 458, 467, 469, 472, 490, 498, 512, 514, 520, 534, 538, 549, 568, 573, 590, 593, 598, 602, 613, 628, 638, 639, 640, 644, 661, 671, 677, 687, 709, 719, 720, 724, 729, 741, 748, 771, 773, 780, 786, 806, 810, 830, 834, 842, 847, 850, 865, 874, 878, 888, 899, 900, 912, 913, 916, 918, 925, 936, 947, 955, 967, 973, 980, 984, 987, 992, 993, 994, 999, 1007, 1025, 1054, 1076, 1082, 1099, 1100, 1110, 1120, 1128, 1140, 1152, 1169, 1179, 1185, 1188, 1189, 1206, 1214, 1220, 1227, 1230, 1232, 1238, 1286, 1296, 1297, 1303, 1305, 1307, 1316, 1323, 1346, 1355, 1359, 1364, 1366, 1380, 1404, 1408, 1420, 1426, 1446, 1456, 1474, 1477, 1489, 1495, 1502, 1522, 1526, 1538, 1544, 1551, 1556, 1568, 1578, 1595, 1596, 1609, 1611, 1619, 1624, 1633, 1644, 1646, 1652, 1660, 1664, 1680, 1699, 1722, 1736, 1741, 1754, 1770, 1793, 1807, 1814, 1842, 1852, 1861, 1864, 1872, 1876, 1880, 1885, 1890, 1898, 1913, 1920, 1929, 1930, 1953, 1958, 1967, 1968, 1977, 2010, 2013, 2016, 2035, 2038, 2042, 2058, 2062, 2063, 2065, 2111, 2112, 2137, 2138, 2149, 2150, 2179
Remarks by—3-4, 2318-2319
Resolutions relating to:
House Concurrent Resolution 101—6 adopted
House Concurrent Resolution 107—238
Rulings made—98, 139, 180, 181, 204, 321, 443, 457, 557, 558, 560, 639, 670, 719, 738, 746, 774, 837, 838, 842, 865, 878, 894, 895, 904, 924, 964, 1000, 1015, 1034, 1102, 1105, 1135, 1138, 1221, 1327, 1442, 1662, 1670, 1675, 1676, 1678, 1727, 1731, 1743, 1774, 1813, 1827, 1943, 1953, 2011, 2028, 2030
Special presentation to House Pages—522, 1862

SPEAKER PRO TEMPORE, John Connors—Representative **Polk** County
(See Connors, John—Representative **Polk** County, Speaker Pro Tempore)

SPEAR, CLAY—Representative **Des Moines**-Lee Counties
Amendments filed—102, 112, 230, 264, 276, 425, 434, 451, 642, 686, 708, 768, 796, 797, 832, 833, 910, 945, 1006, 1074, 1080, 1081, 1168, 1295, 1322, 1628, 1630, 1631, 1697, 1753
Amendments offered—136, 148, 323, 331, 476, 742, 744, 746, 796, 797, 847, 928, 929, 936, 951, 952, 957, 1010, 1085, 1113, 1279, 1655, 1672, 1721, 1722
Amendments withdrawn—1113, 1657, 1721, 1736
Bills introduced—33, 42, 104, 113, 187, 188, 360, 379
Committee appointments—1778
Presided at sessions of the House—1225
Resolutions offered—434, 566, 1577
Subcommittee assignments—47, 121, 155, 227, 246, 247, 268, 304, 325, 338, 485, 942

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Elizabeth Emmons Gussack, Clinton Iowa, National Commander of the China-Burma-India veterans association—721
Iowa's Easter Seal Ambassador, 1986, Jennifer Lofgren—314-315
Iowa's Junior Miss, 1986, Jolene Hjerleid—44
Jennifer Demmon, Marshalltown High School, 1986 American Legion National Oratorical winner—1747
Maxine Mann, Assistant Legal Counsel, retiring—2062
Queen of the 1986 Pella Tulip Festival, Le Ann Vander Hart—1544
The Honorable Ben Briscoe, member of the Irish Parliament—714-715
The Honorable Richard Gephart, Congressman from Missouri—184
The Honorable Tom Tauke, United States Congressman and former member of the House—521
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STATE GOVERNMENT, COMMITTEE ON—
Amendments filed—91, 160, 310, 404, 451, 588, 589, 728, 1006, 1074, 1628, 1806
Amendments offered—133, 142, 331, 362, 416, 470, 770, 959, 1008, 1106, 1150, 1174, 1226, 1838, 1880, 1920
Bills introduced—415, 469, 549, 645, 689
Corrected report—1117-1118

Recommendations—90-91, 160, 264, 310, 359, 403-404, 450, 488, 547, 587-588, 726-727, 1004-1005, 1073, 1117-1118, 1627, 1805
Subcommittee assignments—88, 89, 155, 156, 157, 158, 246, 247, 304, 305, 306, 338, 339, 374, 375, 445, 460, 461, 542, 942-943

STATE OF THE STATE MESSAGE—
Delivered by Governor Terry E. Branstad—35-40
Resolution relating to, HCR 101—6 adopted

STROMER, DELWYN—Representative Franklin-**Hancock**-Wright Counties, Minority Floor Leader
Addressed the House—5
Amendments filed—489, 642, 887, 986, 997, 1118, 1202-1205, 1213, 1236, 1295, 1322, 1328, 1404, 1449, 1476, 1628, 1629, 1630, 1631, 1650-1651, 1763, 1793, 1843-1844, 1878, 1929, 2016
Amendments offered—558, 647, 900, 997, 1328, 1334, 1351, 1404, 1449, 1642, 1648, 1763, 1841, 1843, 1878, 1929, 2016
Amendments withdrawn—1314, 1357, 1733, 1971
Bills introduced—162, 213, 252, 360, 1214, 1421, 1545, 1551, 1578, 1625, 1646, 2031
Committee appointments—551
Presented to the House the Honorable Floyd Edgington, former member of the House—1166
Presented to the House the Honorable Ray Taylor, former member of the House—886
Presented with gift—2061
Remarks by—5, 2317-2318
Resolutions offered—6, 7, 141
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STUDY COMMITTEES—
(See also Legislative Council)
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House Concurrent Resolution 112, township government—434
House Concurrent Resolution 114, indigent health care—488, 682 adopted
House Concurrent Resolution 126, teenage pregnancies—1212
House Concurrent Resolution 131, residential heating & electrical services—1628
House Concurrent Resolution 137, instruction in nonpublic schools, not approved by dept. of pub. instr.—1945
House Concurrent Resolution 138, livestock industry—2321
House Concurrent Resolution 139, issues of affordable housing, homeless, & utility shut-offs—2321
House Resolution 102, code of ethics & rules governing lobbyists—2034

STUELAND, VICTOR (VIC)—Representative Cedar-**Clinton** Counties
Amendments filed—17, 588, 611, 642, 1006, 1024, 1168, 1322, 1630, 1632
Amendments offered—1187
Appointed to the committee on Credentials—1
Bills introduced—129, 188, 213, 214, 239, 252, 279, 361
Committee appointments—1625, 1766
Reports—2, 1780-1781, 1900
Subcommittee assignments—155, 157, 284, 287, 288, 338, 686, 707, 942, 943, 1022

STURGEON, ALLAN (AL)—Representative **Woodbury** County
Amendments filed—404, 413-414, 489, 519, 548, 566, 588, 727, 832, 1080, 1168, 1213, 1608
Amendments offered—387, 413, 571, 572, 623, 915, 1270
Amendments withdrawn—1269, 1872
Bills introduced—31, 114, 188, 198, 213, 241, 267
Committee appointments—1981, 2151
Escorted to the front of the Speaker's station and presented to the House the Honorable Robert D. Ray, former Governor and honorary state chairman of the Easter Society—314
Leave of absence—1633
Presented to the House Jennifer Lofgren, 1986 Iowa Easter Seal Ambassador—314-315
Presided at sessions of the House—472
Reports—2151, 2179-2183
Resolutions offered—566, 1493, 1577
Subcommittee assignments—89, 101, 191, 304, 325, 338, 375, 421, 909, 975

SUBCOMMITTEE ASSIGNMENTS—
Assignments—45, 46, 47, 88, 89, 101-102, 111, 112, 121, 122, 155-158, 185, 190-191, 196, 210, 224-227, 234-235, 246-247, 261-262, 284, 288, 304-306, 325, 338-339, 355, 374-375, 401, 420-421, 444-446, 460-461, 485, 517, 542, 562, 685-686, 707, 725, 767, 909-910, 942-943, 975-976, 985, 1002, 1022, 1069, 1294, 1424, 1493, 1549, 1768, 1858

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SULLIVAN, WILLIAM R.—Representative Lee-**Van Buren** Counties
Amendments filed—160, 404, 589, 784-785, 810, 832, 1494, 1632
Bills introduced—104, 214, 279
Committee appointments—1625
Leave of absence—270, 490, 534, 1297, 2130
Petitions presented—1807
Presided at sessions of the House—633, 1556, 1658
Reports—1782
Resolutions offered—548, 1860
Subcommittee assignments—121, 434, 686

SUPREME COURT OF IOWA—
(Chief Justice of the Supreme Court, W. W. Reynoldson)
Delivered the Condition of the Judicial Department's Message—53-58
Resolution relating to the condition of the Judicial Department's Message, HCR 102—7 adopted

SWARTZ, THOMAS E. (TOM)—Representative **Marshall** County
Amendments filed—13-14, 96, 434, 466, 489, 781-782, 787-788, 827-829, 832, 887, 910, 979, 1080, 1208, 1212, 1213, 1236, 1237, 1322, 1355, 1357, 1363, 1629, 1649, 1697, 1753, 1814-1827, 1891-1897, 1897, 1946, 1985-2009; 2109
Amendments offered—13, 96, 496, 781, 787, 827, 838, 890, 1208, 1313, 1355, 1429, 1669, 1732, 1814, 1827, 1891, 1982, 2109
Amendments withdrawn—838, 1340
Bills introduced—15, 114, 200, 214, 231, 242
Committee appointments—1766
Presentation of visitors—1575-1576
Presented to the House Jennifer Demmon, Marshalltown High School, 1986 American Legion National Oratorical winner—1747
Presided at sessions of the House—672, 1574
Reports—1900
Resolutions offered—566, 1118, 1577
Subcommittee assignments—155, 234, 235, 284, 285, 286, 287, 325, 374, 432, 460, 517, 685, 686, 767, 976, 1022

SWEARINGEN, GEORGE R.—Representative Jefferson-**Keokuk**-Wapello Counties
Amendments filed—276, 404, 642, 686, 796, 945, 1611-1612, 1630, 1631, 1650-1651, 1753, 1860, 2128-2129
Amendments offered—349, 494
Bills introduced—129, 199, 252, 279, 361
Committee appointments—551, 994, 1845
Leave of absence—469
Presided at sessions of the House—952
Reports—2022-2023, 2183-2315
Resolutions offered—518, 551
Rulings made—955
Subcommittee assignments—156, 157, 246, 247, 305, 338, 339, 375, 445, 942, 943

TABOR, DAVID M.—Representative Dubuque-**Jackson** Counties
Amendments filed—489, 945, 1080, 1213, 1629, 1664-1665, 1678-1679, 1679, 1684, 1744-1746, 1746
Amendments offered—510, 757, 1275, 1673, 1679, 1746
Bills introduced—194, 214, 279
Presided at sessions of the House—317, 651, 785, 1403, 2138
Reports—163-172
Resolutions offered—548, 566
Rulings made—318
Subcommittee assignments—88, 111, 156, 158, 225, 226, 227, 285, 286, 287, 444, 445, 446, 485, 542, 909, 2321

TEAFORD, JANE—Representative **Black Hawk** County
Amendments filed—434, 910, 1080, 1168, 1236, 1357, 1550, 1608, 1620-1624, 1629, 1698, 1753, 2034
Amendments offered—553, 959, 1174, 1648, 1889, 1983
Amendments withdrawn—2110
Bills introduced—50, 50-51, 129, 188, 213, 278, 379, 407, 452, 454
Committee appointments—1981
Leave of absence—613
Petitions presented—341, 687, 1633
Reports—2065-2066
Resolutions offered—434, 566, 986, 1577, 1860
Subcommittee assignments—88, 89, 111, 156, 157, 190, 191, 225, 227, 247, 304, 305, 338, 421, 460, 562, 942, 943, 1022

TORRENCE, JANIS I.—Representative **Muscatine**-Scott Counties
Communication from (resignation)—1

TRANSPORTATION, COMMITTEE ON—
Amendments filed—48, 126, 424, 465, 566, 611, 768, 1024
Amendments offered—201, 671, 698, 723, 1083, 1098, 1223, 1225
Amendments withdrawn—989
Bills introduced—241, 415
Recommendations—47, 125, 424, 465, 565, 611, 768, 1024, 1768
Subcommittee assignments—46, 47, 111, 112, 190, 191, 235, 238, 286, 287, 288, 355, 445, 562, 767, 977

UNANIMOUS CONSENT—
House File 2167—682
House File 2379—683
Senate File 2175, H-5349—765
Change of vote:
Senate File 2255—Representative Running—1209

VAN CAMP, MICHAEL J.—Representative **Scott** County
Amendments filed—17-18, 175, 197, 202, 340, 359, 377, 404, 451, 465, 489, 589, 727, 781, 789, 790, 794-795, 820-822, 887, 978, 979, 986, 1005, 1006, 1101-1102, 1103-1105, 1112, 1119, 1236, 1356, 1418, 1494, 1628, 1629, 1630, 1632, 1665-1666, 1677, 1697, 1698, 2016, 2034, 2110-2111
Amendments offered—17, 202, 509, 552, 781, 789, 820, 923, 1084, 1101, 1103, 1112, 1162, 1356, 1418, 1725, 1729, 1737, 1740, 1773, 2016

Amendments withdrawn—202, 790, 1113, 1356
Bills introduced—93, 129, 188, 213, 239, 240, 252, 279
Committee appointments—2063
Leave of absence—1238, 1300
Reports—2148-2149
Resolutions offered—548
Subcommittee assignments—47, 89, 101, 111, 112, 185, 235, 304, 355, 421, 445, 909

VAN MAANEN, HAROLD—Representative Keokuk-**Mahaska**-Wapello Counties
Amendments filed—264, 377, 489, 642, 1168, 1416-1417, 1608, 1629, 1630, 1650-1651, 1753, 2034
Amendments offered—1650, 1654, 1669
Amendments withdrawn—1650
Bills introduced—31, 32, 114, 129, 214, 241, 252, 278, 279
Committee appointments—551, 1864
Petitions presented—912
Resolutions offered—518
Subcommittee assignments—46, 89, 156, 157, 235, 246, 247, 305, 339, 355, 375, 446, 461, 685, 943, 1002

VARN, RICHARD J.—Representative Iowa-**Johnson** Counties
Amendments filed—102, 197, 250, 276, 519, 601-602, 602, 602-603, 768, 817-818, 818, 1074, 1080, 1167, 1237, 1291-1292, 1316-1317, 1613-1614, 1624, 1629, 1630, 1631, 1686, 1842-1843
Amendments offered—131, 349, 536, 600, 601, 602, 817, 818, 840, 1177, 1291, 1316, 1613, 1645, 1661, 1852
Amendments withdrawn—1291, 1635, 1641, 1733
Bills introduced—93, 104, 187, 240, 241, 279, 313
Committee appointments—52, 988, 1624, 1813, 2063
Presided at sessions of the House—495, 917, 1307, 1722
Reports—2131, 2148-2149
Resolutions offered—548
Rulings made—1308
Subcommittee assignments—102, 111, 121, 191, 227, 268, 685, 686, 1022

VISITORS—
Presentation of—100, 108, 184, 274, 303, 373, 400, 444, 516, 528, 541, 561-562, 582, 605, 641, 685, 706, 767, 831-832, 886, 909, 942, 984-985, 1002, 1021-1022, 1166, 1211, 1235, 1294, 1321, 1362, 1406-1407, 1423-1424, 1474-1475, 1493, 1535-1536, 1548, 1575-1576, 1607, 1626-1627, 1695-1696, 1767-1768, 1804-1805, 1857-1858, 1912, 1945, 2033, 2320-2321

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